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29 August 2024

Committee Secretary
Senate Standing Committees on Environment and Communications
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Parliament House
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Dear Committee Secretary

Western Rock Lobster Council Submission to the Senate Inquiry into the Offshore Wind Industry Consultation Process

The Western Rock Lobster Council (WRL) thanks the Commission for the opportunity to engage with the Senate Inquiry into the Offshore Wind Industry Consultation Process and **attaches** a submission for your consideration.

WRL is the industry peak body representing western rock lobster fishers and is co-manager of the Western Rock Lobster Managed Fishery in Western Australia.

WRL are available to provide further information and discuss this submission with the Committee at your convenience.

Yours sincerely

Matt Taylor
Chief Executive Officer
Western Rock Lobster Council
29 August 2024

Att.: Senate Inquiry into the Offshore Wind Industry Consultation Process. Industry Peak Body Submission: Western Rock Lobster Council Inc., August 2024



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**SENATE INQUIRY INTO THE OFFSHORE WIND INDUSTRY
CONSULTATION PROCESS**

INDUSTRY PEAK BODY SUBMISSION

Western Rock Lobster Council Inc.

August 2024



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Submitted at: https://www.aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission/Submit
29/8/24.

The Western Rock Lobster Council Inc (WRL) presents this submission to the Senate Inquiry into the offshore wind industry consultation process.

Executive Summary

Purpose

1. The Western Rock Lobster Council (WRL) is the peak body representing the western rock lobster commercial fishing industry in Western Australia. Acting as a collaborative partner with government, WRL plays a vital role in the co-management of the West Coast Rock Lobster Managed Fishery (the Fishery), while providing strategic guidance on crucial matters including resource access security, social license, market resilience, member advocacy, and research and development.
2. The Fishery is the largest wild caught commercial fishery in Western Australia. It is based on a single species, the spiny lobster (*Panulirus cygnus*), in an area along WA's coast between the Northwest Cape and Cape Leeuwin. The future of the Fishery is dependent upon maintaining the current world class ecological management of the Fishery. However, the Fishery is under increasing threat from competing non extractive industries wishing to operate within the spatial area of the Fishery.
3. The fishing industry relies upon an open and effective consultation process to ensure that final decisions in relation to developments potentially affecting the Fishery are based on a high standard of properly informed and balanced inquiry and advice. In respect of this, WRL note that the current consultation process regarding renewable energy and offshore wind farming is not providing the expected, and necessary, level of engagement or information to meet this standard.
4. This submission to the Committee provides the WRL industry perspective in response to the terms of reference of the Senate Inquiry into the offshore wind industry consultative process.

Background

5. The Fishery operates from the Northwest Cape to Cape Leeuwin in Western Australia. The industry comprises around 230 vessels that rely on baited pots to catch rock lobster (*Panulirus cygnus*). The Fishery boundary is depicted at Annexure 1.
6. The Fishery is globally recognised as holding the distinction of being the world's first fishery to receive certification for ecological sustainability from the Marine Stewardship Council (MSC) in 2000. Since then, it has successfully maintained its certification through five recertifications, showcasing its ongoing commitment to the highest standards of responsible fishing practices.
7. Economically, the Fishery is Australia's most valuable single-species wild capture fishery, worth \$440 million p.a. pre-Covid. The Western Rock Lobster's gross value of production is comparable to other key primary industries such as wool, sheep meat, and milk production. Relative to other jurisdictions, the Western Rock Lobster industry is also a market leader, accounting for about 65 percent of Australia's lobster export value in 2023, and more than double the export of lobsters from New Zealand.

8. The western rock lobster species also has recognised conservation value because of its ecological role on the west coast continental shelf. This species is the dominant large benthic invertebrate in this bioregion. The lobster plays an important trophic role in many of the inshore ecosystems of the area and is an important part of the food web on the inner shelf, particularly as juveniles.
9. The biggest single threat to the sustainability of the Fishery is the impact on the marine resource due to industries incompatible with the fishing industry. WRL are concerned about the apparent presumption that industries will be able to co-locate and that a shared use approach to the area within the Fishery can be progressed without properly considering the specific characteristics or the potential impact of offshore development on the fishing industry.
10. Since the *Offshore Electricity Infrastructure Act 2021* (OEI Act) passed into law, WRL has been contacted by an increasing amount of project developers that are interested, or planning, to develop offshore renewable energy projects off the coast of Western Australia. Importantly, offshore wind farms (OWF) can only be built in areas approved by the Australian Government and therefore the communication between the responsible department, industry and the community are critical at all points of the process from potential site evaluation to licencing of OWF projects.

