

Entry card permit holder training

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1. Background

The Offshore Infrastructure Regulator (OIR) is provided with functions and powers under the *Offshore Electricity Infrastructure Act 2021* (OEI Act). The OIR is responsible for regulating work health and safety, **infrastructure integrity**¹ and environmental management of **offshore infrastructure activities**² in the **Commonwealth offshore area**.³

The OEI Act framework has a strong focus on the protection of the workforce and addresses workplace health and safety through modified application the *Work Health and Safety Act 2011* (WHS Act) and the Work Health and Safety Regulations 2011 (WHS Regulations) (collectively, the applied work health and safety provisions).

The applied work health and safety provisions enable the OIR to approve training for work health and safety entry permit holders (WHS-EPH training).

2. Purpose

This document is intended to assist training providers who are seeking to apply to the OIR for approval to offer WHS-EPH training. This document outlines:

- the content requirements for applications to become an approved provider of WHS-EPH training
- the criteria that will be considered by the OIR and its assessors/or decision makers in the assessment process
- the administrative processes for the lodging of the application and communication of the assessment process outcome.

3. Scope

This document is relevant to training providers who wish to be approved by the OIR to offer WHS-EPH training. This document is not legally binding and is provided to inform stakeholders as to how the OIR exercises its discretion under relevant legislation. It reflects the current policies of the OIR, which may change from time to time, with all changes being notified publicly.

¹ See section 8 of the OEI Act

² Ibid

³ Ibid

4. Relevant legislation

The following Commonwealth legislation provides the legal framework to manage work health and safety for **offshore infrastructure projects**⁴, and for the OIR to approve WHS-EPH training:

- *Offshore Electricity Infrastructure Act 2021 (OEI Act)*
- Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations)
- *Work Health and Safety Act 2011 (Cth) (WHS Act)* as applied under the OEI Act
- Work Health and Safety Regulations 2011 (Cth) (WHS Regulations) as applied under the OEI Regulations.

This document does not cover legislative requirements beyond the scope of the OEI Act framework and the applied WHS provisions listed above.

5. Approach to approving WHS-EPH training

Under the OEI Act framework, a WHS entry permit holder may enter **related onshore premises**⁵ for the purpose of inquiring into a suspected contravention or breach of the OEI Act, and the applied work health and safety provisions, in relation to **regulated offshore activities**⁶ that relates to a **relevant worker**⁷.

In accordance with regulation 25 of the WHS Regulations, the OIR may approve WHS-EPH training within its jurisdiction. In approving training, the OIR may have regard to:

- the content and quality of the curriculum, including its relevance to the powers and functions of a WHS permit holder; and
- the qualifications, knowledge and experience of the person who is to provide the training.

The OIR also recognises ComCare's approval of the SafeWork Australia Advisory Group endorsed training package, which has been developed to support the implementation of harmonised WHS-EPH training across all jurisdictions. The OIR will seek evidence of necessary modifications to ensure training reflects the applied work health and safety provisions under the OEI Act framework.

Over time, the OIR expects to approve tailored training packages developed by training providers. Updated guidance for training providers will be issued as required.

5.1. Approach to approving WHS-EPH training

An application for approval to deliver WHS-EPH training must be made using our online form or by completing the editable PDF application form available at: [Application portal | OIR](#) and emailing the completed form to offshorerenewables@oir.gov.au.

⁴ Ibid

⁵ See section 228 of the OEI Act

⁶ Ibid

⁷ See section 237 of the OEI Act

5.2. Who can apply to deliver training?

The OIR requires WHS-EPH training to be delivered by a training organisation, trade union, company, or sole trader.

5.3. Fees

The OIR will invoice training providers once an application has been considered in accordance with its Regulatory fees and levies policy. The amount of the fee will be the lesser of \$5,500 or the total amount of the expenses incurred by the OIR in assessing the application.

5.4. Material to be submitted

The OIR requires you to submit a completed application form, including:

- a training and assessment strategy
- details of who will be providing training, and evidence of their qualifications and experience
- a request for approval to use the Safe Work Australia (SWA) endorsed WHS-EPH training course content. The materials cannot be used in training until the OIR grants approval
- evidence of any approval of training from other regulators that you wish the OIR to have regard to as part of your application
- proposed marketing and enrolment information where the OIR would be mentioned and where reference is made to the legislative entitlement of EPHs to training.

