

Management plan lifecycle

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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)¹. The OIR is responsible for regulating work health and safety, environmental management, and **infrastructure integrity**² of **offshore infrastructure activities**³ in the **Commonwealth offshore area**⁴.

2. Purpose

The purpose of this document is to provide OEI Act licence holders with information about the management plan assessment process and the lifecycle of management plans including requirements for management plan revisions. It is also intended to provide other stakeholders with general information about the management plan framework.

3. Scope

This guideline applies to the assessment of management plans and requirements for management plan revisions. This document is not legally binding and is provided to inform stakeholders as to how the OIR exercises its discretion under relevant legislation. It reflects the current policies of the OIR, which may change from time to time, with all changes being notified publicly.

4. Relevant legislation

The following Commonwealth legislation gives direction to the OIR and provides the legal framework relevant to management plans:

- *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
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¹ See section 177 of the OEI Act

² See section 8 of the OEI Act

³ Ibid

⁴ Ibid

- *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.

5. Management plan applications

A licence holder that proposes to construct, install, commission, operate, maintain or decommission **offshore renewable energy infrastructure**⁵ or **offshore electricity transmission infrastructure**⁶ in the Commonwealth offshore area must first have a **management plan**⁷ approved by the OIR.

The preferred format for making a management plan, management plan revisions and management plan summary applications to the OIR is via the application portal available on the OIR's website at oir.gov.au.

Downloadable PDF forms for management plan applications are also available on the OIR website should applicants encounter any issues with making a submission through the application portal. Refer to the Making applications to the OIR guideline for more information about preparing management plan applications.

Management plan and management plan revision applications are subject to application and assessment fees. For more information about administration of application and assessment fees refer to our Regulatory fees and levies policy.

The OIR strongly advises licence holders to check their management plan against the requirements of the OEI Regulations prior to submitting a plan to the OIR for assessment.

6. Assessment process

Once the management plan application has passed any completeness checks and is processed by the OIR, the licence holder will receive a confirmation receipt email, and a lead assessor will be assigned to the assessment.

The lead assessor will be responsible for ensuring that the assessment is conducted in accordance with the OIR's policies and procedures. Refer to the Assessment policy for further information about the OIR's approach to assessments.

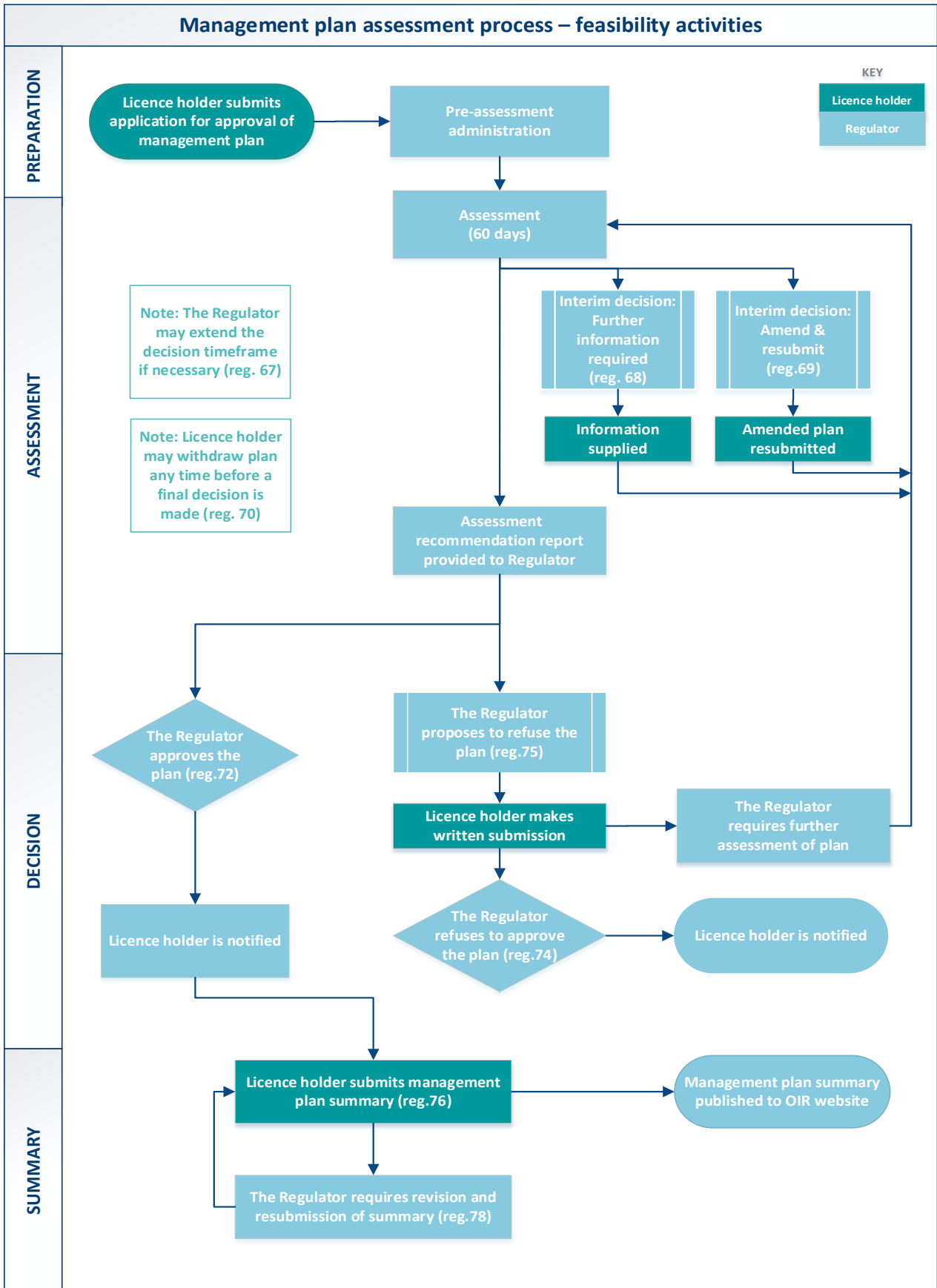
The OIR will only approve a management plan once it has determined the plan meets the requirements of the OEI Regulations.

