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Senate Standing Committees on Environment and Communications  
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Attention: Senate Standing Committees on Environment and Communication

### **AUSTRALIAN GOVERNMENT OFFSHORE WIND INDUSTRY CONSULTATION PROCESS**

I am writing to the Select Committee on Environment and Communications (the committee) in relation to their inquiry on the consultation process undertaken on behalf of the Australian Government into the offshore wind industry. Recfishwest is the peak body representing the interests of an estimated 700,000 recreational fishers in Western Australia (WA). Recfishwest is a not-for-profit community-based organisation that endeavours to ensure high quality recreational fishing experiences are maintained and enjoyed for all in the community. In this regard, Recfishwest has an interest in the development of Australia's offshore energy industry.

Over the last few years, Recfishwest has provided numerous submissions on a variety of offshore energy-related topics, including the Offshore Electricity Infrastructure (Regulatory Levies) Bill 2021, Offshore Electricity Infrastructure Bill 2021, amendments to the Offshore Electricity Infrastructure Act 2021 (OEI 2021), and development of regulations to support the OEI 2021. Recfishwest has written to the Minister for Climate Change and Energy requesting clarity on how recreational fishing and offshore energy are expected to coexist.

Recfishwest also played a leading role in engaging the fishing community during the consultation process for the proposed offshore energy determination area in WA. Recfishwest provided the Department of Climate Change, Energy, the Environment and Water (DCCEEW) with contacts for local fishing clubs, arranged for additional information sessions specifically targeted towards the recreational fishing community, surveyed more than 400 local fishers identifying important fishing areas which informed our submission on the proposed determination area. In addressing the identified areas, the committee has requested a particular focus on, Recfishwest provides the following comments.

#### **The efficacy of community engagement and benefit in planning, developing and operating the offshore wind industry**

The consultation process for the proposed determination area in WA was a disorganised, underwhelming mess that can only be considered a failure. People left information sessions without their concerns being heard, addressed, or recorded. The overriding concerns of the community relate to the environmental and social impacts of offshore energy and why the area being proposed was considered suitable. The information sessions did not provide the level of information the community was seeking, and vague assurances about community concerns being addressed in the future once a declaration area had been determined provided little comfort to our members who attended the information sessions.

During the consultation process there was a general perception that Commonwealth Government “outsiders” were coming in promoting and pushing for an offshore wind energy industry without bothering to understand the local area or meaningfully engage with the local community. The [ABC reported](#) that they were denied entry to a public consultation meeting in Busselton.

Numerous media articles described failures in the consultation process for the proposed determination area in WA. These articles described the consultation as *unprofessional, embarrassing, deplorable, and chaotic*. WA State politicians and local government representatives made numerous references to the *limitations of the consultation process* and how the *lack of tangible information* left community members frustrated and wondering why they bothered to attend these sessions in the first place. The links below provide a selection of media articles in which criticisms were expressed over the consultation process for the WA proposed determination area.

[Harvey Waroona Reporter 19.03.2024](#)  
[South Western Times 21.03.2024](#)  
[ABC news 25.03.2024](#)  
[Harvey Waroona Reporter – 26.03.2024](#)  
[Busselton-Dunsborough Times – 29.03.2024](#)  
[6PR Perth - 02.04.2024](#)

[News.com.au – 09.04.2024](#)  
[Busselton Dunsborough Times 12.04.2024](#)  
[Bunbury Herald – 07.05.2024](#)  
[Mandurah Times – 22.05.2024](#)  
[Busselton Dunsborough Times – 21.06.2024](#)  
[South Western Times -18.07.2024](#)

As with other areas of Australia where DCCEEW undertook consultation on proposed determination areas, WA communities held rallies, circulated petitions and started social media groups galvanising opposition against the development of an offshore wind energy industry. This was an entirely predictable response to an information vacuum created by ‘consulting’ without answering questions or providing relevant information.

