

Preparing a management plan

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Explanatory Note

An Exposure Draft of the Offshore Electricity Infrastructure Amendment Regulations 2024 (OEI Regulations) was released for public consultation by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 12 April 2024.

The Offshore Infrastructure Regulator (OIR) has prepared this document to provide preliminary information to stakeholders on the preparation of management plans under the *Offshore Electricity Infrastructure Act 2021* (OEI Act) framework.

Persons using this draft document should be aware that it is based on the current Exposure Draft of the OEI Regulations which may be subject to change. For this reason, references to specific regulation numbers have not been included in the document. However, references to specific provisions under the OEI Act are included throughout as this legislation is currently in force.

This document is intended to provide early-stage information on content and level of detail for management plans and will be amended to align with any regulatory changes progressed by DCCEEW following the Exposure Draft period.

As this draft document is based on the Exposure Draft OEI Regulations only, it should not be relied upon for the preparation of a final management plan to be submitted to the OIR once regulations are in force.

Contents

1. Background	3
2. Purpose	3
3. Scope	4
4. Disclaimer	4
5. Relevant legislation	4
6. Management plans within the OEI framework	5
7. Preparing a management plan for submission.....	5
7.1. Defining the offshore infrastructure project.....	6
7.2. Nature, scale and complexity	6
7.3. Considerations during preparation	7
8. Management plan content.....	8
8.1. Establishing the project context.....	8
8.1.1. Plan must describe activities and operations.....	9
8.1.2. Plan must address consultation	11
8.1.3. Plan must describe stakeholder engagement strategy.....	12
8.1.4. Conditions of the licence	12
8.1.5. Plan must refer to obligations under the EPBC Act.....	13
8.1.6. Plan must include information about design notification.....	13
8.1.7. Plan must address work health and safety	13
8.2. Plan must include list of relevant structures, equipment and property	16
8.3. Plan must describe maintenance of structures, equipment and property.....	18
8.4. Decommissioning, removal and remediation	19
8.5. Compliance with financial security requirements.....	20
9. The management system	24
9.1. Description of the management system	24
9.2. Notification of incidents, events and other matters	30
10. Plan must address emergency management	31
11. Plan must address compliance with record keeping requirements.....	33
12. Matters that cannot be fully addressed because of stage of project	34
13. Plan may apply, adopt or incorporate other instruments.....	34

1. Background

The Offshore Infrastructure Regulator (OIR) is provided with functions and powers under the *Offshore Electricity Infrastructure Act 2021* (OEI Act)¹. The OIR is responsible for regulating work health and safety, environmental management, and *infrastructure integrity*² of *offshore infrastructure activities*³ in the *Commonwealth offshore area*⁴.

2. Purpose

The purpose of this document is to provide OEI Act licence holders with information to support the preparation of a *management plan*⁵ for all licence types under the OEI Act. It is also intended to provide other stakeholders with general information about the management plan framework.

The management plan framework is intended to provide a systematic and repeatable process which allows a licence *holder*⁶ to progressively work through the planning of an *offshore infrastructure project*⁷ and to document how they will ensure that hazards and risks to the workforce and the integrity of offshore infrastructure will be identified and managed. Further, it requires licence holders to document how obligations in relation to environmental management and protection will be addressed and how the requirements of the OEI Act framework will be met on an ongoing basis during the project.

This document is structured to align with international standards for risk management (e.g. ISO 31000) in order to describe how a management plan might be most efficiently and logically structured to meet requirements.

¹ See section 177 of the OEI Act

² See section 8 of the OEI Act

³ Ibid

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

3. Scope

This document is relevant to licence holders intending to prepare a management plan for activities authorised under a licence as defined in the OEI Act:

OEI Act Section 8 Definitions

licence means any of the following

- (a) a feasibility licence;*
- (b) a commercial licence;*
- (c) a research and demonstration licence;*
- (d) a transmission and infrastructure licence*

A licence holder that proposes to construct, install, commission, operate, maintain, or decommission offshore infrastructure must have a management plan, approved by the OIR for the activities to be conducted under the licence before those activities commence.

4. Disclaimer

This document is not a legal instrument and does not override or amend the requirements of the OEI Act or Offshore Electricity Infrastructure Regulations 2022 (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.

5. Relevant legislation

The following Commonwealth legislation gives direction to the OIR and provides the legal framework relevant to the preparation of a management plan:

- *Offshore Electricity Infrastructure Act 2021 (OEI Act)*
- *Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations)*
- *Work Health and Safety Act 2011 (Cwlth) (WHS Act)* as applied under the OEI Act
- *Work Health and Safety Regulations 2011 (Cwlth) (WHS Regulations)* as applied under the OEI Regulations
- *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*
- *Environment Protection and Biodiversity Conservation Regulations 2000 (EPBC Regulations)*

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

6. Management plans within the OEI framework

The management plan is a key component of the OEI framework, which should describe how a licence holder will manage the offshore infrastructure project to be carried out under their licence.

The OEI Act provides that there is a single management plan for each licence which will be periodically revised by the licence holder to address the activities and phases of the project lifecycle. Offshore infrastructure activities covered by the management plan cannot commence until the plan has been approved by the OIR even if other approvals, such as primary approvals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), have been obtained where required.

There are some activities which a licence holder may wish to undertake in relation to their licence which may not require the approval of a management plan under the OEI Act. Further guidance on which activities may require an approved management plan prior to commencement is provided in our *Authorisations for offshore infrastructure activities* guideline.

Once approved, the management plan for a licence becomes a legally enforceable document.

The OIR will monitor the licence holder's compliance with the approved management plan and, where necessary, take enforcement action to provide assurance that a licence holder:

- maintains compliance with relevant requirements and obligations as described in the management plan and in accordance with relevant legislation;
- ensures activities are being carried out in a safe and responsible manner; and
- drives continuous improvement.

Non-compliance with a management plan may result in enforcement actions such as directions, issue of notices, prosecution, or cancellation of a licence.

7. Preparing a management plan for submission

This section seeks to provide information on preparatory steps that a licence holder should undertake prior to submitting a management plan for assessment.

7.1. Defining the offshore infrastructure project

The term offshore infrastructure project is defined under section 8 of the OEI Act as below.

OEI Act Section 8 Definitions

offshore infrastructure project, in relation to a licence, means all of the following:

- (a) *the offshore renewable energy infrastructure or offshore electricity transmission infrastructure that is, or is to be, constructed, installed, commissioned, operated, maintained or decommissioned under the licence*
- (b) *any activities that are, or are to be, carried out under the licence in the licence area by or on behalf of the licence holder*
- (c) *any activities that this Act requires to be carried out in the licence area by or on behalf of the licence holder.*

A management plan for a licence should seek to define the offshore infrastructure project to which it relates as clearly as possible based on the information available to the licence holder during preparation of the plan. It should be clear to the OIR what infrastructure and related activities are included within the scope and timeframe of the management plan and what the licence holder is seeking to have approved.

The OIR recognises that circumstances can change and that some flexibility is required within a management plan to ensure that, where non-significant changes to an offshore infrastructure project occur, the project can proceed without the need for a revised management plan to be approved.

Licence holders should carefully consider how to balance the need for the OIR to assess a clearly scoped project with the need for some operational flexibility in the event of a change in circumstances which does not significantly alter the manner in which the hazards, impacts and risks of the project will be managed. The management plan should also explain any matters that cannot be fully addressed, given the stage of the project at the time a management plan is being prepared.

Note: Requirements for revision of a management plan are to be addressed in separate guidance following finalisation of relevant regulations.

7.2. Nature, scale and complexity

The nature, scale and complexity of an offshore infrastructure project can vary significantly depending on the type of licence that the project is to be carried out under, the lifecycle stage of a development and the potential for interactions between the project and other users of the area.

A management plan for a licence is intended to be a flexible and scalable document that can cater for small and relatively low impact projects, for example the deployment and retrieval of floating LiDAR systems, to large, complex projects that may result in significant hazards and risks to the workforce, the integrity of infrastructure and impacts to the environment.

This document is intended to provide information that is applicable to the preparation of a management plan for all licence and project types. To be approved, a management plan must appropriately address all of the requirements of the OEI Act and Regulations, regardless of the nature and scale of the project.

Licence holders should take into account the nature, scale and complexity of their proposed offshore infrastructure project and ensure that the level of detail and information contained within the management plan is commensurate to the project that is being proposed.