Response to Terms of Reference

11. WRL has deep concerns regarding the approach to consultation for the identification and approval of offshore wind areas. WRL specifically refer to the recent experience of identification of the Indian Ocean area comprising over seven and a half thousand square kilometres located just 20 km off the WA coast near Bunbury.
12. WRL is critical of the consultation process for offshore wind development. Concerns arise about insufficient impact assessments and collaboration with marine industries. As is referenced throughout this submission, the consultation process aimed at assessing the suitability of the proposed area for offshore renewable energy lacked transparency and neglected to demonstrate evidence-based justification. The Department of Climate Change, Energy, the Environment and Water (DCCEEW) failed to provide adequate research, criteria analysis, or ocean floor mapping to substantiate the suitability of the selected area for offshore wind farming and failed to satisfy the need to first assess and exclude alternative sites.
13. It is the WRL view that DCCEEW did not communicate effectively to reassure and inform stakeholders and build trust throughout the process, resulting in heightened uncertainty and conflict.
14. To improve the process of communication WRL supports establishment of clear policies and guidelines for an inclusive process which requires consideration of spatial conflicts and the need to ensure effective management of marine resources.

WRL have concerns relevant to the Senate Inquiry terms of reference as below.

TOR (a) the efficacy of community engagement and benefit in planning, developing and operating the offshore wind industry

a) Limited consultation period

15. Time was not afforded during OWF proposed site consultations to allow for a collaborative and transparent approach. Consultation was limited in both the lack of evidence justifying

the consideration of the location and in the lack of time allowed to review, consider, re-engage, consult locally and then respond in writing.

16. Community engagement in relation to what is a proposed major shift in marine resource access and use within the commercial fishery cannot be accomplished within a brief linear consultative process which facilitates a cluster of singular consultative events and seeks submissions within the shortest allowable timeframe¹, on broad project information.
17. The brief consultative period of sixty (60) days precluded repeat engagement which might have allowed for contextual questions to be answered and the scope of issues to be narrowed.
18. Extended consultation with key stakeholders offers the opportunity to engage and receive feedback based on detailed knowledge and understanding of the commercial, operational and scientific assessment methodologies which may be employed in identifying potential sites. It also provides the opportunity to collaborate in relation to options and solutions to ensure decisions are soundly based upon a common understanding and reasoning.

b) Appropriate targeting of consultation

19. WRL are concerned that consultations to identify the area as suitable for offshore wind energy projects were insufficiently targeted to organisations and industries responsible for the management and operation of the area under consideration. Specifically, lobster fishers and processors were not approached as part of the consultations although they are the primary stakeholders in the Fishery.
20. It is critically important to allocate due weight to the views and experiences of these stakeholders as they have deep connection with the area, the region and the community and a clear understanding of competing pressures on the resource. Further, the development of guideline material to better explain assessment processes to stakeholders is necessary. Current guidelines are focused upon the needs of potential proponents rather than existing stakeholders.

c) Context for site selection

21. Respondents were invited to attend one of four consultative seminars, consult the available online documents and make written submissions. However, if government intends colocation of vastly different and potentially incompatible industries within the Fishery there must be a thorough understanding of the material issues considered by the department as justification for the OWF site.
22. Information regarding justification for a more detailed examination of the area as suitable for offshore wind energy projects, was suitably generic as to apply to several other sites and provided little context to understand why one area had been identified in preference to any other.
23. Information relating to assessment of alternative site options, including deeper water, further distances from the coast and inland locations, was a significant gap in consultation resources. This indicates to stakeholders that the decision is made, and other options ruled out, signalling a major weakness in the framework and process established by the Australian Government to adhere to natural justice principles in its administration of the

¹ *Offshore Electricity Infrastructure Act 2021*, s 18. Section 18 sets the minimum number of days for written submissions after a notice of proposal to declare an area is published. There is no limit on extending the consultation and response period to allow a more comprehensive consultative process.

development of the offshore wind industry. This is particularly the situation when, as a precursor to the consultation, the strategic basis upon which offshore wind power options are being presented are not explained adequately.

