NATIONAL MARINE OIL SPILL CONTINGENCY PLAN

Australia’s “National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances”

June 2005
AMENDMENTS

Suggested amendments or additions to the contents of this National Marine Oil Spill Contingency Plan are to be forwarded in writing to:

Manager
Environment Protection Response
Emergency Response
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601
or by Facsimile: (02) 6279 5076

Amendments received are to be recorded in the following table:

<table>
<thead>
<tr>
<th>Version</th>
<th>Amendment</th>
<th>Date</th>
<th>Signature</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Complete review and reprint</td>
<td>March 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>pp 31-45 amendments</td>
<td>August 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.0</td>
<td>Complete review and reprint</td>
<td>June 2005</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Version 2.0
June 2005
TABLE OF CONTENTS

Amendments .............................................................. ii
Abbreviations and Acronyms ................................................................. vi

1 INTRODUCTION ..............................................................................................................................2
1.1 Background .................................................. 2
1.2 Threat .................................................. 3
1.3 Aim of the Plan .......................................... 3
1.4 Scope of Plan ............................................. 3
1.5 Geographical Area .................................................. 3
1.6 Designed Spill Size .......................................................... 4
1.7 Chemical and Other Incidents ........................................... 4
1.8 Legislation .................................................. 4
1.8.1 International Conventions .......................................................... 4
1.8.2 Jurisdiction .............................................. 4
1.8.3 National Legislation .................................................. 5

2 PREPAREDNESS ...............................................................................................................................1
2.1 Plan Support .................................................. 2
2.1.1 Australian Transport Council (ATC) .................................................. 2
2.1.2 National Plan Management Committee (NPMC) .................................. 2
2.1.3 National Plan Operations Group (NPOG) ........................................... 2
2.1.4 Australian Maritime Safety Authority (AMSA) ..................................... 2
2.1.5 State/NT Responsibilities .................................................. 3
2.1.6 National Plan Key Contacts .................................................. 3
2.2 Division of Responsibility .................................................. 3
2.2.1 Statutory/Combat Responsibilities .................................................. 3
2.2.2 Statutory Agencies .............................................. 4
2.2.3 Combat Agencies .............................................. 4
2.3 Cross Border Incidents .................................................. 5
2.4 Response Policy ............................................. 5
2.5 Levels of Response ............................................. 5
2.6 Oil Industry Arrangements .................................................. 6
2.7 Risk Assessment .............................................. 7
2.8 Response Planning ............................................. 9
2.9 Establishment of Response Organisations ........................................... 9
2.9.1 Response Organisation Structure .................................................. 9
2.9.1.1 Marine Pollution Controller (MPC) .................................................. 10
2.9.1.2 Incident Controller (IC) .................................................. 10
2.9.1.3 Planning Officer (PO) .................................................. 10
2.9.1.4 Operations Officer (OO) .................................................. 11
2.9.1.5 Logistics Officer (LO) .................................................. 11
2.9.1.6 Finance And Administration Officer (FAO) .................................. 11
2.9.1.7 Environmental And Scientific Coordinator (ESC) ......................... 11
2.9.1.8 Media Liaison Officer (MLO) .................................................. 11
## 2.10 Specialist Advice and Assistance

- **2.10.1 Australian Maritime Safety Authority (AMSA)**
  - **2.10.1.1 Environment Protection Response (EPR)**
  - **2.10.1.2 Environment Protection Standards (EPS)**
  - **2.10.1.3 Maritime Operations (MO)**
  - **2.10.1.4 Rescue Coordination Centre (RCC)**

- **2.10.2 Emergency Management Australia (EMA)**

- **2.10.3 Department of the Environment and Heritage (DEH)**

- **2.10.4 Great Barrier Reef Marine Park Authority (GBRMPA)**

- **2.10.5 Oil Industry**

- **2.10.6 State/NT and Local Authorities**

- **2.10.7 National Response Team (NRT)**

- **2.10.8 International Assistance**

## 2.11 Equipment Availability

## 2.12 Financial Arrangements

## 2.13 Communications

## 2.14 Wildlife Response

## 2.15 Place of Refuge

## 2.16 Training and Exercises

### 3 RESPONSE

- **3.1 Measures to be Employed**
- **3.2 Overall Protection Priorities**
- **3.3 Incident Reporting and Activation**
  - **3.3.1 Initial Reports**
  - **3.3.2 Initial Action**
  - **3.3.3 Activation**
  - **3.3.4 Pollution Report (POLREP)**
  - **3.3.5 Situation Report (SITREP)**

- **3.4 Incident Control**

- **3.5 Response Plans**
  - **3.5.1 Strategic Plans**
  - **3.5.2 Incident Action Plans (IAP)**

- **3.6 Response Options**

- **3.7 Occupational Health and Safety**

- **3.8 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

- **3.9 Cultural and Heritage Issues**

- **3.10 Obtaining Samples for Evidence and Analysis**

- **3.11 Disposal of Oil and Oily Debris**

- **3.12 Equipment**

- **3.13 Termination of a Response**
National Marine Oil Spill Contingency Plan

4 RESPONSE SUPPORT .................................................................1
4.1 Oil Spill Response Atlas (OSRA) .....................................................2
  4.1.1 About OSRA ........................................................................2
  4.1.2 Available Information ..........................................................2
  4.1.3 Access to OSRA .................................................................2
4.2 Oil Spill Trajectory Modelling (OSTM) ..........................................2
  4.2.1 About OSTM ......................................................................2
  4.2.2 Activation of OSTM .............................................................2
  4.2.3 Weather And Spill Updates .....................................................2
4.3 Automated Data Inquiry For Oil Spills (ADIOS) ..........................3
4.4 Marine Oil Spill Equipment System (MOSES) .................................3
4.5 Charter and Hire Arrangements ....................................................3
  4.5.1 Charter of Vessels ...............................................................3
  4.5.2 Hire of Spray Aircraft ..........................................................4
  4.5.3 Surveillance Aircraft ............................................................4
  4.5.4 Hire of Other Equipment .......................................................4
4.6 Defence Force Assistance ..........................................................5
4.7 Salvage Arrangements ................................................................5
  4.7.1 Salvage Involvement ............................................................5
  4.7.2 Salvage Liaison ....................................................................5
  4.7.3 Independent Salvage Advice ................................................6
4.8 Updating the Plan .......................................................................6