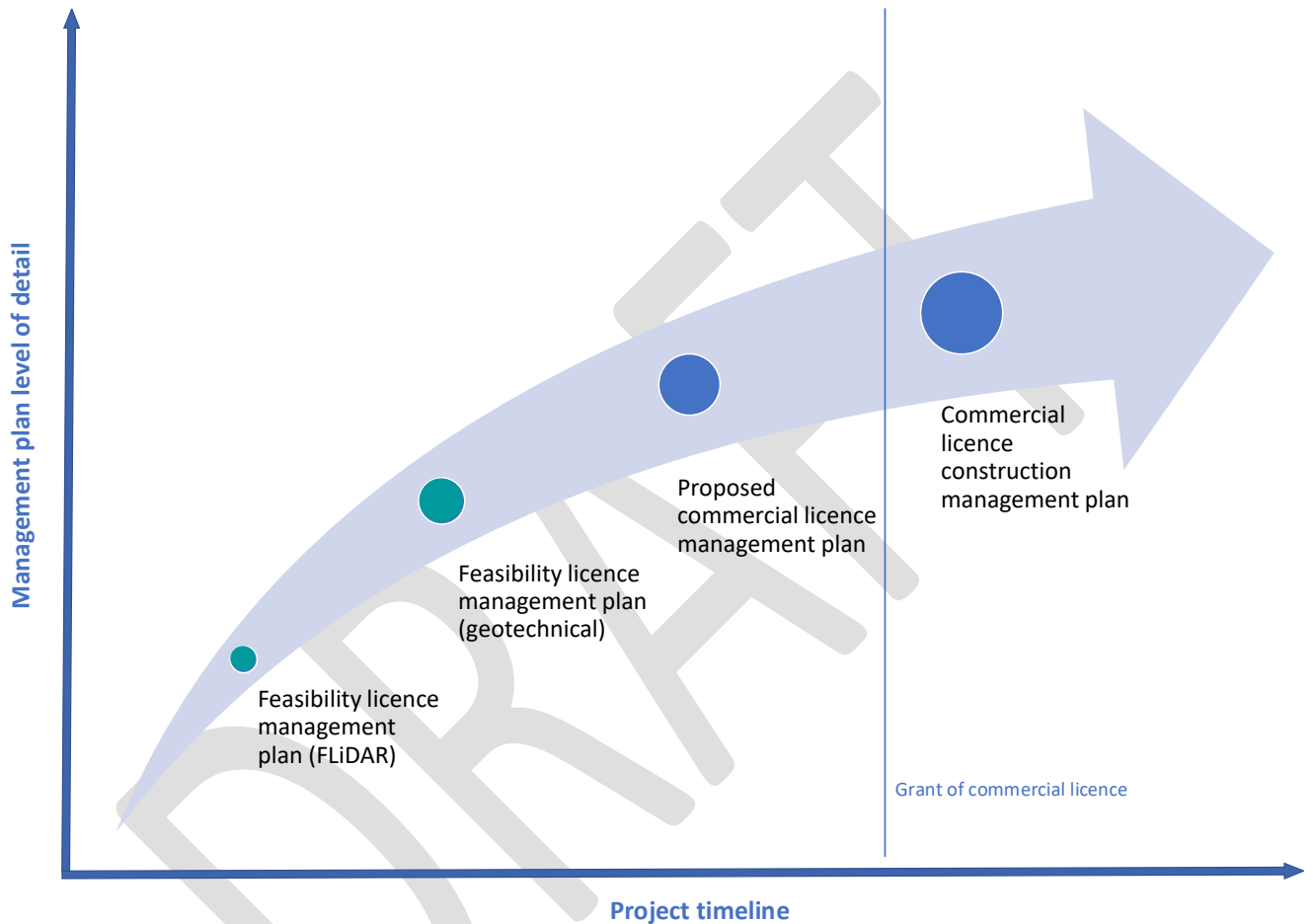


Figure 1 – Management plan level of detail over time
In accordance with the OEI Act, there is a single management plan for each licence which is to be periodically revised by the licence holder to address the activities and phases of the project lifecycle.

7.3. Considerations during preparation

Prior to submitting a management plan to the OIR, licence holders should consider any precursor steps that are necessary to ensure that the management plan can be validly submitted and that the OIR is able to make an assessment.

Prior to submitting a management plan licence holders should consider the following:

- **Is a design notification required?** – Projects that are to be carried out under a transmission and infrastructure licence or a proposed commercial licence are subject to design notification requirements.

Prior to submitting a management plan, a licence holder should confirm whether a design notification is required and ensure any requirements are met.

- **Has consultation been undertaken?** – Licence holders should ensure that they are satisfied they have met any requirements for consultation in preparation of the plan before submitting a management plan for assessment. This consultation should be undertaken in accordance with the licence holders overarching stakeholder engagement strategy.
- **Do obligations under the EPBC Act apply to the activities?** – Section 115(1)(c) of the OEI Act requires that a management plan must address environmental management, including how the licence holder is to comply with any obligations under the EPBC Act, or regulations under that Act, in relation to the activities to be carried out under the licence. To meet this requirement, the licence holder must first address any approval requirements under the EPBC Act, then consider what EPBC Act obligations apply to the offshore infrastructure project that the management plan relates to and ensure that these obligations are carried through to the management plan and are addressed. Further considerations and guidance in relation to EPBC Act obligations and their interface with OEI Act management plans can be found in our preliminary information on environmental management regulation for offshore renewables.

8. Management plan content

Section 115 of the OEI Act sets out the matters to be addressed in a management plan. The Exposure Draft of the regulations provides further information in relation to these requirements which may support a licence holder in considering how a management plan can be structured and the content that a management plan should contain.

The nature, scale and complexity of the offshore infrastructure project to which the management plan relates will dictate the amount of information that a licence holder will need to include in a management plan in order to address the requirements.

Based on the OEI Act and the Exposure Draft of the regulations, this section provides information on the form and structure of a management plan for a licence and provides some further considerations for licence holders seeking to prepare a management plan for submission to the OIR once regulations are in force. The proposed structure is intended to ensure that licence holders appropriately consider the context for their activity, the obligations that will apply to them and other people working on an offshore infrastructure project and ensure that all these elements are addressed by the management system that is to be in place for the project.

8.1. Establishing the project context

Consistent with international standards for risk assessment and management, licence holders must clearly understand the internal and external context which will apply to their project and ensure that all aspects of their management plan are informed by this context. AS ISO 31000:2018 provides further information and guidance on understanding internal and external context.

A solid understanding of project context and a clearly defined scope for the offshore infrastructure project (see section 7.1) are essential to understanding how a project will interact with the environment in which it is proposed to take place. This will allow the licence holder to consider what factors may have an influence on the project, will assist in the identification, assessment and mitigation of hazards, impacts and risks, and support the development and implementation of the management system for the project.

There are a number of elements specific to the OEI Act regime that inform the external context of a project from its location and layout through to operational details and timing, the outcomes of consultation and the conditions and obligations that apply to carrying out the project. This section seeks to explore those elements in greater detail.

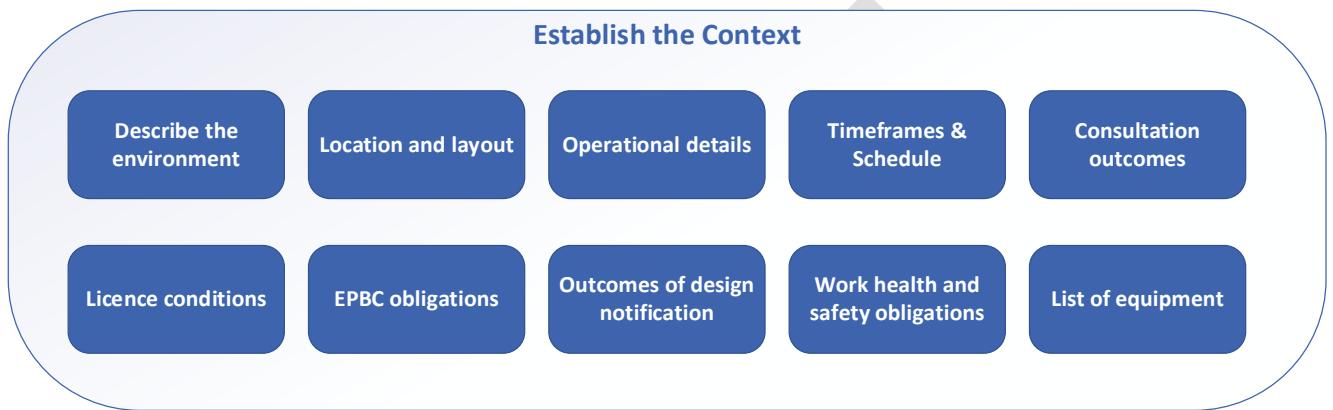


Figure 2. Establishing the project context

8.1.1. Plan must describe activities and operations

The Exposure Draft of the regulations provides specific information that a management plan should include in relation to the activities and operations that are proposed to be carried out.