The failures in the community consultation process can also be seen on a national level by the increase in the number of submissions received opposing proposed determination areas. As consultation on proposed determination areas around Australia has progressed the level of community dissatisfaction with the process has grown stronger and the number of submissions has grown.

Feedback from our members who attended some of the information sessions suggested different answers were given to the same question depending on which government representative was talked to, and in many instances, the lead government representative openly acknowledged they did not have answers to questions. The inability to provide meaningful answers lead many people to question the value of the information sessions. Simple questions relating to the planning, developing and operating of offshore wind proposals within the proposed determination area that were unable to be answered included:

- Will access be impacted and if so to what extent?
- How many turbines could be placed in the proposed determination area?
- What development would be required at the local port?
- Where are transmission lines likely to cross the shore?
- What benefits would flow to the local community?
- How many long-term jobs are likely to be created?
- Are there any requirements for local content?
- What are the transmission network needs to support offshore wind energy?

Many of the answers provided in the information sessions relied on undefined future consultation and research, much of which DCCEEW expected would be undertaken by offshore energy proponents rather than government regulators. The failed consultation process was seen by many as a simple box-ticking exercise, and re-engaging the community in future consultation processes is likely to be a challenge.

### **Community engagement within the existing Australian Government offshore wind industry regulatory and legislative frameworks**

One of the challenges with the consultation that occurred for the proposed determination area in WA was the absence of existing legislative frameworks that could guide the development of an offshore wind industry. The WA proposed determination area was the last of the six areas around Australia identified as suitable for the development of an offshore wind industry to undergo consultation. This consultation ran from 20.02.2024 and closed on 03.05.2024. During this time DCCEEW also began consultation on [proposed regulations supporting the Offshore Electricity Infrastructure \(OEI\) Act 2021](#) and following the end of consultation on the WA proposed determination area DCCEEW opened consultation on [Offshore electricity infrastructure framework: draft transmission and infrastructure licence guideline](#).

Undertaking consultation on areas proposed to support the development of an offshore energy industry without having regulations and guidelines governing how this industry operates denies the community the opportunity to develop an informed opinion on the pros and cons of having an offshore wind industry adjacent to their towns.

The absence of regulatory and legislative frameworks governing the offshore wind industry meant DCCEEW and the Offshore Infrastructure Regulator (OIR) were unable to answer questions during the consultation process in a meaningful way. The general answer DCCEEW and the OIR provided to questions was nothing more than vague assurances that community concerns would be addressed at some in the future using a yet to be determined regulatory framework.

A key example of inadequate legislative frameworks limiting community engagement was DCCEEW and OIR's failure to explain how offshore wind projects would affect access or coexist with recreational fishing. Both DCCEEW and the OIR repeatedly claimed *the OEI Act was developed and would operate under the principle of shared use of the offshore marine environment*, however neither organisation could explain what this means for recreational fishers. There remains a great fear fishers could be excluded from large areas of the ocean.

When the Minister for Energy announced consultation on the proposed determination area in WA, he stated, *"Fishing and offshore wind can co-exist, but it's not automatic that it can"*. In a reply to questions about coexistence, Minister Bowen advised *"Under the OIE Act, coexistence arrangements will need to be determined during the feasibility stage, before a developer can apply for a commercial licence to construct offshore renewable energy infrastructure."* Expecting the community to provide meaningful submissions on proposed declaration areas without having a clear understanding of how projects within this area would impact on fishing access is neither reasonable nor fair.

The absence of regulatory and legislative frameworks also resulted in conflicting advice provided to community groups and proponents interested in developing offshore energy projects. The OIR produced a brochure about [offshore renewables and interactions with fisheries](#) which stated *...project developers*

*and feasibility licence applicants should not undertake project specific consultation with stakeholders until they have been granted a feasibility licence under the OEI Act.* Multiple project developers have insisted community consultation is required to prepare an application for a feasibility licence.

To date there is no evidence the OIR has discouraged industry consultation prior to the awarding of feasibility licences. During the consultation process for the proposed determination area in WA, offshore energy proponents were conducting simultaneous consultations on their proposed projects which only added to the community's confusion.

