

Checklist – Licence application

Hydrogen and Renewable Energy Act 2023



This checklist is for Hydrogen Generation Licence (HGL), Renewable Energy Feasibility Licence (REFL), Renewable Energy Infrastructure Licence (REIL) and Associated Infrastructure Licence (AIL) applications. It should be read in conjunction with the Hydrogen and Renewable Energy Act 2023 (HRE Act), Hydrogen and Renewable Energy Regulations 2024 (Regulations), the relevant determination made by the Minister and other relevant guidance documents. All resources can be accessed via the [Hydrogen and Renewable Energy Regulation page](#) on the Department for Energy and Mining website.

Requirements all licence types

| Licence application requirements | Reference |
|---|------------------|
| Manner and form of application | |
| <input type="checkbox"/> Letter form | Determination |
| <input type="checkbox"/> Addressed to the Minister for Energy and Mining | Determination |
| <input type="checkbox"/> Letter states that it is an application for the relevant category of licence pursuant to section 31(1) of the Act | Determination |
| <input type="checkbox"/> Letter addresses the requirements of and is accompanied by the information prescribed by sections 31(1) of the HRE Act and regulation 18 of the Regulations as per following | Determination |
| <input type="checkbox"/> Letter is signed by a person duly authorised to make an application on behalf of the applicant | Determination |
| <input type="checkbox"/> Letter and accompanying information to be provided in electronic format (PDF or equivalent) | Determination |
| Other information to include | |
| <i>Applicant information</i> | |
| <input type="checkbox"/> Full name and address of the applicant | regulation 18(a) |
| <input type="checkbox"/> The ABN/ACN of the applicant (if applicable) | Determination |



| Licence application requirements | Reference |
|--|---|
| <input type="checkbox"/> If the application is being made by more than 1 person— it includes information regarding the interest each person will have in the licence (which may be expressed as a percentage) | regulation 18(b) |
| <input type="checkbox"/> The name, address, email and telephone number of a person who can be contacted about the application | regulation 18(c) |
| <i>Application made by a trustee on behalf of a trust</i> | |
| <input type="checkbox"/> Where applicant is a trustee acting on behalf of a trust, provide: <ul style="list-style-type: none"> • Copy of trust deed • If the trustee is a company, an ASIC extract for that company so we know who the directors and secretary is, relevant financial information etc • a statement setting out how the trustee has the capacity to hold and act in relation to the licence, with reference to relevant clauses of the trust deed | section 50(1) |
| <i>Licence application area</i> | |
| <input type="checkbox"/> A description of the area or areas in respect of which the licence is being sought: <ul style="list-style-type: none"> • by way of a coordinate description expressed in degrees of longitude and latitude, in accordance with the Geocentric Datum of Australia 2020, and • if available, cadastral boundaries. | section 31(b), regulation 18(d) and determination |
| <input type="checkbox"/> A map indicating the area of land to which the application relates that identifies any significant topographical, environmental and cultural features of the land | regulation 18(e) |
| <input type="checkbox"/> The size of the area to which the application relates expressed in kilometres or square kilometres (as appropriate) | regulation 18(f) |
| <i>Work Program</i> | |
| <input type="checkbox"/> Must be accompanied by a proposed work program addressing requirements as set out in the section 4(1) interpretation of a work program and, where applicable, requirements prescribed under regulation 22 | section 4(1) & 39, regulation 22 |
| <i>Financial information</i> | |
| <input type="checkbox"/> If the applicant is a body corporate—a copy of the body corporate's most recent audited financial statements | regulation 18(g) |

