



**Offshore
Infrastructure
Regulator**

Work health and safety under the OEI framework

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Offshore Infrastructure Regulator



Agenda

Work health and safety (WHS) in the offshore electricity infrastructure (OEI) legislative framework

Addressing WHS requirements in a management plan

Compliance monitoring

Further guidance

Q&A session



Work health and safety under the OEI Act framework – Core concepts



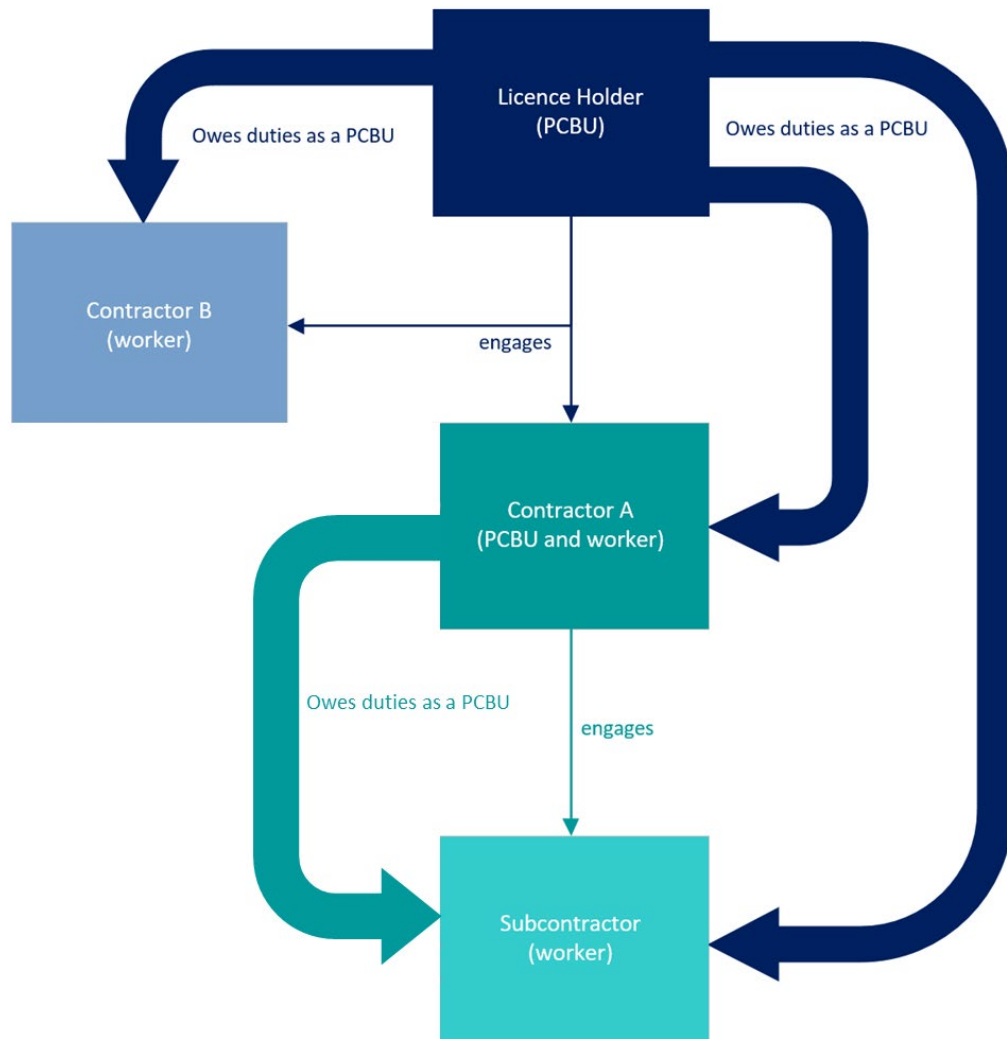
WHS under the OEI legislative framework



- The OEI framework has been designed to harmonise with the Commonwealth WHS Act 2011 and associated WHS regulations
- Licence holders should be cognisant of modifications made through the applied WHS provisions when determining their obligations
- The OIR has prepared a suite of guidance to support licence holders in understanding operation of the WHS requirements
- There are additional State and Commonwealth laws and regulations licence holders will need to be aware of and comply with