5.5. Assessment of the application

The OIR will assess applications in accordance with its Assessment policy and will consider:

- the ability of the training provider to meet the conditions of approval
- the qualifications, knowledge and experience of the trainer(s) who will deliver the training
- any approval of courses or training from other WHS Regulators
- any other matters it considers relevant.

5.6. Period of approval

Courses will be approved for a period up to five years.

5.7. Jurisdiction

Training providers can be approved to deliver training in more than one state/territory and the Commonwealth.

Applicants should make an application to the OIR if they intend to conduct their training for those who will be seeking entry into related onshore premises under the OEI Act framework.

Information about any other state or territory in which an applicant is approved to deliver WHS-EPH training should accompany the initial application for approval.

5.8. Trainer qualifications

Trainers require a minimum of:

- Certificate IV in Training and Assessment—TAE40116; or TAE40110 / TAA40104 with TAELN411 (Address adult language, literacy, and numeracy skills) or higher; and
- a minimum of two years relevant experience in a role or field where occupational or work health and safety was a major part of the position responsibilities; or
- relevant tertiary or vocational qualifications in a field related to occupational or work health and safety—for example, a Graduate Diploma of Occupational Health and Safety.

Trainers should also undertake an appropriate program of continuing professional development to ensure they retain currency to deliver the training.

The training provider must seek the OIR's approval for any additional trainers before they can deliver WHS-EPH training.

6. Conditions of approval

Training providers must comply with the following conditions of approval to deliver WHS-EPH training.

6.1. Governance

The applicant must possess, have access to, and retain, the administration resources and infrastructure necessary to comply with all general and any specific conditions of approval. Approved training providers must:

- ensure trainers have and maintain requisite qualifications, skills and knowledge
- not sub-contract or on-sell their approved provider status
- ensure evaluation is undertaken of courses and a training evaluation form is provided to each participant.

Training providers should use evaluation to inform ongoing improvement to training.

6.2. Issue of certificates

Training providers must issue a certificate to those who complete the course within 10 working days of completion, unless exceptional circumstances apply.

The certificate should, at minimum, contain the following information:

- the name of the approved WHS-EPH training course
- the participant's full name, as per the registration details
- the date of attendance at training
- the name of the trainer
- the approved training provider's name and, if applicable, registered business name, ABN and OIR approval number

- a unique identifying number and the signature of an authorised person of the training provider (for example, the Chief Executive or Authorised Officer)
- a statement that the course is approved by the OIR in its jurisdiction
- the date of issue of the certificate

6.3. Co-operation with the OIR

Training providers must co-operate with the OIR in any audits or checks conducted by it to assess their compliance with the terms of their agreement. Any audits and compliance checks will be conducted in accordance with OIR policy and procedures.

6.4. Notifications

Training providers must notify the OIR in the following situations:

- within 14 days of any change to the details of the approved training provider and its trainers or any proposed substantial changes to course content or delivery method
- any material status changes required to be notified to the Australian Skills Quality Authority (ASQA), or another WHS Regulator that has approved the training provider for delivery of WHS-EPH training
- if the training provider's RTO registration or approval to deliver WHS-EPH training is suspended, cancelled or amended in any way by ASQA and/or a State Training Authority, or another WHS Regulator that has approved the training provider for delivery of WHS-EPH training.

6.5. Reporting to the OIR

Training providers must provide the OIR with a written report by July 31 each year detailing:

- the number of courses run per year
- the number of WHS-EPHs trained and certificates of satisfactory completion issued
- participant details—name, organisation (PCBU), state the training was held and dates of attendance at training
- a summary of participant evaluations
- any other matters that may be requested in writing by the OIR.

6.6. Ethical requirements

Training providers must conduct themselves in accordance with reasonable standards of professional and ethical behaviour. This includes avoiding actual or perceived conflicts of interest and managing gifts or donations appropriately.

6.7. Legislative compliance

Training providers must comply with relevant legislation when conducting the training, including work health and safety, copyright, and privacy laws.

6.8. Record keeping

Approved training providers must maintain the following records for seven years:

- trainer C.V., qualifications, and experience
- records of all course training dates
- participant enrolment or registration forms
- documentary evidence of the dates that each participant was in attendance at approved WHS-EPH training
- records of all certificates of satisfactory completion (with unique identifying numbers)
- records of any replacement certificates issued
- participant evaluation forms
- any other relevant correspondence between itself and the OIR.