24. At no time were strategic alternative sites presented or reasons given regarding the economic, environmental or social basis for considering the site suitable.
25. The lack of economic evidence supporting OWFs in WA, compared to onshore alternatives, raises questions about their feasibility. WRL calls for inclusion of comprehensive cost-benefit and risk analyses, including economic feasibility studies comparing the Total Levelised Cost of Energy (LCOE) of land-based and marine-based wind farms and the assessment of floating platform technology, in resources available to stakeholders during consultative processes.
26. Not only was this critical contextual, economic and scientific information absent from the initial consultation process, the information that was provided in relevant online documents presented Australia-wide perspective which may not be entirely appropriate to individual regions but was not accompanied by local (State and regional) information.

d) Insufficient detailed assessment

27. It is reasonable that consultation should afford an ongoing exchange of information which allows the community and industry to build trust and understand the context of the project, the economic and social cost benefit analysis, and the strategic basis upon which the site is being considered viable.
28. However, the level of information provided upon which to respond, was insufficient for stakeholders to make an informed assessment. Superficial information allows the parties to the consultation to avoid addressing issues at the heart of the matter. Lack of availability of technical information, ocean floor mapping, species or habitat impact research or cost benefit assessments, to justify consideration of the site did not reassure stakeholders and limited the ability of the industry to make submissions pertinent to matters relied upon by the Minister to make site related decisions. Little reference was made to the content of work already completed to identify the sites.²
29. The low level of evidence supporting general statements accompanying the public call for comment, together with the lack of response to queries for further information, did not meet industry expectations in terms of engagement.
30. In relation to proponents whose experience is in the OWF sector, some context of the relative size, operational environment and likely mitigation processes, and the application of lessons learned overseas to the WA site, must be explained. How will OWF be the most efficient use of the area? Industry require some assurance that the basis for assessment of “most efficient use” will be on an equal terms and that the resolution of conflicts will be discussed and managed within the consultative framework and mediated by independent, authorised methods. There is no indication that a formal and independent conflict resolution process has been considered in relation to the consultative framework.

e) Failure to respond to requests for information

31. The response from government to requests for information upon which to base a considered submission has been a notable failure of the consultative process. WRL

² Briggs, C., M. Hemer, P. Howard, R. Langdon, P. Marsh, S. Teske and D. Carrascosa (2021). *Offshore Wind Energy in Australia: Blue Economy Cooperative Research Centre*, Launceston, TAS.

requested specific information to assist in determining the basis of legitimate objections to the proposed site being declared. WRL did not receive any response.

TOR (b) Community engagement within the existing Australian Government offshore wind industry regulatory and legislative frameworks

a) Certainty of consultation

32. The Offshore Electricity Infrastructure Act 2021 specifies the conditions under which the Minister may declare an area for the purposes of the Act. The provisions of the Act are that in deciding the Minister **must** [emphasis added] have regard for “*the potential impacts of the construction, installation, commissioning, operation, maintenance or decommissioning of offshore renewable energy infrastructure in the area on other marine users and interests.*”³
33. The legislation, by these words, requires the Minister to specifically consult with, or seek advice from, other marine users and interests but does not establish the method of consultation. This is a matter for the Minister and the DCCEE. The provision of advice is achieved through publication, on the DCCEE website, of a notice of proposal to declare a site. The notice must invite submissions from the public in a specified form and within at least 60 days.⁴ The Minister **may** [emphasis added] have regard to any other matters that the Minister considers relevant. There is no indication as to how the Minister would acquire information related to any other matters.
34. No obvious mechanism exists to seek amendment of the due date for written responses or to provide advice following the closing date, regardless how pertinent or well formulated.
35. The legislation requires the Minister actively seek to engage with stakeholders for the purpose of properly informing the Minister of the full range of issues which may be relevant, if not critical, to the matter. However, aside from international shipping routes and Defence considerations (OEI Act, ss19(1)(d) & (e)), advice from marine users and stakeholders whose responsibility it has been to sustainably manage and use the intended area is reliant upon the consultative processes managed by DCCEE. The framework is inadequately specified to ensure engagement with key stakeholders or to give appropriate weight to the advice of industries which are existing users of the area.
36. This is a significant omission considering the wide-reaching impact of the operation of the OEI Act on marine spatial planning and marine industries.
37. Further, the legislation does not specifically include a requirement to consult with environmental interests except as the provision to consider international obligations includes environmental protection and conservation, such as the United Nations Convention on the Law of the Sea, to which Australia is signatory.
38. Detailed and strategic research together with analytical and collaborative communication with realistic consultation periods, will ensure that any potential offshore wind area does not detrimentally impact the operations and long-term sustainability of the commercial fishing industry.
39. The DCCEE is responsible for developing its own methods of engaging the key stakeholders and selecting the most expedient, if not the most reasonable, period within