Appendix 1: Inter-Governmental Agreement and Administrative Arrangements
Appendix 2: Key Contact Information
Appendix 3: OSRICS Structure
Appendix 4: Marine Oil Spill Equipment System (MOSES)
Appendix 5: National Maritime Place of Refuge Risk Assessment Guidelines
Appendix 6: Appearance of Oil on Water
Appendix 7: Pollution Report (POLREP)
Appendix 8: Harmful Substances Report Format
Appendix 9: Situation Report (SITREP)
Appendix 10: Sampling Procedures
Appendix 11: OSTM Proforma
Appendix 12: Example of a Vessel Charter Agreement
# Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAT</td>
<td>Australian Antarctic Territory</td>
</tr>
<tr>
<td>ADIOS</td>
<td>Automated Data Inquiry for Oil Spills</td>
</tr>
<tr>
<td>AIP</td>
<td>Australian Institute of Petroleum</td>
</tr>
<tr>
<td>AMOSC</td>
<td>Australian Marine Oil Spill Centre</td>
</tr>
<tr>
<td>AMOSPlan</td>
<td>Australian Industry Cooperative Oil Spill Response Arrangements</td>
</tr>
<tr>
<td>AMR</td>
<td>Australian Maritime Resources</td>
</tr>
<tr>
<td>AMSA</td>
<td>Australian Maritime Safety Authority</td>
</tr>
<tr>
<td>ATC</td>
<td>Australian Transport Council</td>
</tr>
<tr>
<td>CC</td>
<td>Casualty Coordinator</td>
</tr>
<tr>
<td>ChemPlan</td>
<td>National Marine Chemical Spill Contingency Plan</td>
</tr>
<tr>
<td>COWG</td>
<td>Chemical Operations Working Group</td>
</tr>
<tr>
<td>DEH</td>
<td>Department of the Environment and Heritage</td>
</tr>
<tr>
<td>DIPE</td>
<td>Department of Infrastructure, Planning and Environment (NT)</td>
</tr>
<tr>
<td>DPC</td>
<td>Darwin Port Corporation</td>
</tr>
<tr>
<td>DPI</td>
<td>Department for Planning and Infrastructure (WA)</td>
</tr>
<tr>
<td>DPIWE</td>
<td>Department of Primary Industries, Water and Environment (TAS)</td>
</tr>
<tr>
<td>EARL</td>
<td>East Asia Response Limited</td>
</tr>
<tr>
<td>EEZ</td>
<td>Exclusive Economic Zone</td>
</tr>
<tr>
<td>EMA</td>
<td>Emergency Management Australia</td>
</tr>
<tr>
<td>EPBC Act</td>
<td>Environment Protection and Biodiversity Conservation Act 1999</td>
</tr>
<tr>
<td>EPR</td>
<td>Environment Protection Response (AMSA)</td>
</tr>
<tr>
<td>EPS</td>
<td>Environment Protection Standards (AMSA)</td>
</tr>
<tr>
<td>ER</td>
<td>Emergency Response (AMSA)</td>
</tr>
<tr>
<td>ESC</td>
<td>Environmental and Scientific Coordinator</td>
</tr>
<tr>
<td>EWG</td>
<td>Environment Working Group</td>
</tr>
<tr>
<td>FAO</td>
<td>Finance and Administration Officer</td>
</tr>
<tr>
<td>FWADC</td>
<td>Fixed Wing Aerial Dispersant Capability</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>Great Barrier Reef Marine Park Authority</td>
</tr>
<tr>
<td>IAP</td>
<td>Incident Action Plan</td>
</tr>
<tr>
<td>IC</td>
<td>Incident Controller</td>
</tr>
<tr>
<td>ICC</td>
<td>Incident Control Centre</td>
</tr>
<tr>
<td>IGA</td>
<td>Inter-Governmental Agreement (on the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances)</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>IMT</td>
<td>Incident Management Team</td>
</tr>
<tr>
<td>INMARSAT</td>
<td>International Maritime Satellite</td>
</tr>
<tr>
<td>LO</td>
<td>Logistics Officer</td>
</tr>
</tbody>
</table>
MAC Mutual Aid Contact
MARPOL 73/78 International Convention for the Prevention of Pollution from Ships
MLO Media Liaison Officer
MO Maritime Operations (AMSA)
MOSES Marine Oil Spill Equipment System
MPC Marine Pollution Controller
MSES Maritime Safety and Environmental Standards (AMSA)
MSQ Maritime Safety Queensland
MSV Marine Safety Victoria
National Plan National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances
Nm Nautical Mile
NPMC National Plan Management Committee
NPOG National Plan Operations Group
NRT National Response Team
NT Northern Territory
OCS Offshore Constitutional Settlement
OO Operations Officer
OOWG Oil Operations Working Group
OPRC International Convention on Oil Pollution Preparedness, Response & Cooperation, 1990
OSRA Oil Spill Response Atlas
OSRICS Oil Spill Response Incident Control System
OSRL Oil Spill Response Limited
OSTM Oil Spill Trajectory Model
P&I Protection and Indemnity
PO Planning Officer
POLREP Pollution Report
RCC Rescue Coordination Centre (AMSA)
REEFPLAN Marine Pollution Contingency Plan for the Great Barrier Reef
SA DoT South Australia Department of Transport
SITREP Situation Report
SMPC State Marine Pollution Committee
UHF Ultra High Frequency
VHF Very High Frequency
SECTION 1

Introduction
1 INTRODUCTION

The incident involving the grounding of the Oceanic Grandeur in the Torres Strait in 1970 led to the development of a national capability to ensure that Australia would be prepared to respond to ship-sourced pollution incidents. This document relates to the oil spill component of The National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances (National Plan).

1.1 Background

The National Plan has been in operation since 1973 and brings together the combined resources of the Commonwealth, State and Northern Territory (State/NT) Governments, and the oil, shipping and exploration industries, to provide a level of preparedness to the threat posed to the marine environment by oil and chemical spills.

The National Plan sets out a clear definition of the responsibilities of the major participants: the Commonwealth, States/NT and industry. This is provided in a set of Commonwealth/State/NT arrangements by way of an Inter-Governmental Agreement (IGA), which also details such matters as divisions of responsibilities, contingency planning, access to Commonwealth equipment, and the management and control of financial affairs (Appendix 1).

Based on these arrangements the prescribed role of the Commonwealth, through the Australian Maritime Safety Authority (AMSA), is one of coordination and provision of technical advice, logistic and maintenance support, materials and equipment, and training. Additionally, AMSA and the Australian Institute of Petroleum (AIP) have entered into an agreement for mutual assistance and access to the National Plan and Australian Marine Oil Spill Centre (AMOSC) equipment stockpiles.

The national contingency plan hierarchy outlined in Figure 1 consists of national marine oil and marine chemical spill plans, the Marine Pollution Contingency Plan for the Great Barrier Reef Marine Park (REEFPLAN) and State/NT, port, and industry plans.

This Plan, the National Marine Oil Spill Contingency Plan, prescribes procedures and provides information required to implement the National Plan.

<table>
<thead>
<tr>
<th>National Marine Oil/Chemical Spill Contingency Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>State/NT Oil/Chemical Spill Contingency Plans</td>
</tr>
<tr>
<td>Regional Contingency Plans</td>
</tr>
<tr>
<td>Local/Port Contingency Plans</td>
</tr>
<tr>
<td>Facility Contingency Plans</td>
</tr>
</tbody>
</table>

*Figure 1 - National Plan Contingency Plan Hierarchy*
1.2 Threat

Australia depends almost exclusively on shipping to move its exports and imports and has, in terms of tonnes of cargo shipped and kilometres travelled, the fifth largest shipping task in the world.

There are about twelve thousand (19,000) ship visits to Australian ports each year. Ship-sourced pollution may result from either accidental or illegal operational discharges. Accidental discharges may involve escape of bunker fuel or oil cargo resulting from a marine incident. The threat is largely a function of the types of oil cargo and bunkers carried, the degree of navigational hazards, the weather, and shipping density.

1.3 Aim of the Plan

The aim of this Plan is to outline the national arrangements for responding to oil spills in the marine environment, with the aim of protecting it from oil pollution or, where this is not possible, to minimise its effects.

1.4 Scope of Plan

The National Marine Oil Spill Contingency Plan outlines combined stakeholder arrangements designed to allow a rapid and cooperative response to marine oil spills occurring within the area defined by this Plan. It is complemented by other Government and industry contingency plans prepared at Commonwealth, State/NT, regional, port and facility levels. Matters of detail are contained in local, site specific, contingency plans. This Plan coordinates the provision of national and international support.

1.5 Geographical Area

The geographical area covered by the National Marine Oil Spill Contingency Plan includes all Australian Territorial Seas including those offshore islands and territories, Australia’s Exclusive Economic Zone (EEZ), and the High Seas, as detailed in Figure 2, where an oil spill has the potential to impact on Australian interests. (Note: Includes Australian Antarctic Territory, not shown on map).

---

Figure 2 - Geographical Area (EEZ)
1.6 **Designed Spill Size**

The National Plan is established to respond to oil spills of any size in Australian waters. For planning and operational reasons and based on the experience of spills in Australia and international criteria, a designed spill size of 21,000 tonnes exists. This has been determined by National Plan stakeholders taking into account current ship type and equipment holdings and is endorsed by the Australian Transport Council (ATC) as the appropriate level for which to plan equipment and other resource requirements. Additionally, arrangements are in place to augment this capacity from overseas equipment stockpiles should any incident exceed Australia’s resource capability.

1.7 **Chemical and Other Incidents**

Incidents involving pollution by other substances could fall into two categories:

(i) chemicals released at sea from a chemical tanker’s cargo tank as a result of collision, grounding, fire, and operational or illegal discharge.

(ii) packages or containers lost at sea and washed ashore or sinking to the seabed.

Procedures dealing with the response to chemicals incidents are outlined in the National Marine Chemical Spill Contingency Plan (ChemPlan), which can be found at: www.amsa.gov.au/Marine_Environment_Protection/National_Plan/Contingency_Plans_and_Management/Chemical_Spill_Contingency_Plan.asp.

1.8 **Legislation**

1.8.1 **International Conventions**

Australia has been a member of the International Maritime Organization (IMO) since its inception, and was active in the development and implementation of the five IMO Conventions that specifically address pollution from ships. These conventions are implemented in Australia by the “Protection of the Sea” package of legislation listed in part 1.8.3.

