

Our ref: ID A1168677

The Hon Chris Bowen  
Minister for Climate Change and Energy

Minister.bowen@dcceew.gov.au

Dear Minister Bowen,

Thank you for your correspondence of 19 December 2024 detailing your expectations as the responsible Commonwealth Minister for the *Offshore Electricity Infrastructure Act 2021* (OEI Act) and associated regulations (OEI framework). This Statement of Intent outlines how I, as the Chief Executive Officer of the Offshore Infrastructure Regulator (OIR), will address your expectations.

I appreciate your recognition of the extensive work the OIR has undertaken to date in providing advice and guidance to the offshore renewables industry on compliance with regulatory requirements under the OEI framework. As we evolve and the sector matures, the OIR will continue to promote the importance of a safe, responsible and sustainable industry in accordance with our vision of a protected offshore workforce and environment.

In preparing my response I have considered advice from your department on broader governmental priorities and the OIR's role in supporting them.

## **Overview**

The OIR has responsibilities under the OEI Act for work health and safety, infrastructure integrity and environmental management for offshore infrastructure activities. This includes functions to promote leading practice and provide advice in support of strong safety outcomes and environmental performance.

The work of the OIR is fully cost recovered through fees and levies collected from regulated entities. I acknowledge your expectation to ensure cost recovery continues to be adequate to discharge our administrative and regulatory functions, while remaining cost-effective.

To meet this expectation the OIR will:

- Ensure robust governance arrangements are in place with respect to charging activities under the OEI framework.
- Regularly review cost recovery arrangements to ensure they are commensurate to resourcing and level of effort required to discharge our regulatory functions.
- Periodically review our Cost Recovery Implementation Statement (CRIS) in consultation with stakeholders to ensure the level and methods of cost recovery are efficient and equitable. Processes for reviewing or updating the charges will be conducted in accordance with Australian Government Cost Recovery Guidelines. Increases will only be sought when necessary and the CRIS will be published on the OIR's website at [oir.gov.au](http://oir.gov.au) to provide transparency.

### **Strategic objectives**

Noting the Government's objective to establish an offshore renewable energy industry in support of emissions reduction and net zero objectives, the OIR will maintain an open and accountable approach to engagement with stakeholders to foster a culture of safety and environmental responsibility which supports the offshore renewables sector in the following ways:

- Ensuring OEI licence holders have a stable regulatory environment, which is crucial for long-term investment;
- identifying opportunities to achieve regulatory efficiencies and effectiveness while maintaining robust approval processes;
- effectively exercising our monitoring and enforcement powers to assure industry's ongoing compliance with the OEI framework; and
- working closely with the Department to streamline and optimise regulatory approval processes in relation to work health and safety, infrastructure integrity and environmental management.

### **Functions, powers and operations of the Regulator**

In delivering our regulatory functions the OIR will:

- Proactively and meaningfully work with a wide and diverse group of stakeholders in implementing the regulatory regime. We will tailor our engagement with stakeholders to enhance understanding of regulatory requirements, deliver our legislated functions and promote continuous improvement in performance. This will include forums, workshops, direct engagement, and the publication of regulatory guidance and information. Information on industry performance, regulatory changes and compliance activities will be published to ensure stakeholders are well informed in a timely manner;
- ensure you and your office are informed of emerging issues and risks and significant actions and events and are provided with timely advice to support informed decisions in line with Government and industry objectives;
- implement and continuously improve compliance monitoring activities throughout the lifecycle of all offshore renewable energy projects and investigate accidents, occurrences and circumstances relating to work health and safety, infrastructure integrity and environmental management;
- take necessary enforcement action to rectify identified non-compliance, hold relevant parties to account, deter further breaches and foster a culture of regulatory compliance across the industry; and
- monitor implementation of measures in management plans which facilitate compliance with the *Environment Protection and Biodiversity Conservation Act 1999*, provide advice to the Department on any non-compliance with those measures and work collaboratively with the Department to take proportionate enforcement actions and deter any further non-compliance.

## **Operations**

We will independently administer the regulatory regime in line with the requirements of the law and make merit-based decisions based on evidence and facts presented. OIR will strive to provide feedback on submissions (including management plans, design notifications and safety and protection zones) in a timely and efficient manner within legislated timeframes.

Assessments and decisions will be in compliance with legislative requirements, undertaken in a consistent manner in accordance with established policies and procedures, and well informed through the application of appropriate technical expertise. I will ensure any time extensions occur only when necessary and be kept to the minimum period possible.

We will ensure approved management plans address regulatory requirements, provide for full identification of, and meaningful engagement with consultees stipulated in the regulations, and ensure licence holders put in place appropriate measures to address claims raised by consultees. In making decisions in relation to consultation on management plans, the OIR will have regard to relevant Government and Departmental guidance on engagement with First Nations people.

