

# Management plan content

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## 1. Background

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

## 2. Purpose

The purpose of this document is to provide each OEI Act licence *holder*<sup>5</sup> with information to support the preparation of a *management plan*<sup>6</sup> for all licence types, as required by the Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations). It is also intended to provide other stakeholders with general information about the management plan framework.

## 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. This document addresses the management plan requirements applicable to all licence types.

## 4. Disclaimer

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

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<sup>1</sup> See section 177 of the OEI Act

<sup>2</sup> See section 8 of the OEI Act

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

## 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* (WHS Act) as applied under the OEI Act
- Work Health and Safety Regulations 2011 (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 under the OEI framework

The management plan is a key component of the OEI Act framework. A management plan sets out how a licence holder will manage the **licence activity**<sup>7</sup> to be carried out under the 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 progressively include new activities and phases over the lifecycle of an **offshore infrastructure project**<sup>8</sup>. Licence 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.

Once approved, the management plan for a licence becomes a legally enforceable document and the licence holder must comply with the plan (Regulation 46).

The OIR will monitor the licence holder's compliance with the approved management plan and, where necessary, take 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.

A licence holder commits an offence if the licence activities are carried out in a way that is contrary to the management plan. This may result in enforcement actions such as penalties, directions, issue of notices, prosecution, or cancellation of a licence.

The following sections are structured to align with international standards for risk management (e.g. AS/ISO 31000:2018) to describe how a management plan might be most efficiently and logically structured to meet requirements.

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<sup>7</sup> See section 4 of the OEI Regulations

<sup>8</sup> See section 8 of the OEI Act

## 7. Establishing the context and scope of a management plan

The management plan framework provides a systematic process which allows a licence holder to progressively work through the planning of an offshore infrastructure project 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 will be addressed and how the requirements of the OEI Act framework will be met on an ongoing basis.

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

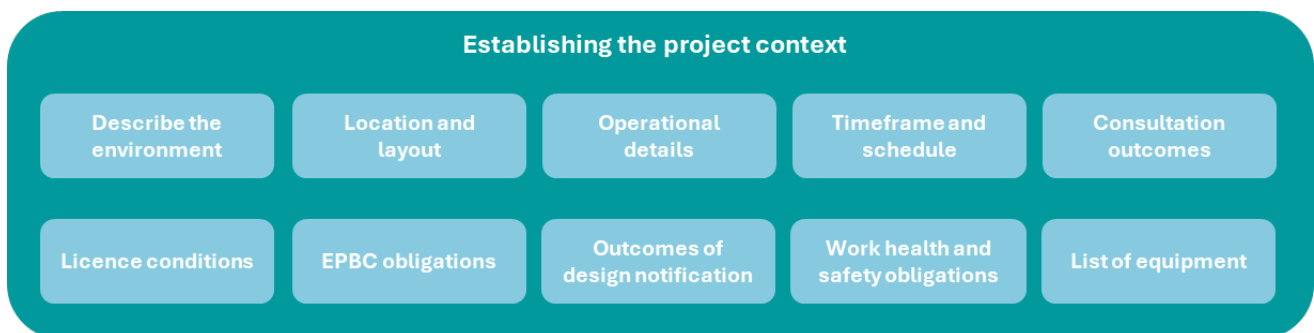


Figure 1: Establishing the project context

A clearly defined scope for the licence activities (see section 7.1) is essential to understanding how a project will interact with the environment and what factors may have an influence on the licence activities. This will assist in the identification, assessment and mitigation of hazards, impacts and risks and support the development and implementation of the licence holder’s management system.

There are several elements that inform the 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 the licence activities. Section 8 of this document seeks to explore those elements in greater detail.

### 7.1. Defining the licence activities

The OEI Regulations require the management plan to address the licence activities to be undertaken under the relevant licence. A management plan must describe the scope of licence activities, constrained by the licence purpose and the licence area.

#### OEI Regulations section 4 definitions

**licence activity**, in relation to a licence or a proposed commercial licence, means an offshore infrastructure activity or other activity carried out, or to be carried out, in the licence area under the licence or the proposed commercial licence.

Licence activities include:

- offshore infrastructure activities, being the construction, installation, commissioning, operation, maintenance or decommissioning of infrastructure
- other activities to be undertaken by the licence holder consistent with the purpose of the licence or required to be carried out to discharge an obligation under the Act, including complying with a licence condition or direction.

Where necessary to provide context to their activities, licence holders may refer to aspects of the broader offshore infrastructure project that may occur beyond the jurisdiction of the OEI Act. In all cases it should be clear to the OIR what infrastructure and licence activities the licence holder is seeking to have approved through the management plan.

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. For example, feasibility activities that do not involve the use of fixed or tethered infrastructure, and biological surveys that are not for the purpose of assessing feasibility under the licence, are not licence activities to be authorised by the management plan. Further guidance on which activities may require an approved management plan prior to commencement is provided in OIR's Authorisations for offshore infrastructure activities guideline.

The management plan will also describe activities or measures that may be implemented to meet obligations arising from the licence activities. It is important to make a distinction between licence activities to be authorised by the management plan, and a control measure to be implemented to mitigate impacts and risks of the licence activities. This is particularly relevant in relation to environmental obligations and is discussed further in OIR's Environmental management regulation for offshore renewables guideline.

## 7.2. Considerations for vessel-based activities

Vessels operating in support of offshore infrastructure activities are not infrastructure and do not become part of the infrastructure simply because they are conducting an offshore infrastructure activity. However, there is an interaction between the licence activities and vessel activities that needs to be addressed in the management plan for the purposes of addressing WHS and environmental obligations.

The applied WHS provisions introduce the concept of **regulated offshore activities**<sup>9</sup> which refers to “work in the nature of” offshore infrastructure activities. This definition enables regulation of the safety of the workforce undertaking licence activities, even where these workers are on vessels rather than on licence infrastructure.

Section 230 of the OEI Act specifies that the requirements for regulated offshore activities only apply when the vessel arrives at the OEI site where it will be used and activities necessary to make it operational at the site have begun. Those requirements will cease to apply when the vessel is returned to a form in which it can be moved to another place.

Further information on the applied work health and safety (WHS) provisions is available in section 8.7 and in OIR's Work health and safety under the OEI Act framework guideline.

Similarly, the regulations require licence holders to address obligations under the EPBC Act “in relation to” the licence activities, which may include vessels undertaking licence activities in the licence area. Environmental

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<sup>9</sup> Section 226 of the OEI Act

obligations are discussed further in section 8.5. and in OIR's Environmental management regulation of offshore renewables guideline.

### **7.3. Timing**

The OIR recognises that circumstances can change, and that some flexibility is required within a management plan to ensure that, where minor operational changes occur, the activities 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 management plan 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 activity will be managed.

### **7.4. Nature, scale and complexity**

The nature, scale and complexity of a licence activity can vary significantly depending on the type of licence, the lifecycle stage of a development and the potential for interactions between the activities 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 feasibility activities, to large, complex commercial projects.