1.8.2 **Jurisdiction**

An agreement between the Commonwealth and the States/NT, known as the Offshore Constitutional Settlement (OCS) effectively gives the States/NT jurisdiction over the Territorial Sea, and the Commonwealth jurisdiction over the High Seas. One feature of the OCS was recognition by the States/NT that a mechanism was required to enable Australia to become a party to key international maritime conventions without the need for the legislation in every Australian jurisdiction to be in compliance at the time of ratification. The concept of the “savings clause” was introduced whereby Commonwealth law giving effect to the Conventions would apply in all jurisdictions, but would “step back” if and when a State/NT enacted the provisions itself.

With Australia’s accession to the United Nations Convention on the Law of the Sea (UNCLOS), the Commonwealth’s jurisdiction extends to the EEZ and the Territorial Sea extends to twelve (12) nautical miles (nm) from the coastline. However, the States/NT jurisdiction does not extend beyond the previous Territorial Sea limits of three (3) nm.
### 1.8.3 National Legislation

<table>
<thead>
<tr>
<th>Act</th>
<th>Objectives</th>
<th>Complementary State/NT legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection of the Sea (Civil Liability) Act 1981</td>
<td>Implements International Convention on Civil Liability for Oil Pollution Damage 1992, requiring the owners of oil tankers to have insurance for pollution damage</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Cost recovery for AMSA National Plan activities</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Sets out intervention powers for territorial waters</td>
<td>Yes</td>
</tr>
<tr>
<td>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</td>
<td>Implements International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) setting operational and construction standards for ships to prevent pollution.</td>
<td>Yes</td>
</tr>
<tr>
<td>Protection of the Sea (Shipping Levy) Act 1981 and Protection of the Sea (Shipping levy Collection) Act 1981</td>
<td>Imposes levy on shipping to fund Australia’s National Plan and sets out how the levy is collected.</td>
<td>No</td>
</tr>
<tr>
<td>Australian Maritime Safety Authority Act 1990</td>
<td>Sets out functions of the Australian Maritime Safety Authority, including “the combating of pollution in the marine environment”</td>
<td>No</td>
</tr>
<tr>
<td>Environment Protection and Biodiversity Conservation Act 1999</td>
<td>Provides for protection of the environment and the conservation of biodiversity, and for related purposes. Note: This Act only applies where response action is taken that is not in accordance with any contingency plan in place under National Plan arrangements.</td>
<td>No</td>
</tr>
</tbody>
</table>
SECTION 2

Preparedness
2 PREPAREDNESS

2.1 Plan Support

As outlined in part 1.1, the National Plan is underpinned by the IGA. The IGA aims to:

• provide a basis for continued Commonwealth, and State/NT government commitment and support for the National Plan;
• provide a stable reference point whereby those unfamiliar with the Plan can readily ascertain the obligations placed on their organisation; and
• be used to set out agreed minimum activities, allowing participants’ performance against those minimums to be more readily assessed.

The IGA ensures that the national approach to preparedness and response to oil and chemical spills in the marine environment is continued and strengthened. It provides a mechanism to ensure decision-making under the National Plan is cooperative and that the obligations of all parties are met.

The IGA also outlines a management structure for the National Plan that covers all elements of this Plan and ChemPlan. The management structure consists of:

2.1.1 Australian Transport Council (ATC)

The Australian Transport Council (ATC), made up of Commonwealth, State/NT Ministers with responsibility for transport, is the Ministerial body responsible for National Plan matters.

2.1.2 National Plan Management Committee (NPMC)

Under the IGA, a National Plan Management Committee (NPMC) has been established to provide advice to the ATC on the strategic policymaking and funding direction for the National Plan.

2.1.3 National Plan Operations Group (NPOG)

Under the IGA, the Parties have also established a National Plan Operations Group (NPOG) to support the NPMC by considering the overall operational aspects of the National Plan.

Three working groups further support NPOG. These are:

• the Oil Operations Working Group (OOWG), which considers issues such as the National Marine Oil Spill Contingency Plan, oil spill response equipment and training, fixed wing aerial dispersant spraying and contingency plan audits;
• the Chemical Operations Working Group (COWG), which considers issues such as ChemPlan, and chemical spill response equipment and training; and
• the Environment Working Group (EWG), which addresses research, development, technology and the environmental and wildlife interests of all the parties to the National Plan.

2.1.4 Australian Maritime Safety Authority (AMSA)

Under the IGA, as the managing agency for the National Plan, AMSA is responsible for maintaining the National Marine Oil Spill Contingency Plan. AMSA’s responsibilities also include acting as both Statutory and Combat Agencies for Commonwealth waters as described in the IGA. During incidents in State/NT waters, AMSA provides support to State/NT Statutory and Combat Agencies, as required.
2.1.5 **State/NT Responsibilities**

Under the IGA, a Statutory Agency in each State/NT is responsible for coordinating the local administration and operation of the National Plan. This may be done in consultation with a State/NT Committee and with due consideration to the relevant State/NT emergency management arrangements.

2.1.6 **National Plan Key Contacts**

Contact details for key National Plan personnel are provided in Appendix 2.

2.2 **Division of Responsibility**

2.2.1 **Statutory/Combat Responsibilities**

The IGA defines authorities with responsibility for combating oil spills within harbours, onshore, in the territorial seas, and on the high seas around Australia. This includes responsibilities of Statutory and Combat Agencies.

It should be noted that in some cases the Statutory and Combat Agencies will be the same entity.

Responsibilities for responding to oil spills within harbours, on shore, in the territorial seas, and on the high seas around Australia are shared between AMSA, State/NT Governments, Port Authorities and Corporations, and the oil industry. In relation to the offshore territories of Cocos (Keeling), Christmas, Norfolk, Heard, Macquarie, McDonald and Ashmore Islands, and the reef territories, the Commonwealth Government will assume the role of a ‘State’ Government. The New South Wales Government accepts responsibility for Lord Howe Island. Responsibilities are given in detail below and are summarised in Figure 3.
2.2.2 Statutory Agencies
In accordance with the IGA (and the OCS jurisdictional arrangements), responsibility for overseeing response action for oil spills, other than those from offshore petroleum operations, is as follows:

- within the three (3) nm coastal waters and in foreshore areas - the State/NT designated Statutory Agency;
- outside the three (3) nm coastal waters - AMSA, as the Commonwealth Statutory Agency.

The Statutory Agency is responsible for the institution of prosecutions and the recovery of cleanup costs on behalf of all participating agencies.

2.2.3 Combat Agencies
Combat Agencies have the operational responsibility to take action to respond to an oil spill in the marine environment in accordance with the relevant contingency plan.

Combat Agencies for responding to marine oil spills in various locations are as follows:

**At oil terminals**
The relevant oil company or terminal operator using industry arrangements as required, such as the Australian Industry Cooperative Oil Spill Response Arrangements (AMOSPlan) through AMOSC. Should a situation develop where the necessary response is beyond the oil company or terminal resources, responsibility for control will transfer to the Statutory Agency, with response assistance from other National Plan stakeholders as required. Statutory Agencies should enter into predesignated response arrangements with oil terminal operators, which clearly specify the agreed division of responsibilities and terms and conditions for transferring control.

**In ports (other than at terminals within a port)**
The port operator or responsible State/NT authority as specified in the relevant contingency plan, with response assistance from other National Plan stakeholders as required.

**Within the three (3) nm coastal waters**
The responsible State/NT Statutory Agency with response assistance from other National Plan stakeholders as required.

**Beyond the three (3) nm coastal waters**
The Commonwealth via AMSA, with response assistance from other National Plan stakeholders as required. In incidents close to shore when oil is likely to impact the shoreline, the State/NT via the Statutory Agency will be the Combat Agency for protecting the coastline, whilst AMSA assumes responsibility for ship operational matters, for example, containing the spill within the ship, organising salvage, etc.

**In the REEFPLAN area of the Great Barrier Reef**
The Queensland Government via the Queensland National Plan State Committee, with assistance from other stakeholders as required.

**For spills emanating from offshore petroleum operations.**
The relevant company with assistance from the Statutory Agency and other National Plan stakeholders as required.
The Combat Agency shall, as soon as possible, undertake preventive and cleanup action or may request another agency to act on its behalf.