³ *Offshore Electricity Infrastructure Act 2021* s19(1)(a)

⁴ *Ibid*, s 18.

which to obtain input. The engagement of key stakeholders requires stakeholder vigilance in monitoring the DCCEEW website, or direct engagement from the DCCEEW which the WRL submit was noticeably lacking in relation to the identified site near Bunbury.

b) Material matters for Ministerial decision

40. There was insufficient information made available to stakeholders as part of the consultative process to know what the Minister may consider material matters which carry weight in determining the incompatibility of industries and the location of the site and why.
41. WRL observed a lack of detailed information regarding the desired outcomes or imperatives driving the consideration of the site by the Commonwealth. Industry require the opportunity to understand the detailed modelling, research and evidence relied upon to determine the possibility of colocation of OWF sites within the Fishery.
42. Although the report was made available, consultations did not refer specifically to recommendations from the Blue Economy Report dated July 2021.⁵ This report advocated an integrated planning approach and detailed research to assess cost-benefits to energy, environmental and social systems from the offshore wind industry.⁶ However, primarily these recommendations appear to be directed to mitigation and presumes that OWF is an accepted option, a foregone conclusion.
43. Offshore wind farming may be a viable option in some areas, however, WRL advocate this research must extend to alternative sites and technologies and rejects the Blue Economy Report recommendation for consideration of allocation of marine space to offshore renewable energy projects⁷ from the Fishery without first having collaborative consultation with the stakeholders to determine whether the industries are compatible. It remains unclear how Government will determine incompatibility of industries.
44. Given the magnitude and complexity of proposed developments, WRL emphasises the need for comprehensive engagement and consultation and a shared understanding of matters which the Minister may consider relevant to the decision. Collaboration across sectors, as emphasised by DCCEEW and the Offshore Infrastructure Regulator (OIR), is crucial for the long-term success and sustainability of offshore industries in Australia. It is also critical to addressing regulatory framework applications including to address spatial conflict and resource access with marine users, risk and liability, human safety, habitat damage, long-term economic opportunity, and cumulative impacts.

c) Collaborative consultative process

45. The marine environment is governed by a multi-level framework, making it difficult to integrate management strategies across different sectors and reconcile social, economic, and environmental objectives, including protection of migratory species. The advent of OWF projects further complicates this dynamic. To address these challenges, regulators and the offshore renewable energy sector must engage closely with stakeholders, such as commercial fishers, to understand and mitigate the impacts on their livelihoods and the broader marine ecosystem. Comprehensive environmental impact assessments, regional planning approaches, and the application of a mitigation hierarchy are essential to ensure the sustainable development of OWF projects in Australia

⁵ Briggs, C., M. Hemer, P. Howard, R. Langdon, P. Marsh, S. Teske and D. Carrascosa (2021). Offshore Wind Energy in Australia: Blue Economy Cooperative Research Centre, Launceston, TAS.

⁶ Ibid, pp12-14

⁷ Ibid, p12 (Recommendation 2).

46. International experience suggests a collaborative approach to designing and agreeing consultative frameworks to ensure confident participation by stakeholders and effective management of spatial conflicts and resource access issues, particularly in establishing whether OWF is compatible with other industries in sensitive and carefully managed areas.
47. Despite DCCEEW clearly stating that the process is several years long and may not result in the wind farm being built, having several hurdles to cover, there is no guidance to stakeholders as to how, if at all, to reach an agreed process of consultation and how that process will interface with regulatory provisions and State and Commonwealth policies. There are also no clear accountability mechanisms to which proponents will be held during the consultative period for site location. Proponents have been allocated control of the consultative process in relation to proposed projects and the role of offshore regulator has been assigned to an industry funded authority, which is difficult to conceive as independent in this circumstance.
48. The consultation framework must address timely and thorough response to existing users and community members. The policy framework is based on the 'principle of shared use of the marine environment' and, while areas will not be declared 'where uses are considered incompatible'⁸ there is a pressing need for the framework to mandate open and detailed engagement with key stakeholders to facilitate the provision of informed advice to the Government and to drive the development of a relevant and timely research program for offshore wind impacts which may be accessible to the public and to competing industries to assist with making better decisions about project initiatives.

