Offshore Infrastructure Regulator

Australian Government
Australian Maritime Safety Authority

Work health and safety regulation for offshore renewables



This brochure provides an overview of work health and safety (WHS) regulation for offshore renewable energy projects in the Commonwealth offshore area. The Offshore Infrastructure Regulator and the Australian Maritime Safety Authority administer laws relating to WHS and maritime safety relevant to offshore renewables projects.



Responsibilities of the Offshore Infrastructure Regulator

The Offshore Infrastructure Regulator (OIR) is responsible for overseeing work health and safety, infrastructure integrity and environmental management for offshore infrastructure activities in the Commonwealth offshore area.

The OIR administers the *Offshore Electricity Infrastructure Act 2021* (OEI Act) and the Offshore Electricity Infrastructure Regulations 2022. The OEI Act framework has a strong focus on the protection of the workforce and addresses workplace health and safety through modified application of the *Work Health and Safety Act 2011* and the Work Health and Safety Regulations 2011, collectively referred to as the applied WHS provisions.

To support compliance with the OEI Act framework, OIR inspectors may undertake compliance monitoring and inspection activities. This includes oversight of health and safety risks associated with offshore renewable energy or offshore electricity transmission infrastructure, as well as vessels engaged in regulated offshore activities.

The OIR's jurisdiction does not extend to work carried out on or from a vessel, vehicle, aircraft or other mobile structure before it arrives at a site for regulated offshore activities, or after those activities have ceased and the structure has been returned to a form that can be moved to another location.

Responsibilities of the Australian Maritime Safety Authority

The Australian Maritime Safety Authority (AMSA) is Australia's national maritime regulator and national search and rescue coordination agency.

AMSA administers legislation relevant to offshore renewable energy projects, including the *Navigation Act 2012* and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012 (National Law)*. These laws establish requirements for vessel safety, construction and survey standards, certification, crew qualifications, safety management systems, pollution prevention, and navigation safety for both international and domestic commercial vessels operating in Australian waters. These laws also implement international maritime conventions.

AMSA also performs the occupational health and safety inspectorate function under the *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI)Act). This includes conducting inspections and compliance monitoring activities in ports and on-board vessels operating in Australian and international waters.

WHS primary duty of care

Under the applied WHS provisions, all persons conducting a business or undertaking (PCBUs) so far as is reasonably practicable must ensure the health and safety of:

- workers they engage or cause to be engaged; and
- workers whose activities they influence or direct.

This primary duty of care requires PCBUs, including OEI licence holders, to eliminate or minimise risks to health and safety so far as is reasonably practicable. PCBUs also owe a duty of care to other persons who may be affected by work carried out as part of the business or undertaking.

Shared WHS duties

Under the applied WHS provisions OEI licence holders are PCBUs and therefore hold WHS duties and obligations.

Other parties involved in regulated offshore activities, such as contractors and subcontractors, may also be PCBUs. In these circumstances, WHS duties may be shared across multiple PCBUs. However, each PCBU retains responsibility for its own duties and obligations, which cannot be transferred, delegated, or contracted out to another party.

To meet these obligations effectively, all PCBUs should establish, implement, and communicate robust health and safety management systems that are understood and followed by workers across their operations.

What are regulated offshore activities?

Under the OEI Act framework, regulated offshore activities include:

- construction, installation, commissioning, operation, maintenance, and decommissioning of offshore renewable energy or electricity transmission infrastructure; and
- any other work carried out under a licence granted under the OEI Act.

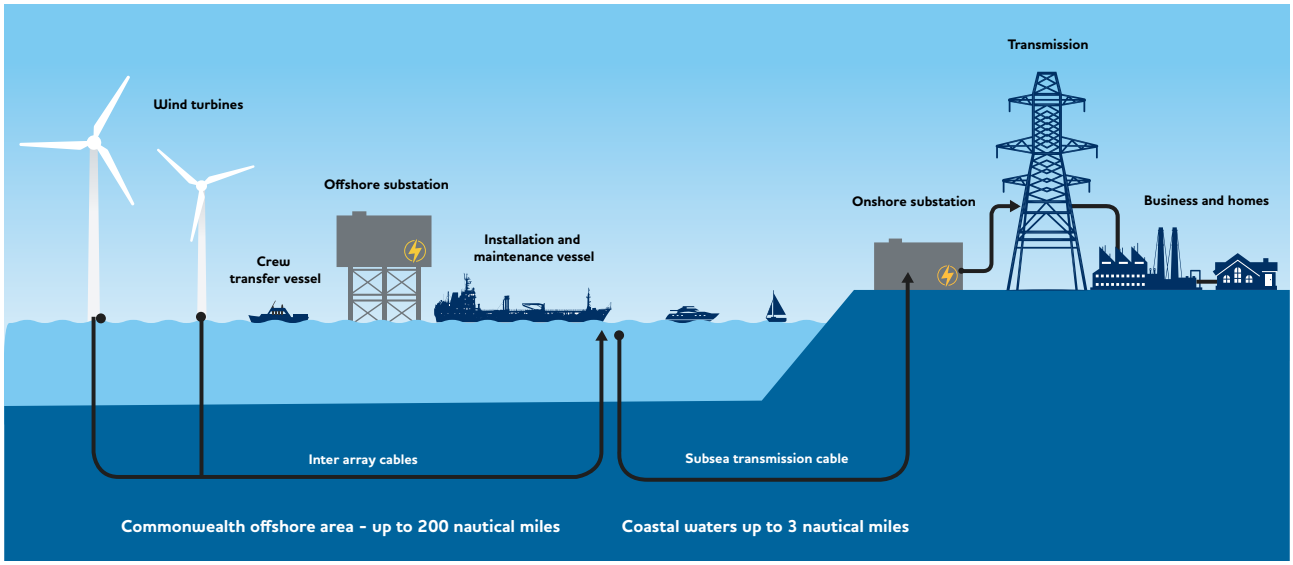
When undertaking regulated offshore activities, licence holders, PCBUs, contractors, and workers may be subject to requirements under both the OEI Act framework and other applicable maritime legislation.