Regardless of which agency has lead responsibility, other agencies shall assist as far as is practical, in accordance with requests from the Combat Agency.

In circumstances where the incident has exceeded, or is likely to exceed, the effective response capacity of the Combat Agency, or the response is not being conducted effectively, the Statutory Agency may assume control of the response.

A response by a Combat Agency and/or Statutory Agency does not in any way indicate an admission of liability for the source of the spill or for acceptance of the costs of a spill. Liability for a spill is to be determined by due legal proceedings.

2.3 Cross Border Incidents

In those incidents close to State/NT borders, it is essential that high-level consultation and cooperation between the two Statutory Agencies occur, with an objective to ensure a clear delineation of responsibility for the response.

It should be noted that some States have formal arrangements by way of Memorandum of Understandings that deal with cross border incidents.

2.4 Response Policy

The primary aims of an oil spill response are to:

- protect human health and safety;
- minimise environmental impacts; and
- restore the environment, as near as is practicable, to pre-spill conditions.

The environmental impact of an oil spill can be minimised by good management and planning, and by the response actions put into effect by the responsible agency. Such actions will largely depend on several factors:

- the type of oil(s) involved;
- the size of the spill;
- the location of the spill;
- the prevailing sea and weather conditions at the spill site; and
- the environmental sensitivity of the coastline/site impacted.

2.5 Levels of Response

Under National Plan arrangements, oil spills and the response they require are categorised into three ‘Tiers’. The concept of a tiered response links the credible spill scenarios to attainable scales of response and, by linking joint arrangements, enables escalation from one tiered response to another, should the need arise. It is a practical method of planning a spill response in terms of required resources and likely environmental impact.
The National Plan’s three levels of tiered response are based on the following spill scenarios:

**Tier 1 - up to 10 tonnes** – a small spill requiring a local response.

The Combat Agency will generally be able to respond to and clean up a spill utilising local resources. In cases where additional resources are required, these will generally be available from the local port authority, or by utilising National Plan resources in the region, or from adjacent industry operators under mutual aid arrangements.

**Tier 2 - between 10 and 1000 tonnes** – a medium spill requiring regional and/or national assistance.

The resources of the Combat Agency will need to be supplemented by other resources from intrastate and possibly interstate. Interstate resources will be facilitated by the Statutory Agency through Environment Protection Response (EPR), AMSA.

**Tier 3 - above 1000 tonnes** – a large spill requiring national assistance.

The Combat Agency will require local, regional, national and possibly international assistance. Interstate and international resources will be facilitated by the Statutory Agency through EPR.

### 2.6 Oil Industry Arrangements

Combat Agency responsibilities of the Australian oil industry are set out in the IGA. In general, at oil terminals the relevant oil company or terminal operator has Combat Agency responsibility. Should a situation develop where the necessary response is beyond the oil company or terminal resources, the Combat Agency responsibility will transfer to the Statutory Agency. For offshore petroleum operations, the relevant oil company has Combat Agency responsibility, with assistance as required from the Statutory Agency.

The oil industry operates AMOSC, a subsidiary of AIP. AMOSC is located in Geelong and provides Tier 3 response training, and other services. Under an agreement between AMSA and AMOSC, AMOSC and other industry resources (both equipment and personnel) can also be made available to the Commonwealth and States/NT for incidents not involving companies that are subscribers to AMOSC. Access to this equipment is available through EPR.

The oil industry also operates AMOSPlan, a mutual aid plan. AMOSPlan recognises that the response effort for an oil spill at an industry facility may require resources beyond those of the company itself and allows mutual aid to be provided from other industry company resources. AMOSPlan is administered by AMOSC and the legal arrangements facilitating AMOSPlan are through the AMOSC hiring agreements. To activate AMOSPlan, a request for assistance is made from the Mutual Aid Contact (MAC) of the affected company to the MAC of a company that is able to provide assistance. Under AMOSPlan arrangements, the MAC is expected to liaise with the local authorities to agree and maintain effective plans for the response to an oil spill.

Even though the Statutory Agency may take over the Combat Agency responsibility from the affected company, industry resources will continue to be available to the response.

Industry Advisers have been nominated from each AMOSC subscriber company. During an incident involving a particular company, the Industry Adviser of the affected company provides a direct high-level linkage to the response organisation.

Industry personnel are also members of NPMC, NPOG and the respective National Plan State/NT Committees.
2.7 **Risk Assessment**

The location of National Plan resources is based on a risk profile around the coast of pollution of the sea by discharges of oil or chemicals from ships.

The following risk factors are recognised as important in Australian waters:

- risk of collision;
- risk of grounding;
- hazards to navigation;
- seaworthiness of vessels;
- negligence and competence of the owner/operator, Master or crew;
- aging of the fleet of vessels at sea, chemical, bulk and container;
- size/type of vessel;
- stowage and control of cargoes;
- type/amount of oil and/or chemical(s) carried;
- traffic density; and
- environmental factors including tidal flow and weather etc.

The risk assessment reports by location on the level of risk of pollution of the sea, coastline and ports of Australia, by oil and other noxious and hazardous substances, taking into account:

- environmental sensitivity;
- industries (eg. fishing, tourism) which would be most adversely affected ecologically or financially by a spill;
- commercial cargo shipping size, frequency, trading patterns and amounts of oil carried as bunker fuel;
- oil/chemical tanker frequency, sizes, shipping patterns and quantities shipped;
- properties of oil/chemicals shipped as cargo;
- type, density and movement of shipping including concentration of fishing vessels and tourist vessels;
- areas that pose a high level of difficulty to safe navigation;
- changes in the operation and construction of ships during the 1990’s, such as the introduction of double hulls, amendments to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), International Safety Management Code, etc;
- amount and properties of oil produced offshore and transported by pipeline;
- location of offshore production and pipeline facilities;
- extent of offshore exploration drilling; and
- future trends, including proposed new ports and projected changes to trading patterns.
As part of the risk assessment, waters around Australia are divided into regions and each region further divided into near-shore, intermediate and deep-sea subregions. The Risk Index for each subregion was determined by combining the predicted frequency and average size of spills from all sources in each subregion. Additionally, this includes a simple environmental sensitivity factor taking into account the vulnerability and importance of the main environmental resources in each subregion.

The overall Risk Profile for Australia is shown in Figure 4. This shows the geographical distribution of the Risk Index from all spills over 10 tonnes. Higher risk areas (where frequency, spill size and environmental sensitivity are all likely to be higher) are also shown (presented by the magenta areas), with progressively lower levels of risk being shown as indicated in the legend, down to the lowest category of risk (presented by the blue areas). It should be noted that the Risk Index represents the overall risk in any subregion, and variations of the risk level across a subregion are not shown.

The Risk Profile indicates that there are some key areas of relatively higher risk from larger oil spills. These are most of the East Coast of Queensland, the Southwest and Northwest areas of Western Australia, and the major port areas around Sydney and Melbourne.
2.8 Response Planning

Under the IGA, State/NT Statutory Agencies supported by Combat Agencies, are primarily responsible for ensuring that contingency plans are developed at State/NT, regional and local levels, and that these plans complement adjacent plans. Statutory Agencies may be supported by National Plan State/NT Committees and will provide advice and support to Combat Agencies during pollution incidents.

The primary marine pollution response structure and responsibilities that need to be addressed in the planning process include:

- The Statutory Agency, usually through a State Marine Pollution Committee (SMPC), will provide management, operational, technical and environmental advice and support to the Combat Agency as required. This may include support for the management of the response;
- During major incidents, the overall response strategy shall be formulated by a nominated Marine Pollution Controller (MPC), and implemented by an Incident Controller (IC) and section officers to form the Incident Management Team (IMT). During lesser incidents, the IC shall be responsible for overall response strategy. The IC shall keep the Statutory Agency and/or MPC informed of progress with the response;
- The Statutory Agency, the SMPC and AMSA, shall provide suitably experienced staff to assist the MPC and IC to initiate and conduct response actions;
- Preparation and maintenance of State/NT contingency plans that complement this Plan are the responsibility of the relevant State/NT Statutory and/or Combat Agencies.

2.9 Establishment of Response Organisations

Regional or local response organisations must be designed and established by the State/NT Statutory Agency. Where State/NT or local committees are established to support the Statutory Agency, it is recommended that the membership include senior representatives of the relevant organisations. Committees should also be able to invite wider participation to ensure that all interests are represented and their resources and services are considered.