TOR (c) The adherence to the principles of Free, Prior and Informed Consent from Traditional Custodians of the affected Sea Country by the Australian Government and offshore wind industry

49. WRL support adherence to these principles particularly in view of the limited information being provided to the community which addresses the concerns of current and traditional custodians of the area. Traditional Custodians have a fundamental interest in both land and offshore wind farming ventures. WRL recommends that DCCEEW collaborates with the WA Government and Aboriginal Corporations to determine land-based locations in which wind farms may be considered compatible for colocation with other uses, ensuring long-term economic development and self-funding for Aboriginal Corporations while preserving the marine domain from industrialisation for future generations of professional, traditional and recreational fishers.

TOR (d) The impact of the offshore wind industry on marine environments in Australian waters, including strategies for impact minimisation and management

50. While OWF development can have environmental impacts, it may also yield benefits that offset these impacts. Careful assessment and mitigation of potential environmental harm is crucial to ensure renewable energy production does not compromise environmental objectives, wherever located in the marine environment.
51. The accelerating industrial expansion within marine domains, marked by competing interests vying for spatial allocation, exacerbates the complexities and uncertainties faced by existing users of the marine environment, especially commercial fishers.

⁸ Explanatory Memorandum, *Offshore Electricity Infrastructure Bill 2021*, 2.
https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr6774_ems_cc98aab2-2ad3-4a63-a200-e17e715e7da5%22, p2 (Key elements of the bill)

52. WRL emphasises the need to exclude wind farm activity from areas impacting fisheries and seeks urgent action by government to develop policies and standards on categorising priority usage and clarifying related policy implementation processes within an effective ocean policy facilitating priority setting across the marine domain.
53. The absence of economic evidence supporting offshore wind farms, and the lack of alternative sites raise concerns about the viability and suitability of proposed projects and locations. Impact assessments must address environmental effects such as underwater sound, electromagnetic fields, and habitat disruption.
54. In Western Australia, over 90% of fisheries by value hold Marine Stewardship Council (MSC) certification, affirming their status as well-managed and sustainable. Adhering to sustainable practices, fishers adjust their activities to promote the enduring vitality of fish stocks as commercial fishers concentrate their efforts in regions where the marine environment sustains abundant populations of target species and facilitates their fishing techniques. However, the advent of the offshore renewable energy sector brings potentially significant impacts such as the closure of key operational zones, which could result in substantial adverse economic repercussions for commercial fishing operators, even if these closures represent only a minor portion of the overall managed Fishery area. If a zone was made around the entire OWF area this would remove access to a large, productive and important resource area of the Fishery.
55. No information or guidelines relating to the collaborative development of potential mitigation measures or proposed operational initiatives have been made available with which the Fishery may engage or respond, including the basis and application of exclusion and safety zones.
56. Further, the provision of security for offshore infrastructure, considered critical infrastructure, has not been mentioned but, by its nature, would have an impact on the Fishery and the operating costs of the OWF.
57. WRL highlights the need for comprehensive assessments to mitigate potential environmental harm from OWFs. Impact studies should consider ecological dynamics, biodiversity, and climate regulation in WA's marine environment. It is crucial to safeguard valuable ecological characteristics, such as nursery grounds and migratory habitats, from offshore infrastructure development and those functions that support it within the marine environment.
58. International experience has been that spatial conflicts are a primary influencer of colocation with reduced marine biodiversity and integrity being key concerns.⁹ Barriers to colocation include a lack of ecological data and research, safety and navigation concerns. OWF infrastructure modifies and transforms habitats sufficiently to disrupt commercial fishing industry productivity.
59. International reports emphasise the need for balancing multiple competing uses of coastal areas to ensure environmental, economic, and social sustainability and warn against the dangers of “ocean sprawl” which replaces marine habitat and can modify environmental conditions critical to habitat persistence at a regional scale.¹⁰

