

SUPPLEMENTARY EXPLANATORY STATEMENT

Offshore Electricity Infrastructure Act 2021

Offshore Electricity Infrastructure Amendment (Overlapping Applications) Regulations 2024

Purpose

This Supplementary Explanatory Statement supplements the initial explanatory statement to the *Offshore Electricity Infrastructure Amendment (Overlapping Applications) Regulations 2024* (the Amendment Regulations) in accordance with paragraph 15J(1)(c) of the Legislation Act 2003. The purpose of this Supplementary Explanatory Statement is to provide additional clarifying material for the Amendment Regulations.

This Supplementary Explanatory Statement also responds to a request of the Secretariat for the Senate Standing Committee for the Scrutiny of Delegated Legislation to provide additional explanatory material in relation to the availability of the Australian Geodetic Datum, which has been incorporated in the Principal Regulations by reference.

Amendments to the explanatory statement

1. After the paragraph headed ‘Regulatory Impact’ insert:

Incorporation of the Australian Geodetic Datum

Item 1 in Schedule 1 of Amendment Regulations refers to the Geocentric Datum of Australia as defined in Gazette No. 35 of 6 September 1995 (**GDA94**).

The GDA94 set is defined in the Commonwealth of Australia Gazette No. GN 35, 6 September 1995 on page 3369. It is incorporated in the Principal Regulation in the form published in that Gazette. It is available free of charge on the Federal Register of Legislation.¹

In the broader legislative framework, section 9 of the *Offshore Electricity Infrastructure Act 2021* (the **OEI Act**) sets out datum provisions for the purposes of the Act. Specifically:

- Subsection 9(1) provides that the position on the surface of the Earth of a point, a line or an area is to be determined by reference to the Australian Geodetic Datum as defined in Gazette No. 84 of 6 October 1966 (**AGD66**).
- Subsection 9(2) provides that regulations may provide for such things to be determined in some other way for the purposes of the OEI Act.

¹ <https://www.legislation.gov.au/files/gazettes/historic/1995/1995GN35.pdf>

For the purposes of paragraph 9(2)(a) of the OEI Act, section 159 (formerly section 48) of the *Offshore Electricity Infrastructure Regulations 2022* (the **Principal Regulations**) provides that the required datum reference is Geocentric Datum of Australia as defined in Gazette No. 35 of 6 September 1995, revising the reference to AFD66 in subsection 9(1) of the Act.

GDA94 was first incorporated by reference when the Principal Regulations came into effect on 1 November 2022. From that time, as part of an application for a licence under the OEI Act, applicants have been required to specify their proposed licence areas by reference to GDA94.