Describe the environment including the physical environment and the general operating conditions for the licence activities⁸

The licence holder must demonstrate a solid understanding of the operating conditions in which they are proposing to undertake their project. The management plan is not intended to reproduce or duplicate requirements under the EPBC Act with respect to the description of the ecological, cultural or social environment. Rather, the management plan should contain sufficient detail of the environment where infrastructure is to be deployed and related activities are to take place such that the hazards, impacts and risks that may be presented by the operating environment to that infrastructure, the workforce and sensitive environmental features can be appropriately identified and assessed.

At a minimum the management plan should describe the following:

⁸ Defined under the Exposure Draft OEI Amendment Regulations 2024 as an offshore infrastructure activity or other activity carried out, or to be carried out under the licence.

- **Physical environment** – includes aspects such as bathymetry, metocean conditions, geohazards, ground conditions and other site constraints that are likely to affect the integrity of infrastructure or the safety of the workforce who will be undertaking the offshore infrastructure project. For example, if there are specific geotechnical or other conditions which may influence the design or integrity of infrastructure these should be highlighted.
- **Ecological environment** – includes aspects such as any specific ecological sensitivities that have been identified within or adjacent to the licence area that will influence the layout or design, and implementation of the offshore infrastructure project. To avoid duplicating content from primary environmental approval documents, a licence holder may wish to refer to information contained in referral or environmental impact assessment documentation submitted under the EPBC Act if the information is particularly relevant to the project and its operational management.
- **Other marine users and uses** – A general description of the other marine users and uses of the environment in which the project is to be undertaken should also be included. This should focus on any interactions between the project and other activities that may influence the hazards, impacts and risks for the project and how they will be managed.

Location or locations of the licence activities and layout of licence infrastructure

The management plan should include coordinates of licence infrastructure and activities, and relevant maps or images. Maps should show the infrastructure and planned licence activities within the licence boundary, regional context including depth contours, important or relevant locations, places or features referred to in the description of the environment.

Include an outline of the operational details of the licence activities

The management plan must clearly set out the operational details of licence activities and clearly define the scope of activities the licence holder is seeking to have approved. The management plan should provide sufficient operational details to allow the OIR to consider individual licence activities as well as potential interactions between activities.

A timetable for the licence activities

A management plan should include a timetable for the licence activities that outlines when the licence holder proposes to undertake activities and provides an indication of when activities may cease.

The timetable may refer to phases of licence activities (e.g. installation of stage 1 of a multistage wind farm development) or may refer to specific time bound activities (e.g. undertaking a geotechnical campaign). The OIR recognises that timetables can be subject to change based on environmental, operational or other constraints. For this reason, the timetable included in the management plan should seek to provide sufficient flexibility that changes in the timing of specific activities or project phases can be accommodated. A timetable need not cover the full lifecycle of a project but must cover the scope of activities for which approval is being sought under the management plan.

In all cases, where obligations arising from any decision under the EPBC Act influence or constrain when an activity or aspects of an activity may be undertaken then these obligations should be appropriately reflected in the timetable included in the management plan.

8.1.2. Plan must address consultation

This section covers how the licence holder will identify and consult persons, organisations, communities and groups (consultees) in preparation of a management plan.

The Exposure Draft of the regulations currently identifies a range of consultees and specifies activities that are subject to consultation for the purposes of a management plan. This section is based on the draft requirements recognising they may be subject to modification as a result of feedback during the Exposure Draft period.

It is the licence holder's responsibility to undertake consultation while preparing a management plan. Licence holders should be guided by consultees in determining the manner, frequency and focus of consultation including the types and format of information that consultees may require.

The primary purpose of consultation is to assist the licence holder in understanding the external context in which they are operating and how their project may interact with other marine uses and users. It is important to note that the management plan should address the interactions between the licence activities that are to be carried out under a relevant licence within the licence area and other activities that may be affected by the licence activities. A licence holder may wish to undertake broader consultation in relation to their project, for example in relation to activities onshore, however the management plan need only address consultation carried out in relation to the licence activities subject to the plan.

To assist in ensuring that an appropriate scope of consultees is engaged during preparation of the management plan a licence holder should use a variety of methods to understand what activities already exist within and in proximity to their licence areas and assess how their proposed projects are likely to interact with these activities.

Consultation is expected to be an ongoing activity undertaken by a licence holder throughout the lifecycle of a project. Where matters have already been raised and addressed, consultation does not need to be repeated prior to submitting the management plan unless further consultation is necessary due to changes in the project or its interactions with consultees.

For example, if relevant consultation was undertaken while obtaining a primary environmental approval for the project under the EPBC Act, and records of this consultation have been appropriately documented, a licence holder may reference these materials in a management plan.

It should be noted that licence holders need not disclose any information to consultees that could reasonably be expected to substantially prejudice the commercial interests of the licence holder or any other person.

Describe the consultation process

The process that the licence holder has used to identify consultees should be detailed in the management plan. Information should also be included to demonstrate how the licence holder has provided consultees with sufficient information and time to allow an informed assessment of any reasonably foreseeable effects that their activities may have on those consultees.

It is likely that the information requirements and timeframes required will vary dependent on the level of interaction that the project may have with the consultee. Licence holders should be guided by consultees when determining the most effective way to communicate information and elicit feedback. In most cases this process will be iterative and require the licence holder to engage on multiple occasions using a variety of approaches.

List of consultees

A comprehensive list of consultees who have been consulted in the preparation of the management plan should be provided. This should also include any consultees who the licence holder has sought to engage with but who may not have provided feedback or responses to the licence holder.

If a response has not been provided the licence holder should include sufficient evidence to demonstrate that reasonable efforts to identify and consult those people have been undertaken.

Report on consultation

A report on the outcomes of consultation should be prepared and included in the management plan to demonstrate that consultation has been undertaken and that the outcomes of that consultation have informed the management of the project.

8.1.3. Plan must describe stakeholder engagement strategy

The licence holder's stakeholder engagement strategy should be described at a process level and demonstrate that a documented system is in place to identify consultees, consult on relevant matters and record the outcomes of this consultation to inform management plan development and ongoing adaptive management of licence activities. The strategy should cover the approach to consultation at all stages of the project from inception and provide a consistent process for consultation on an ongoing basis.

It is likely that each licence holder will already have a stakeholder engagement strategy in place prior to development of a management plan. The OIR acknowledges that such strategies are often broadly scoped and provide for consultation on a range of matters that may be outside the scope of the OEI framework and regulatory requirements. This may include approaches to complying with other legislative requirements within or outside the Commonwealth offshore area.

For this reason, the management plan for the project should only describe the elements of the stakeholder engagement strategy that are relevant to the scope of the management plan and the licence activities.

8.1.4. Conditions of the licence

Conditions on an OEI Act licence may inform the management of licence activities under a management plan. If there are conditions on a licence, and those conditions relate to the licence activities, the management plan should describe how the licence holder will implement measures to ensure the conditions are complied with.

The OEI Act provides that, when granting a licence, the Minister may impose whatever conditions on the licence that the Minister thinks fit. This means that there may be circumstances where certain conditions of a licence do not relate to the licence activities. In such circumstances, licence conditions that do not relate to licence activities do not need to be addressed in the management plan.

In practical terms this means that if there are conditions on the licence that relate to the operational activities of the licence holder that are within scope of the management plan, the plan must include reference to these conditions and must set out how the licence holder, and any other person carrying out activities on behalf of the licence holder, will ensure that the conditions are complied with.

8.1.5. Plan must refer to obligations under the EPBC Act

The OEI Act (s115(1)(c)) provides for a legislative link between the EPBC Act and the OEI Act management plan. Where a licence holder has obligations that originate from the EPBC Act or associated regulations in relation to licence activities, these are key context for determining how hazards, impacts and risks need to be managed.