2.9.1 Response Organisation Structure

The response to any pollution incident will be managed using the Oil Spill Response Incident Control System (OSRICS). OSRICS is based on an incident control system used in a wide range of emergency response activities to provide a standardised organisational structure that is flexible yet provides compatibility between agencies and events while ensuring accountability and standardised records (Appendix 3). The system clearly defines roles and responsibilities and provides interoperability between State/NT agencies. OSRICS also allows for the greater ability to escalate or downsize the response as required.

OSRICS lists four major functions under which it is possible to group the tasks that need to be undertaken during a marine pollution response - Planning, Operations, Logistics, and Finance and Administration. These form the main elements of the organisational structure under OSRICS and are designated as sections in the structure. Responsibility for carrying out the tasks is delegated to a section officer who reports to the IC forming an IMT. Units staffed by people with appropriate skills and experience to deal with particular tasks may be created within the sections.
The number of staff required to fill positions in the OSRICS structure can be varied according to the size and complexity of the incident and the number of staff available. In a major incident all positions may be filled, but in a lesser incident one person may fill a number of positions. In a very small incident, it may only be necessary to appoint an IC who will be able to carry out all management functions.

Figure 5 shows the typical structure of an Incident Control System (ICS). A more detailed structure may be found in Appendix 3.

Statutory Agencies should ensure that persons with appropriate experience and skills are identified so that they can be appointed to the following positions if a marine pollution incident occurs.

2.9.1.1 Marine Pollution Controller (MPC)

The Commonwealth or State/NT shall nominate a senior management level MPC to take overall responsibility for managing the response. The MPC must be capable of ministerial as well as senior government, industry and media liaison.

2.9.1.2 Incident Controller (IC)

The relevant Commonwealth or State/NT agencies shall identify appropriate individuals to act as an IC. The IC is responsible for the management and coordination of response operations at the scene of a pollution incident to achieve the most cost effective and least environmentally damaging resolution to the problem.

During a major incident the IC is responsible to the MPC for the operational aspects of the response. During lesser incidents the IC shall have overall responsibility for managing the response.

Commonwealth or State/NT Statutory agencies should ensure that the IC is assisted by a response team with appropriate planning, operational, technical, scientific, chemical, environmental, logistical, administrative, financial, and media liaison skills.

2.9.1.3 Planning Officer (PO)

The Commonwealth and each State/NT Statutory Agency shall identify appropriate individuals to act as the Planning Officer (PO) in accordance with relevant contingency plan requirements.
The PO is responsible for the provision of scientific and environmental information, maintenance of incident information services, and the development of Strategic and Incident Action Plans.

The PO shall ensure the distribution of all information to the Incident Management Team and to all response personnel generally.

2.9.1.4 Operations Officer (OO)

The Commonwealth and each State/NT Statutory Agency shall identify appropriate individuals to act as the Operations Officer (OO) in accordance with relevant contingency plan requirements.

The OO is responsible to the IC for all response operational activities. This includes ensuring that the requirements of Incident Action Plans (IAP) are passed on to operational personnel in the field, and for ensuring that the plans are implemented effectively.

2.9.1.5 Logistics Officer (LO)

The Commonwealth and each State/NT Statutory Agency shall identify appropriate individuals to act as Logistics Officers (LO) in accordance with relevant contingency plan requirements.

In any response there is a vital need to ensure that response personnel are provided with adequate resources to enable an effective response to be mounted. The LO shall ensure that all resources are made available as required. This includes the procurement and provision of personnel, equipment and support services for operations in the field and for the management of resource staging areas.

2.9.1.6 Finance and Administration Officer (FAO)

The Commonwealth and each State/NT Statutory Agency shall identify appropriate individuals to act as Finance and Administration Officers (FAO) in accordance with relevant contingency plan requirements.

The FAO shall be responsible for all financial, legal, procurement, clerical, accounting and recording activities including the contracting of personnel, equipment and support resources. In addition, the FAO is responsible for the management of the Incident Control Centre (ICC).

2.9.1.7 Environmental and Scientific Coordinator (ESC)

The Commonwealth and the State/NT shall pre-appoint the Environmental and Scientific Coordinator (ESC), either on a State/NT, regional or local area basis. During a spill response the ESC will normally form part of the Planning Section. In this role the Planning Section is to provide the IC with an up-to-date and balanced assessment of the likely environmental effects of an oil spill. The Planning Section will advise on environmental priorities and preferred response options, taking into account the significance, sensitivity and possible recovery of the resources likely to be affected. Under some State/NT arrangements the ESC may directly advise the MPC.

2.9.1.8 Media Liaison Officer (MLO)

An experienced and well-informed Media Liaison Officer (MLO) appointed by the Combat Agency shall be provided for the overall contingency plan. The MLO shall ensure adequate liaison between the IC’s team and the media. All queries received from the media should be directed to this person.

Before releasing any information, the MLO’s action should have the approval of either the MPC or IC, depending on the size of the spill incident.
2.10 Specialist Advice and Assistance

Specialist technical advice is available to response managers from a variety of sources. Advice can vary from the fate of oil, selection and deployment of pollution control equipment, and dispersant use, to the associated environmental effects of an oil spill. Specialist advice can also be provided in relation to the safety and stability of ships.

Some of the organisations that can provide a range of specialist environmental and operational technical advice in the event of an oil spill in the marine environment, include:

2.10.1 Australian Maritime Safety Authority (AMSA)

2.10.1.1 Environment Protection Response (EPR)

Environment Protection Response (EPR) can provide advice relating to spill management, operational, logistic and technical issues, dispersant use and environmental effects. EPR can also provide outputs and advice on decision support tools outlined in Section 4. All AMSA assistance will be coordinated through EPR.

2.10.1.2 Environment Protection Standards (EPS)

Environment Protection Standards (EPS) can provide advice relating to intervention powers, legislation and environmental effects. EPS, AMSA can also provide outputs and advice from decision support tools outlined in Section 4.

2.10.1.3 Maritime Operations (MO)

Maritime Operations (MO) can provide advice relating to ship safety, structural integrity and stability of marine casualties.

2.10.1.4 Rescue Coordination Centre (RCC)

In addition to coordinating the rescue and saving of life through the Rescue Coordination Centre (RCC), the RCC can provide drift calculations and advice on offshore currents. The RCC has a range of communication facilities that can be utilised during an incident including International Maritime Satellite (Inmarsat) systems, enabling messages to be communicated directly to vessels.

2.10.2 Emergency Management Australia (EMA)

Emergency Management Australia (EMA) has agreed to assist in coordinating the movement of National Plan equipment. Where necessary EMA will facilitate access to Defence Force resources where commercial operators are unable to provide this service. All EMA assistance will be coordinated through EPR.

2.10.3 Department of the Environment and Heritage (DEH)

The Australian Government Department of the Environment and Heritage (DEH) develops and implements national policy, programs and legislation to protect and conserve Australia’s natural environment and cultural heritage. Some responsibilities relevant to the marine environment include regulation of dumping of wastes at sea, declaration and management of marine protected areas in Commonwealth waters and conservation of listed threatened, migratory and marine species. DEH also leads Australia’s Antarctic Program, which includes administration of the Australian Antarctic Territory (AAT) and the Territory of Heard Island and McDonald Islands and protection of Antarctic and sub-Antarctic marine ecosystems and species.
The Minister for the Environment and Heritage has issued a Notice of Exemption for the National Plan under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The effect of this notice is that response actions taken in accordance with the National Plan are exempt from the EPBC Act.

DEH can advise on matters relating to the Environment Protection (Sea Dumping) Act 1981 and its obligations, including the permitting and reporting of emergency dumping of material at sea. DEH can also advise on Australia’s obligations under the International Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (London Dumping Convention) and its 1996 Protocol.

DEH will advise on potential impacts of oil spills on threatened marine and migratory species, such as seabirds, seals, marine turtles, whales and dolphins. It can also provide advice on proposals approved under the EPBC Act where conditions may specify arrangements for dealing with spills.