### **The impact of the offshore wind industry on marine life and marine environments in Australian waters, including strategies for impact minimisation and management**

Arguably the greatest failure of the offshore wind industry consultation process has been the complete lack of environmental considerations when proposing declaration areas. Commercial interest appears to be the only consideration given when proposing determination areas. At a public information session for the proposed determination area in WA, DCCEEW representatives provided a presentation which stated *The proposed Bunbury area was identified as potentially suitable for offshore wind because:*

- *It has strong, consistent winds;*
- *It is close to existing port facilities and transmission infrastructure;*
- *It is close to areas of high electricity demand;*
- *Industry is interested in developing projects in the area; and*
- *Existing skills and industry can be used.*

The community was shocked by the complete absence of even the most basic environmental considerations when selecting proposed determination areas. The apparent indifference towards the marine environment and marine life when proposing determination areas set the consultation process off on the wrong foot and provided the community with little option but to oppose the proposed areas.

Throughout the consultation process DCCEEW defended the commercial focus used to select proposed determination areas and largely dismissed environmental concerns raised by the community. DCCEEW suggested industry would be required to investigate their own impact on the environment when applying for licences and many people in the community felt this was akin to putting the fox in charge of the hen house.

Throughout the consultation process, DCCEEW repeatedly cited the existence of science that downplayed environmental concerns while largely dismissing science that suggested offshore wind energy could have significant environmental impacts. The panel at an online information session on 29 April 2024 was comprised entirely of people supportive of developing wind energy, including industry representatives, and could be viewed as pro-wind propaganda rather than a balanced information session.

The community has an expectation that the government will protect the environment. However, the consultation process relied entirely on the community identifying environmental concerns within the proposed determination areas. In Recfishwest's submission on the proposed determination area for WA we raised concerns about several nationally recognised key ecological features, as well as impacts on habitats, iconic fish species and several matters of national and environmental significance. The failure to

consider the environment when proposing determination areas represents a breach of the community's trust and it significantly eroded trust in the consultation process.

Recfishwest surveyed 362 fishers identifying more than 400 important fishing areas within the proposed determination area in WA and used this information to inform our submission on the proposed determination area. Our survey identified known fishing hotspots such as Naturaliste Reef and the Fish Aggregation Devices (FADs) grounds. However, the entire proposed determination area east of the continental shelf is used regularly, and hundreds of important fishing areas highly valued by the fishing community have been identified within the proposed determination area. Some excerpts from our submission of relevance to this submission include:

*By global standards, the marine environment of the South-West Marine Region (including within the proposed determination area in WA has high biodiversity. This region is also increasingly being recognised as an area of global conservation significance with high levels of endemism [Parks Australia](#). While biodiverse, the biological productivity of the South-West Marine Region is low by global standards. This low productivity results in clear waters and high levels of light penetration creating a high diversity of seagrass and algal species and benthic communities that provide habitat for a large variety of species.*

*The most significant known influence on ecosystem structure and function in the southwest marine region is the Leeuwin Current, a globally unique eastern boundary current, flowing poleward year-round. The Leeuwin current originates in the warm, waters of the Indonesian archipelago, and brings warm waters south along the west coast of Australia before rounding capes Leeuwin and flowing east across the south coast.*

*The Leeuwin current maintains warm water communities much further south than they would normally occur, and drives inter annual variability in settlement of important species such as the western rock lobster. While the Leeuwin Current contributes to the low productivity of the region by suppressing upwellings, eddy fields spin off the Leeuwin Current creating seasonal upwellings and hotspots of productivity. These eddies have a disproportionate influence on the region's ecosystems and are known to occur in the proposed determination area.*

*On the eastern side of the Leeuwin current runs the Capes current which delivers cooler waters sourced from the base of the Leeuwin Current in a northerly direction driven by persistent and strong southerly winds during summer. The Leeuwin and Capes currents converge in the proposed determination area creating a significant influence on biodiversity distribution and abundance of numerous species including popular pelagic species caught at the nearby FADs grounds which occur in the proposed determination area in WA.*