PCBUs



- The applied WHS provisions apply duties and obligations to a Person Conducting a Business or Undertaking (PCBU)
- In all cases the licence holder will be a PCBU and hold WHS duties and obligations
- Other entities (e.g. contractors) may also be PCBUs
- Duties and obligations can be shared across multiple PCBUs
- All PCBUs have a primary duty of care to their workers and an offshore infrastructure project may have multiple PCBUs who each hold duties
- **Duties and obligations are retained by each PCBU and cannot be transferred or contracted out**



Duties and obligations

- Part 2 of the applied WHS Act sets out health and safety duties in relation to PCBU's and other duty holders
- Requires risks to be eliminated or reduced so far as is reasonably practicable (SFAIRP)
- The OEI Act (s232) extends duties to persons in relation to a workplace in the Commonwealth offshore area whether or not the person is in the Commonwealth offshore area (e.g. officers)
- The licence holder needs to have a comprehensive understanding of their duties and the duties of those who undertake work for them
- Systems, processes and procedures should be in place to ensure these are met
- Other more specific duties and obligations apply under the applied WHS provisions and licence holders need to comply with these.



Standards and Codes of Practice

- The applied WHS provisions prescribe a limited number of standards that must be met where they are applied, adopted or referred to.
- Where standards are not prescribed, they still provide a strong basis for the management of hazards and risks.
- WHS Regulation 274 is applied under the OEI Regulations which results in the list of approved Commonwealth Codes of Practice being applied to licence activities.
- Codes of practice form a basis for hazard and risk management across a range of subjects and should be referred to where relevant.



Regulated offshore activities

- Section 226 of the OEI Act applies the WHS provisions to ***work in the nature of offshore infrastructure activities, any other work carried out under a licence and any other work carried out in accordance with an OEI Act requirement.***
- Collectively this work is defined as ***regulated offshore activities.***
- Section 230 provides further clarity on when work on a mobile structure (e.g. vessel) falls within the scope of the OEI Act requirements.
- Once regulated offshore activities are being undertaken, the OEI Act WHS provisions apply to all persons undertaking that work.
- Other WHS provisions may continue to apply (e.g. OHSMI Act for relevant vessels).



