

Sharing information with Australian agencies

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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, **infrastructure integrity**² and environmental management of **offshore infrastructure activities**³ in the **Commonwealth offshore area**⁴.

2. Purpose

The purpose of this policy is to describe how the OIR will manage the sharing of offshore infrastructure information or things under the OEI Act by:

- where relevant, detailing the purpose(s) for sharing offshore infrastructure information or things;
- identifying the person(s) who may share offshore infrastructure information or things; and
- Identifying the Commonwealth, State and Territory agencies with whom offshore infrastructure information or things can be shared.

3. Scope

This policy describes the OIR's approach to sharing of offshore infrastructure information or things with external agencies.

This policy is not a legally binding document 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 in the sharing of offshore infrastructure information or things:

- *Offshore Electricity Infrastructure Act 2021* (OEI Act)
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¹ See section 177 of the OEI Act

² See section 8 of the OEI Act

³ Ibid

⁴ Ibid

- Offshore Electricity Infrastructure Regulations 2022 (OEI Regulations)
- *Work Health and Safety Act 2011* (Clth) (WHS Act) as applied under the OEI Act
- Work Health and Safety Regulations 2011 (Clth) (WHS Regulations) as applied under the OEI Regulations
- *Regulatory Powers (Standard Provisions) Act 2014*
- *Freedom of Information Act 1982*
- *Privacy Act 1988*.

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

5. Sharing of offshore infrastructure information or things

Chapter 7, part 4 of the OEI Act sets out the provisions for the sharing of **offshore infrastructure information** or things. Offshore infrastructure information has the meaning given by section 291 of the OEI Act as summarised:

291 Scope of Part

1. *This Part applies in relation to information, a document, a copy of a document or an extract of a document (the **offshore infrastructure information**) or a thing obtained in the course of:*
 - a. *the exercise of a power, or the performance of a function or duty, under this Act or the applied work health and safety provisions; or*
 - b. *the administration of this Act or the applied work health and safety provisions; or*
 - c. *the exercise of a power, or the performance of a function or duty, under the Regulatory Powers Act so far as it applies in relation to a provision of this Act or the applied work health and safety provisions; or*
 - d. *the administration of the Regulatory Powers Act 2014 so far as it applies in relation to a provision of this Act or the applied work health and safety provisions.*
2. *Offshore infrastructure information may be, or include, personal information (within the meaning of the Privacy Act 1988).*

5.1. OIR use of information or things

In accordance with section 292 of the OEI Act, if the OIR obtains offshore infrastructure information or things during the exercising of a power, or the performance of a function under the OEI Act, the OIR may use the offshore infrastructure information or things for the purpose of exercising any power or performing any function under the OEI Act.

5.2. Persons who can share information or things

Section 293 of the OEI Act states that the following person(s) may share offshore infrastructure information or things to another of those persons listed:

- the Minister
- the Secretary
- the Secretary of the Registrar's Department
- the OIR
- the Registrar.

The recipient of the offshore infrastructure information or thing may use it in the course of the administration, exercise of powers or performance of functions or duties under the OEI Act or applied work health and safety provisions.

5.3. OIR may make information available to external agencies

The OIR may make available offshore infrastructure information or things under section 294 of the OEI Act to certain Commonwealth, State and Territory agencies where the information or the things will assist those external agencies to exercise their powers or perform their functions under or for the purposes of a law.

These agencies are:

- the Australian Maritime Safety Authority
- the Civil Aviation Safety Authority
- the Australian Defence Force
- the Australian Federal Police
- the Department administered by the Minister administering part XII of the *Customs Act 1901*
- the police force of a State or Territory
- the Director of Public Prosecutions of the Commonwealth or a State or Territory
- the coroner of a State, the Australian Capital Territory, or the Northern Territory
- an agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to occupational health and safety
- an agency of the Commonwealth, or of a State or Territory, that is responsible for administering or implementing laws relating to the protection of the environment
- any other agency of the Commonwealth, or of a State or Territory, responsible for investigating contraventions of laws, or administering or ensuring compliance with laws.

In relation to offshore infrastructure information or things made available to an external agency the OIR may, at any time, by written notice to the agency, impose conditions in relation to:

- the agency's use of the offshore infrastructure information or thing; or
- whether, and the extent to which, the agency itself may make the offshore infrastructure information or things available to any other agency or person.

5.4. Process for sharing the information or things

A request for offshore infrastructure information or things from the OIR should be directed to offshorerenewables@oir.gov.au.

An external agency making a request to the OIR for the sharing of offshore infrastructure information or things, will be required to demonstrate the powers, functions and/or purposes of the law related to their request. If making such a request, the agency must also explain the manner in which the offshore infrastructure information or thing is to be used.

The appropriateness of sharing particular information or things will be determined by the OIR on a case-by-case basis.

5.5. Personal information

If offshore infrastructure information that is shared includes personal information, the OIR will take reasonable steps in the circumstances to ensure that personal information is de-identified before offshore infrastructure information that includes such personal information is made available, shared or used under this policy. In addition, external agencies before using the information must take reasonable steps to de-identify personal information.

5.6. Freedom of information requests

Requests for OIR documents that are outside the scope of this policy will be processed by NOPSEMA in accordance with the *Freedom of Information Act 1982*. FOI requests should be directed to foi@nopsema.gov.au.

6. Monitoring

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