

Workforce training and competency

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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.

2. Purpose

The purpose of this document is to provide guidance to licence holders and persons conducting a business or undertaking (PCBU) who are engaged in **regulated offshore activities**⁴ under the OEI Act framework.

3. Scope

This document seeks to provide guidance on the specific requirements for workforce training and competency under the applied work health and safety provisions. In addition, this document provides general advice to PCBU's, licence holders and other stakeholders on the management of workforce training and competency to support good practice in the sector.

4. Relevant legislation

The following Commonwealth legislation provides the legal framework to manage work health and safety for **offshore infrastructure projects**⁵, and for licence holders, PCBUs and other stakeholders to address training and competency requirements:

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

¹ see section 8 of the OEI Act

² Ibid

³ Ibid

⁴ see section 228 of the OEI Act

⁵ Ibid

This document does not cover legislative requirements beyond the scope of the OEI Act framework.

5. WHS training legal requirements

5.1. Primary duties

The applied WHS provisions place primary duty of care requirements on a PCBU, including the provision of information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out, as part of the conduct of the business or undertaking.⁶ The PCBU must also ensure that information, training and instruction provided to a worker is suitable and adequate having regard to the nature and risks of the work and the control measures associated with the work. Training and instruction provided must be readily understandable for the worker.⁷

Within the offshore renewables context there may be multiple parties who are considered PCBUs, including the licence holder and various contractor and sub-contractor organisations. Each of these parties has a duty to provide information, training, instruction or supervision to protect all persons from risks to their health and safety arising from work. Section 16 of the WHS Act provides for situations where more than one person has the same duty. Ensuring the provision of information, training, instruction and supervision is a shared duty of all PCBUs involved in an offshore infrastructure project. Licence holders should implement appropriate systems, practices and procedures to ensure duties are met and be able to demonstrate that duties are being met on an ongoing basis.

5.2. Duties of officers

A person acting as an officer on behalf of a PCBU must exercise due diligence to ensure that the PCBU complies with their duties and obligations under the applied WHS provisions. In exercising due diligence an officer must take reasonable steps to ensure that a PCBU develops and implements processes to comply with their duties. This includes processes to ensure the provision of information, training, instruction and supervision to workers.⁸

5.3. Duties of workers

The applied WHS provisions also place duties on workers in relation to information, training and instruction. Here, the WHS Act stipulates that workers must comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the PCBU and co-operate with any reasonable policy or procedure of the PCBU relating to the health or safety of the workplace that has been notified to workers. This requirement for the worker to comply with any reasonable policy or procedure also includes the requirement for the worker to attend training.⁹

⁶ see section 19 of WHS Act

⁷ see regulation 39 of the WHS Regulations

⁸ see section 27 of the WHS Act

⁹ see section 28 of the WHS Act

5.4. Shared duties

More than one person can concurrently have the same duty for health and safety in the workplace. Each of these duty holders must comply with that duty to the standard required by the applied WHS provisions even if another duty holder has the same duty.

If more than one person has a duty for the same matter, then each person retains the responsibility for the person's duty in relation to the matter and must discharge their duty to the extent to which the person has the capacity to influence and control the matter.

In relation to workplace training and competency, each PCBU must, so far as is reasonably practicable, determine and implement appropriate training requirements based on a risk assessment of the work environment and the specific activities over which they have control.

Where multiple PCBUs have overlapping duties, they are required to consult, cooperate and coordinate activities to ensure health and safety is maintained. This includes ensuring that workers receive adequate information, training, instruction and supervision necessary to perform their work safely.

5.5. Specific training requirements

Under the OEI Regulations and the applied WHS provisions, a PCBU must provide specific training to address a range of hazards and risks within the workplace. These mandatory training requirements and associated legislative references are outlined in **Appendix 1** of this document.

6. General training and competency

Under the applied WHS legislation, a PCBU is required to make sure that workers receive sufficient information, training, instruction and supervision.

The PCBU should also have a clear understanding of the risk profile of their work including the nature of all hazards specific to the workplace.

Workforce information, training, instruction and supervision should be made up of the following key areas:

- induction training for all new workers
- emergency preparedness training
- work and hazard specific training
- ongoing supervision
- refresher training
- additional WHS training e.g. health and safety representative training.

6.1. WHS induction training

Each PCBU should ensure that their workers are inducted to the organisation and the specific project they are working on. The induction training should include:

- WHS duties of each key party in the workplace
- specific hazards in the offshore environment

- incident and hazard reporting processes
- emergency procedures including evacuation and rescue offshore
- communication procedures for the workplace
- details and location of first aid personnel and equipment

6.1.1. General construction induction training

A PCBU must ensure that all workers who are carrying out construction work complete a General Construction Induction Training course.¹⁰

This training requirement is not intended to take the place of company or project induction training but rather is designed to provide general induction information for those working on construction projects.

6.2. Emergency preparedness training

In addition to the emergency preparedness training that is included at induction, PCBUs may provide additional scenario-based emergency training. This may include scenario training for emergency communication and evacuation of workers with specific injuries or illnesses as well as scenarios with multiple injured parties.

The OIR also recommends that PCBUs provide offshore-specific training appropriate to the nature of the work being carried out for their project. This may include sea survival training, Basic Offshore Safety Induction and Emergency Training (BOSIET) and Helicopter Underwater Escape Training (HUET) courses.