When do WHS provisions under the OEI Act framework apply?

Although vessels are not considered offshore infrastructure, the applied WHS provisions may apply to vessel-based activities undertaken as part of regulated offshore activities.

The applied WHS provisions commence when a vessel arrives at the site of a regulated offshore activity and activities required to make the vessel operational at that site begin. They cease when the regulated offshore activity is completed and the vessel has been returned to a form in which it can be moved to another location.

Typical offshore wind project



Note: This diagram is not to scale and is for illustrative purposes only.

The OIR administers the OEI Act framework and oversees regulated offshore activities.

AMSA administers the Navigation Act and the National Law including regulating vessels operating in Commonwealth and coastal waters.

Vessel-based activities associated with offshore renewables projects may be subject to state and territory WHS and maritime laws. Licence holders are encouraged to consider any additional obligations that may apply to their operations.

Vessel-based activities and overlapping WHS responsibilities

Vessels operating in the Commonwealth offshore area are subject to AMSA's maritime safety and pollution prevention regulatory framework. Additionally, where work conducted on a vessel forms part of a regulated offshore activity under the OEI Act, the applied WHS provisions may also apply.

In practice, AMSA regulates the vessel and its marine systems, including vessel design, certification, survey, navigation, crewing arrangements and competency, and compliance with maritime safety and pollution prevention requirements.

The OIR regulates the health and safety of workers undertaking regulated offshore activities, including construction, installation, operation, maintenance and decommissioning activities associated with offshore renewable energy and electricity transmission infrastructure.

As a result, certain vessel-based activities may fall within the jurisdiction of both regulators. In these circumstances, AMSA and the OIR have complementary responsibilities, with AMSA generally focusing on maritime safety and vessel operations, and the OIR generally focusing on the health and safety of workers interacting with offshore infrastructure.

Scenario	AMSA role	OIR role
Installation vessel operating within an OEI licence area	Regulates vessel equipping, stability, crewing, navigation, and compliance with maritime safety and pollution prevention requirements.	Oversees worker health and safety during lifting, installation, and construction activities including training and workforce competency.
Crew transfer to a wind turbine within an OEI licence area	Regulates vessel operations and marine safety during the transfer.	Oversees crew transfer arrangements and worker health and safety on the receiving structure.
Emergency onboard a vessel engaged in a regulated offshore activity	Regulates maritime emergency response and vessel-related safety matters.	Oversees WHS obligations including emergency preparedness and incident response requirements relating to workers, where applicable.
Maintenance vessel interacting with inter-array cables within an OEI licence area	Regulates navigation safety, vessel operations and collision avoidance.	Oversees the management of risks to workers and offshore infrastructure during maintenance activities.
Cable lay vessel transiting from port to an OEI licence area	Regulates vessel operations and marine safety throughout the voyage.	Outside OIR jurisdiction until the vessel arrives at the site and regulated offshore activities commence.

This distinction helps ensure that maritime safety requirements and worker health and safety obligations are addressed concurrently and comprehensively during offshore renewable energy activities.





OIR authorisations and approvals

The OIR is responsible for reviewing design notifications, approving management plans and determining safety and protection zones under the OEI Act framework.

Design notifications

Licence holders are required to prepare a design notification which provides for early engagement with the OIR on project design and layout. A design notification must demonstrate that the design of the infrastructure will incorporate measures to eliminate or reduce risks to the health and safety of workers so far as is reasonably practicable during construction, operation, maintenance, decommissioning and removal phases. The OIR will provide formal feedback to licence holders on design notifications.