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| <input type="checkbox"/> Information that demonstrates the expected financial position of the applicant over the proposed term of the licence (or a shorter term determined by the Minister) | regulation 18(h) |
| <i>Technical and operational information</i> | |
| <input type="checkbox"/> Information demonstrating the applicant has the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations | regulation 18(i) |
| <input type="checkbox"/> Information that demonstrates the applicant has the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations | regulation 18(j) |
| <input type="checkbox"/> If the proposed licence will authorise exploiting a renewable energy resource through an electricity generating plant that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the electricity generation complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system | regulation 18(k) |
| <i>Right or interest in land</i> | |
| <input type="checkbox"/> If the applicant has, or will acquire, a right or interest in respect of land comprising the proposed licence area sufficient to undertake the proposed authorised operations—such evidence as required by the Minister that the applicant has, or will acquire, that right | regulation 18(m) |
| <i>Native title</i> | |
| <input type="checkbox"/> In the case of an application for a hydrogen generation licence, renewable energy feasibility licence, renewable energy infrastructure licence, or an associated infrastructure licence that will confer a right to enter and use designated land, if any part of the proposed licence area comprises native title land— (i) if a native title agreement is in place—that fact; or (ii) in any other case—a statement outlining the manner in which the applicant will negotiate a native title (NT) agreement in respect of the land | regulation 18(n) |
| <i>(To note, while regulation 18(n)(ii) allows the applicant to provide a statement re negotiating a NT agreement with the application, for an HGL, REFL, REIL, and for an AIL that confers a right to enter and use designated land, where a NT agreement which authorises the grant of the licence is required, that NT agreement must be in place before the Minister can grant the licence)</i> | |

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| <i>Contraventions of designated Acts</i> | |
| <input type="checkbox"/> A statement outlining any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in— <ul style="list-style-type: none">(i) the revocation or suspension of an authority to undertake an activity; or(ii) a prosecution for an offence; or(iii) the imposition of a penalty by a court; or(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of an activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment | regulation 18(o) |
| <i>Prescribed fee</i> | |
| <input type="checkbox"/> Must be accompanied by the prescribed fee | section 31(e) |
| Other inclusions, where relevant | |
| <i>Adoption of a statement of environmental objectives prescribed by regulation</i> | |
| <input type="checkbox"/> For the purposes of section 62(5) of the Act, if the applicant intends to rely on a statement of environmental objectives prescribed by the regulations pursuant to section 62(4) of the Act, the applicant must, in the application for the licence to which the statement will relate— <ul style="list-style-type: none">(a) indicate that it is their intention to rely on the statement; and(b) demonstrate that their proposed authorised operations will fall within the ambit of that statement. | regulation 35 |

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Requirements for specific licence types

HGL

| Licence Application Requirements | Reference |
|--|---------------|
| <i>Licence size</i> | |
| <input type="checkbox"/> Licence area is equal to or less than 5 km ² . | section 14(1) |

REIL

| Licence Application Requirements | Reference |
|---|------------------|
| Designated land only | |
| <i>Pre-requisites for obtaining a licence</i> | |
| <input type="checkbox"/> The applicant for the licence holds, or has held, a renewable energy feasibility licence in respect of that area | section 19(2)(a) |
| <input type="checkbox"/> The licence area to which the application relates is the whole of or a part of an area over which the renewable energy feasibility licence is or was held. | section 19(2)(b) |

AIL

| Licence Application Requirements | Reference |
|---|------------------|
| Designated land only | |
| <i>Where seeking right to enter and use designated land</i> | |
| <input type="checkbox"/> Advise in application letter if seeking for the licence to confer a right to enter and use designated land | Section 23(1)(b) |

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Where not seeking a right to enter and use designated land

- If the licence will authorise the construction, installation, operation, maintaining, management and decommissioning of a port, wharf or jetty associated with the import or export of hydrogen or renewable energy—that the applicant for the licence, provide evidence required under regulation 16(1)(a). Section 23(5)

- In any other case—that the applicant for the licence has, or will acquire, a right or interest in respect of the land comprising the proposed licence area.

Disclaimer. *This document only relates to regulatory requirements under the HRE Act. While every attempt has been made to ensure that the information in this document is accurate, the requirements for individual circumstances may vary. As such this document should be used for guidance purposes only. Applicants are advised to seek independent advice tailored to their individual circumstances, to ensure all requirements are met for their specific project.*