6.3. Work and hazard-specific training

A PCBU must provide training relating to the nature of the work, the risks associated with that work and the control measures in place. The training should align with work instructions or procedures relating to the work and should outline in readily understandable way how to carry out the tasks safely and how to operate any required equipment in line with the equipment instructions and procedures.

6.4. Ongoing supervision and refresher training

Once workplace training is complete, it is essential that the PCBU maintains consistent supervision to ensure that workers carry out their tasks in line with the training and with the relevant safe-work systems and procedures.

It is also important that workers are provided with an opportunity to attend refresher training at regular intervals to ensure that their skills and knowledge remain current, and workforce competence is maintained.

PCBUs are encouraged to regularly assess the effectiveness of training and supervision processes and adjust them as necessary.

¹⁰ see regulation 316 of the WHS Regs

6.5. Additional WHS specific training

The PCBU has a legal requirement to provide training for specific WHS roles within the organisation, such as health and safety representatives (HSR)¹¹. For further information about HSR training refer to the OIR's HSR training guideline and HSR handbook.

The PCBU may also wish to provide training to the members of their WHS committee in relation to their functions.

In addition to the above training, it is recommended that PCBUs provide training to officers and managers representing a PCBU, and supervisors and workers in relation to their specific WHS duties.

7. Training and competency management

7.1. Training needs analysis

A PCBU may undertake a training needs analysis to determine the training requirements of each job role or function depending on the work environment and tasks. Conducting this type of analysis will also enable the PCBU to determine if they are compliant with the legislative requirements for training and competency relating to the specific hazards in the offshore renewable energy environment.

7.2. Training plan

Once a training needs analysis has been completed, a PCBU may conduct a gap assessment of the current training qualifications and skills held by their workforce against the requirements of the training needs analysis. Training requirements may then be organised to determine which training is required as a priority and when training is required to prevent expiry of qualifications.

7.3. Verification of competency

PCBUs are encouraged to include independent verification of competency assessments as a part of their training planning.

This assessment will determine whether a worker has the practical skills and abilities to safely and effectively perform a task or operate a particular piece of equipment without causing harm to themselves, other workers, infrastructure, equipment or the environment.

This assessment is typically performed after the training has been completed and may be conducted by the training provider or alternatively by a qualified internal workplace assessor.

Each verification of competency assessment should be designed to measure specific evidence-based criteria which relate to the task or equipment being operated.

Records of verification of competency assessments should also be maintained by each PCBU.

¹¹ see regulation 21 of the WHS Regs

7.4. Training records

The applied WHS legislation requires a PCBU to maintain training records of all high-risk work licences¹² as well as training records relating to asbestos¹³, crystalline silica¹⁴, and confined spaces¹⁵.

We encourage PCBUs to maintain a record of all workforce training, such as a workers induction training so that they have clear evidence that they have met their duty to provide information, training, instruction and supervision. These records can also be compared to the training needs analysis and plan to identify any gaps in individual training and competency requirements.

7.5. Training evaluation

The evaluation of a training program is an essential step in ensuring the effective training of the workforce. This evaluation process should extend beyond a simple opinion-based feedback sheet and should ensure that each training program is evaluated for content and quality, as well as the skills, qualifications and experience of those facilitating the training.

8. 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.

9. 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-GL2245 – Guideline – Health and safety representatives training

N-04406-GL2214 – Guideline – Licensing high risk work

¹² see regulation 85 (4) of the WHS Regs

¹³ see regulation 445 of the WHS Regs

¹⁴ see regulation 529CD of the WHS Regs

¹⁵ see regulation 76 of the WHS Regs

10. Appendix 1 – Mandatory training requirements

Mandatory training requirements	Legislative reference
Asbestos containing materials	WHS Regulation 445 (1)
Asbestos – licenced asbestos removalist certified	WHS Regulation 460 (2)
Confined spaces	WHS Regulation 76
Crystalline silica	WHS Regulation 529CD (1)
Diving operations	OEI Regulation 174A (1) (2)
Electrical licencing	WHS Act Part 4 Section 44 WHS Regulation Part 4.7, Division 1 Preliminary, Regulation 146
Emergency management training	WHS Regulation 43 (1)
Emergency management training must be addressed in the licence holder's management plan	OEI Regulation Part 3 Division 5 Regulation 91
General construction induction training	WHS Regulations Chapter 6 Part 6.5 Division 1 Regulation 316
Hazardous Chemicals – storage and handling systems	WHS Regulation 363 (2)
Health and safety representative training and refresher training	WHS Act Part 5 Part 5 Section 72 WHS Regulations Chapter 2 Part 2.1 and Regulation 21
High risk work licence training	WHS Act Section 44 WHS Regulation 81
Fall arrest systems – Emergency and rescue procedures	WHS Regulation 80 (4)
First aid training	WHS Regulation 42 (2)
Major plant inspection (Person with management control)	WHS Regulation 235 (4)
Major hazard facility training (where required by regulator)	WHS Regulation 544 (2)
Personal protective equipment training	WHS Regulation 44 (4)
Psychosocial risks	WHS Regulation 55D (2)