Management plans

Before any regulated offshore activities can proceed, a licence holder must have a management plan approved by the OIR. The management plan sets out how a licence holder will manage activities to be carried out under a licence, including how they will manage and comply with WHS obligations.

Safety and protection zones

Safety and protection zones may be established around offshore renewable energy infrastructure or offshore electricity transmission infrastructure to protect the safety of workers, other users of the marine environment and infrastructure from damage.

Licence holders should ensure they consult with AMSA when preparing their design notification, management plan and safety and protection zone applications. AMSA may provide support and guidance on topics such as emergency management and evacuation practices, vessel management, as well as a range of hazards specific to the offshore environment.

AMSA authorisations and approvals

AMSA and recognised organisations are responsible for issuing certificates relating to maritime safety matters under the National Law and Navigation Act.

This includes certificates relating to vessel survey, construction, machinery and equipment, crew and competency requirements.

Inspections and compliance monitoring

Inspections and compliance monitoring may be undertaken by either the OIR or AMSA depending on the nature of the activity and the relevant regulatory jurisdiction.

Where legislative powers permit, the regulators may conduct coordinated or joint inspections and share information relevant to compliance, enforcement, and regulatory oversight.

Where jurisdiction or regulatory responsibility is unclear, the OIR and AMSA will consult to determine an appropriate lead regulator and coordinate inspection, monitoring, or investigation activities. This may include agreeing on inspection scopes, determining regulatory responsibilities, and considering appropriate follow-up actions.

OIR inspectors may undertake inspections of licence holders' activities and operations at offshore facilities, related onshore premises, or remotely. During these inspections, inspectors may examine offshore infrastructure, equipment, systems, structures, records, and other relevant property associated with regulated offshore activities.





What should I do in the event of an incident?

Notifying the OIR

The OEI Act framework requires timely notification of incidents to the OIR.

Where a notifiable incident occurs, such as a fatality, serious injury, fire, explosion, loss of integrity, or emergency evacuation, duty holders must first address any immediate safety risks and notify the OIR as soon as reasonably practicable.

Licence holders should have clear escalation and reporting processes in place to meet notification obligations.

A written report must be submitted within 48 hours, outlining the incident, its consequences and response actions. The incident site must be preserved unless disturbance is necessary to protect people, prevent further harm, or comply with directions from emergency services or regulators.

Timely reporting supports effective regulatory oversight, investigation, and continuous improvement of safety management.

Further guidance on incident notification and reporting requirements is available on the OIR website.

Notifying AMSA

Both the Navigation Act and National Law require vessel owners and masters to report a marine incident to AMSA within prescribed timeframes.

Certain marine incidents must be reported to AMSA, including serious events such as fatalities, serious injuries, vessel loss, collisions, groundings, fires, structural failures, loss of stability and near misses.

A vessel owner or master commits an offence if a reportable marine incident is not reported within the required timeframe. Reporting helps improve maritime safety by identifying industry risks, prevent future incidents, and supporting timely and effective regulatory and emergency responses.

Reporting to both regulators

In some circumstances, an incident may trigger reporting obligations to both OIR and AMSA.

This is most likely where a vessel is undertaking regulated offshore activities and the incident involves both maritime safety matters and worker health and safety risks. Licence holders, vessel operators, and other duty holders should understand their respective reporting obligations and ensure all required notifications are made within the applicable timeframes.

Notifying one regulator does not remove any obligation to notify another regulator where separate reporting requirements apply.

Coordination between the OIR and AMSA

Consistent with the *Memorandum of Understanding on safety and environmental management arrangements for the offshore energy sector*, the OIR and AMSA cooperate to promote effective regulatory oversight, regulatory efficiency and the minimisation of unnecessary regulatory burden.

This cooperation may include:

- coordinating regulatory oversight activities
- undertaking joint inspections, where appropriate
- sharing information relevant to compliance monitoring and enforcement activities
- coordinating incident response and investigation activities
- exchanging information on offshore infrastructure operations and associated risks.

Where regulatory responsibilities overlap or are unclear, the OIR and AMSA will consult to clarify respective roles and responsibilities and, where necessary, agree on a lead regulator for the matter under consideration.



Need more information?

For more information regarding work health and safety under the OEI Act framework visit **oir.gov.au**

For more information regarding search and rescue, emergency response and safety of navigation visit **amsa.gov.au**

Offshore Infrastructure Regulator

Contact Details
P: +61 (08) 6188 8700
E: offshorerenewables@oir.gov.au

Head office
Level 10, Alluvion Building
58 Mounts Bay Road, Perth WA 6000

Australian Government
Australian Maritime Safety Authority

Contact Details
P: Within Australia: 1800 627 484
Outside Australia: +61 2 6279 5000

Head office
Level 8, 18 Marcus Clarke Street
Canberra ACT 2601

Published October 2026