

Notification and reporting of incidents, events and occurrences

Document No: N-03402-GL2083 A898493

Date: 11/12/2024

Call 1300 674 472 to notify the OIR of an incident or accident

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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 and Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations) contain requirements for the notification and reporting of certain incidents, events and occurrences. This includes incidents and occurrences listed under the applied work health and safety provisions.

2. Purpose

This document has been prepared to assist licence holders and person(s) conducting a business or undertaking (PCBUs) in understanding the requirements and processes for incident notification and reporting under the OEI Act framework.

3. Scope

This document outlines notifiable incidents, events and occurrences which must be reported under the OEI Act and the OEI Regulations, including under the applied work health and safety provisions. This includes incidents and occurrences relating to work health and safety, infrastructure integrity and the environment, as well as notifications of commencement and completion of offshore infrastructure activities. The requirements to provide design notification and diving work start-up notice is outside the scope of this guideline.

The document also outlines the processes and methods for reporting notifiable incidents as well as describing the requirement for preservation of incident sites.

4. Disclaimer

This document is not a legal instrument and does not override or amend the requirements of the OEI Act or OEI Regulations in any way. It is provided to inform stakeholders and does not limit the discretion of the OIR to take any action it considers appropriate under relevant legislation. It reflects the current position of the OIR, which may change from time to time. All changes will be notified publicly.

¹ See section 8 of the OEI Act

² Ibid

³ Ibid



5. Relevant legislation

The following Commonwealth legislation is relevant to the OIR's administration of notification and reporting of incidents and occurrences associated with offshore infrastructure activities:

- *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.

This document does not cover requirements beyond the scope of the OEI Act framework and related legislation listed above. Licence holders should be aware of and comply with all other Commonwealth, State and Territory legislative requirements that may apply to their activities.

6. Incident notification requirements

Requirements for incident notifications are found in both the OEI Regulations, which apply only to licence holders, and the WHS Act, which apply to both the licence holder and any PCBU doing work associated with licence activities.

6.1. OEI notifiable incidents – what is a notifiable incident?

The licence holder must notify the OIR of an incident as soon as practicable after the licence holder becomes aware that an event of the types of incidents specified in section 161 of the OEI Regulations has occurred.⁴

The licence holder must notify the OIR if they become aware that any of the following events has occurred in relation to the licence:

- a circumstance that significantly impaired, or has the potential to significantly impair, the operation or structural integrity of licence infrastructure (structural integrity)
- a notifiable incident, within the meaning of the WHS Act (work, health and safety)
- a collision between a marine vessel and any licence infrastructure (vessel collision)
- a contravention, or apparent contravention, of a safety zone determination, or a protection zone determination, in effect in relation to licence infrastructure (safety or protection zone breach)
- an incident that caused, or should have caused, the licence holder to implement the emergency response plan (emergency management)

⁴ OEI Reg 161



- an incident that (i) arose in connection with licence activities carried out in the Commonwealth offshore area; and (ii) resulted, or has the potential to result, in a contravention of the licence holder's obligations under the *Environment Protection and Biodiversity Conservation Act 1999* (environment).

Notifications to the OIR are only required where the incident has occurred while undertaking work in the nature of offshore infrastructure activities, and within the Commonwealth offshore area.

6.2. WHS notifiable incidents

Under the applied work health and safety provisions, a PCBU has a duty to ensure the OIR is notified of notifiable incidents which occur while undertaking work in the nature of offshore infrastructure activities. Under the work health and safety provisions of the WHS Act, notifiable incidents are those which have resulted in:

- the death of a person
- a serious injury or illness of a person
- a dangerous incident.

Under the OEI Act, a licence holder must notify and provide a report to the OIR regarding WHS notifiable incidents. Any PCBU whose business or undertaking the incident has arisen from must ensure an incident notification has been made to the OIR.