DEH should be contacted if any oil spill is likely to impact on marine protected areas in Commonwealth waters. DEH should also be informed of any oil spills affecting the Australian Antarctic Territory, the Australian Territory of Heard Island and McDonald Islands, Macquarie Island and the Southern Ocean between Australia and the AAT. DEH is able to provide advice on habitats in Commonwealth marine protected areas, Antarctic and sub-Antarctic seabirds, marine mammals, marine invertebrates and macroalgae, along with advice on rates of hydrocarbon biodegradation, dispersal and the use of dispersants in cold climates.

Information on cultural and heritage issues can be found in part 3.9.

2.10.4 Great Barrier Reef Marine Park Authority (GBRMPA)

Advice relating to the Great Barrier Reef World Heritage Area is available in REEFPLAN.

2.10.5 Oil Industry

As outlined in part 2.6, the oil industry can provide equipment and personnel resources and advice on a range of issues, including oil characteristics and local industry resource availability.

2.10.6 State/NT and Local Authorities

State/NT and local authorities, such as Transport, Conservation and Resource Management Departments, Environmental Protection Authorities, Emergency Services, Port/Harbour Authorities, and local conservation groups are able to provide a wide range of site-specific information and resources, either in relation to environmental impacts, or response activities.

2.10.7 National Response Team (NRT)

A National Response Team (NRT) of operational, technical, environmental, scientific and chemical experts ranging from operator to senior spill response manager level from Commonwealth/State/NT agencies, industry and other organisations has been developed.

The services of the NRT are obtained through EPR, which has made arrangements with the respective agencies, industry and organisations for the release of designated personnel for spill response activities. These services are available when an oil spill incident exceeds the resource availability of the Combat Agency and State/NT concerned.
2.10.8 International Assistance

In the event of a major oil spill incident, it is likely that assistance may be sought from overseas in accordance with the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 1990). Commonwealth Customs and Immigration Departments will expedite the temporary import of equipment and experienced personnel should the need arise on a request from AMSA. If additional overseas resources are required to respond to an incident in Australia, then EPR in conjunction with AMOSC will arrange for assistance from the oil industry’s Global Alliance providing services through:

- East Asia Response Limited (EARL) located in Singapore; and
- Oil Spill Response Limited (OSRL) located in Southampton, UK.

EPR, in accordance with current Memoranda of Understandings and relevant International Conventions, may also assist neighbouring countries in relation to oil spill incidents in their waters.

2.11 Equipment Availability

Tier 1 marine pollution response equipment is located in State/NT ports. In addition to the equipment held by the States/NT, the National Plan through AMSA operates nine (9) regional stockpiles of Tier 2/3 equipment, which can be utilised for larger incidents or where additional resources are required. These stockpiles are in Townsville, Brisbane, Sydney, Melbourne, Launceston, Adelaide, Fremantle, Dampier and Darwin. Ship-to-ship transfer equipment is located in the Brisbane and Fremantle regional stockpiles.

AMSA National Plan equipment is under the direction and control of EPR. Release of this equipment shall be authorised by the Manager, EPR or the EPR Duty Officer.

Requests for equipment from other States/NT should be made by the IC, directly to the State/NT Committee, which will, in turn, request the equipment through EPR.

Details for National Plan, State/NT, AMOSC and other industry resources held in each State/NT are given in the Marine Oil Spill Equipment System (MOSES) - see also part 4.4 and Appendix 4.

2.12 Financial Arrangements

The IGA includes agreed funding arrangements (Paras 21-24), and the administrative arrangements (Schedule 1, Paras 22-29) provide guidance on costs and expenses. This includes details for reimbursement of expenses and the charging for use of National Plan equipment.

Statutory and Combat Agencies should note that detailed financial records, including all supporting information, are required where a claim is made in accordance with the IGA. This requirement is of particular importance when submitting claims to the Protection and Indemnity (P&I) insurers, as all claims will be assessed to ensure that the costs are reasonable, and that they can be supported by satisfactory documentation. Accordingly, agencies should have in place appropriate systems to ensure that these requirements are met and that these are adequately outlined in contingency plans.

For claims submitted to AMSA for reimbursement, when the spiller has not been identified, the authority addresses the claims from a standpoint of normal audit requirements and reasonableness, i.e. it will apply the same general criteria used by P&I Clubs and their correspondents when assessing the reasonableness of claims for reimbursement of costs.
incurred in responding to an oil spill, or potential oil spill. In general, costs will be considered “reasonable” if they result from actions that:

- were undertaken on the basis of a technical appraisal of the incident;
- sought to enhance the natural processes of recovery; and
- were not undertaken purely for public relations reasons.

2.13 **Communications**

In a pollution incident it is important that the IC has access to adequate communication facilities. In addition to the facilities available through the RCC (part 2.10.1.4) it is envisaged that port Very High Frequency (VHF) radio facilities, the AMOSC communications package, and the National Plan communication systems, consisting of portable Satcom M, MiniSat, VHF marine band radios and repeater VHF aviation band radios and Ultra High Frequency (UHF) networks would be available to coordinate a response. In a major incident it may be necessary to seek the assistance of emergency services radio networks and, if necessary, the Defence Forces. To obtain Defence assistance, a request should be made through EPR (part 4.6).

2.14 **Wildlife Response**

When a marine oil pollution incident occurs it is highly likely that oiling of birds, marine mammals and other wildlife will eventuate.

The impact on wildlife and biodiversity will depend upon the environmental sensitivity, the type and quantity of the pollutant, and the location of the spill. Oiled wildlife attracts both significant community and media attention. The effectiveness of a spill response is sometimes measured on the success of its wildlife rescue and rehabilitation.

AMSA has developed National Guidelines for the Development of Oiled Wildlife Response Contingency Plans, with the objective to provide guidance for the immediate and effective protection, rescue, cleaning and rehabilitation of birds, marine mammals, their habitat, and other wildlife resources that are harmed or potentially harmed by a marine oil spill. This is further supported by detailed State/NT internal arrangements. The guidelines are available at www.amsa.gov.au/Marine_Environment_Protection/National_Plan/General_Information/Oiled_Wildlife/Wildlife.pdf

Under most State/NT internal agreements, arrangements, and legislation, the National Parks and Wildlife Services, Natural Resource and Conservation Agencies, or Environment Protection Authorities have the responsibility to protect wildlife and respond to wildlife impacts such as oil spills. These arrangements vary from State to State and should be detailed within a State/NT or regional oiled wildlife plan.

2.15 **Place of Refuge**

It is rarely possible to deal expeditiously and satisfactorily with a casualty in open sea conditions, and the longer a damaged ship is forced to remain at the mercy of the open sea, the higher the risk of its condition deteriorating and thereby becoming a greater pollution hazard.

A place of refuge must provide favourable conditions to enable a ship to stabilise its condition, protect human life, and minimise the risk of environmental degradation.

Australia is better placed than many maritime nations in that passing traffic not calling at Australian ports is minimal, and States/NT have sufficient jurisdiction over waters and areas of the coast to enable the selection of a place of refuge.
Some States/NT have adopted specific policies on places of refuge, and these should be followed as appropriate. National Maritime Place of Refuge Risk Assessment Guidelines (Appendix 5) have been developed to provide an overall framework for the assessment and identification of place of refuge requirements. Regardless of whether places of refuge are predesignated or not, the following criteria form the basis for their selection:

- adequate water depth;
- good holding ground;
- shelter from the effect of prevailing wind/swell;
- relatively unobstructed approach from seaward;
- environmental classification of adjacent coastline and fisheries activity;
- access to land/air transport; and
- access to loading/unloading facilities for emergency equipment.

It should be noted that the International Convention on Salvage 1989 places an obligation on Australian response authorities to take into account the need for cooperation between various parties concerned in a salvage operation, including public authorities, when considering admittance of damaged vessels to ports.

2.16 Training and Exercises

The National Plan, incorporating AMSA, State/NT authorities and industry, conducts regular training programs and exercises for personnel likely to be involved in a response to an oil spill in the marine environment. These training programs and exercises are designed to enable Australia to have sufficient numbers of trained personnel to mount a credible and effective response to an oil spill incident.

Training programs are conducted at three levels, which recognise the overall technical complexity of managing an oil spill response and that the associated knowledge required by personnel varies depending on their level of responsibilities.