The licence holder must determine what obligations under the EPBC Act and/or associated regulations apply to their licence activities and what needs to be described in the management plan. As with conditions on a licence, there may be obligations under the EPBC Act and/or regulations that would not be considered to be in relation to the licence activities. The licence holder should refer to the OIR's preliminary information addressing the environmental management regulation for offshore renewables when determining whether EPBC Act and/or regulations obligations exist in relation to activities proposed to be carried out under the licence.

Once EPBC Act obligations that apply in relation to licence activities have been identified and described, the measures that will be implemented to comply with those obligations should be clearly described. How these measures are to be set out in the management plan will depend on the nature of the obligation.

8.1.6. Plan must include information about design notification

For management plans that relate to proposed commercial licences and transmission and infrastructure licences, the licence holder must give a design notification to the OIR prior to submitting a management plan. The design notification provides an opportunity for early engagement where the licence holder can explain their project design to the Regulator and demonstrate how the licence holder has avoided major hazards through design to the extent practicable. The OIR will provide a regulatory advice statement to the licence holder following consideration of the design notification which will include any feedback that the OIR considers may be relevant to the proposed offshore infrastructure project.

The OIR understands that many aspects of offshore infrastructure projects are subject to change, modification, and refinement over the course of the planning and design phase as new information comes to light and circumstances change. If what is proposed in a management plan is not consistent with what has been put forward in a design notification already considered by the OIR, the management plan should provide sufficient information and justification as to how and why particular aspects of project design and layout have changed. This part of the plan should also demonstrate how any change avoids any significant increase in risks to the workforce, infrastructure integrity or the environment.

Where a design notification has been submitted, the licence holder may wish to refer to detailed information supplied in the relevant design notification in addressing management plan requirements. This may include information that describes the reasoning for the project layout and the factors that have influenced where infrastructure is located within the licence area.

Information in relation to content and requirements for design notifications is not addressed further in this document. Refer to our preliminary information on preparing design notifications for more information.

8.1.7. Plan must address work health and safety

Recognising that the health and safety of the workforce is of paramount importance, the OEI framework has been designed to align with the *Work Health and Safety Act 2011 (Cwlth)* (WHS Act) and the associated *Work Health and Safety Regulations 2011 (Cwlth)* (WHS Regulations). Collectively the OEI Act refers to these as the applied work health and safety provisions.

The OEI Act modifies these provisions to more appropriately apply in the offshore environment and licence holders should be cognisant of this when determining their WHS obligations.

The work health and safety provisions apply in accordance with section 226 of the OEI Act as follows:

OEI Act Section 226 Application of the Work Health and Safety Act 2011

The *Work Health and Safety Act 2011* (the Work Health and Safety Act), as modified by this Part, applies in relation to any of the following carried out in the Commonwealth offshore area:

- a. work in the nature of offshore infrastructure activities;
- b. any other work carried out, or purportedly carried out, under a licence;
- c. any other work carried out, or purportedly carried out, in accordance with a requirement under this Act.

These activities are defined as **regulated offshore activities**⁹ under the OEI Act and any work that falls within the scope of this definition will be covered by the applied WHS provisions.

Work being carried out from vessels, vehicles, aircraft and other mobile structures may also be subject to the applied work health and safety provisions. In the vast majority of cases for offshore renewables projects, it will be work being carried out from vessels that will be regulated under the applied WHS provisions which commence when the vessel is at the site where it will be used and activities necessary to make the vessel and related plant and equipment operational at the site have begun. The applied WHS provisions cease to have effect after regulated offshore activities cease, and the vessel is returned to a form in which it can be moved to another place (see OEI Act s230).

During the execution of an offshore infrastructure project, it is likely that the licence holder will source equipment and services through external parties (contractors and/or sub-contractors), who will undertake their activities either on a standalone basis or as part of a larger integrated worksite.

Whilst it's expected that each worksite will have a management structure in place, it will be the licence holder who will provide coordination and oversight across the offshore infrastructure project (see figure 1 below).

⁹ See section 228 of the OEI Act.

In the context of the applied work health and safety provisions both the licence holder and external parties engaged by the licence holder will be persons conducting a business or undertaking (PCBU's) and as such have duties to ensure the safety of workers.

Content in relation to WHS that is included in a management plan should focus on the interfaces between the licence holder, other PCBU's and workers to ensure that the project as a whole is managed safely and that obligations under the applied work health and safety provisions can be met.

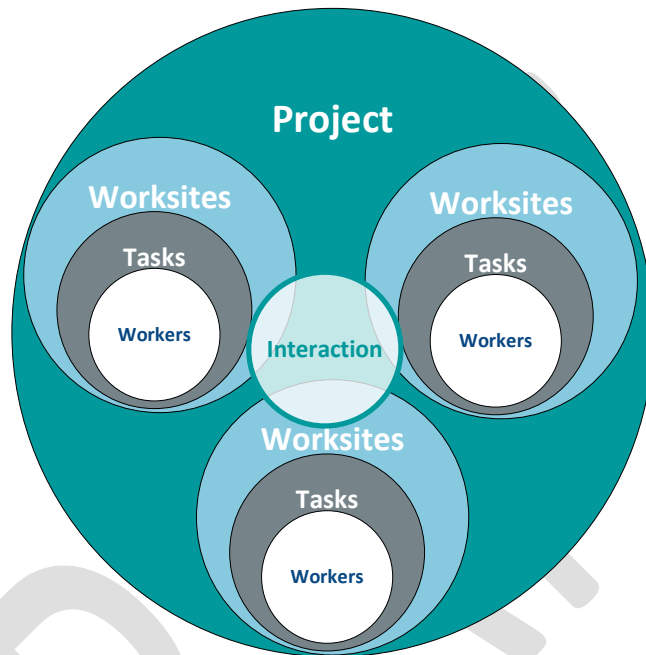


Figure 3 – Worksite arrangements

In all cases the licence holder will be a PCBU and as such the primary duty of care under section 19 of the WHS Act (as applied by the OEI Act) will apply in relation to all workers who are carrying out work in any capacity for the licence holder.

Subordinate to the primary duty of care are a range of other shared duties and obligations that will apply to the licence holder and to other PCBU's who are undertaking work for or on behalf of the licence holder.

The management plan should describe in general terms the obligations that are relevant to the scope or scopes of work that are to be undertaken.

The OIR recognises that there is a broad suite of obligations under the applied WHS provisions which will apply to the licence holder as a PCBU.

This part of the management plan should not contain an exhaustive list of obligations from across these provisions but rather the licence holder should demonstrate that they have a solid understanding of the duties and obligations that apply to them.

The plan must then describe how the licence holder is complying and will continue to comply with the obligations. This provision is intended to provide for the licence holder to demonstrate the systems that will be in place to ensure that compliance with the applied WHS provisions is monitored and consistently maintained where work is being undertaken in the licence area. This section will be closely linked to the management

system of the licence holder which should describe how the compliance of all workers, contractors, sub-contractors and any other persons conducting work on behalf of the licence holder will be monitored and how non-compliance will be identified and addressed.

The OIR recognises that offshore infrastructure projects will vary considerably in the nature and scale of work that will need to be undertaken and as such the description of interfaces between the licence holder and persons undertaking work on behalf of the licence holder will also vary.

Refer to our separate preliminary information on the operation of the applied WHS provisions under the OEI Act framework for more information.

The OIR will undertake compliance monitoring of the licence holder and all PCBU's involved in the offshore infrastructure project against their WHS duties and obligations.

8.2. Plan must include list of relevant structures, equipment and property

Where a licence holder brings structures, equipment or property (collectively referred to as structures) into a licence area, or authorises another party to do so, obligations in relation to the maintenance and removal of those structures, and obligations to provide financial security in relation to those structures, apply to the licence holder¹⁰.

The management plan should include a list of structures that can be modified and expanded over time as a project develops to capture all relevant structures that are, are to be, or have been in any particular licence area.

The list of structures must contain the following information:

- a concise description of each item
- the location or locations in the licence area where each item is being, has been, or is to be used
- how each item is currently being used (current status) and
- how each item is to be used, decommissioned or removed (future status).