*The habitat in the proposed determination area is similar to habitat described by the National Environmental Science Program in the nearby marine protected area on the southern boundary of the proposed determination area [Parks Australia](#). The proposed determination area consists of significant areas of seagrass, seaweed, hard and deepwater corals, sponges, rhodolith beds and bryozoan communities. The shallow regions (30-70 m) support seagrass and macroalgae communities with significant areas of hard corals and large sponges.*

*There are three key ecological features of national environmental significance as defined by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) within the proposed declaration area along with a number of other ecological features that are equally or more important for fishers including demersal and pelagic fish, spawning areas and extensive sea grass and coral meadows.*

Given the extensive amount of information the Commonwealth has gathered on the proposed determination areas in WA over many years through marine park, whale management, various recovery plans, commercial fisheries management plans and a plethora of other planning processes, it is unacceptable none of this information was considered when proposing determination areas for the development of an offshore wind industry.

The OIR [advised](#) developers when selecting proposed offshore infrastructure project locations within declared areas to consider key environmental factors including potential interactions with matters of national and environmental significance (MNES). However, no such consideration has been undertaken by the government when proposing determination areas. The limited regulatory framework for offshore energy also has inconsistencies with other government policies related to marine protected areas and plastics in the marine environment.

#### Marine Parks

During the public consultation it was explained the decision to exclude marine protected areas from proposed determination areas was made based on the opinion of the Director of National Parks that offshore wind farms in marine protected areas would be inconsistent with Australia's international obligations.

It should be noted the Guidelines for applying the IUCN protected area management categories to marine protected areas clearly demonstrates renewable energy generation is considered a permitted activity in IUCN categories IV to VI [IUCN Guidelines 2nd edition](#). During the consultation process DCCEEW repeatedly claimed offshore wind farms are likely to have limited environmental impacts and may even result in biodiversity improvements. The community find it hard to reconcile statements claiming offshore wind developments could benefit the environment when they have been deemed a threat to the conservation values of a marine park.

#### National Plastics Plan

Launched in 2021 the [National Plastics Plan](#) aims to avoid using unnecessary and problematic plastics and contains a whole section on plastics in our ocean and water ways. This plan has led to a number of other policies aimed at reducing plastics in our waterways such as DCCEEW's [draft policy on plastics in artificial reefs](#). Under this draft policy the Australian Government is unlikely to provide approvals for artificial reefs that use plastic fibres used in concrete reinforcements preferring steel or other natural fibres are used instead.

The use of plastic fibres in marine grade concrete is becoming increasingly preferred over the traditional use of reinforcing steel bars as it eliminates the most common failure of concrete structures in marine environments – concrete cancer. Concrete cancer is caused by seawater penetrating the concrete structure over time causing the steel reinforcing bars to corrode and expand. This expansion causes the concrete to crack and fail. By removing the reinforcing bar, the risk of concrete cancer is eliminated.

The use of fibres instead of traditional reinforcing bars increases the design life of the concrete structures, significantly improving the structures' capacity to withstand higher and more numerous impact loads in comparison to unreinforced structures. These fibres are extensively used in breakwater armour units throughout Australia and offshore energy projects throughout the world. In addition, the use of fibres as an alternative to steel mesh reduces CO2 emissions by 90%, ozone depletion by 76%; eutrophication by 90%; fossil fuel usage by 93%; and water consumption by 90% compared to using steel bars.

It is highly likely the development of an offshore energy industry will require the use of fibre-reinforced concrete, which would go against the current draft policy on the use of plastics in artificial reefs. The blades of wind turbines also contain a significant proportion of plastics and fiberglass which wears over time releasing microplastics into the marine environment. It is well documented that offshore wind turbines will wear more due to salinity thereby releasing more microplastics into the environment compared to onshore wind infrastructure.