Offshore Electricity Infrastructure Act 2021

No. 120, 2021

Compilation No. 3

Compilation date: 14 October 2024

Includes amendments: Act No. 38, 2024



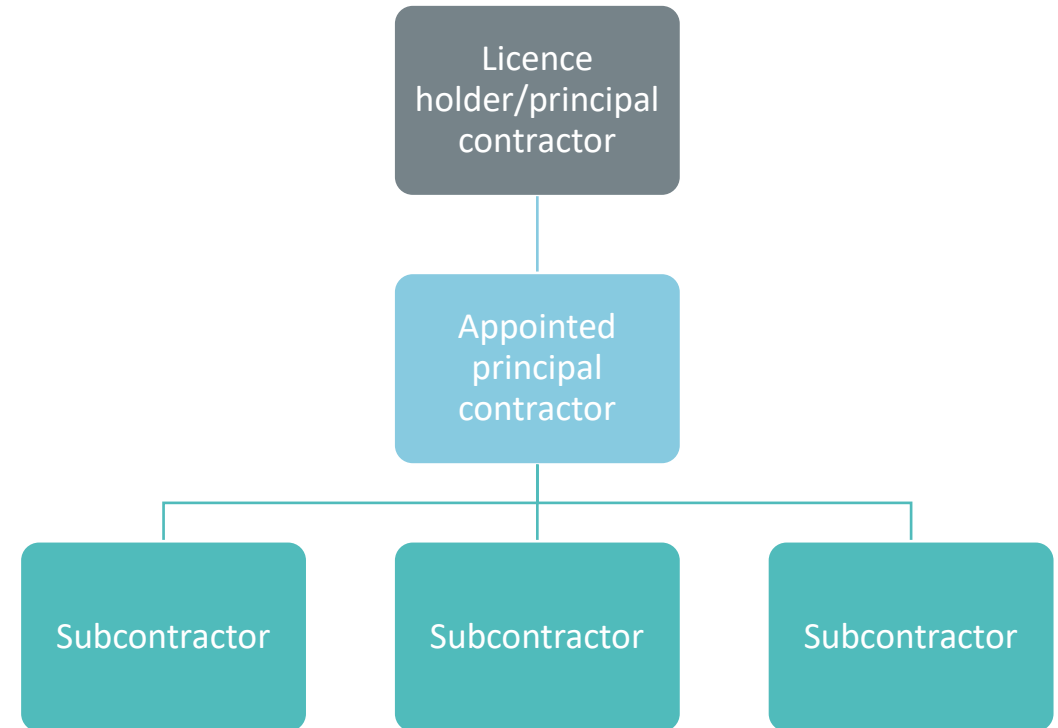
Construction work

- Chapter 6 of the WHS regulations sets out additional obligations that apply to **construction work**.
- Regulation 291 of the WHS regulations defines **high risk construction work**.
- It is likely that many **regulated offshore activities** will fall under these definitions.
- Regulation 293 of the WHS regulations defines a **construction project** (cost of construction work >\$250,000).
- Where a PCBU is undertaking a construction project they become the **principal contractor** in relation to that project.



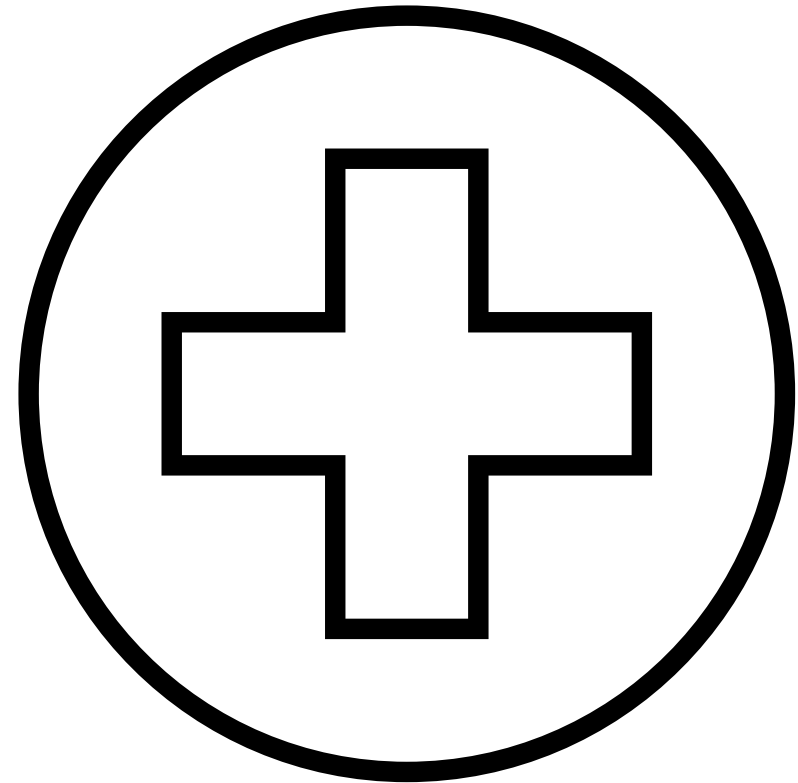
Principal contractor

- A construction project has only one principal contractor at any specific time
- A licence holder can be the principal contractor or can engage one (WHS reg 293)
- Where principal contractor duties apply, licence holders and all PCBUs should be clear about roles and responsibilities related to a construction project
- A principal contractor, has additional duties above those they already have (Chapter 6 WHS regulations)
- Licence holders are required to publish the principal contractor's name, contact number, and details of the project on their website.