⁹ Prince Owusu Bonsu, Jonas Letschert, Katherine L. Yates, Jon C. Svendsen, Jörg Berkenhagen, Marcel J.C. Rozemeijer, Thomas R.H. Kerkhove, Jennifer Rehren, Vanessa Stelzenmüller (2024) Co-location of fisheries and offshore wind farms: Current practices and enabling conditions in the North Sea, *Marine Policy*, V159, 105941, <https://doi.org/10.1016/j.marpol.2023.105941>.

¹⁰ Steven, A.D.L., Appeaning Addo, K., Llewellyn, G., Vu, T.C. et al. (2020) Coastal Development: Resilience, Restoration and Infrastructure Requirements. Washington, DC: *World Resources Institute*. www.oceanpanel.org/blue-papers/coastal-development-resilience-restoration-and-infrastructurerequirements.

60. The global literature on environmental impacts confirms that OWFs significantly alter marine environments, presenting a range of effects, including but not limited to:
- (a) Alteration of water currents and wind wakes.
 - (b) Changes to aquatic species distribution and composition.
 - (c) Corrosion of infrastructure and resulting release of pollution.
 - (d) Disruption to connectivity between habitats.
 - (e) Emission of electromagnetic fields.
 - (f) Genetic damage to species.
 - (g) Habitat disruption and fragmentation.
 - (h) Heat production from cables.
 - (i) Loss of benthic habitat.
 - (j) Sediment disturbance and increased sedimentation/turbidity.
 - (k) Underwater sound and vibration.
61. WRL identifies electromagnetic field radiation as a major risk to the rock lobster fishery, emphasising the importance of excluding reef habitats from wind farm zones. Science-based evidence and field research are essential to assess and mitigate the impact of electromagnetic fields on marine life.
62. Further research is also necessary to evaluate the impact of artificial environments and trophic connectivity which has been recognised as influencing the genetic development of species.¹¹
63. Hard work, sound management and careful ecological stewardship have built the western rock lobster fishery into one of Australia's most valuable and successful wild-catch seafood sectors. The Fishery produces western rock lobster of the highest export quality. Any genetic modification or ontogenetic impact on the animals threatens the Fishery's reputation and the viability of a \$440 million dollar market.
64. Information relating to existing or potential Australian and international research into alternative technologies to minimise or eliminate impacts on native species and their environment in relation to various aspects of the identification, development, construction, operation and decommissioning of OWFs have been notably absent from consultative discussions.
65. Further, impact assessments for offshore wind must anticipate and account for the complexities of associated innovations in turbine technology, of which developments have enabled the continual increase in turbine size, leading to future OWFs in Australia being distinct from current installations. Floating turbine technology, for example, will bring unique impacts and advancements which affect offshore wind development opportunities in new and deeper areas. All these factors provide compounding uncertainty which should be discussed as part of the consultative process.

¹¹ Melanie J. Bishop, Mariana Mayer-Pinto, Laura Airoidi, Louise B. Firth, Rebecca L. Morris, Lynette H.L. Loke, Stephen J. Hawkins, Larissa A. Naylor, Ross A. Coleman, Su Yin Chee, Katherine A. Dafforn. (2017) Effects of ocean sprawl on ecological connectivity: impacts and solutions, *Journal of Experimental Marine Biology and Ecology*, V492, pp 7-30 <https://doi.org/10.1016/j.jembe.2017.01.021>.

66. It is imperative that the proposed area for OWFs strikes a balance that optimises opportunities for OWF developers while minimising conflict and additional costs associated with displacing and compensating existing marine users. The value of moving proposed OWF development to areas of low (or no) fishing value, while avoiding critical habitats, presents a potential opportunity for both industries to reach beneficial outcomes.

TOR (e) Any other related matter.