The list of structures serves multiple purposes in the context of the management plan as follows:

¹⁰ Sections 116 and 117 of the OEI Act

- Allowing the licence holder and OIR to keep track of structures and ensure they are being actively managed.
- Providing a basis for the licence holder to estimate an appropriate amount of financial security in relation to structures.
- Allowing the licence holder to demonstrate that structures have been appropriately decommissioned and removed at the end of their operational life and that eventually a licence can be surrendered.

It is expected that licence holders will take a pragmatic approach to ensure that the list of structures is described appropriately. For example, all fixed or tethered equipment that is OREI or OETI and which is intended to remain within the licence area for an extended period should be included in the list. Any structures or other significant items that have been dropped, wet parked or that have not been removed from the licence area should also be included.

For example, if a vessel is installing turbines in a licence area and a significant item of equipment such as a storage container is lost overboard and sinks to the seabed, retrieval of this item is required and it should be included in the list of structures in the management plan.

For the location or locations of structures, this may be linked directly to the map of the project layout included in the management plan with supporting coordinates for the locations of fixed or tethered OREI and OETI.

The current and future status of structures should be described at a level of detail appropriate to the life stage of the project. For example, in relation to long term plans for decommissioning and removal of structures, equipment and property, the management plan should provide high level information on the intended future status of the structures. Proposals and supporting information in relation to the final fate of structures should be provided in a revised management plan at a point in time where the structures are reaching the end of their operational life. It is expected that the level of detail given in the management plan in relation to decommissioning and removal will increase as structures reach the end of their operational life.

The OIR recommends that licence holders document where previously fixed or tethered structures have been removed from the licence area in future revisions of the management plan such that the licence holder can demonstrate that all structures have been decommissioned and all structures, equipment and property have been removed or otherwise dealt with. This will support the licence holder in making a case for partial or complete release of financial securities and will support any application for the surrender of a licence once a project has ended.

The OIR recommends that the list of structures be presented in table form to ensure that all structures are appropriately captured and that their status can be tracked and recorded over time. An example of what a list may look like is provided in **Table 1** below. Where the list of structures becomes extensive over time this may be included as an appendix to the management plan and referenced in the body of the document.

Table 1 – List of structures, equipment and property for commercial licence CL- 01- Vic

Item	Description of item	Location (GDA 94)	Current status	Future status
1. FLiDAR buoy	1 x floating lidar buoy and associated anchoring system	Coordinates	Removed in Q4 2026 under Management Plan MP-CL-01-Vic Rev 4 November 2026	Completely removed
2. Wind turbines	60 x Fixed bottom wind turbines comprising foundations, transition pieces, towers, nacelles, rotors and blades	String A01-A05 : Coordinates String A06-A10 : Coordinates (Etc)	Operational	To be fully removed or otherwise determined at end of operational life (anticipated 2045)
3. In field cables	149km of 34kV three-phase subsea cables interlinking turbines and connecting to offshore substation OSS-01	As depicted in map at figure 3 in line with coordinates for turbines and substation in this list	Operational	To be fully removed or otherwise determined at end of operational life (anticipated 2045)
4. Offshore substation	1 HVAC offshore substation designated OSS-01	Coordinates	Operational	To be fully removed or otherwise determined at end of operational life (anticipated 2045)

8.3. Plan must describe maintenance of structures, equipment and property

The management plan should provide an overview of how the licence holder will ensure that the integrity of all structures, equipment and property will be monitored and maintained such that it continues to operate safely. The management plan must also address systems and processes for preventative maintenance that will be carried out to reduce the risk of incidents or failure of structures, equipment and associated systems.

This section of the management plan should document the systems and practices that the licence holder will implement to:

- Provide assurance that structures and equipment will be maintained such that they remain fit for their intended function or use for the duration of the offshore project. This includes providing assurance that structures and equipment will be maintained when no longer operational such that they can be removed or otherwise decommissioned in a safe and responsible manner.
- Provide assurance that all equipment that is to be used in an emergency is maintained such that it will operate effectively if required where responding under emergency conditions.

- Provide a description of the assurance measures that will be in place to:
 - monitor the performance of structures and equipment to inform maintenance activities.
 - provide assurance that all structures and equipment will continue to perform their intended function
 - provide assurance that the structural integrity of structures and equipment will be maintained
 - provide assurance that mechanical integrity and the integrity of electrical, hydraulic and other associated systems will be maintained.

The description of the assurance measure(s) in the management plan should:

- Identify items subject to assurance with reference to the list of relevant structures, equipment, and property.
- Identify the appropriate level of assurance through analysis of reliability, availability and maintainability requirements with due regard given to the scale, nature, and complexity of the offshore infrastructure project.
- Identify the mechanisms through which the assurance will be provided, which may include peer reviews, validation, verification, certification, classification, or an alternate approach proposed by the licence holder ensuring that the provisions around 'fit for function' and 'monitoring and maintaining' are suitably addressed.

Where the licence holder proposes to present a combination of assurance measures in the management plan, the licence holder will be required to demonstrate through a gap assessment (or similar process) that all elements of the relevant structures, equipment and property are suitably addressed.

In addition, the management plan should contain a high-level description of the licence holder's maintenance management system which includes the process that will be implemented to ensure that all structures and equipment are routinely inspected, maintained and repaired such that integrity is assured.

This section should also document the standards that will be applied over the life of the offshore infrastructure project in relation to relevant equipment. Where a significant number of standards are to be applied these may be included as an appendix to the management plan and referenced in the body of the document.

As a part of the description of the maintenance management system the management plan should also describe how the licence holder will determine that standards for the operation and performance of equipment are being met on an ongoing basis.

8.4. Decommissioning, removal and remediation

A description of proposed decommissioning arrangements appropriate to the lifecycle phase of the offshore infrastructure project should be included in the management plan. For activities under feasibility licences, it is expected that all equipment will be fully decommissioned and removed when no longer in use or to be used. For larger scale projects, the licence holder should consider the anticipated operating life of licence infrastructure and put in place a strategy for the eventual decommissioning of that infrastructure at the end of its operational life.

At the early stages of a project, the management plan should include sufficient detail in relation to eventual decommissioning of licence infrastructure and remediation of the licence area to demonstrate that the licence

holder has developed a high-level decommissioning strategy with associated timeframes and broad scale project phases. As a project matures, the level of detail in the management plan in relation to decommissioning and remediation will need to increase in line with decommissioning planning phases.

The arrangements set out in the management plan should be sufficiently detailed, from the outset, to demonstrate that decommissioning has been fully considered and factored into design decisions and project execution planning, and that a viable decommissioning strategy has been developed.

No less than five years prior to the predicted end of operating life of licence infrastructure, the management plan should contain detailed plans for decommissioning including timelines and details of the operational activities necessary to appropriately decommission that infrastructure.

The plan for decommissioning infrastructure should be linked to the list of equipment included in the management plan such that it can be demonstrated that planning for the decommissioning of all structures and equipment has been considered and provided for.

Section 116 of the OEI Act requires that all structures must be removed from the licence area if no longer used, nor to be used, in connection with the activities under the licence. This section has effect subject to, among other things, the management plan for the licence. In practical terms this means that the management plan for the licence can provide for alternative end states for equipment if the licence holder can demonstrate that options other than full removal are appropriate. The licence holder will also need to confirm whether there are obligations that apply to the licence, project or particular licence activities that limit or constrain options that may be available to deviate from the full removal base case.

Decisions in relation to end states other than full removal will be taken by the OIR at a point in time where sufficient planning in relation to decommissioning and removal options has been undertaken by the licence holder and included in the management plan. This is likely to be toward the end of the operational life of licence infrastructure at a point in time where the external operating context (e.g. future uses of the area, impacts on other marine users, available technologies for decommissioning and removal) are better understood.

Until that stage in the project, licence holders should plan toward full removal of licence infrastructure and include this as a consideration in decommissioning planning and estimation of financial securities.

8.5. Compliance with financial security requirements

The management plan must describe how the licence holder is currently complying or will comply with the requirements for financial securities under section 117 of the OEI Act.

Set out how the licence holder has estimated the amount of financial security

The management plan should describe how the licence holder has estimated the amount of financial security that will be required to comply with the Act. Final calculations should be provided in Australian dollars and be

clearly linked to decommissioning of infrastructure, removal of equipment and property, and remediation of the licence area.¹¹

Given the variability of infrastructure that will be installed across different offshore infrastructure projects and licence types, it is likely that a calculation method will need to be tailored to the specific circumstances of each project.