The annual level of microplastics released from an offshore wind field large enough to generate the 20GW of energy the government is seeking to produce from the proposed determination area in WA would be more than the total amount of plastic used to construct a 500-module artificial reef. The contradiction between acceptable use of plastics for offshore energy generation and the unacceptable use of similar materials in artificial reefs should be explained or addressed to ensure consistency across government policy.

#### **Other related matters**

The Objects of the Public Service Act 1999 references the need for the public service to be apolitical, efficient and effective in serving the Government, the Parliament and the Australian public. Section 10 of this Act outlines the ethical, respectful, accountable and impartial values of the Public Sector however, none of these values were on display during consultation on the proposed WA determination area.

The consultation process saw DCCEEW and the OIR acting as apologists for the offshore energy industry rather than champions for the Australian public. Throughout the consultation process community concerns were downplayed and questions around how job creation and other benefits of offshore wind were calculated were left largely unanswered. Throughout the consultation process information provided by offshore wind proponents was treated as fact and never questioned while information that questioned the benefits of offshore energy was portrayed as unreliable.

Among the many failures of the one-sided consultation process, some matters worth noting include the early closing of consultation, refusing to allow submissions to be emailed, mis-representation of submissions and conflicts with other government policies.

#### **Early closing of consultation**

The consultation period for the proposed WA determination area was advertised to close at 11.59 pm on 3<sup>rd</sup> May 2024 however it closed two hours early at 10 pm while many people were putting the finishing touches on their submissions. Recfishwest enquired as to whether people who intended to make a submission but were not provided the opportunity due to the early cut off time would be given further opportunities to lodge a submission, however we did not get a response to this question from DCCEEW.

#### Failing to allow submissions to be emailed

DCCEEW refused to accept emailed submissions insisting all submissions needed to be uploaded via the “Have Your Say” survey. This survey was confusing, and many people simply wanted to send an email with their thoughts on the proposed determination areas. When questioned about this DCCEEW repeatedly referred to a legislative need for submissions to be made via the Have Your Say survey.

Section 18 (b) of the OEI Act invites submission from the public on a proposed determination area while section 18(C) specifies how submission may be made. The [notice of proposal](#) issued by the Minister for the proposed determination areas, set out that ‘Submissions are to be made via *the [Consultation Hub](#).*’ and provided a link to this hub. The Consultation Hub had both a link to a *Have your Say* survey as well as an email address to contact the offshore renewable team, so it is reasonable to assume both avenues would be legitimate consultation pathways as they were both identified in the Consultation Hub as per the OIE Act.

#### Cancellation of information sessions at late notice

Recfishwest arranged for two additional information sessions targeted towards recreational fishers as the community information sessions were generally set for weekday hours when most people were working. Recfishwest provided contact details for two fishing clubs in Binningup and Busselton and advised that fishers from the Busselton club were more likely to fish within the proposed determination area due as this was a game fishing club while the Binningup club was more of a general fishing club. It is accepted game fishers travel further from shore and cover more ground trolling for pelagic fish.

The information session at the Binningup Club was the first information session for the proposed determination area, and as such, it attracted non-fishing community members keen to understand the impacts of offshore energy. As DCCEEW was unable to provide answers to questions to a level expected by the community, emotions ran high and sometimes boiled over, as reported by the [local newspaper](#).

Following this experience, DCCEEW chose to cancel the planned information session with the Busselton club, informing them of the cancellation on the day of the planned information session. The cancelling of an information session specifically targeted towards recreational fishers was disappointing especially given DCCEEW clearly does not understand recreational fishing values. This lack of understanding is exemplified by the [Marine Users, Interests, and the Environment](#) factsheet for the proposed determination area. This fact sheet states *the range of recreational fishing opportunities for local residents as well as visitors (including charter-based fishing) includes estuarine fishing, beach fishing and boat fishing, often out to the edge of the continental shelf.*

It should be noted there are no beaches or estuaries in the proposed determination area and the reason the description of recreational fishing was lacking substance in the fact sheet on marine users was because DCCEEW had relied on information from the commercial fishing peak body when citing the extent of recreational fishing activity. Once Recfishwest alerted DCCEEW to this they simply changed the citation to Recfishwest but did not bother to properly explain the extent of recreational fishing activities. A single sentence to describe recreational fishing in a four-page fact sheet on marine users is inadequate, given recreational fishers are likely to be the most impacted stakeholder group from the development of an offshore energy industry in the proposed determination area.