67. WRL as an organisation supports the reduction of carbon emissions through the development of renewable energy generation in WA. However, we remain highly sceptical of the viability of offshore wind farms (OWF) in WA given the pristine marine environment, high costs of construction and restrictions both regulatory and commercially. WRL fishers have sustainably fished coastal waters between Denham and Augusta for many decades and generations. Our industry opposes the industrialisation of these waters and removal of resource access through the establishment of OWF.
68. At the very least some measure of the principles or criteria for site selection and licensing must be applied in categorisation of priority of usage. This will assist industry in their future approach on this critical subject. International literature suggests that OWFs become de facto exclusion zones for the fishing industry due to safety regulations or liability concerns. Understanding the spatiotemporal dynamics of commercial and recreational fishing values is essential to appropriately assess the impact of OWF on fisheries. However, it appears that DCCEEW hasn't done this analysis and instead will leave it for existing marine users to try and negotiate with offshore wind developers later in the process.
69. WRL notes that the framework is not clear on how the interface between State and Commonwealth jurisdictions will be managed in respect of impacts caused by Commonwealth identified offshore energy initiatives on State coastal waters and site related industries and communities along the WA Coast.
70. Independence of consultative processes is necessary to meet minimum transparency and natural justice standards. Consultation processes relate to both site selection and licensing. The regulatory powers in relation to offshore energy projects have been conferred on the industry funded body, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA).
71. Further, the delegation of responsibility to OWF licence holders to manage interactions with other marine users in relation to proposed developments¹² represents OWF self-regulation. The current framework provides inadequate guidelines to ensure transparency in these functions and fails to require an independent mediator or arbitrator to address conflicts or to respond to complaints which may arise specifically out of consultation processes.
72. WRL note that under the OEI Act and subsidiary legislation, the maximum area which may be subject to a feasibility or commercial licence is 700 km². It is concerning that consultations regarding an area almost eleven times this size were not accompanied by very clear process provisions, guidelines and principles upon which stakeholders may seek a reduction in area size to accommodate current high value industry areas. It is notable that guidelines and principles issued on the DCCEEW website are tailored to assist proponents of OWFs to address persuasive submissions.

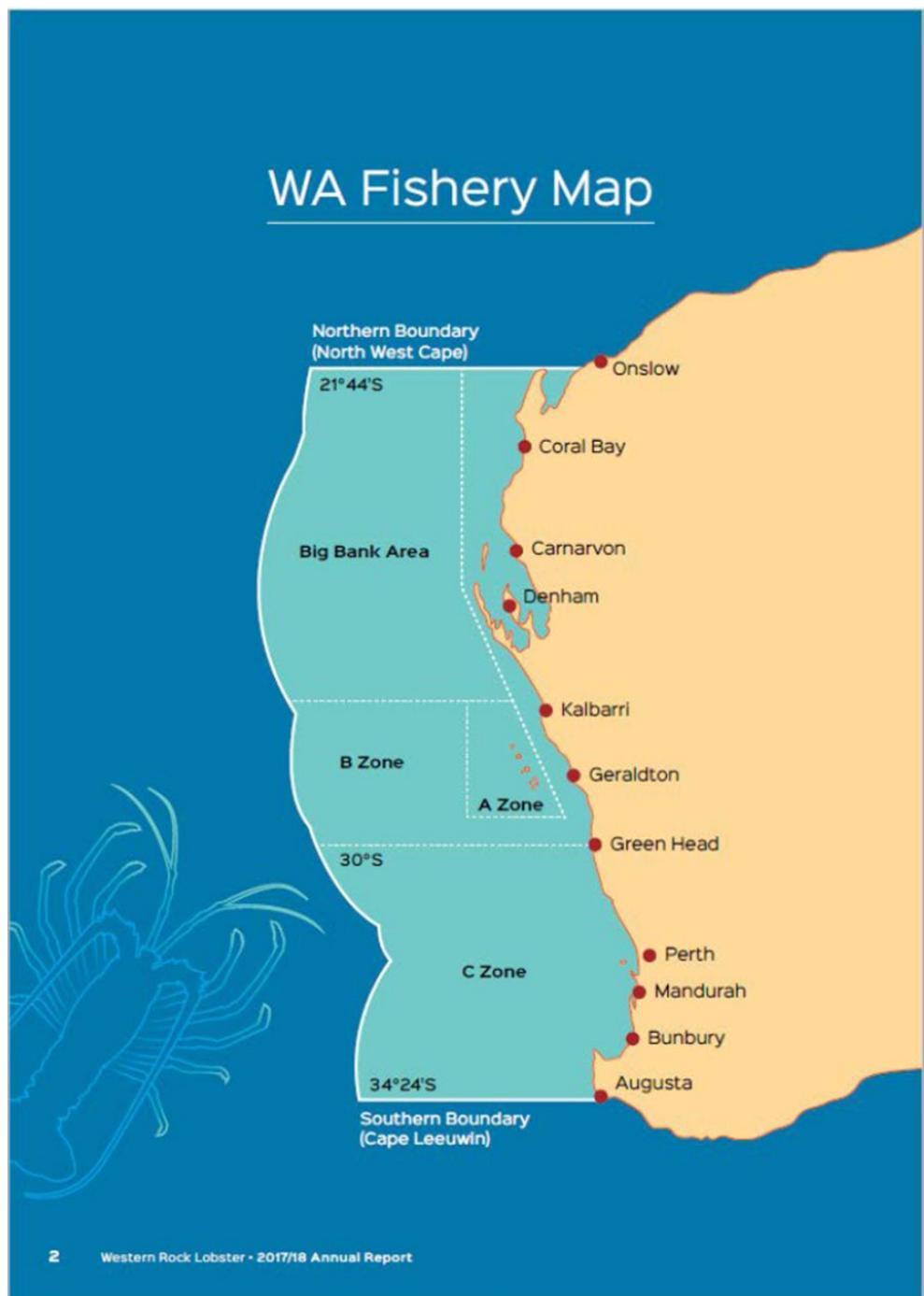
¹² Explanatory Memorandum, *Offshore Electricity Infrastructure Bill 2021*, 2.
https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2Fr6774_ems_cc98aab2-2ad3-4a63-a200-e17e715e7da5%22