To be approved, a management plan must appropriately address all requirements of the OEI Act and OEI Regulations, regardless of the nature and scale of the project. However, the level of detail required to address each requirement should be suitably adjusted to provide for the nature, scale and complexity of the licence activities described in the plan.

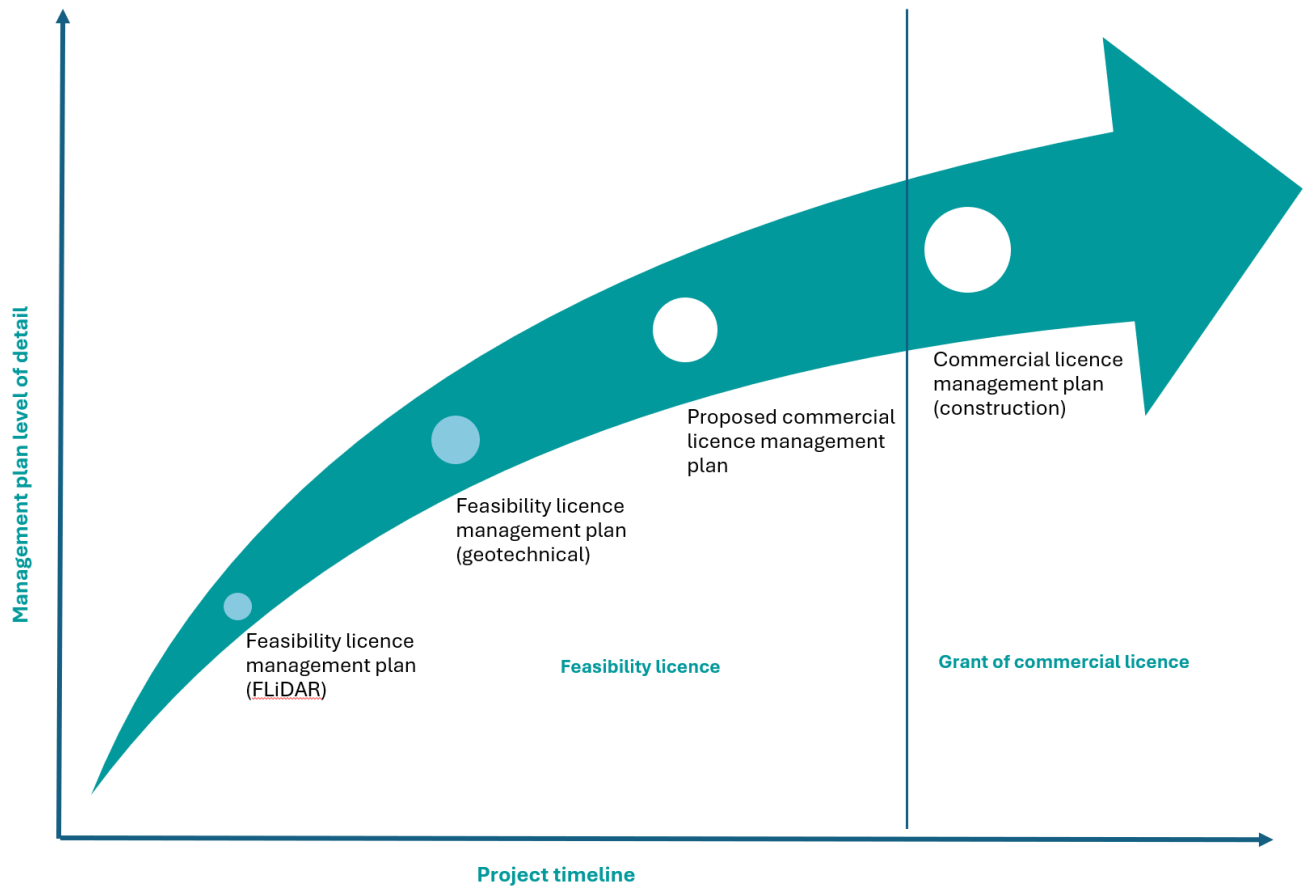


Figure 2 – Management plan level of detail over time

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.

## 7.5. 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 is at, Regulation 73 provides for the licence holder to set out the matter and how the management plan will be revised in the future to address the issue. In this circumstance, 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.

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. In this case there may be operational information that is necessary prior to construction

commencing but is unavailable at the time the plan for the proposed commercial licence is submitted to the OIR. It is recommended that the licence holder engages with the OIR prior to submission of a management plan which may not be able to fully address all requirements so that tailored regulatory advice can be provided in the context of the specific circumstances of the project.

Regulation 60(2)(i) requires that a licence holder must make an application to revise the management plan when it becomes possible for the plan to fully address the matter.

## 7.6. Considerations prior to submitting a management plan

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?** – Where a design notification is required under Regulation 96, a licence holder cannot submit the management plan until they have received feedback from the OIR on the design notification. For further information refer to OIR’s Design Notification guideline
- **Has consultation been undertaken?** – Licence holders must ensure that they have met the requirements for consultation in preparation of the plan under Subdivision D of Division 3 of the OEI Regulations before submitting an initial management plan for assessment
- **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 may apply to the licence activities and address these obligations in the management plan.

## 8. Management plan content

Section 115 of the OEI Act sets out the matters to be addressed in a management plan. The OEI Regulations build on these requirements and licence holders must ensure content requirements are appropriately addressed for a management plan to be approved by the OIR.

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 to address the requirements.

Based on the OEI Act and the OEI Regulations, this section provides information on the form and structure of a management plan and provides some further considerations for licence holders seeking to prepare a management plan for submission to the OIR. 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 a licence activity and ensure that all these elements are addressed by the management system that is to be in place for the project.



## 8.1. Plan must describe activities and operations

Regulation 80 requires that the management plan must include specific information in relation to the activities and operations proposed to be carried out.

### *Describe the environment including the physical environment and the general operating conditions for the licence activities*

The licence holder must demonstrate a solid understanding of the environmental conditions in which they are proposing to undertake the activities.

At a minimum the management plan should describe the following:

- **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 undertaking the activity. 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 biological or ecological sensitivities that have been identified within or adjacent to the licence area that will influence the layout or design, and implementation of the licence activities. Include information that is relevant to the licence holder's demonstration of compliance with environmental obligations. 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 activity 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 activity 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 should 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.

The description of the licence activities is critical to establishing the scope of the management plan. It is important to ensure that all licence activities are clearly described and that the plan does not describe other activities that are beyond that scope.

Particularly when describing vessel-based activities, the plan should clearly identify when specific vessel activities will be within the regime and when they will not. Consideration should be given to what activities are **regulated offshore activities** for the purposes of the applied WHS provisions and what activities are 'in

relation to' licence activities for the purposes of addressing EPBC obligations. These aspects are further addressed in OIR's Authorisations for offshore infrastructure activities guideline and OIR's Environmental management regulation for offshore renewables guideline.

### ***A timetable for the licence activities***

A management plan must 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 multi-stage 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 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 an offshore infrastructure project but must cover the scope of the specific licence 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 the schedule of licence activities, then these obligations should be appropriately reflected in the timetable included in the management plan.