Licence holders are free to develop their own calculation method specific to the circumstances of their project however any method should be supported by reasoning and evidence as to how the licence holder has reached their conclusions in relation to estimated decommissioning and remediation costs.

In considering what a calculation method should cover, the licence holder should be guided by the relevant elements of section 117 of the OEI Act.

Firstly, the method set out in the management plan must calculate the costs to the Commonwealth of decommissioning, removal of equipment and property, and remediation of areas affected by activities.

The OIR considers that in all circumstances costs to the Commonwealth for completing this work on behalf of a licence holder will be higher than the costs for a licence holder to complete the same work. This is because the Commonwealth does not hold the expertise, equipment, contracts, business relationships or resources to undertake offshore decommissioning and remediation works and would be required to acquire these to complete work on behalf of a licence holder. For this reason, any method should seek to establish a reasonable estimate of these costs, expenses and liabilities to the Commonwealth in the event that the licence holder defaults on their obligations.

Secondly, the method set out in the management plan should estimate the costs to decommission licence infrastructure and to remove equipment and property from the licence area or a vacated area. To accurately estimate these costs a bottom-up costing approach may be required which considers the full costs of decommissioning the project. Licence holders should link the calculation method to the list of equipment provided in the management plan and should include a breakdown of other costs.

Thirdly, the method should address the costs of remediating the licence area, vacated areas and any other area affected by activities carried out under the licence. To estimate these costs the method should consider any damage to the environment that may be caused by the licence activities. This may include remediation damage caused by the decommissioning of infrastructure, for example damage caused when removing buried infrastructure.

¹¹ Section 117 of the OEI Act

Finally, the method described in the management plan should consider any costs, expenses or liabilities that may arise from emergencies and unexpected circumstances in relation to:

- decommissioning licence infrastructure
- removing structures, equipment and property from the licence area
- removing things from vacated areas, and
- remediating the licence area, vacated areas or any other area affected by licence activities.

This may include remediation of damage caused through reasonably foreseeable emergencies, for example recovery of equipment that may have drifted outside the licence area and remediation of any damage caused as a result of that event.

Describe how the licence holder has verified the method

Licence holders may take a variety of approaches to demonstrate that the method they have used to estimate the amount of financial security for a licence has been appropriately verified.

For relatively straightforward calculations, for example the costs associated with removal of a FLiDAR installation, evidence could be provided from a third-party contractor or service provider that verify the costs accurately reflect the full cost of mobilising a vessel, recovering all equipment and disposing of, or otherwise dealing with, any generated waste.

For larger more complex projects it will likely be necessary to secure the services of an independent third-party verifier to scrutinise the calculation method and provide a report to demonstrate that the method is appropriate to accurately estimate the amount of financial security.

State the amount of financial security provided and the form(s) of that security

This applies to management plans for licences where infrastructure has already been installed and remains in situ. The management plan should lay out the financial securities that the licence holder has in place for the licence and the form(s) of that security. It may be most efficient to provide this information in a table listing the amount(s) of security in Australian dollars provided, the form(s) of that security and any relevant additional information, such as expiry dates, in relation to that security.

For example:

Table 2 – Securities in place for commercial licence CL-1

Amount of security	Form of security	Additional information
\$322,148,000	Bank guarantee	Guarantee ABC-123 held with the ACME bank of Australia to expire on DD/MM/YYYY
\$150,000	Cash bond	Provided to the Commonwealth on DD/MM/YYYY and registered as security CL-1-XYZ

State any amounts of financial security the licence holder is to provide and the form(s) of that security

This section of the management plan should lay out the proposed securities that the licence holder will provide in future to meet obligations under s117 of the OEI Act.

This section should also include a timetable for provision of future securities where those securities are to be provided at different times in relation to particular licence infrastructure. As with already provided securities licence holders may find it most efficient to present this information in a table.

For example:

Table 3 – Securities to be provided for Commercial Licence CL-1

Amount of security	Form of security	Timetable for provision
\$168,936,000	Bank guarantee or Performance bond	At least 30 days prior to the commencement of construction Phase 2 as outlined in the timetable at section 4.1.2 of this management plan
\$271,586,000	Bank guarantee or Performance bond	At least 30 days prior to the commencement of construction Phase 3 as outlined the timetable at section 4.1.2 of this management plan

The licence holder may utilise a range of acceptable forms of financial security that together aggregate to equal the financial security necessary to meet the requirements of the OEI Act.



Figure 4 – Forms of financial security

The OIR’s assessment of the management plan will consider the appropriateness of the amounts, form(s), and particulars of the form(s) of financial security proposed by the licence holder. Financial security must be provided by the licence holder to the Commonwealth. As such the licence holder will need to engage directly with the Commonwealth on the specific terms of the financial security.

Describe any determinations made by the Minister

The Minister may make a determination that financial security is to be provided in a particular form or a combination of forms. If a determination of this nature applies to the licence, the management plan for the licence needs to describe how the licence holder is complying or will comply with the determination. The licence holder could also outline processes in the management plan to respond to this situation should it arise when the management plan is in force.

Plan may address amounts of financial security that are no longer required

Where infrastructure or property has been decommissioned and removed from the licence area, or where a calculation method demonstrates that the amount of security held for the licence is higher than it should be, some amounts of security may no longer be required.

The process to have a security released can be initiated by a management plan revision. The OIR may also choose to conduct an inspection in relation to the licence to verify that a security is no longer required. The OIR may only approve the revised management plan if satisfied by the evidence.

The Minister will determine, in writing, whether the licence holder is no longer required to provide an amount of financial security.

9. The management system

Documentation of the licence holder's management system is a central and critical component of a management plan. It allows the OIR to understand how the licence holder will ensure compliance with all obligations that relate to them and their project will be met.

It is important to note that the OEI Act places a standard condition¹² on all OEI Act licences that the following people must comply with the management plan:

- i. the licence holder;
- ii. any other person carrying out activities under the OEI Act or the licence on behalf of the licence holder.

The management system is the key mechanism which ensures that the licence holder is able to establish and maintain appropriate oversight and control of operations and works that are being undertaken in their licence area by the licence holder, or on their behalf, in order to ensure compliance.

9.1. Description of the management system

The management system addresses a broad range of matters, however it is important to note that the level of detail and information required in a management plan in relation to the management system will vary dependent on the nature, scale and complexity of the proposed offshore infrastructure project.

¹² See OEI Act section 45 for an example

Compliance with relevant obligations

The management system should allow the licence holder to identify and determine how they will remain in compliance with the obligations that relate to their project for the life of the licence.

Obligations that the management system should address are the obligations that apply or will apply to the licence holder under:

- i. The OEI Act, the OEI Regulations or any other instrument made under the OEI Act
- ii. The EPBC Act or any regulations under that Act
- iii. The applied work health and safety provisions
- iv. The conditions of the relevant licence
- v. The management plan for the relevant licence

The description of the management system should include details of how the licence holder will periodically review obligations that relate to the project, and account for any changes to those obligations or the contemporary management practices that ensure compliance over time. The management system should ensure that processes and procedures are in place to adapt to change and modify the manner in which the project is being managed to remain in compliance with obligations for the life of the licence.

Process to identify, assess and deal with hazards, impacts and risks

The description of the management system should explain the process that the licence holder will establish and implement to identify, assess and manage hazards, impacts and risks that might arise in relation to their offshore infrastructure project and that would, if they did arise, result in the licence holder failing to meet a relevant obligation.

There are a number of international standards¹³ for risk management and the development of management systems that the licence holder should consider in developing their risk identification, assessment and management process. In all cases the process described in the management plan should demonstrate to the OIR that the licence holder is able to systematically identify, analyse, evaluate and treat hazards, impacts and risks on an ongoing basis for the life of the project.

The obligations that apply to the activity will provide a strong basis for the licence holder to identify aspects of the project that require active management to ensure that hazards, impacts and risks are appropriately controlled.

¹³ For example AS/ISO 31000:2018, AS/NZS ISO 45001:2018, AS/NZS ISO 14001:2016

However, each project is different and the nature of hazards, impacts and risks will vary depending on the project scope, internal and external context and criteria in place to evaluate the significance of hazards, impacts and risks. The licence holder's risk management process should seek to ensure that where novel or project specific hazards, impacts and risks may occur, the process implemented to identify, assess and manage those hazards, impacts and risks, is fit for purpose and appropriate to maintain compliance with relevant obligations.