Health

- Health under the applied WHS provisions is defined not just physical health but also psychological health.
- Many things can affect the health of workers offshore:
 - Work environment, e.g. isolated offshore environments away from family and friends or cold or hot environments.
 - The design or management of work, e.g. the shift or hours of work or the amount of work and time pressure due to a construction window.
 - Plant at a workplace, e.g. noisy plant, hot works carried out on plant, and vibration.
 - Workplace interactions or behaviours, e.g. bullying, harassment, racism, and sexual harassment.
- Managing workers health is a critical component of maintaining a safe workplace and meeting obligations.



Addressing WHS in an OEI management plan



WHS in an OEI management plan

- A management plan must describe the WHS obligations (duties) that apply to the licence holder covering:
 - primary duties as a PCBU
 - duties of person with management or control of a workplace
 - duties of person with management control of fixtures, fittings or plant at workplace
 - duties of officers
 - duties of workers
 - duties of principal contractor.
- Systems to ensure other PCBUs such as designers, manufacturers, importers, suppliers and installers of plant, substances or structures will meet their duties.
- Content in relation to WHS should focus on the interfaces between the licence holder, other PCBU's and workers to ensure that the project as a whole is managed safely and that obligations under the applied WHS provisions can be met by the licence holder.



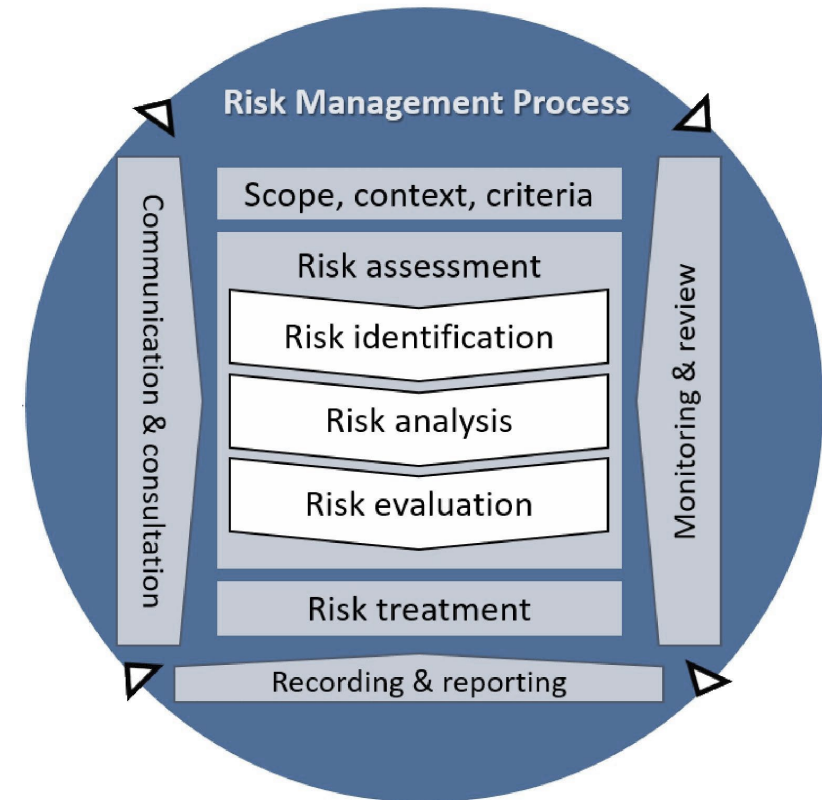
WHS Risk Management

In the management plan:

- outline the licence holder's process for risk management
- align with international standards
- make sure process meets with any requirements under the applied provisions (e.g. utilise the hierarchy of controls with emphasis on higher order controls)
- the risk assessment and its outcomes **do not** need to be included in the MP.

The management system described in the MP must address:

- compliance with WHS obligations
- ongoing hazard and risk identification and management
- retaining records of risk assessments and their outcomes
- consultation, communication, cooperation, coordination
- incident notification and reporting
- qualifications, competencies and supervision
- monitoring, audit and review.