## **8.2. Plan must address consultation carried out**

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

Regulation 64 of the OEI Regulations identifies a range of consultees who are to be consulted for the purposes of a management plan and regulation 63 specifies the activities that are subject to consultation.

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 the 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 should only address consultation carried out in relation to the licence activities to be authorised by the plan.

To ensure 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 a 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 and remain relevant, 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***

In accordance with regulation 81(2)(a) the process that the licence holder has used to identify consultees must 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 licence activities may have on those consultees (regulation 65). Information provided to consultees should be in a form that is readily accessible and appropriate for the persons being consulted.

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 engagement tools and approaches.

### ***List of consultees***

A comprehensive list of consultees who have been consulted in the preparation of the management plan must 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 reasonable efforts to identify and engage with those consultees.

### ***Report on consultation***

The management plan must include a report on the outcomes of consultation. Regulation 81(3) sets out the matters that must be included in the consultation report to demonstrate that consultation has been undertaken and that the outcomes of that consultation have informed the management of the licence activity.

The report on consultation should include clear identification of claims raised, an assessment of the merit of each objection or claim with sufficient rationale to support that assessment and, a demonstration of the suitability of any measures adopted as a result of the consultation.

## **8.3. Plan must describe stakeholder engagement strategy**

In accordance with regulation 82, the management plan must include a description of the licence holder's stakeholder engagement strategy to provide for ongoing engagement with consultees throughout the licence activities. The 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 also cover the process for managing stakeholder complaints and the approach to ongoing consultation at all stages of the project.

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 Act 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 and should not include the strategy itself.

## 8.4. Conditions of the licence

The OEI Act provides that, when granting a licence, the Minister may impose conditions on the licence.

If there are conditions on a licence, and those conditions relate to the licence activities within the scope of the plan, in accordance with regulation 84, the management plan must describe how the licence holder, and any other person carrying out activities on behalf of the licence holder, will implement measures to ensure the conditions are complied with.

Licence conditions that do not relate to licence activities do not need to be addressed in the management plan.

## 8.5. Plan must refer to any 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. This link is established in Regulation 85 by the requirement for OEI Act management plans to address how the licence holder is to comply with any obligations under the EPBC Act or associated regulations in relation to the activities to be carried out under an OEI licence.

The licence holder must determine what obligations under the EPBC Act and/or associated regulations apply to the 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.

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 in the management plan to address the requirements of regulation 85. How these measures are to be set out in the management plan will depend on the nature of the obligation.

The licence holder should refer to the OIR's Environmental management regulation for offshore renewables guideline which provides further advice on describing EPBC Act obligations and measures that will be implemented to ensure compliance.

## 8.6. Plan must include information about design notification

Regulation 86 requires that if the licence holder has given a design notification to the OIR, and the OIR has provided feedback, then the management plan must:

- set out what the feedback was and how the licence holder has addressed the feedback
- state whether the plan for carrying out the project is broadly consistent with the design notification that was given to the OIR.

If the way project is going to be carried is not broadly consistent with the design notification, then the management plan must

- identify the extent of the inconsistencies
- evaluate and describe how the inconsistencies have affected the project.

The OIR understands that many aspects of offshore infrastructure projects are subject to change and refinement over the course of the planning and design phase. The management plan should provide justification why particular aspects of the project design or layout may have changed and information about the nature of changes. The management plan should also demonstrate that the change to the design will not result in increased risk to the workforce, the environment, infrastructure integrity, or other users of the marine area.

Information in relation to content and requirements for design notifications is not addressed further in this document. Refer to OIR's Design notification guideline for more information.

## 8.7. 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 WHS Act and the associated 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**<sup>10</sup> 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 be subject to the applied work health and safety provisions.

Work being carried out from vessels will be regulated under the applied WHS provisions from the point in time 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

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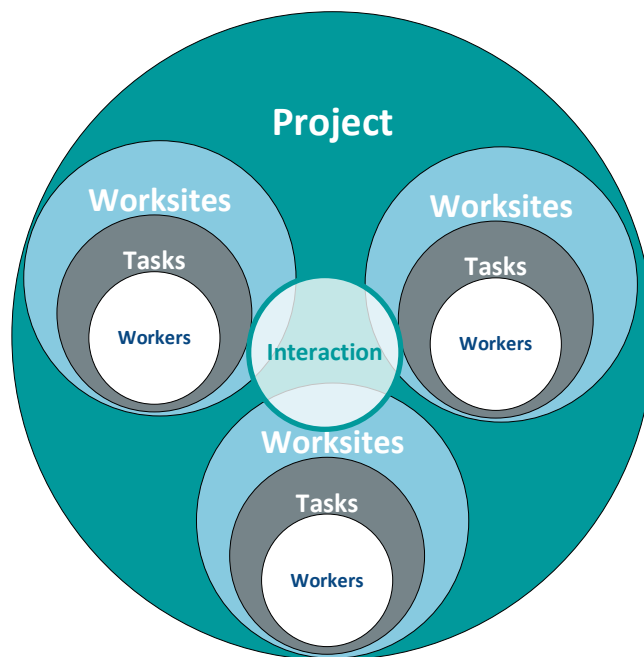
<sup>10</sup> See section 228 of the OEI Act.

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 contracted work scopes either on a standalone basis or as part of a larger integrated worksite. Whilst it is expected that each worksite will have a management structure in place, it will be the licence holder who will provide coordination and oversight across all licence activities (see figure 3 below).

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 is managed safely and that obligations under the applied WHS 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.

In accordance with regulation 94, the management plan must describe 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 appropriate systems, processes

and procedures in place to ensure all PCBU's and workers involved in licence activities have a solid understanding of the duties and obligations that apply to them and that they will remain in compliance with these duties for the duration of the licence activities.

The plan must then describe how the licence holder is complying and will continue to comply with the obligations. This provision is intended to require 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 (see section 8.12) 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 OIR's Work Health and Safety guideline for further information on the operation of the applied WHS provisions under the OEI Act framework.

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.

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

In accordance with regulation 87, the management plan must include a list of **relevant structures, equipment, and property** that the licence holder, or others they authorise, will bring into the licence area for use in connection with the licence activities.

The licence holder will have obligations relating to infrastructure integrity, maintenance, decommissioning, removal and financial security for all relevant structures, equipment, or property.

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

- 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.

The list should include all fixed and tethered OREI and OETI as well as any other significant components that have been brought into the licence area but may not specifically be within the scope of the definitions of OREI or OETI. In general terms, if a structure, equipment or property needs to be monitored for decommissioning and removal for the purposes of complying with the OEI Act, then it is relevant and should be listed. Vessels operating in support of licence activities are not to be included in the inventory of structures, equipment and property and nor should tools and ancillary items brought into the licence area onboard vessels and infrastructure where these are not to remain in the licence area.

The list must contain the following information for each item:

- a concise description of the item
- the location or locations in the licence area where each item will be used
- how each item is being, will be or has been used
- how each item is being or has been decommissioned, where relevant. Note that requirements for future decommissioning proposals are addressed by Regulation 89 (see section 8.10).