Results of the risk management process and development of measures to meet obligations

The management plan does not need to include the results of the licence holder's risk management process. Rather, the description of the management system should explain how the licence holder will utilise the outputs of the risk management process to develop control measures to effectively manage hazards, impacts and risks and ensure compliance with applicable obligations on an ongoing basis.

In some circumstances, specific control measures may be prescribed by the obligations that apply to the project.

For example, the applied work health and safety provisions contain specific control measures for the management of certain hazards and risks that the licence holder must implement in order to comply with their obligations.

In other circumstances, obligations may provide a general duty, set out an outcome to be achieved or establish a level of acceptable performance that a licence holder must meet without prescribing specific control measures. In these circumstances the management plan should describe how the management system will allow the licence holder to develop appropriate measures to meet defined levels of performance.

The description of the management system in the management plan should cater for all of the above circumstances to ensure that all relevant control measures, whether they be prescribed or project specific, that may need to be in place are identified and implemented.

In describing how the results of the risk assessment process will be applied through the management system, reference should be made to application of an appropriate hierarchy of controls.

For example, in relation to work health and safety risks, the applied work health and safety provisions prescribe the approach to management of risks to health and safety through application of a specified hierarchy of controls¹⁴.

¹⁴ See Work Health and Safety Regulations 2011 Part 3.1 (Cwth)

In relation to obligations for environmental management under the EPBC Act, Department of Climate Change, Energy, the Environment and Water (DCCEEW) guidance¹⁵ recommends applying the impact mitigation hierarchy including the principles of avoid, minimise, mitigate and offset when considering appropriate management of environmental impacts and risks.

The risk management system should ensure that records of the risk identification, assessment, evaluation and treatment process are produced and maintained by the licence holder. These records may be requested by the OIR at any time, including during a planned inspection or an investigation, and will provide the licence holder with evidence that the process described in the management plan is being implemented and that compliance with obligations is being maintained.

Updating the process to account for changes in circumstances

The management plan should describe how the risk management process will be periodically reviewed and updated to provide for changes in circumstances over time. These changes may arise due to changes in the licence holder's internal processes, updates to international or domestic standards or other changes that warrant a modification to the licence holder's risk management.

Consult, communicate and cooperate with other persons and organisations to ensure obligations are met

The description of the management system should include:

- information on the systems, processes and procedures the licence holder will put in place to ensure that all persons and organisations involved in the project are adequately consulted prior to and during the project; and
- that channels for communication and information flow are established; and
- that all people and organisations involved in the project are cooperating and collaborating to reduce hazards, impacts and risks and ensure that compliance is maintained.

The licence holder should at all times maintain appropriate oversight of the operations of contractors, sub-contractors and workers who are involved in the project such that interfaces between different activities and operations can be identified and that any hazards, impacts or risks that may arise from these interfaces can be appropriately managed.

Particularly for large scale offshore infrastructure projects with simultaneous operations and complex interactions, consultation, communication and cooperation between people and organisations is key to understanding and managing risk.

¹⁵ [Key environmental factors guidance for offshore wind farm environmental impact assessment under the EPBC Act](#)

Inform persons and organisations of their obligations

The licence holder should have appropriate mechanisms in place to ensure each person or organisation that is involved in the project is aware of their obligations and understands how to comply with them.

The OEI Act provides for a standard condition on all licences that require the licence holder and any other person carrying out activities under the OEI Act or the licence on behalf of the licence holder to comply with the management plan for the licence. Further, relevant obligations may also place duties and responsibilities on multiple parties.

Given the interlinkages between the duties and obligations of the licence holder and persons who are undertaking work on behalf of the licence holder, there will be circumstances where a non-compliance by a person or organisation working on the project may also result in the licence holder failing to meet their obligations.

It is the licence holder's responsibility to ensure that all parties are informed of their obligations and that systems are in place to report non-compliances or potential non-compliances with obligations to the licence holder.

Identify roles and responsibilities

This section relates to the framework that the licence holder will implement to establish and maintain a clear chain of command for the project that lays out the roles and responsibilities of key positions within the project management structure.

An appropriate chain of command is essential for ensuring that workers are able to identify who is responsible for certain elements of the project, and for ensuring that information flows both from the licence holder to other persons and organisations with obligations under the OEI framework as well as from those persons or organisations back to the licence holder.

The chain of command structure should be designed such that it is able to be effectively implemented regardless of the presence of individuals such that relevant information will be appropriately cascaded or escalated under all circumstances.

Arrangements for coordinating actions

Linked to the arrangements for consultation, communication and cooperation, the management plan should detail the arrangements that will be in place to coordinate operations in a manner that will ensure they are undertaken safely and responsibly.

Offshore infrastructure projects can involve complex, simultaneous operations involving multiple vessels, items of equipment, infrastructure and workers and the interactions between these need to be carefully managed to ensure the safety of people and the protection of infrastructure integrity and the environment.

Arrangements for communication

Interlinked with the elements above, the equipment and communication methods that the licence holder will put in place to ensure that people and organisations are able to effectively communicate with one another and manage interactions when they are working on or near infrastructure, operating vessels and aircraft or undertaking simultaneous operations should be implemented through the management system.

Redundancy should be built into communications systems to ensure that if one system fails, effective communications can still be maintained.

Protocols for incident reporting

As a component of broader arrangements that the licence holder will put in place to facilitate information flow during the project, the management system should specifically describe the protocols that are in place for the timely reporting of incidents, or other events and circumstances, that may result in non-compliance with obligations.

Ensuring qualifications, competencies and supervision

The licence holder should describe the elements of the management system that will allow them to ensure that all workers undertaking activities on the licence holder's behalf have appropriate qualifications, competencies, and any supervision that may be required to undertake tasks safely and responsibly.

Ensuring that workers are appropriately qualified and competent is likely to require a combination of general and project specific qualifications, training, and inductions as well as provision for periodically refreshing and updating these over the life of a project. The management plan should describe the system that the licence holder will implement to effectively identify the qualifications, competencies and training that workers need and track maintenance of these over time.

The management system should also describe the processes and procedures that will be implemented to ensure workers are adequately supervised where necessary.

Ongoing process for monitoring, auditing and recording compliance

This element of the management system is critical for the licence holder to understand how they are performing in the management of hazards, impacts and risks for their project.

The management plan should describe the process that the licence holder will implement to monitor their performance over time including provisions for real time performance monitoring, in field verification activities, periodic auditing, and the making and keeping of records which demonstrate compliance against obligations.

Whilst the specific elements and details of these processes need not be described in the management plan, the OIR will request access to information that can demonstrate compliance as a part of its compliance monitoring activities. Where licence holders are unable to demonstrate compliance further action may be considered by the OIR.

Ongoing process for identifying and managing non-compliance

Identifying and managing non-compliance is an essential element of safe and responsible offshore project management.

The management plan should describe how the management system will allow the licence holder to identify non-compliance throughout the course of their activities and importantly, what processes will be in place to respond to instances of non-compliance such that remedial actions can be taken to return to compliance.

Many elements of this process may be the same as the processes for monitoring, auditing and recording compliance. The key focus for this part of the management plan should be describing the process the licence holder will implement to investigate and respond to non-compliance.

Ongoing process for improvement

This element of the management system should describe the process that the licence holder will implement to identify opportunities for continuous improvements in safety, integrity and environmental performance over time.

These opportunities may arise due to improvements in technology, advancements in monitoring and testing techniques or the results of monitoring and auditing activities which identify more effective or efficient ways of managing hazards, impacts and risks.

The OIR recognises that it may not always be feasible or practicable to implement all improvements due to engineering or environmental constraints, however the expectation is that the management system will drive the licence holder to continuously look for opportunities to improve and to implement new, or enhance existing, control measures or the management system itself where it is reasonable and practicable to do so.

9.2. Notification of incidents, events and other matters

Part 3 of the WHS Act applies in relation to offshore infrastructure projects and requires persons conducting businesses or undertakings to notify the Regulator of prescribed work health and safety incidents.

The prescribed types of notifiable incidents are modified by the OEI Act, the WHS regulations and the OEI regulations which provide for amendments to existing incident categories and prescribe additional notifiable incidents and events relating to environmental management, infrastructure integrity and other matters.

The management plan should include details of the system that the licence holder will put in place to ensure that all required incident notifications are provided to the Regulator in accordance with legislative and regulatory requirements.