The three levels of training conducted are:

Senior Management - Level 3
- the focus is on the requirements of senior government and industry management personnel, including Commonwealth and State/NT appointed MPCs - responsible for high level decision making;

Middle Management - Level 2
- the focus is on the requirements of middle management personnel, including designated and potential ICs, their deputies and ESCs - responsible for the preparation of contingency and response plans and the management and conduct of effective oil spill response operations and associated logistic, administrative and financial tasks;

Operator - Level 1
- the focus is on the requirements of operational personnel, those undertaking on-site cleanup operations and operating spill response equipment.

Full details of the National Plan training program, including course content, are available from EPR or www.amsa.gov.au/Marine_Environment_Protection/National_Plan/Training_Program/index.asp
SECTION 3

Response
3 RESPONSE

3.1 Measures to be Employed

In the event of an oil spill in the marine environment the following measures should be employed according to the circumstances of the spill and conditions prevailing:

- if possible prevent, control or stop the outflow of oil from the source;
- if coastal or marine resources are not threatened or likely to be threatened, monitor the movement and behaviour of the oil spill;
- if coastal and marine resources are threatened, activate response operations to protect sensitive resources;
- if possible, contain the spread of oil; and
- if, due to weather and sea conditions, a response at sea is not feasible, or the protection of sensitive areas is not feasible, or these have already been affected, determine appropriate cleanup priorities and other response measures.

The importance of human health and safety in any response operation cannot be overstressed.

3.2 Overall Protection Priorities

Protection priorities to be employed during a response to an oil spill are, in order of descending priority:

- human health and safety;
- habitat and cultural resources;
- rare and/or endangered flora and fauna;
- commercial resources; and
- amenities.

However, in assessing protection priorities, it is necessary to maintain a balanced view of the potential success of particular response strategies.

3.3 Incident Reporting and Response Activation

3.3.1 Initial Reports

Notification of a pollution incident will normally be made from observations by Government agencies, shipping or aircraft, by the public, or by those responsible for the incident. It is important that the information received be reported without delay to enable immediate and appropriate action to be taken. The response procedures that shall be followed are summarised in Figure 6.

The most efficient method of ensuring that reports are dealt with promptly is by reporting through the RCC. The RCC operates twenty-four (24) hours a day and is equipped with continuously monitored telephone, facsimile and telex lines. The RCC will disseminate this information to EPR.

The RCC contact details are outlined in Appendix 2.
3.3.2 Initial Action

The agency receiving the report of a pollution incident shall notify the relevant State/NT Statutory Agency as defined in the IGA. In circumstances where the notification was not received from AMSA, then this shall include advice to EPR.

In the event that EPR is the first agency advised of a pollution incident, relevant State/NT Statutory Agency shall be notified.

The Statutory Agency shall promptly assess the information contained in any report and make the necessary decisions in relation to appropriate investigations and response actions. This will include jurisdiction and expected Statutory and Combat Agency responsibilities. The Statutory Agency shall advise the relevant Combat Agency of the need for a response.

Following the report of an incident the Combat Agency shall issue a Pollution Report (POLREP) in accordance with part 3.3.4.

3.3.3 Activation

When a report has been received by the Combat Agency, that agency should confirm the incident details. The proximity and possible subsequent movement of an oil spill to sensitive areas will dictate the urgency of the method used to confirm the presence of the pollution.

On confirmation of the presence of oil (see Appendix 6 for the appearance of oil on water), or where a decision has been made to implement a response action, the Combat Agency should mount a response operation in accordance with the appropriate contingency plan arrangements.

It should be noted that some States/NT might have a requirement to formally activate a Plan. This should be done without delay to facilitate any subsequent cost recovery actions.

3.3.4 Pollution Report (POLREP)

After initial verbal advice as been provided to the Statutory Agency, the Combat Agency should issue a POLREP to relevant agencies. This would best be directed to the RCC who would disseminate the information to relevant agencies based on the incident type and location. A generic POLREP form is shown in Appendix 7, which can be used by agencies.

It should also be noted that the MARPOL 73/78 Convention established the requirement for ship’s Masters to report discharges from their vessels. For reference, a copy of the details that ship’s Masters should report is also listed at Appendix 8 (Harmful Substances Report).
3.3.5 Situation Report (SITREP)

During a marine pollution incident (or potential incident), it is essential that all relevant authorities be kept advised of any significant developments.

The IC will be responsible for ensuring that periodic Situation Reports (SITREPs) are dispatched to those concerned. SITREPs should contain as much information as possible.

During an incident that involves the risk of marine pollution the Combat Agency shall be responsible for initiating SITREPs to relevant agencies, including AMSA. Concerning AMSA, these SITREPs should be directed to the RCC who would disseminate to EPR. A suggested format, including required content, for reporting this information is outlined in Appendix 9.

3.4 Incident Control

Operational control of a pollution incident is the responsibility of the Combat Agency representative nominated as an IC, and supported by an IMT that performs the tasks of the Planning, Operations, Logistics, and Finance and Administration sections of OSRICS.

The IC shall establish an ICC at a location, in close proximity to the incident, affording resources and facilities for the sustained management of the incident. This shall include access to communication facilities, suitable road access and other resources required for the response.

3.5 Response Plans

3.5.1 Strategic Plans

In a major incident it is important that a strategic plan is drawn up which clearly details the aims and objectives of the overall response. In some cases it may be necessary for strategic plans to be developed to cover a number of aspects of the incident. Strategic plans address the broader issues of the response, not short-term operational activities.

3.5.2 Incident Action Plans (IAP)

Short-term operational objectives and activities are the subject of an Incident Action Plan (IAP). The IAP will provide details of the operational activities and objectives to be achieved over a specified, short-term period. Initially this may be for the subsequent few hours only, but once the operation is underway it is likely to address the activities required over each of the following twenty-four hours or longer.

3.6 Response Options

A number of options exist for the treatment of oil that has been released into the marine environment. All may be effective to a degree according to the conditions prevailing and the sensitivity of the environment under threat. The response options include:

- surveillance;
- control and recovery;
- application of dispersant;
- in-situ burning;
- shoreline cleanup; and
- bioremediation.
3.7 **Occupational Health and Safety**

Response managers should be aware that at all times human life, health, and safety is paramount. The degree of risk associated with cleanup operations will depend on the:

- type of oil spilled;
- size of the spill;
- location of the spill;
- circumstances of the spill; and
- weather conditions.

Fresh crude oil and refined petroleum products are capable of giving off flammable gases. Therefore, fire and explosion remain a real danger to personnel and equipment, particularly when fresh crude oil and certain refined products are situated in confined locations.

At all times response managers should be aware of the limitations and safe operating procedures for all equipment used throughout the phases of the cleanup operation. This should, where necessary, include a risk assessment and development of a formal site-specific management plan, including details for induction and briefing procedures.

3.8 **Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)**

The Commonwealth Minister for the Environment has issued a Notice of Exemption for the National Plan under the EPBC Act. The effect of this notice is that response actions taken in accordance with the National Plan are exempt from the EPBC Act. In this context, the National Plan includes separate contingency plans for oil and chemicals, supported by State/NT contingency plans, regional contingency plans, contingency plans for ports, terminals and platforms, and vessel response plans.

It is important to note, however, that any response action contrary to one of these contingency plans would be subject to the EPBC Act.

3.9 **Cultural and Heritage Issues**

Important indigenous and non-indigenous heritage values and places exist in many parts of Australia’s coastal areas, including historic heritage sites and items, places with physical evidence of indigenous use, places of cultural value to indigenous people (eg: Dreaming places) and natural resources. The potential impact of response operations on the heritage values of the area needs to be addressed in planning the operation.

The potential heritage values of an area need to be identified and the likely impacts that result from the activities should be addressed. Specific consideration should be given to access to, and general use and disturbance of areas. The assessment should consider both direct and indirect impacts, cultural protocols and strategies for minimising impacts. Consultation with local indigenous communities should occur as part of the planning process (refer Ask First – A guide to respecting Indigenous heritage and places, Australian Heritage Commission, 2002, www.ahc.gov.au/publications/indigenousheritage)
Information about the heritage values of an area may be limited, or difficult to access. Some heritage registers held by State/NT agencies are subject to access restrictions. As such, appropriate Commonwealth, State/NT and local government agencies should be consulted to facilitate contact with indigenous communities and obtain necessary information required by the IMT and response personnel.