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 OIR recommends that licence holders document in subsequent revisions of the management plan when and where previously fixed or tethered structures have been removed from the licence area. This may help support any future application the licence holder may choose to make for either the release of financial securities or the surrender of a licence.

The licence holder may find it useful to present the list of items and necessary information in a table format. This may assist in communicating the complete list of items and their status over time.

## **8.9. Plan must describe maintenance of structures, equipment and property**

In accordance with regulation 88, the management plan must describe the measures for maintaining the structures, equipment, and property relevant to the licence in good condition and repair.

The plan must describe what measures the licence holder will take to provide assurance that relevant structures, equipment, and property are fit for their function or use in normal or emergency operating conditions.

The plan must describe the reasonable and appropriate measures for monitoring, maintaining, and providing assurance of structures, equipment, and property:

- to perform their intended purpose
- to maintain soundness, strength, and stability
- to maintain the integrity of mechanical, hydraulic, electrical, or other systems.

The plan must set out the arrangements and schedules for the inspection, testing, maintenance, and repair of the relevant structures, equipment, and property

The plan must identify any standards that are to be applied in relation to the operation, performance, and integrity of the structures, equipment, and property. The plan must also address the measures for determining whether those standards have been met. If these are published industry standards, they should be identified by the full title, edition, date, and publisher. If these are standards internal to the licence holder organisation, they should be described briefly so that it is clear how they are relevant and how they will be applied, and should also be identified by document title, number, and revision.

The plan must describe how the licence holder will implement the various assurance measures and arrangements for inspections, testing, maintenance, and repair of the 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 so that they can be safely operated, maintained during the project and then safely and fully removed at the end of the project. The management plan should also describe the specific systems and processes for inspection, maintenance, and repair (IMR)



that will be carried out to reduce the risk of incidents and failures. The management plan description should be consistent with the nature and scale of the particular licence activities within the scope of the management plan. For example, the management plan description of assurance measures for activities under a feasibility licence will not be the same as the assurance measures necessary under a commercial licence given the difference in nature and scale of those activities. However, in either case, the management plan must provide for maintaining the structures or equipment such that they can be fully removed.

The plan should describe the following:

- the assurance measures and IMR arrangements will that apply to the items on the list of structures, equipment, and property
- how the various assurance measures and IMR arrangements will provide an appropriate level of assurance through analysis of reliability, availability, and maintainability
- the specific assurance measures that the licence holder will implement, such as peer review, validation, verification, certification, or classification to ensure that the equipment, structures, and property are fit for function and maintained in good repair
- how the licence holder will determine that standards for the operation and performance of equipment are being met on an ongoing basis.

## **8.10. Plan must describe decommissioning, removal, and remediation**

The management plan must describe how the licence holder plans to decommission licence infrastructure and remove all relevant structures, equipment, and property from the licence area if they are not used or intended to be used in connection with the licence activities.

The plan must also describe how the licence area will be remediated in relation to the removal of structures, equipment, and property.

Licence holders must plan appropriately for full decommissioning and removal of licence infrastructure, structures, equipment and property that are no longer used nor to be used in connection with the licence activities (section 116 of OEI Act).

The description of the planned arrangements for decommissioning and removal should be appropriate to the scale and nature of the activities that will be authorised under the management plan. For example, a management plan for feasibility licence activities should describe the full removal of all equipment including any mooring equipment that might be used to secure a FLiDAR buoy.

By comparison, an initial management plan for a commercial licence should outline the anticipated operating life of licence infrastructure and include a clear commitment for the eventual decommissioning and removal of that infrastructure at the end of its operational life and remediation of the licence area. The initial plan should include sufficient detail to demonstrate that the licence holder has developed a high-level decommissioning, removal, and remediation strategy with associated timeframes and broad scale project phases. The initial plan should contain enough detail to demonstrate that these requirements have been accounted for in the design phase and that the strategy is viable.

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. 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.

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

### **8.11. Compliance with financial security requirements**

Regulation 92 requires the management plan to 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 calculated the amount of financial security***

The management plan must describe how the licence holder has calculated the amount of financial security that the licence holder must provide to the Commonwealth to comply with the OEI 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.

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

Licence holders are free to develop their own calculation method 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 include the licence holder should be guided by the relevant elements of section 117 of the OEI Act. The items included in a calculation should also, where relevant, be linked to the list of relevant structures, equipment and property included in the management plan such that it can be demonstrated that the costs for the decommissioning of all structures and equipment have been included.

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

The OIR considers that in all circumstances costs to the Commonwealth for completing work on behalf of a licence holder will be higher than the costs for a licence holder to complete the same work. If the licence holder defaults on its obligations the Commonwealth may need to commission new engineering studies and may 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. Any efficiencies that may have been available to the licence holder for these aspects will not be available to the Commonwealth in this circumstance and therefore those efficiencies should not be included in the licence holder's assumptions for cost calculation.

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.

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 of damage caused by the decommissioning works, for example damage caused when removing buried infrastructure.

Section 117(4)(c) of the OEI Act and regulation 92(4) require methods to include any costs, expenses and liabilities that may arise from emergencies or unexpected circumstances while undertaking decommissioning, removal and remediation works. For example, the method must allow the additional costs associated with reasonably foreseeable circumstances such as dropped objects, multiple recovery attempts and recovery of equipment that may have drifted outside the licence area and remediation of any damage caused by that event.

Licence holders must consider the full scope of costs, expenses and liabilities that may be relevant to the calculation method including, but not limited to:

- project management, including stakeholder engagement and compliance management
- technical engineering
- environmental surveys
- operational costs and post-cessation costs including IMR and emergency management
- decommissioning of all structures, equipment and property
- recycling and waste management
- remediation and post-decommissioning monitoring.

The calculation method should also include key assumptions such as inflation rates, exchange rates, and any other assumptions that may impact the overall amount of financial security calculated using the method.

#### ***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 that a third-party contractor or service provider has verified that 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. Regulation 108 provides for OIR to direct licence holders to engage a suitably qualified, competent and independent third party to verify the method, the amount calculated using the method, and any other matter considered necessary to ensure the financial security to be provided will be sufficient for the purposes of the OEI Act.

#### ***State the amount of financial security provided and the arrangements of that security***

Regulation 92(2)(c) applies to management plans for licences where some financial securities are already held by the Commonwealth. The management plan must state 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.

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

Regulation 92(2)(d) requires the management plan to state the proposed securities that the licence holder proposes to provide in future to meet obligations under section 117 of the OEI Act.

Regulation 103 provides for financial securities to be provided at different times in relation to particular infrastructure. If licence holders choose to take this approach, the management plan must include a timetable for providing securities to the Commonwealth, on the basis that all required securities related to particular infrastructure are to be provided before that infrastructure is to be installed.

**Forms of security**

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 ensure that the forms of security proposed are generally consistent with Regulations 109 and 110 and will consider the appropriateness of the form(s) of financial security proposed by the licence holder to the activities or infrastructure it is proposed against. For example, it would not be acceptable to propose an insurance product to cover planned capital expenditure.