The system must ensure that appropriate structures and processes are in place to:

- Allow workers to inform the licence holder as soon as possible of notifiable incidents, events, and other matters.
- Allow the licence holder to meet their obligations as a person conducting a business or undertaking under the applied work health and safety provisions to notify the Regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
- Ensure the licence holder will comply with requirements to give an initial notification of a notifiable incident, event or other matter to the Regulator as soon as practicable after the licence holder becomes aware that the event has occurred.
- Provide for the licence holder to give a subsequent report of an event, other than notification that the Registrar has given a data management direction, including further details of the event and the licence holder's response to the event, no later than 48 hours after the initial notification is given.

To assist licence holders in providing appropriate information in relation to incidents and events the Regulator will maintain a 24-hour emergency telephone number for incident reporting and will provide forms for licence holders to populate to provide necessary additional information about incidents.

Requirements for the licence holder to notify the Regulator

Details of the arrangements that the licence holder will have in place to ensure that the OIR is notified at least 30 days prior to the commencement of a licence activity specified in the timetable is to commence and no more than 30 days after a licence activity specified in the timetable has ended should be included in the plan.

The primary purpose of these notifications is to allow the OIR to determine whether the licence holder is in compliance with financial security requirements and will assist the OIR in scheduling compliance monitoring activities.

10. Plan must address emergency management

A critical component of assuring the safety of the offshore workforce and protection of the environment is to ensure that the licence holder has appropriately identified and planned for potential emergencies that may arise as a result of their activities.

Offshore renewables projects are likely to be undertaken in remote areas and potentially harsh environments, thus it is of paramount importance that arrangements, equipment and personnel are in place to allow for a rapid, coordinated and comprehensive response to any emergency.

The management plan need not contain the full emergency response plan but should include the below information in relation to emergency management.

Require the licence holder to prepare an emergency response plan

The management plan should contain a clear commitment that the licence holder will develop and maintain an emergency response plan that addresses the requirements of the regulations.

Identification and analysis of potential emergencies

The management plan should include sufficient information to demonstrate that the licence holder has gone through a structured and considered process to identify any reasonably foreseeable emergencies that could arise in relation to the activities that the management plan covers.

This identification should be supported by information and incident data from international jurisdictions and analogous domestic sectors to assist in ensuring that a broad suite of potential emergencies is considered. The plan should also demonstrate that the licence holder has undertaken an analysis of these emergencies in line with international standards for risk identification, assessment and analysis¹⁶.

¹⁶ AS ISO 31000:2018

The output of this analysis should allow the licence holder to focus efforts to reduce the likelihood of emergencies occurring where those events may be of a moderate to high likelihood. The analysis should also allow the licence holder to focus response planning and resources on reducing the potential consequences of emergencies where consequences are likely to be moderate to high.

Measures to reduce the likelihood of emergencies occurring

This section of the management plan should include a high-level description of the control measures that the licence holder will implement and maintain to reduce the likelihood of emergencies occurring.

In considering how to demonstrate compliance with this requirement, licence holders should have regard to established approaches for the treatment of risk under both international and domestic standards and statutes. If appropriate, processes laid out in other sections of the management plan including the management system may be referred to.

Describe a plan for responding to emergencies

The OIR recognises that emergency response plans are necessarily dynamic documents that should be consistently reviewed and refined as circumstances change. For this reason, the full emergency response plan for a project does not need to be included in the management plan. Rather, the management plan should include sufficient details about the licence holder's emergency response plan to demonstrate that all identified emergencies can be comprehensively responded to.

The management plan should describe the following aspects of the emergency response plan:

- The capabilities, roles and responsibilities of the licence holder and any other person or organisation in relation to responding to identified emergencies. Depending on the nature and location of an offshore infrastructure project a licence holder may need to hold significant first response capability in the event of emergencies. The emergency response plan should identify where the licence holder is required to hold and maintain capability and where the capabilities of third parties may be relied on to support the licence holder in responding to an emergency.

This section of the management plan should seek to outline the interfaces between the licence holder and other parties who may provide expertise, personnel, equipment or other resources that may be necessary to respond to identified emergencies.

This may include other parties working on the project on behalf of the licence holder, Commonwealth or State government agencies or other organisations who will provide emergency response support to the licence holder.

- A high-level description of the systems and processes that the licence holder will put in place to allow for a rapid and effective response to identified emergency situations. The management plan should identify the features of the emergency response plan that will allow the licence holder to achieve these objectives.
- The initiation, escalation and communications protocols to be put in place under the emergency response plan that will allow for timely notification of emergency circumstances and deliver effective communication across all parties involved in an emergency response. This is to ensure that response actions are coordinated, that the safety of personnel is maintained, and that a rapid and effective emergency response is undertaken.

Describe measures for monitoring the effectiveness of the emergency response plan and testing arrangements

The management plan should describe how the licence holder will measure the effectiveness of emergency response arrangements and capabilities and describe how the arrangements will be tested to maintain response readiness.

The management plan should also set out suitable arrangements for testing of emergency response arrangements including a schedule of tests such that arrangements will be tested in accordance with regulatory requirements. In addressing this part, licence holders should apply international good practice for scheduling, designing, and evaluating tests.

Depending on the nature and scale of an offshore infrastructure project, the testing arrangements should provide for a combination of methods ranging from desktop exercises, workshops, and notification/communications tests, through to functional exercises, full deployment, and unannounced drills.

Greater effort should be placed on testing more critical or complex control measures, where specialised response equipment and systems are to be used infrequently, or where preparedness and/or response arrangements rely heavily on third parties.

Appropriate information, training and instruction

Personnel with responsibilities for implementing emergency response arrangements must be trained and competent to perform their allocated roles for the duration of the response. Training standards should be appropriately aligned with relevant industry good practice, national and state emergency management training programs.

Licence holders should have role-specific training programs for emergency response personnel to ensure each person is competent to implement the control measures assigned to their functional positions.

In the Australian offshore sector, it is common practice to train emergency response personnel in nationally accredited training units for all-hazards response to provide understanding of basic emergency response team functions, competency levels, operational structure, and the roles and responsibilities of the response personnel. This type of training should be supplemented with additional training specific to the roles and responsibilities of each functional position.

The management plan should also describe how the licence holder will ensure that any persons or organisations who may be involved in an emergency response will be provided with the emergency response plan and will be appropriately trained and competent to deliver their roles and responsibilities under the plan.

11. Plan must address compliance with record keeping requirements

Specific requirements for the keeping of accounts, records and other documents that relate to compliance with the requirements of the OEI Act framework apply to licence holders. The management plan should set out how the licence holder proposes to comply with these requirements including providing information on where records will be stored such that they can be made readily available for inspection by OEI Inspectors or holders of WHS entry permits.

If a licence holder has been given any data management directions by the Registrar, then the management plan should also set out how the licence holder is to comply with these directions.

12. Matters that cannot be fully addressed because of stage of project

If the management plan cannot fully address a matter required by the OEI Act or OEI Regulations because of the stage the offshore infrastructure project to be carried out under the relevant licence is at, the management plan must:

- identify the matter or matters
- explain why the plan cannot yet fully address them
- explain how and when it will be possible for the plan to fully address the matters and,
- include a commitment for the licence holder to prepare and submit a revised management plan when the outstanding matters can be addressed.

In addition, the management plan must include a commitment that any licence activities directly related to the matter will not be carried out until a revised management plan has been approved by the OIR.

These circumstances are likely to arise where insufficient information is available to a licence holder to fully address all content requirements of a management plan. This circumstance is most likely to occur where a feasibility licence holder has prepared a management plan for a proposed commercial project and is seeking to have that plan approved to support an application for a commercial licence. It is recommended that licence holders engage with the OIR prior to submission of a management plan which may not be able to fully address all requirements such that tailored advice can be provided in the context of the specific circumstances of the project.

13. Plan may apply, adopt or incorporate other instruments

A management plan may apply, adopt or incorporate, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time¹⁷. In practical terms this means that a management plan may refer out to other, potentially more detailed, documents in order to support or demonstrate compliance with legislative requirements. Examples of where this may be appropriate include referring out to external standards or internal company standards and procedures, referring to industry codes of practice, referring to other approval documents for the project, for example an EPBC Act Environmental Impact Statement or referring to another management plan for a licence held by the same licence holder.

¹⁷ Section 114(3) of the OEI Act