An overview of the management plan assessment process is provided below.

⁵ See section 10 of the OEI Act

⁶ See section 11 of the OEI Act

⁷ See section 8 of the OEI Act



6.1. Timeframe for assessment

In accordance with regulation 67, the OIR must make a decision within 60 days, from the date of the submission to determine whether it meets the criteria for approval. However the decision period may be extended as a result of interim decisions, such as requests for further written information or a request to amend and resubmit.

In all cases, licence holders will be formally notified of any extensions to decision periods and the reasons for the extension.

6.2. Interim decisions

During the management plan assessment process, the OIR may require further information or require a licence holder to amend and resubmit the management plan. The OIR may use a combination of these interim decisions throughout the lifecycle of an assessment, as considered appropriate to the relevant circumstances.

While the OEI Regulations do not specify or limit the number times the OIR may require further written information or require a licence holder to amend and resubmit the management plan, the OIR will endeavour to minimise interim decisions to the extent practicable.

Under section 115(3) the OEI Act, the OIR may impose any reasonable requirements on the licence holder in relation to offshore infrastructure activities to be carried out under the licence as part of the management plan assessment process.

Requires further information

In accordance with regulation 68, the OIR may issue a notice requiring the licence holder to give further information where one or more of the content requirements for management plans have not been fully addressed.

The written notice requiring further information will clearly set out the content requirements or approval criteria that have not been adequately addressed and set out the further information that is necessary to comply with the requirement. The notice will specify the manner in which information must be provided and the timeframe for complying with the notice.

In accordance with regulation 68(4) the licence holder may request the OIR to vary the timeframe for complying with the notice.

Further information provided to the OIR through this process becomes part of the management plan as if it had been included in the plan when the application was made.

Amend and resubmit

In accordance with regulation 69, the OIR may issue a notice to require the licence holder to amend and resubmit the plan to address specific matters relating to content requirements and/or criteria for approval.

The written notice will set out the areas where the OIR considers the plan could be amended and specify the timeframe for resubmission of the plan.

In accordance with regulation 69(4) the licence holder may request the OIR to vary the timeframe for complying with the notice.

An amend and resubmit is intended to be used, where there are a number of deficiencies within the management plan and the OIR is not satisfied the plan can be approved.

6.3. Withdrawal of application

In accordance with regulation 70, a licence holder may withdraw an initial or management plan revision application at any point during the assessment process if the OIR has not approved or refused to approve the application.

6.4. Licence holder liaison

To preserve the independence of the management plan assessment process and avoid any appearance of undue influence on the OIR, direct engagement between a licence holder and a lead assessor regarding the contents of a management plan or the status of the assessment while an assessment is underway will typically be avoided.

However, in circumstances where interim assessment decisions have been made and communicated to the licence holder, licence holders will have an opportunity to meet with the lead assessor and the assessment team to clarify any aspects of the interim decision.

6.5. Final decisions

Decision to approve

If the management plan meets all the requirements of the OEI Regulations the OIR must approve the management plan.

Regulation 72 sets out the matters the OIR must have regard to when considering whether to approve a management plan.

A management plan is considered to be in force from the day the OIR approves the plan. As there is only a single management plan for the licence, licence holders will need to progressively revise their management plan to include new activities and phases over the lifecycle of an **offshore infrastructure project**⁸.

In accordance with regulation 76, licence holders are required to provide a summary of the management plan to the OIR within 30 days of management plan approval. For more information about preparing a management plan summary please refer to our Management plan content guideline.