Arrangements that cannot be treated as financial security include self-insurance, a guarantee provided by a body corporate related to the licence holder, and arrangements under which the Commonwealth is a beneficiary of a trust<sup>11</sup>.

**Provision of financial security**

Financial security must be provided by the licence holder to the Commonwealth. As such the licence holder must engage directly with the Department of Climate Change, Energy, the Environment and Water (DCCEEW), acting as the representative of the Commonwealth, on the forms and specific terms of the financial security arrangement, and the administrative process of providing securities. Contact DCCEEW on [offshorefinancialsecurity@dcceew.gov.au](mailto:offshorefinancialsecurity@dcceew.gov.au)

<sup>11</sup> See regulation 110 for arrangements that are not to be treated as financial security.

### ***Describe any determinations made by the Minister***

Under regulation 102, the Minister may make a determination that financial security for a particular licence is to be provided in a particular form or a combination of forms. If a determination of this nature applies, regulation 92(2)(e) requires the management plan for the licence 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. Note that regulation 60(2)(j) requires that a determination under section 102 by the Minister is a trigger for revision of the management plan unless the management plan already makes provision for the circumstance, and the circumstance will not result in the licence holder failing to comply with the management plan.

## **8.12. The management system**

Regulation 83 requires the management plan to include a description of the licence holder's management system. This 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 **relevant obligations**.

It is important to note that the OEI Act places a standard condition<sup>12</sup> on all OEI Act licences that the following people must comply with the management plan:

- the licence holder
- 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 will establish and maintain appropriate oversight and control of operations and works that are being undertaken in the licence area by the licence holder, or on their behalf, in order to ensure compliance.

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

### ***Compliance with relevant obligations***

The management system must demonstrate how the licence holder will remain in compliance with **relevant obligations** that apply or will apply to the licence holder under:

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

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<sup>12</sup> See OEI Act section 45 for an example

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

The description of the management system must 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 the licence activity and that would, if they did arise, result in the licence holder failing to meet a relevant obligation.

The licence holder should consider international standards<sup>13</sup> for risk management and the development of management systems when 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 duration of the licence activities.

The relevant obligations in the OEI regulations provide a strong basis for the licence holder to identify aspects that require active management to ensure that hazards, impacts and risks are appropriately controlled. 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 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***

Regulation 83(2)(b) requires the description of the management system to 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.

The regulations do not require the management plan to provide the outputs of the licence holder's risk assessment process.

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 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 the process that will enable 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 the above circumstances to ensure that all relevant control measures, whether they be prescribed or outcome-based, 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.

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

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 controls<sup>14</sup>.

In relation to obligations for environmental management under the EPBC Act, DCCEEW guidance<sup>15</sup> 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 for compliance monitoring or investigation purposes and will provide the licence holder with evidence that the process described in the management plan is being implemented. This information will also be necessary to support any decisions under regulation 60(2)(c) which requires revision of a management plan for any new or significantly increased hazard, impact or risk.

### ***Establish and implement processes for management of change***

The management plan must describe how the licence holder will manage changes in circumstances that may arise during the activities. These changes may arise due to the licence holder's internal processes, updates to international or domestic standards or other changes to the external context of the licence activities. An effective process for management of change should ensure that decision making is clearly documented and supported by risk management processes. Consideration should be given to how the management of change process will interact with the requirements for revisions of management plans under subdivision C of Division 3 of the OEI Regulations.

### ***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 licence activities are adequately consulted prior to and during the activities; and
- that channels for communication and information flow are established; and
- that all people and organisations involved in the activities are cooperating and collaborating to reduce hazards, impacts and risks and ensure that compliance is maintained.

The licence holder must 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.

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<sup>14</sup> See Work Health and Safety Regulations 2011 Part 3.1 (CwIth)

<sup>15</sup> [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 must 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 requires 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 will 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***

Regulation 83(2)(f) requires the management system to describe how the licence holder will establish and maintain a clear chain of command for the licence activities 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 can identify who is responsible for certain elements of the project, and for ensuring that information flows 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 must 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 management system must establish arrangements for communication between the licence holder and all others working on the licence activities. Communications equipment and communication methods must provide for effective communication amongst all parties interacting on the licence activities, particularly when they are working on or near infrastructure, operating vessels and aircraft or undertaking simultaneous operations.



Redundancy should be built into communications systems to ensure that if one system fails, effective communications can still be maintained with those working on the activities, other marine users, and emergency services.

### ***Protocols for notification of incidents, events and other circumstances***

Regulation 161 sets out the incidents, events and other matters that must be notified to the Regulator, by the licence holder, in relation to the licence activities.

As a component of broader arrangements that the licence holder will put in place to facilitate information flow during the project, the management system must 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.

The licence holder's systems must ensure that appropriate structures and processes are in place to:

- ensure workers notify incidents, events, and other matters to the licence holder as soon as possible
- ensure the licence holder will comply with requirements (regulation 161) to give an initial (verbal) 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 written report (regulation 162) no later than 48 hours after the initial notification is given. The report must include further details of the event and the licence holder's response to the event
- provide for any further reports as directed by the Regulator (regulation 163).

To assist licence holders in meeting their obligations to notify, the Regulator will maintain a 24-hour emergency telephone number for incident reporting. For further information refer to section 9 of this guideline and OIR's incident notification guideline.

### ***Ensuring qualifications, competencies and supervision***

The licence holder must describe the elements of the management system that will 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, responsibly and in compliance with relevant obligations.

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 the licence activities. 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 must 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 and to verify compliance with relevant obligations.

Regulation 83(2)(k) requires the management system to describe the licence holder's process to monitor performance, including provisions for real time performance monitoring, in field verification activities, periodic auditing, and record-keeping to demonstrate compliance against obligations.

Whilst the specific elements and details of these processes need not be described in the management plan, the OIR's compliance monitoring activities will require licence holders to produce records that demonstrate compliance. 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 a safe and responsible offshore activity.

The management plan must describe how the management system will ensure non-compliance is identified throughout the licence activities and importantly, what processes will be in place to respond to instances of non-compliance such that remedial actions will 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, including management of corrective and preventative actions.

#### ***Ongoing process for improvement***

The management system must 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 or complying with relevant obligations.

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.

### **8.13. 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 from licence activities.

Licence activities are likely to be undertaken in remote areas and potentially harsh environments, and so 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 should not contain the full emergency response plan but must include the below information in relation to emergency management.

#### ***Require the licence holder to prepare, maintain and implement an emergency response plan***

The management plan should contain a clear commitment that the licence holder will prepare, maintain and implement an emergency response plan (ERP) that addresses the requirements of regulation 91.

### ***Identification, analysis and control of potential emergencies***

The management plan must identify and include an analysis of each kind of reasonably foreseeable emergency that could arise *in relation to* the licence activities described in the management plan. The emergency scenarios will be specific to the licence activities described (see section 7.1) and the risks identified (see section 8.12).

The management plan should demonstrate that the licence holder has undertaken an analysis of these emergencies in line with international standards for risk identification, assessment and analysis<sup>16</sup>. 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.