As there may be more than one PCBU on a project, the licence holder is required to establish protocols to ensure they are informed, in a timely manner, of any incident or circumstances that might lead to the licence holder failing to comply with the relevant incident notification obligations.

If a 'notifiable incident' arises out of more than one business or undertaking, then each PCBU must ensure that the incident has been notified to the OIR. There is no need for all duty holders to notify — only one notification is required. However, all duty holders must ensure that notification has occurred.

For example, if the employee of a vessel service provider is seriously injured during an offshore licence activity, the licence holder must notify OIR of the incident, and the vessel company will have a duty to ensure notification of the incident has occurred.

If there is any doubt as to whether an incident should be notifiable, or who should be giving the notification, the OIR should be notified of the incident immediately.

It may be an offence to fail to notify the OIR of incidents, serious injuries and illnesses, and dangerous incidents.⁵

⁵ WHS Act Part 3 S35-39

6.2.1. Serious injury or illness

A licence holder must notify, and PCBUs must ensure notification to, the OIR regarding all serious injuries and illnesses that occur because of undertaking work in the nature of offshore infrastructure activities, as outlined in Table 1 below.⁶

Serious injury or illness	Examples ⁷
Immediate treatment as an in-patient in a hospital	- Admission into hospital as an in-patient for any duration, even if the stay is not overnight or longer.
Immediate treatment for the amputation of any body part	- Amputation of a limb such as arm or leg, body part such as hand, foot or the tip of a finger, toe, nose or ear.
Immediate treatment for a serious head injury	- Fractured skull, loss of consciousness, blood clot or bleeding on the brain, damage to the skull to the extent that it is likely to affect organ/face function. - Head injuries resulting in temporary or permanent amnesia.
Immediate treatment for a serious eye injury	- Injury that results in or is likely to result in the loss of the eye or total or partial loss of vision. - Injury that involves an object penetrating the eye (e.g. metal fragment). - Exposure of the eye to a substance which poses a risk of serious eye damage.
Immediate treatment for a serious burn	- A burn requiring intensive care or critical care which could require a compression garment or a skin graft.
Immediate treatment for the separation of skin from an underlying tissue	- Separation of skin from an underlying tissue such that tendon, bone, or muscles are exposed (e.g. degloving or scalping injuries).
Immediate treatment for a spinal injury	- Injury to the cervical, thoracic, lumbar, or sacral vertebrae including the discs and spinal cord.
Immediate treatment for the loss of a bodily function	- Loss of consciousness, loss of movement of a limb or loss of sense of smell, taste, sight or hearing, or loss of function of an internal organ.
Immediate treatment for a serious laceration	- Serious lacerations that cause muscle, tendons, nerve or blood vessel damage or permanent impairment. - Deep or extensive cuts. - Tears or wounds to the flesh or tissues – this may include stitching to prevent loss of bodily function and / or infection.
Medical treatment within 48 hours of exposure to a substance	- Medical treatment is treatment provided by a doctor. - Exposure to a substance includes exposure to chemicals, airborne contaminants and exposure to blood or body substances.

⁶ WHS Act Part 3 S35-39

⁷ Examples sourced from Safe Work Australia Information sheet *Incident notification* – November 2015



6.2.2. Dangerous incidents

A licence holder must notify, and PCBUs must ensure notification to, the OIR regarding dangerous incidents which occur while undertaking work in the nature of offshore infrastructure activities. These incidents include:

- the collapse, overturning, failure, or malfunction of, or damage to, any plant⁸
- an uncontrolled escape, spillage, or leakage of a substance
- an uncontrolled implosion, explosion, or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- an electric shock
- the fall or release from a height of any plant, substance, or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant
- any other event prescribed in the regulations (but does not include an incident of a prescribed kind).⁹

In addition, the applied work health safety provisions in schedule 1 of the OEI regulations define dangerous incidents to include:

- An event that incapacitates a worker or other person for work for at least three (3) days.
- Any of the following events relating to diving work:
 - a decompression illness
 - a pulmonary barotrauma
 - a case of omitted decompression
 - an event for which a standby diver is deployed for an emergency, except for the purposes of training, exercises, or drills
 - a failure of life support equipment or man riding equipment.
- An event that a reasonable person would consider needs immediate investigation for its effects on work health and safety.¹⁰

⁸ OEI Act S233

⁹ WHS Act Part 3 S37

¹⁰ OEI Reg Schedule 1



6.3. How to notify the OIR of an incident

To comply with notification requirements the licence holder or PCBU must:

- Give initial notification as soon as practicable after they become aware of an event requiring notification by section 161 of the OEI regulations
- Give a subsequent report of an event, including further details of the event and the licence holder's response to the event, no later than 48 hours after the initial notification¹¹
- If requested by written notice, give a subsequent report of an event in accordance with the requested timeframe.

Please note, it may be an offence to not give the OIR notification as soon as practicable after becoming aware that an event has occurred, or to not give the OIR a report detailing the event and response within 48 hours of the giving the initial incident notification.

6.3.1. Immediate notification

Verbal notifications must be made via the dedicated OIR incident phone number (**1300 674 472**) as soon as practicable after the reportable incident, or after first becoming aware of a notifiable incident.

In this context, 'as soon as practicable' includes having due regard to any immediate emergency response necessary. This verbal notification should contain:

- All available material facts and circumstances concerning the reportable incident
- Any action taken, or proposed to be taken, to stop, control or remedy the reportable incident.

For urgent matters, the duty phone menu will direct the caller to a duty OIR Inspector and the line will be answered directly, at any time.

For all other options from the menu the caller may leave a voicemail with their contact details and their call will be returned within two hours, for calls made between 08:00 hours to 22:00 hours AWST. All other calls will be returned as soon as possible on the following day.

Licence holders and PCBU's should not make notifications via the OIR general switchboard or their OIR focal point. Initial notifications should be made by phone and not by email or the OIR's incident report form.

6.3.2. 48-hour report

In addition to verbal notification, licence holders must provide the OIR with a written report no later than 48 hours after the initial incident notification was given. Reports should be submitted using the OIR incident notification form.

¹¹ OEI Reg 162



The report must contain:

- Further details of the event, including all material facts and circumstances concerning the reportable incident that the licence holder knows or is able, by reasonable search or enquiry, to find out; and
- Details of the licence holder's response to the event - including any action taken, and any other action taken or proposed to be taken, to prevent a similar incident occurring in the future.

In some circumstances, some areas of the incident form may not be possible to complete within the first 48 hours. If this is the case, the form must be completed as thoroughly as possible.

The OIR may, by written notice, request a subsequent report is provided within a reasonable timeframe.

The 48-hour report and all subsequent written reports are to be submitted to offshorerenewables@oir.gov.au.

If the OIR receives a notice by telephone and a written notice is not required, the OIR must give the PCBU details of the information received, or an acknowledgement of receiving the notice, and specify no further action is required.¹²

Please note, a PCBU is required to keep a record of each notifiable incident for at least five years from the day that notice of the incident is given to the OIR.

7. Preservation of incident sites

Section 39 of the applied work health and safety provisions outlines a duty for those with management or control of a workplace at which a notifiable incident has occurred to ensure that, so far as is reasonably practicable, the site where the incident occurred is not disturbed until an OIR inspector arrives at the site or any earlier time that an inspector directs.

In regard to incidents, the term 'site' includes any plant, substance, structure or thing associated with the notifiable incident. If an incident site only extends to one area of the workplace, such as a single wind turbine, or one piece of infrastructure, the OIR inspector may allow the remainder of the site to continue functioning.

The duty to preserve or not disturb an incident site, does not prevent any action:

- to assist an injured person
- to remove a deceased person
- that is essential to make the site safe or to minimise the risk of a further notifiable incident
- that is associated with a police investigation
- for which an inspector or regulator has given permission.¹³

¹² WHS Act S38

¹³ WHS Act S39



The OIR or an OIR inspector may give permission by telephone or in person for the incident site to be disturbed, or an inspector may direct that the requirement to preserve a site no longer applies.