6.9. Delivery of training

The training must be delivered in accordance with an approved training and assessment strategy. The strategy must include the items and evidence in the following table.

Training provider experience	<p>Define the training provider's experience in delivering training.</p> <p>Evidence: Overview of years in operation, client list or case studies showcasing successful delivery, and current government accreditation (if applicable).</p>
Delivery location	<p>Define the delivery locations by state.</p> <p>Evidence: Overview of planned locations for delivery.</p>
Target audience	<p>Define the learner group.</p> <p>Evidence: overview of the learners, including their target demographic, key skills, and prior experience or pre-requisites relevant to the training</p>
Delivery mode	<p>Specify how the training will be delivered.</p> <p>Evidence: A session plan or course outline that includes the delivery method (face-to-face, online, workplace training, or blended approach), as well as the timings of the training.</p>
Learning resources	<p>Define all learning resources necessary to ensure learners can acquire the required knowledge and skills in alignment with the performance criteria, session plan, or course outline.</p> <p>Evidence: Learner guides, PowerPoint presentations, facilitator guides.</p>
Learner support	<p>Support services and processes are available to all learners, along with a complaint appeals procedure.</p> <p>Evidence: Learner handbook and/or relevant policies and procedures.</p>
Industry engagement	<p>Provide an overview of the industry consultation and engagement processes used for the development, review and validation of training materials.</p>

	Evidence: A document outlining the approach, including industry contact details and the date of the last review.
Continuous improvement	<p>Define your continuous improvement process for updating course materials based on feedback from learners, trainers, and industry, including updates to any legislative requirements.</p> <p>Evidence: Provide relevant policies, procedures, forms, or registers related to the continuous improvement process.</p>

Training providers must ensure:

- the training effectively covers all learning outcomes and runs for one day. Distance education and on-line learning may be permitted, provided the quality of training delivery is maintained
- facilities, equipment and training materials are consistent with the delivery requirements contained in the approved course, and that consistency is maintained over the duration of the approval period
- trainers undertake an appropriate program of continuing professional development to ensure they retain currency to deliver the training
- a copy of the OEI Act and WHS Act (in any format) is provided to all course participants.

Training providers must also ensure training adheres to principles of access and equity, including by:

- providing WHS-EPHs with training and support that meets their individual needs in line with adult learning principles
- providing WHS-EPHs with a safe and inclusive learning environment
- having a transparent and accessible process available to address WHS-EPH concerns and ensure complaints about the administration and/or delivery of a course are addressed effectively and efficiently
- ensuring the maximum number of participants attending each training session (either face to face or virtual training) does not exceed 20.

6.10. Marketing

Approved training providers must ensure that their marketing and advertising of approved WHS-EPH courses is accurate and consistent with their approval by the OIR.

6.11. Other conditions

Training providers must also comply with the following conditions:

- training providers must verify all applicants' identity by way of photo ID and recording of their details and date of training
- training providers must ensure that those who have completed the training are provided with a replacement certificate of satisfactory completion, if required, on request. This must be annotated as 'replacement' and contain the original unique identifying number

- any other specific requirement that the OIR specifies as a condition of approval.

7. Compliance and enforcement

The OIR will monitor training providers' compliance with the terms and conditions of agreement in accordance with its policies and procedures. In the event of a breach of terms and conditions, the OIR will work with the training provider to remedy the breach. If the training provider fails to remedy a breach, the OIR may take further action against the training provider, which could include revoking the agreement to deliver WHS-EPH training.

8. Renewal of approved provider status

An application for renewal of an approval must be made at least three months before an approval expires. If the OIR takes longer than three months to complete an assessment, the approved provider will retain their approval status until the assessment is finalised, or they are deemed not to have complied with the conditions and requirements and their approval status is suspended or cancelled.

An application for renewal takes the same form as an initial application, including the submission of materials.

9. Monitoring

This guideline is to be reviewed periodically by the OIR. Further reviews will be undertaken as a result of changes to legislation, through feedback elicitation or as a result of accumulated experience.

10. Related documents

N-03402-GL2217 – Guideline - Work health and safety under the OEI Act framework

N-04401-GL2193 – Guideline - Making applications to the Offshore Infrastructure Regulator

N-04406-FM2331 – Form – Application to become an approved provider of entry permit holder training

N-11300-PL2064 – Policy – Regulatory fees and levies

N-11300-PL2222 – Policy – Cost recovery

N-17101-PL2102 – Policy – Sharing information with Australian agencies