To address regulation 91(2)(b), 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.

### ***Emergencies arising from vessels operating in support of licence activities***

Emergencies associated with vessels that are operating in support of licence activities should be described in the management plan under regulation 91 only if they could reasonably foreseeably arise from the licence activities, or impact upon the licence activities. Generally, vessels operating in support of licence activities are not infrastructure and remain as vessels regulated under international and domestic maritime requirements. In this regard, the standard prevention, preparedness and response arrangements for vessel emergencies should be referenced, such as vessel-based ERPs under WHS obligations, shipboard oil pollution emergency plans and the National Plan for maritime emergencies. Any further risk controls, if identified as necessary for the licence activities specifically, may supplement but should not conflict or interfere with existing maritime requirements for vessels.

Further, the licence holder's ERP will necessarily need to interface with other related ERPs required for individual vessels operating as workplaces under the applied WHS provisions. Further information about vessel-based licence activities is available in OIR's Authorisations for offshore infrastructure activities guideline.

### ***Describe a plan for responding to emergencies***

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

The management plan should describe the following aspects of the ERP:

- 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 ERP 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

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<sup>16</sup> AS ISO 31000:2018

an emergency. This section of the management plan should 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 ERP that will allow the licence holder to achieve these objectives
- the initiation, escalation and communications protocols to be put in place under the ERP 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 must 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 must 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 the licence activities, 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, bespoke 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.

#### **8.14. 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.

#### **8.15. Plan may apply, adopt or incorporate other instruments**

Regulation 95 allows a management plan to 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 time<sup>17</sup>. 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.

### **9. Notifications to the OIR**

#### **9.1. Notification of incidents, unplanned events and other circumstances**

Regulation 161 sets out the incidents, events and other matters that must be notified to the Regulator, by the licence holder, in relation to the licence activities. 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.

To assist licence holders in meeting their obligations to notify, the Regulator will maintain a 24-hour emergency telephone number for incident reporting. For further information refer to OIR's Notification of incidents, events and occurrences guideline.

#### **9.2. Activity commencement and completion notifications**

Regulation 80(2) requires licence holders to notify the OIR at least 30 days prior to the commencement of a licence activity specified in the timetable and no more than 30 days after a licence activity specified in the timetable has been completed.

The regulations also provide for the licence holder and the Regulator to agree on a different period if 30 days is not appropriate to the circumstances. Licence holders can use the management plan as the mechanism to

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<sup>17</sup> Section 114(3) of the OEI Act

seek agreement from the OIR for an alternative time period, or this can be done through separate processes by making a request in writing to the OIR. 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 to assist the OIR in scheduling compliance monitoring activities. Consideration should be given to these factors prior to proposing alternative time periods for notifications under regulation 80(2).

## 10. Management plan summaries

Regulation 76 requires that, after a management plan is approved, the licence holder must, within 30 days, give the OIR a summary of the management plan, that will be published on the OIR's website.

The purpose of the summary is to support public transparency and ensure that the public has access to accurate information about the licence activities being undertaken. The summary may also provide an opportunity for any third parties to contact the licence holder to self-identify and request to be considered as consultees under the licence holder's stakeholder engagement strategy.

The summary is required to address those items listed in regulation 77, being:

- a description of the activities and operations
- consultation undertaken in preparation of the plan
- stakeholder engagement strategy for ongoing consultation
- the licence holder's management system
- relevant obligations in relation to:
  - conditions of the licence
  - EPBC obligations
  - applied WHS provisions
  - maintenance, removal and decommissioning of infrastructure etc
  - emergency management
  - contact details for the licence holder
  - business address/es where records are kept and can be inspected for the purposes of the WHS provisions.

The licence holder may nominate the address or addresses of any premises in Australia as the related onshore premises (as defined in section 228 of the OEI Act), where, under the management plan, records relating to the regulated offshore activities are required to be kept. This will enable affected parties and the general public to contact licence holders, if necessary, for further information about the project.

The summary should not include information that may be commercially sensitive and should not include private information about consultees or other organisations or workers. Privacy of individuals should be protected in accordance with the requirements of the *Privacy Act 1988*.

If the OIR is not satisfied that the summary includes the required information and is suitable for publication, the licence holder will be directed, in accordance with regulation 78, to revise and resubmit the summary. Failure to provide a summary as required, may result in a penalty.

## 11. Monitoring

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

## 12. Related documents

N- 04401-PL2048 – Policy – Assessment

N-02401-PL2179 – Policy – Inspection

N-03401-PL2100 – Policy – Investigations

N-05501-PL2096 – Policy - Enforcement

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

N-04401-GL2193 – Guideline – Making applications to the OIR

N-04403-GL2082 – Guideline – Authorisations for offshore infrastructure activities

N-04403-GL2254 – Guideline – Management plan lifecycle

N-04403-GL2231 – Guideline – Environmental management regulation for offshore renewables

N-04406-GL2217 – Guideline – Work health and safety under the OEI Act framework

N-04402-GL2063 – Guideline – Design notifications

N-04403-FM2180 – Form – Management plan application

N-04403-FM2252 – Form – Management plan summary

## Appendix 1 – Outline of management plan content requirements

The table below is intended to summarise the key messages from this guideline, with specific focus on management plan content requirements for early-stage activities such as metocean and geotechnical surveys.

Please refer directly to the OEI Regulations when preparing a management plan, to ensure all the requirements have been addressed prior to submission.

Licence holders are encouraged to include a ‘road map’ or concordance table indicating which section(s) of the management plan address each requirement in Division 5 of the OEI Regulations, as these are directly related to the approval criteria set out in Regulation 72.

This will assist the licence holder to ensure that all matters have been addressed prior to making an application and will assist the OIR in the assessment process.

Management plan content for early-stage activities	
<b>Project description and context</b>	
<b>Nature and scale considerations</b> <ul style="list-style-type: none"> <li>• describe the purpose of the licence and the current stage of activities in context of the project.</li> </ul>	<i>Regulation: 72(2)(a-d)</i>
<b>Description of licence activities operations:</b> <ul style="list-style-type: none"> <li>• describe the licence activities that will be occurring under the authority of the licence, in the licence area. The plan must describe:               <ul style="list-style-type: none"> <li>• operational details and a clearly defined scope of activities</li> <li>• offshore renewable energy infrastructure (OREI) relevant for the feasibility activities</li> <li>• layout and location of licence infrastructure</li> <li>• a timetable of licence activities, including reference to seasonal or temporal sensitivities and providing sufficient flexibility to accommodate foreseeable changes (e.g. schedule slippages)</li> </ul> </li> <li>• include a plan of the licence area showing location of the infrastructure and activities, such as metocean monitoring sites and geotechnical target sites within the licence area</li> <li>• include map/s, coordinates (GDA94) and proximity to population centres or other sensitivities.</li> <li>• consider including potential safety zones and/or protection zones (if any) that may be proposed in relation to the infrastructure described in the plan.</li> </ul>	<i>Regulation: 80 and 60(2)</i>
<b>Scope considerations:</b> <ul style="list-style-type: none"> <li>• geophysical and metocean activities that do not involve fixed or tethered infrastructure do not require a management plan (refer to OIR’s Authorisations for offshore infrastructure activities guideline)</li> <li>• OREI includes metocean buoys / FLiDAR(s) that are tethered to the seabed and geotechnical drilling equipment. An installation with a primary purpose of assessing the feasibility of an offshore infrastructure project, that comes into contact or rests on the seabed, such as geotechnical drilling equipment is also within scope of fixed or tethered infrastructure and is OREI</li> <li>• installation of equipment for the primary purpose of informing environmental approvals under the EPBC Act (e.g.: noise loggers) is not a licence activity. These activities are described in a management plan only if they are addressing environmental obligations under regulation 85</li> <li>• the vessels that deploy or operate geotechnical equipment are excluded from the definition of OREI and may be subject to requirements of other maritime laws (e.g. <i>Navigation Act 2012</i>).</li> </ul>	