Licence holders or PCBUs may phone the OIR on **1300 674 472** to seek approval to disturb a site.

8. Activity commencement and completion notifications

Regulation 80 of the OEI Regulations requires the licence holder to include an activity timetable in their management plan and provide notification of commencement and completion of these activities.

The licence holder's management plan must:

- include a timetable for the licence activities; and
- require the licence holder to notify the OIR at least 30 days (or another period agreed between the OIR and the licence holder) before a licence activity specified in the timetable is to commence; and
- require the licence holder to notify the OIR no more than 30 days (or another period agreed between the OIR and the licence holder) after a licence activity specified in the timetable has been completed.

Licence holders can notify the OIR of activity commencement or completion by email offshorenwables@oir.gov.au. Please clearly title the email as '*Regulation 80 activity notification*'.

It is recognised that the timing of activity commencement and completion may vary from the expected timetable for a number of reasons. Licence holders are encouraged to maintain regular engagement with the OIR in relation to the expected commencement and completion dates of these activities.

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-FM2255 - Report of an accident, dangerous occurrence or environmental incident

N-03402-GL2083 - Work health and safety under the OEI Act framework

Appendix A: Frequently asked questions

Should I conduct an incident investigation prior to notifying the OIR?

No. Notifications must be made to the OIR as soon as possible after the incident occurred. The OIR understands that the licence holder and PCBU may not have all available information relating to the incident. However, the licence holder or PCBU must not wait to have all to the relevant information prior to notifying the OIR of the incident.

Do I need to notify the OIR of incidents that relate to multiple contractors?

The offshore renewable energy industry will often involve multiple contractors during the feasibility, construction, operation, and decommissioning phases of a project.

If a 'notifiable incident' arises out of more than one business or undertaking, then each must ensure that the incident has been notified to the OIR. There is no need for all duty holders to notify — only one needs to. However, all duty holders must ensure that a notification has occurred.

Best practice is to have an agreement on which PCBU (which could be the licence holder) will notify the regulator and a policy for all PCBUs to ensure they have a record of the notified incident reference number, and any directions or authorisations provided by the OIR.

An instance of bullying or harassment has occurred in the workplace. Do I need to notify the OIR?

Bullying and harassment are workplace hazards and can result in both physical and psychological harm in the workplace. Bullying and harassment may be considered a notifiable incident if it meets the definition of a serious injury or illness, or the definition of a dangerous incident.

Licence holders and PCBUs need to identify instances of bullying and harassment in the workplace and need to systematically identify, assess, and control these hazards. Controls should be monitored and reviewed over time and should be applied in all areas of the workplace.

Do I need to report sexual harassment and sexual assault to the OIR?

Instances of sexual harassment and assault may be considered notifiable incidents if they meet the definition of a serious injury or illness, or a dangerous incident. If this is the case, these incidents must be reported to the OIR.

What incidents are non-notifiable to the OIR?

Incidents that do not relate to the conduct of the business or undertaking, are non-work-related or occur outside the jurisdiction of the OIR.

Examples: A road traffic death in a privately-owned car of a person travelling between home and work, an injury or death to a worker from a medical procedure unrelated to work conditions, or an injury or death which occurs at a worksite outside of the Commonwealth Offshore Area.

Appendix B: Incident notification and reporting

Incident notification and reporting

Notifiable Incidents as per:

- OEI Act S233 & Reg 161
- WHS Act S37 & Reg 699A

Report all notifiable incidents to the OIR on
1300 674 472

Take reasonable steps to:

- Help or rescue sick, injured or endangered personnel
- Maintain the safety of the worksite or persons at the worksite
- Reduce the danger to the facility or persons at the facility
- Retrieve or attempt to retrieve the body of a deceased person.