#### Queues at community consultation sessions



At the Busselton community consultation session there were [reports](#) of attendance numbers being capped with members of the community forced to line up outside waiting for their turn to enter to learn about the consultation process. A member of the community who attended one of the public information sessions was quoted as saying, *“They’re not taking any notes. There’s nothing being recorded”*.

#### No substations on visualizations

Many people also complained about the visualisations provided, believing they did not adequately represent the visual impacts of an offshore wind farm. When questioned about these visualisations, DCCEEW was unable to explain why they had omitted the presence of substations, which would be located closer to shore than turbines and, therefore, have a much more significant impact on visual amenity.

#### Consultation fatigue and simultaneous consultations

During the consultation process, offshore wind energy proponents were also conducting public information sessions about their own projects, some of which were not even located within the proposed WA determination area. This makes a mockery of DCCEEW's advice that projects outside of the determination area would not be considered. The seemingly endless consultation by industry proponents that preceded DCCEEW's consultation process also resulted in consultation fatigue and confusion about the role of government and industry. These simultaneous consultations did nothing to dispel the perception that DCCEEW and the offshore industry were working hand in glove to promote an offshore energy industry.

#### Representation of submissions

In the public consultation for the proposed declaration area in Gippsland the [Consultation Summary Report](#) showed that 55% of submissions were opposed to the proposed determination area yet the report stated *“A large number of submissions (313) stated they were supportive of the proposal”*. The summary [consultation report](#) for the proposed determination area in the Illawarra region showed 65% of submissions were opposed to that proposed determination area yet this report stated *“It should be noted that these submissions are not a representative sample of the population”*. Misrepresenting or downplaying the results of the submissions is neither ethical, respectful, accountable or impartial in line with the stated values of the Public Sector. For a government department to suggest public submissions do not represent public opinion makes a mockery of public consultation processes.

### **Conclusion**

As each of Australia's six proposed determination areas were opened for public consultation community concern about offshore wind grew as did the number of submissions. There were multiple public protests, rallies and petitions associated with the failed consultation processes for these proposed zones resulting in public confidence in an offshore wind industry being severely damaged.

It is clear that the failure to consider the environment when proposing determination areas combined with a general lack of information about how any offshore energy industry would operate detracted from the consultation process. It is unacceptable for the public service to promote privatisation and industrialisation of the marine environment when there are so many uncertainties about how the development of an offshore wind industry will impact on fishing experiences and the environment that supports these experiences.

Many of the failures of the consultation process can be attributed to the objects of the OEI 2021 having no regard for the environment or the community. The objects of the OIE 2021 focus solely on providing an effective regulatory framework for offshore renewable energy and transmission infrastructure. The OEI 2021 has zero reference to environmental, community, or social, values and is only concerned with supporting the development of an offshore energy industry. Under the OIE 2021, the regulator or proponents are only required to consider conservation of the resources of the sea and seabed or impacts on fishing once licences have been issued. The focus on supporting industry above all else in the OIE 2021 resulted in consultation processes that failed to meet the expectations of the Australian community.

It is recommended that the government provide clarity in policy or amend the objects of the OEI 2021 to ensure the environment is adequately considered as part of all offshore infrastructure frameworks. The government should also provide greater transparency about the known impacts of offshore wind on environmental and social values and resolve inconsistencies in government policy related to plastics and marine protected areas. Should you require any further information in this regard, please do not hesitate to contact me on 9246 3366.

Yours sincerely



Dr Andrew Rowland  
Chief Executive Officer

29 August 2024