However, the management plan will need to describe the vessel interface and interaction to ensure the safety of workers and the integrity of infrastructure. See the WHS section for further information.

**Metocean considerations:**

- the details of the FLiDAR and associated equipment and site-specific mooring system design
- deployment considerations such as vessel type, mobilisation, mooring pre-lay and FLiDAR hook-up.

**Geotechnical considerations:**

- the details of the geotechnical equipment including relevant standards being applied
- the details of the vessel(s) and platforms required to complete the scope of work
- the details of the proposed geotechnical methods including the number and type of samples
- a detailed breakdown showing the sequence of activities for the geotechnical campaign.

**Environment description**

*Regulation: 80(1)(a)*

- describe the physical environment including the general operating conditions for licence activities
- provide a general description of the ‘environment,’ including physical features, ecological sensitivities and other marine users identified within or adjacent to the licence area
- the environmental aspects described must be relevant to the licence activities, provide detail necessary to demonstrate compliance with environmental obligations, and provide context for consultation matters
- the description may cross-reference to published EPBC documents but should not attach or include extensive information that is not otherwise required for the management plan. The primary environmental impact assessment is undertaken under the EPBC Act and not through the management plan.

**Stakeholder engagement**

**Scope of the activities subject to consultation**

*Regulation: 63(1), 53(3)*

- define the scope of consultation relevant to the licence activities to be authorised by the plan and any other matters specified by a direction under 53(3) if one has been issued to the licence holder.

**Consultation undertaken in preparation of management plan**

*Regulation: 64, 65, 81*

- describe the process used to identify consultees consistent with regulation 64
- list the consultees and/or representative bodies consulted
- demonstrate that consultees were provided sufficient information and reasonable time to respond
- report on consultation responses and outcomes including:
  - summarise claims and assess the merits of each claim
  - identify measures to address reasonable claims
  - describe how the effectiveness of measures will be monitored and maintained.
- include a commitment to implementing the control measures and monitoring measures.

**Stakeholder engagement strategy for ongoing consultation**

*Regulation: 65, 82*

- list the identified stakeholders which may be the same or broader than the list at regulation 81
- describe the aspects of the licence holder’s stakeholder engagement strategy that will:
  - identify future changes to the list of stakeholders
  - address the stakeholder engagement strategy content requirements in regulation 82 as relevant to the ‘activities subject to consultation’
  - demonstrate how ongoing engagement will continue with those consultees in relation to the ‘activities subject to consultation’ for the duration of licence activities
  - consider changes in lists of consultees or the impacts arising from changes to activities that could affect consultees
  - describe the licence holder’s complaints handling process.

*Note: A management plan should not include the whole copy of the strategy or systems implemented.*

**Licence conditions**

**Relevant obligations under licence conditions, direction etc**

*Regulation: 72(1), 84*

- identify any conditions of the feasibility licence that may be relevant to the licence activities
- identify conditions of an area declaration (if any) that are relevant to feasibility activities
- identify requirements of any directions or determinations given to the licence holder from the Regulator, Registrar or the Minister that may be relevant to the licence activities
- describe relevant measures to ensure compliance with conditions
- ensure the management system will effectively implement measures and monitor compliance.

**Environment Protection and Biodiversity Conservation Act obligations**

**Relevant obligations under EPBC Act, regulations, conditions etc**

*Regulation: 72(1), 85*

- demonstrate that activities described in the management plan are consistent with the action described in EPBC referral documentation and primary approvals under the EPBC Act (if action referred)
- identify obligations of the EPBC Act and Regulations including any conditions of approval, ‘particular manner’ decisions or permit conditions relevant to the licence activities (refer to OIR’s Environmental management regulation for offshore renewables guideline)
- describe relevant measures to ensure compliance with conditions
- ensure the management system will implement measures and monitor compliance.

*Note: Do not include EPBC obligations that may relate to the broader project in other jurisdictions, or future commercial activities beyond the scope of the licence activities described in the plan. EPBC obligations that apply to vessels conducting licence activities may be in scope where relevant to licence activities.*

## Work health and safety (WHS) and diving

### WHS duty holders and obligations in relation to licence activities

*Regulation: 94*

- identify the scope of work and workers on OREI, and on vessels that are interfacing with OREI
- describe the aspects of the WHS framework that will be relevant to the **regulated offshore activities** described in the plan (see OIR’s Work health and safety under the OEI framework guideline)
- identify the roles and describe the duties of all duty holders under the applied WHS provisions, including the licence holder and all contractors involved in the licence activities. For example, PCBU, principal contractor, diving supervisor, worker etc
- if diving is required for feasibility activities, then the licence holder must ensure diving contractors address the requirements for a diving safety management system (DSMS) and a diving project plan
- the licence holder should ensure all contractors have appropriate safety risk management processes and safety management systems and provide for appropriate qualifications, competencies and supervision, as required under the applied WHS provisions
- licence holders should ensure appropriate interface with the safety management systems of their contractors. See the management system section for further information.

*Note: Vessels undertaking early-stage activities are unlikely to be defined as OREI however the applied WHS provisions apply to a broader scope of regulated offshore activities (OEI Act s226). The WHS provisions apply to workers and work on a vessel when it is at the site where it will be used and activities necessary to make it operational at the site have begun.*

## Relevant structures, equipment and property

### List of relevant structures, equipment and property

*Regulation: 87*

- describe, as specified by 87(3), the OREI to be fixed or tethered, as authorised under the licence, in the licence area, including FLiDAR and geotechnical equipment
- describe any other relevant structures, equipment or property that may be brought into the licence area and placed on the seabed as part of the licence activities described in the management plan, including structures temporarily wet-parked or unintentionally dropped.

## Infrastructure integrity assurance and maintenance

### Structures, equipment and property are to be maintained and fit for purpose

*Regulation: 88*

- identify relevant technical standards that may apply to licence activities and infrastructure
- describe the process for integrity assurance to ensure infrastructure, equipment and property will perform in accordance with its intended purpose during routine and emergency conditions
- describe measures to assure, monitor and maintain the structural soundness, strength and stability, mechanical integrity and systems integrity of the infrastructure
- describe systems for inspection, testing, maintenance and repair to ensure that relevant structures, equipment and property will be maintained in good condition.