I acknowledge the OEI framework operates under the principle of shared use of the offshore marine environment, recognising all users and seeking to balance competing interests. In making decisions regarding the design and layout of infrastructure and the determination of safety and protection zones, the OIR will ensure that licence holders have taken into account existing users and interests. We will take necessary steps to provide for areas to be shared while protecting the integrity of offshore infrastructure and maintaining a safe marine space during construction, operation, maintenance and decommissioning phases. Where risks to safety and infrastructure integrity are no longer present, decisions will be made to modify or remove safety and protection zones in a timely manner.

## **Regulator best practice (RMG 128)**

OIR is cognisant of, and adherent to, the principles of regulator best practice (RMG 128). I am committed to upholding and embedding these principles as detailed below:

### **Principle 1 - Continuous improvement and building trust**

As CEO, I acknowledge your expectation for OIR to operate in a transparent and efficient manner that builds trust, enhances accountability and independence, and is in accordance with the principles of procedural fairness, whilst maintaining protection of confidential information.

OIR will continue to carefully manage our resources to ensure we can effectively perform our regulatory functions and responsibilities under the OEI Act. This includes maintaining a core capacity of technical and regulatory expertise to deliver assessments, analysis, advice, reports and recommendations.

The OIR's CRIS identifies staffing requirements necessary to meet projected regulatory work requirements. Our staffing requirement is fully costed, including administrative overheads to determine current and forecasted costs for the delivery of regulatory functions. OIR will also undertake environmental scans to evaluate emerging industry technological advancements, issues and risks to inform planning processes and proactively respond to relevant changes.

We will actively seek to reduce regulatory burden, streamline processes and continuously enhance our governance through open dialogue, gaining feedback and adapting our approach accordingly.

Regulatory decisions, the evidence supporting these decisions and the rationale for them will be preserved within our information management system. Several projects are currently underway to streamline and enhance this system including to enable better data analysis to provide improved understanding of industry performance. This will also result in reductions in administrative effort and associated costs for industry while improving efficiency and productivity for OIR.

All information required by the legislation will be published to our website in a timely manner.

To ensure transparency and accountability, the OIR will detail our performance against key performance indicators in our Annual Report on our website at [oir.gov.au](http://oir.gov.au).

### **Principle 2 - Risk-based and data driven**

I acknowledge your expectation for the OIR to manage risks proportionately and maintain essential safeguards to people and the environment while minimising regulatory burden. The OIR manages risk proportionately through strategies designed to ensure regulatory actions are appropriate to the level of risk. We use data and evidence to inform our decisions and target our regulatory effort to higher risk aspects of offshore activities.

In line with your stated expectations, the OIR will:

- Utilise data, evidence and intelligence gained through delivery of our regulatory functions to obtain insights that drive improved regulatory outcomes through targeted and proportionate regulatory actions;
- maintain a focus on work health and safety, infrastructure integrity and environmental management, through risk-based strategies, policies, procedures and processes that underpin our compliance monitoring and enforcement activities;
- support and contribute expertise to ongoing implementation and improvement of the OEI framework so that regulatory requirements and actions continue to be flexible and adaptive to emerging technological advancements, industry innovation and operational practices in the offshore renewables sector; and
- undertake regular reviews of our policies, procedures and processes to ensure they remain risk driven and fit for purpose.

### **Principle 3 - Collaboration and engagement**

The OIR will be a modern, world class regulator that exemplifies independence, professionalism and due process whilst supporting you and the Government to respond to issues as they arise through provision of accurate and timely advice.

I acknowledge that robust collaboration and engagement with your Department, other regulators and our international counterparts will allow the OIR to quickly adopt and deliver leading practice regulation.

The OIR will:

- Continue to provide operational, regulatory and technical advice to your Department in support of maintaining a regulatory framework that is fit for purpose. In doing so I envisage a candid and constructive exchange of views on operational regulatory and policy matters;
- be committed to working with your Department, including the Nature Positive Regulation Division, ensuring shared objectives can be achieved. This includes through provision of advice and technical expertise to support assessments under the EPBC Act as well as compliance monitoring and enforcement of environmental management obligations in OEI Act management plans;
- collaborate with other maritime regulators including Commonwealth, State and Territory agencies and authorities with functions relating to regulation of offshore infrastructure activities to balance competing interests and promote shared use of the marine environment;
- cooperate with the Offshore Infrastructure Registrar on the administration and enforcement of the OEI Act, applied WHS provisions, and identify and address any barriers to our timely collaboration; and
- collaborate with international regulatory counterparts to share industry insights, and perspectives on leading regulatory and industry practices and lessons learned. Internationally we are an active member of the Global Offshore Wind Regulators Forum (GOWRF) and chair of the International Regulators' Forum Offshore Renewable Energy Subcommittee (IRFORES). These forums enable the OIR to share perspectives on offshore renewables regulation and enhance our international standing as a leading practice regulator.

### **Statement of Intent**

OIR will ensure the implementation of your statement of expectations and this statement of intent and will publish both statements to its website.

Yours sincerely



Sue McCarrey  
**Chief Executive Officer**

18 February 2025