Ref: ISO 31000:2018



Role of the management system

- Licence holders need to demonstrate that systems will be in place to ensure that compliance with the applied WHS provisions is monitored and consistently maintained where regulated offshore activities are being undertaken
- The management system is the responsibility of the licence holder
- The OEI management plan should describe the management system including describing how WHS obligations will be met through the system
- Consider interfaces between the licence holder, other PCBUs and workers to ensure that the project, as a whole, is managed safely



Workforce consultation

- Licence holders must consult with the workforce when preparing or revising a management plan.
- If there are no workers at the time consultation is required to be carried out, licence holders must consult with representative organisations.
- Management plans must explain how a licence holder/PCBU intends to communicate and consult with the workforce.



Training and competency

- The management plan should outline the approach to training and competency
- Licence holders should also be aware of approved training, licencing and authorisation requirements under the applied WHS provisions:
 - health and safety representative training
 - entry permit holder training
 - general construction induction card training (white card).
 - high risk work licencing.
- Integration with the management system
 - Communication, consultation, monitoring, auditing, management and review



Health and safety culture



Work health and safety culture



- We can learn a lot from our established offshore industry to develop a strong and safe culture
- WHS culture includes beliefs, values, attitudes and the behaviours of those in the workplace
- Safety performance is directly affected by the safety culture of an organisation
- Workers must feel empowered to raise safety issues and to stop the job if it is unsafe
- Leaders and workers need to ensure they are setting a positive example and be accountable for safety
- We have a unique opportunity to set the culture for the sector

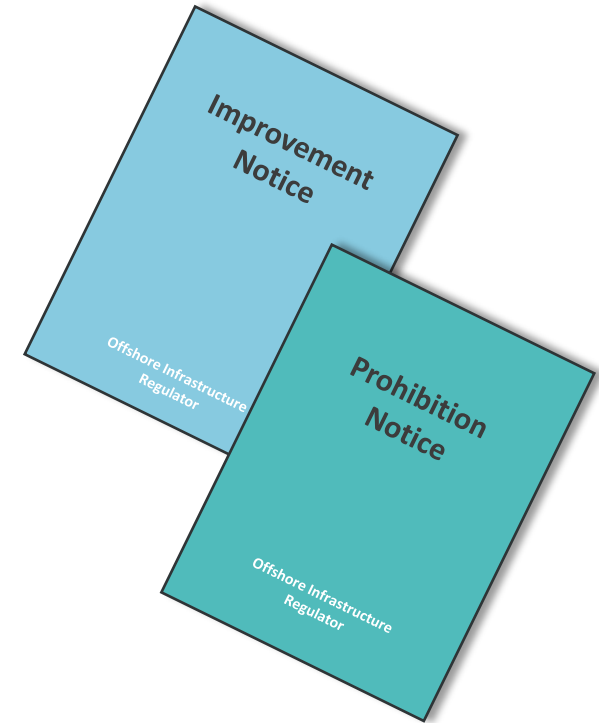


Compliance monitoring



Compliance monitoring

- The Offshore Infrastructure Regulator will be conducting compliance monitoring inspections throughout the lifecycle of all offshore renewable energy projects.
- Compliance monitoring will include specific WHS focus topics and target high-risk activities
- Our expectation is that duty holders will voluntarily comply and seek guidance where requirements are unclear
- Under the OEI legislative framework, the OIR has access to a range of graduated enforcement tools:
 - notices
 - infringements
 - directions
 - the ability to prosecute against legislative requirements.
- WHS legislation offences are categorised into 3 levels
- Industrial manslaughter came into effect in July 2024.



Guidance



OIR guidelines

Offshore Infrastructure Regulator

Work health and safety under the OEI Act framework

Document No: N-04406-GL2217 A1155897

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Notification and reporting of incidents, events and near misses

Document No: N-03402-GL2083 A898493

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Call 1300 674 472 to notify the OIR of an incident or event

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Management plan content

Document No: N-04403-GL2084 A1153587

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Design notifications

Document No: N-04402-GL2063

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Questions?





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