<b>Decommissioning and removal</b>	
<b>Obligations for removal and remediation</b>	<i>Regulation: 89, 90</i>
<ul style="list-style-type: none"> <li>• describe how licence infrastructure and other structures, equipment and property will be decommissioned and removed when no longer required. Examples relevant to feasibility activities include FLiDAR and associated equipment and anchors and geotechnical equipment</li> <li>• identify if active remediation will be required for any affected areas related to the activity and describe how this remediation will be undertaken.</li> </ul>	
<b>Financial securities</b>	
<b>Calculation methods</b>	<i>Regulation: 92</i>
<ul style="list-style-type: none"> <li>• describe the method used to calculate the greatest reasonably credible costs, expenses and liabilities that may be incurred by the Commonwealth in undertaking any decommissioning, removal or remediation activities in the event the licence holder is unable or unwilling to do so</li> <li>• describe how the licence holder has had the calculation methods verified. For simple feasibility activities, this may be achieved through development of a bottom-up costing approach followed by an in-house audit or review process to provide assurance that: <ul style="list-style-type: none"> <li>• inputs are appropriately scoped and costed</li> <li>• calculations are accurately undertaken</li> <li>• amounts represent the greatest reasonably credible costs, expenses and liabilities.</li> </ul> </li> </ul> <p><i>Note: This must be relevant to the scope of planned decommissioning/removal and any associated unplanned events that may arise during decommissioning/removal, such as dropped objects or failed recovery. Note that ordinary maritime obligations related to vessel pollution emergency and salvage are not within scope.</i></p>	
<b>Forms of financial security</b>	<i>Regulation: 109, 110, 92, 102</i>
<ul style="list-style-type: none"> <li>• describe the form or forms in which security has been provided or is to be provided</li> <li>• proposed forms of security must be consistent with regulations 109 and 110, or any specific Ministerial determinations made about the financial security for a licence</li> <li>• any novel forms of security proposed must be adequately described to demonstrate that they meet the requirements of regulations 109 and 110.</li> </ul> <p><i>Note: A licence holder may use multiple forms of security for different amounts and purposes.</i></p>	
<b>Timetable for the provision of financial securities</b>	<i>Regulation: 92, 103</i>
<ul style="list-style-type: none"> <li>• if the licence holder is proposing to provide securities at different times in relation to specified infrastructure, the plan must include a timetable for providing securities to the Commonwealth. The timetable must clearly align to the activity timetable such that securities will be provided prior to installation of the infrastructure commencing</li> <li>• specify the amounts and forms of securities that have been provided, and any that will be provided, in accordance with the timetable.</li> </ul>	

**Financial security compliance requirements**
*Regulation: 92(1), 83(1), 83(2)(k)*

- describe the processes that will be implemented to monitor, audit and record the licence holder's compliance with financial security requirements under section 117 and 118 of the OEI Act
- establish a process to notify the Regulator when financial security has been provided to the Commonwealth in accordance with the timetable.

**Management systems**
**Risk assessment process**
*Regulation: 83(2)*

- describe how the licence holder has used a risk assessment process for the licence activities to:
  - identify and assess hazards, impacts and risks associated with the licence activities
  - develop and implement control measures to ensure risks are controlled
  - routinely implement the risk assessment process to identify and assess changed circumstances, including triggers for revision of a management plan
  - ensure compliance is achieved and maintained

*Note: This regulation does not require risk assessment outputs to be included in the plan.*

**Management system**
*Regulation: 83, 53, 87(4), 93*

- describe the licence holder's management system
- describe the elements of the management system that will:
  - ensure all relevant obligations are met, including the applied WHS provisions.
  - identify roles and responsibilities and inform persons of compliance obligations across the whole scope of the licence activities, including for incident reporting and WHS duties.
  - ensure training, competency and appropriate supervision of persons involved in the activities
  - consult, communicate and cooperate with all levels of the workforce
  - coordinate activities and manage any simultaneous operations in the licence area
  - establish communication arrangements with other marine users
  - monitor, audit and manage non-conformance
  - maintain records as required to demonstrate compliance of the licence holder and its contractors in meeting all obligations.

**Emergency response planning**
**Identify, analyse and mitigate the risk of emergencies**
*Regulation: 91(1), 91(2)(a-b)*

- identify, and include an analysis of, each kind of emergency that could reasonably foreseeably arise from the licence activities or impact upon the licence activities. The analysis needs to be sufficient to support conclusions regarding prevention and the approach to the ERP and be appropriate for the nature and scale of the risk
- noting that a vessel is not 'infrastructure' and will continue to operate as a vessel throughout the feasibility licence activities, the analysis of vessel-based emergencies may reference standard maritime industry prevention controls and response arrangements (e.g.: shipboard oil pollution emergency plan and National Plan for maritime emergencies) and should not duplicate or conflict with these requirements. Oil spill modelling for vessel-based spills is not required by the OEI regulations, unless it is specified as an obligation arising from a decision under the EPBC Act
- consider a range of scenarios for each category of emergencies including likely smaller-scale incidents, through to the credible worst-case scenarios
- include prevention measures to reduce likelihood for each kind of emergency.

*Note: Vessel emergencies should be described to the extent that they affect the workforce, infrastructure integrity or compliance with EPBC conditions for the licence activities. Licence holders should identify, but not duplicate the detail of ordinary maritime requirements, such as oil pollution emergency plans, in the management plan.*

**Emergency response plan**
*Regulation: 91(2)(c-e) and (g)*

- describe the licence holder’s emergency response plan (ERP) for responding to emergencies arising from, or in relation to, licence activities. The whole ERP should not be included in the management plan
- the management plan must demonstrate that the ERP meets the requirements under regulation 91, including:
  - an outline of the response capabilities, roles and responsibilities for the licence holder, contractors and other responders with obligations for preparing for and responding to emergencies
  - setting out processes that will provide effective and timely response to emergencies, including notification and communication with workers, and escalation and coordination with responders, emergency service providers and other persons or entities who may be involved
- describe how the licence holder will provide appropriate information, training and instruction, including a copy of the ERP, to all persons who could be involved in emergencies.

**Monitoring, maintenance and testing of ERP**
*Regulation: 91(2)(f), 91(3), 91(4)*

- describe measures for monitoring the effectiveness of, and testing, the ERP
- include a schedule of ERP tests that is relevant to the scale and nature of licence activities
- describe how outcomes of tests are to be measured and used to improve the ERP.

**Notifications**
**Notification of certain events and other matters**
*Regulation: 83, 161, 162, 163*

- describe communication protocols and processes that will ensure all incidents are reported.

**Activity start/end notifications**
*Regulation: 83, 80(2)*

- identify processes in place to notify the OIR at least 30 days before the commencement, and no more than 30 days after the completion of a licence activity specified in the timetable.
- If the licence holder proposes an alternative notification period, as provided for under 80(2), the OIR’s agreement could be achieved through the management plan or in separate correspondence.