73. WRL also note that consultation on the *Offshore Electricity Infrastructure Regulations 2022* (the Regulations) was conducted simultaneously with consultation on the OWF proposed site. The limited time in which to consult over two highly important matters was unreasonable and industry members were expected to provide comments without the benefit of having collaborated to develop detailed consultation guidelines to guide the interpretation of the Regulations. Consultation processes outlined in the Regulations are notably absent any requirement to identify and consult with stakeholders other than applicants, from whom additional information may be sought and whose fair treatment is enshrined in legislation.

Conclusion

74. While supporting the reduction of carbon emissions through renewable energy, WRL emphasises the need to avoid long-term conflicts with existing sustainable and renewable industries such as commercial fishing. WRL are concerned at the brevity of the consultation process and the lack of research and evidence presented to guide discussion in relation to potential offshore wind farm sites. Further, stakeholders require assurances that advice to the Minister to inform site and licencing decisions is supported by an equitable, transparent and sustainable collaborative consultation process.
75. It is imperative that a framework containing standards and thresholds for identifying incompatible industries is developed. Consultations would be assisted by these being clear and evidence-based, containing principles and criteria for determining incompatibility and categorisation of priority of use of site options.
76. WRL are committed to engaging with resource access planning and advocate for robust processes for marine spatial planning as a tool to manage competing uses of marine resources. The framework must be both inclusive and transparent, allowing all stakeholders the opportunity to participate in addressing concerns. Consideration of projects, sites or issues must be made within a regional context rather than on a project-by-project basis to ensure the deliberations capture strategic uses and sustainable protection of maritime resources at a regional level.
77. Context for offshore development must be provided which ensures cohesion between regional, local and national needs and priorities. Foremost is the identification and consideration of alternative solutions for incompatible industries which must be excluded from fisheries to ensure the continued operation of this significant food producing industry. WRL also note that a large contingent of recreational and indigenous fishers rely on access to fish resources as a food source.
78. Collaborative efforts between government and marine industries are essential to address concerns and ensure the long-term viability of both renewable energy and commercial fishing sectors in Western Australia.
79. WRL believe the framework for consultation should specify the level of investigation, information and consultation considered appropriate for engagement on renewable energy, particularly offshore wind farming, initiatives.
80. To address challenges, regulators must engage stakeholders and conduct comprehensive impact assessments. Transparency, collaboration, and evidence-based decision-making are crucial for sustainable industry development. Further, the regulators must be recognised as independent and accessible so that conflicts can be properly understood and resolved within a framework that is inclusive and appealable, promoting natural justice and sustainable actions.

Annexure 1



Western
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World leading sustainable fishery

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