Decision to refuse

Following the assessment process, including any opportunities to provide further information or amend and resubmit, if the OIR is not reasonably satisfied that the management plan meets the requirements of the OEI Regulations, the OIR will notify the licence holder of its proposed decision to refuse the management plan. The reasons for the proposed refusal decision will be provided to the licence holder in

⁸ See section 8 of the OEI Act

writing, with the licence holder afforded an opportunity to respond prior to receiving a formal refusal notification.

7. Management plan revisions

The OEI Regulations set out requirements for management plan revisions including the circumstances in which management plans must be revised and requirements to revise management plans periodically.

7.1. Changes in circumstances

Regulation 60 sets out the circumstances in which a licence holder must revise their management plan. Licence holders should consider implications for management plan revisions when preparing a management plan.

A significant change to a licence activity is likely to be a planned change initiated by the licence holder. It is incumbent on the licence holder to ensure that all specific activities, tasks or actions required to complete the activities to be conducted under the licence are provided for in the management plan that is approved and in force.

In line with regulation 60(2)(a) if licence activities are to change significantly, the licence holder will need to revise their management plan such that activities that are conducted under the licence and management plan are not conducted contrary to the approved management plan.

By way of example, while licence holders may have some flexibility built into their approved management plan in terms of timing of activities, if there are schedule slippages which will result in the licence activities being conducted outside of windows documented in the approved management plan, the licence holder will need to submit a revision of the management plan.

It is expected that licence holders will take a responsible approach to managing changes that do not fall within the scope of regulation 60 through their existing management of change processes. When designing or reviewing the process or system where regulation 83(2)(c) is considered, the licence holder should have established criteria that they will use to determine when a management plan revision may be required.

For proposed revisions regarding specific circumstances, the assessment of the management plan will focus primarily on the reason for the revision and the changes in external context since approval.

It is an offence of strict liability under regulation 61 if a licence holder reasonably ought to know that a circumstance in subsection 60(2) applies in relation to the licence and the circumstance results, or is likely to result, in the licence holder failing to comply with the management plan and the licence holder does not submit a revised management plan application to the OIR.

7.2. Periodic revisions

In accordance with regulation 56, licence holders are required submit a periodic revision (five yearly revision) of their management plan whether or not there has been a change in the licence activities or the circumstances of the offshore infrastructure project.

When preparing periodic revisions licence holders are encouraged to:

- engage with the OIR early to discuss the proposed revision. This may include the timeframe for submission of the revised management plan, where it needs to be agreed with the OIR
- do a comprehensive check of legislative requirements to identify any changes that have occurred (or are currently underway) since the last time the management plan was approved.

The five years for a periodic revision commences on the date the most recent revision of the management plan was approved or on the date notified by the OIR, if the OIR notifies the licence holder of such a date.

It is an offence of strict liability under regulation 56 if a licence holder does not submit a revised management plan in accordance with periodic revision requirements under the regulations.

Exemption from period revision requirements

In accordance with regulation 57, a licence holder may apply to the OIR for an exemption to submit a periodic revision in circumstances where no licence activities are occurring under the management plan and no licence infrastructure is in the licence area.

Deferral of periodic revision

In accordance with regulation 58, a licence holder may apply to the OIR for deferral of a periodic revision of their management plan. The application must be in writing via email, set out the reasons for the request and propose a deferred revision day.

The OIR may grant a deferral if the OIR is satisfied the licence holder is reasonably likely to comply with the management plan for the deferral period and the deferral is reasonably necessary under the circumstances.

7.3. Compliance monitoring

The OIR may inspect a licence holder's process to determine whether, in connection with changes in circumstances, they are required to submit a revised management plan. The OIR may also inspect to determine if the licence holder has properly considered regulation 60 in other changes relating to licence activities.

The OIR expects the licence holder to assess their planned and reasonably foreseeable changes against the requirements of regulation 60 prior to the change occurring and that this assessment is documented.

7.4. Revision at direction of Regulator

In accordance with regulation 53, the OIR may at any time direct a licence holder to revise their management plan. The direction must set out the matters to be addressed in the revision, set out the reasons for the revision and specify a reasonable timeframe for submitting the revised management plan.

Before directing a licence holder to revise their management plan, the OIR will give the licence holder written notice of the proposed decision to issue the direction in accordance with regulation 55.

8. Licence activities must comply with management plan

It is an offence of strict liability under regulation 46 to carry out licence activities in a way that is contrary to the management plan that is in effect for the licence.

9. End of management plan

The life of a management plan is linked to the life of the related OEI licence. As such there is no formal mechanism for ending a management plan under the OEI Regulations.

10. 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.

11. 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- 11300-PL2064 – Policy – Regulatory fees and levies

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

N-04403-FM2180 – Form – Management plan application

N-04403-FM2252 – Form – Management plan summary submission