3.10 Obtaining Samples for Evidence and Analysis

In the aftermath of a pollution incident, identification of the source of contamination is a vital component in identifying the polluter not only for possible legal action but also for the subsequent allocation for the recovery of response costs. Even where one ship is considered to be clearly the source of the spill it is important to be able to establish that other potential sources have been eliminated. Where a spill has occurred there may be a number of different ships that are potential sources of the spill and they must all be identified and sampled as far as practicable. Samples must be obtained from all possible sources (tanks, bilge etc) onboard each ship to compare with a spill sample. The laboratory will use multiple analysis methods to eliminate or identify the source of the spill. To ensure that a positive analysis result may be achieved, correct sampling, storage, handling, preparation of the samples from all potential sources is essential.

Further details concerning sample collection, storage and handling are outlined in Appendix 10.

3.11 Disposal of Oil and Oily Debris

Cleanup operations can generate substantial quantities of oily debris. Temporary storage, transportation and final disposal methods shall be arranged to comply with Government disposal approvals. This will usually be facilitated by the responsible State/NT environment protection agency.

State/NT, regional and local contingency plans should contain information on the disposal of oily waste. This should include any pre-designated arrangements for disposal sites and approved contractors.

Ideally disposal sites should be identified as close as practical to those areas where oil pollution could most likely occur. Additional information is provided in the National Plan document Management and Disposal of Oil Spill Debris, available on the AMSA National Plan website www.amsa.gov.au/marine_environment_protection/National_Plan/Supporting_Documents/Management_and_disposal_of_oil_spill_debris.asp

3.12 Equipment

On completion of an oil pollution response operation, the IC shall arrange recovery of all equipment and unused materials, and arrange their prompt return to the resource centre from which they came. In the event of a major incident, a NRT member would normally be available to assist in the coordination of equipment transfers, including returning equipment to its point of origin. The IC shall advise the Manager, EPR, of all usage of AMSA-owned National Plan equipment, including details of any damage or discrepancies. When AMSA-owned National Plan dispersant stocks are used during an incident, the Combat Agency shall furnish the Manager EPR, with a full report outlining the quantities used.
The IC, or delegate, will ensure that all equipment is cleaned after use to the extent available facilities allow, and is returned to the ownership authority by the quickest possible means, having regard to freight costs. On its return to the resource centre the equipment shall be thoroughly serviced in accordance with equipment maintenance schedules prior to being stored. The Combat Agency shall ensure that all costs incurred in returning equipment to the resource centre, including cleaning and servicing is included in the overall schedule list of costs submitted for reimbursement by the polluter.

3.13 Termination of a Response

Under the terms of the IGA, an incident response will be terminated by the Statutory Agency once the Statutory Agency considers that the effective completion of the response is achieved based on expert Combat Agency advice.

Termination arrangements are outlined in the IGA and should be included in State/NT, regional and local contingency plans.
SECTION 4

Response Support
4 RESPONSE SUPPORT

4.1 Oil Spill Response Atlas (OSRA)

4.1.1 About OSRA

The Oil Spill Response Atlas (OSRA) identifies marine and foreshore ecosystems and biological resources for the determination of protection priorities and provides information to authorities on response options, for example boom deployment; chemical dispersant use; foreshore cleanup techniques to be employed, and disposal sites for wastes generated.

4.1.2 Available Information

OSRA datasets include but are not restricted to: habitats, both coastal and near-shore marine; high definition coastlines; bathymetry; nautical charts in scanned, georeferenced format; scanned topographical charts for all of Australia (1:100 000); marine parks, reserves and national parks; biological resources and conservation status; fisheries and aquaculture; coastal and marine wildlife resources; recreational resources; locations of National Plan equipment stockpiles; aerial photography for selected regions; National LandSat remote sensing (colour 50m); oblique photography linked geographically for selected regions; high resolution SPOT imagery for all harbours, ports and marine parks; landmarks and features; shoreline access and roads; airports, marinas and boat ramps; logistic and other infrastructure information.

4.1.3 Access to OSRA

Access to OSRA and tools is via the State/NT ESC, State/NT OSRA Coordinator or State/NT Chair. AMSA has holdings of the data for emergency purposes.

4.2 Oil Spill Trajectory Modelling (OSTM)

4.2.1 About OSTM

AMSA is custodian of the interactive Oil Spill Trajectory Model (OSTM). The model identifies speed of movement, weathering and spreading characteristics of the oil under the influence of prevailing currents and weather conditions. This system models water movement in the coastal continental shelf region of Australia based on tides, bathymetry and wind. The movement of spilled oil is then modelled, taking into account the amount and type of oil spilled. On-scene visual observations obtained from aircraft overflights should be used to confirm the accuracy of OSTM predictions. This information should then be entered into the model to update predictions.

4.2.2 Activation of OSTM

Activation of OSTM is through the EPR Duty Officer, who can be contacted via the RCC. Requests for activation of OSTM should be accompanied by a completed OSTM Proforma (Appendix 1), which can be sent to AMSA by facsimile or e-mail (OSTM@amsa.gov.au). Predictions from OSTM can be returned by facsimile or supplied in the form of a .dbf file for incorporation into OSRA or other GIS applications. Copies of the OSTM Proforma are also available from AMSA’s web site at www.amsa.gov.au/Marine_Environment_Protection/National_Plan/General_Information/Oil_Spill_Trajectory_Model/Oil_Spill_Trajectory_Model_Request_Proforma.asp

4.2.3 Weather and Spill Updates

During the response, periodic updates of the prevailing winds and confirmed observations of the movement of the spill should be reported, preferably by facsimile, to AMSA for
inclusion as necessary in the continuing OSTM predictions. Additionally, AMSA obtains Bureau of Meteorology forecasts for comparative purposes.

4.3 Automated Data Inquiry for Oil Spills (ADIOS)

The Automated Data Inquiry for Oil Spills (ADIOS) is a computer-based oil spill response tool that was developed by the US National Oceanic and Atmospheric Administration for emergency spill responders and contingency planners.

ADIOS integrates a library of approximately one thousand oils with a short-term oil fate and cleanup model, which is designed to estimate the time that spilled oil will remain in the marine environment and the amount of oil remaining.

ADIOS calculations combine real-time environmental data based on user inputs, such as wind speed and water temperature, combined with carefully researched information on chemical and physical properties of oils in its oil library. The program provides a prediction of possible ranges in the values of spill properties and oil fate. ADIOS can be accessed through the EPR Duty Officer, who can be contacted via the RCC.

4.4 Marine Oil Spill Equipment System (MOSES)

MOSES is a computer database that lists the type, quantity, location, status and availability of pollution control equipment. The database contains listings of National Plan, State/NT and industry equipment that is available for use in response to a marine oil spill.

Procedures to gain access to equipment are outlined in part 2.11.

Copies of MOSES outputs are available in State/NT contingency plans or directly from EPR. An example of a MOSES output is shown in Appendix 4.

4.5 Charter and Hire Arrangements

4.5.1 Charter of Vessels

During an incident there may be the requirement to charter local vessels to assist in response operations. A Vessel Charter Agreement used by AMSA (Appendix 12) provides an example of an agreement, which may be amended for use by other agencies.

It is suggested that a formal agreement be used whenever there is a need for agencies to charter a fishing vessel, or other craft, for use at oil pollution incidents and where the owner agrees to its use for such charter.

Whilst the IC may need to control the operation of a vessel to suit prevailing conditions and the particular circumstances of the incident, it shall be made clear that THE NAVIGATION AND SAFETY OF THE VESSEL WILL REMAIN THE RESPONSIBILITY OF THE VESSEL’S MASTER AT ALL TIMES.

When an owner is not prepared to accept the suggested agreement, but is prepared to make a vessel available, the charterer should ensure that:

• the vessel complies with all safety and equipment requirements; and
• it is made clear by the charterer to the owner that the controls shall apply at all times.

All other aspects of the charter shall be the subject of local negotiation at the time of the incident.

Details of craft availability, including Port and State/NT Government craft, should be shown in appropriate regional and local contingency plans.
4.5.2 Hire of Spray Aircraft

AMSA in conjunction with the AIP through its oil spill centre, AMOSC, have put in place a Fixed Wing Aerial Dispersant Capability (FWADC) for the application of oil spill dispersants. This capability has been achieved by means of a contract with Australian Maritime Resources (AMR) based in Adelaide, SA.

Based on the concept of utilising large agricultural aircraft, the FWADC is designed to complement informal dispersant spraying arrangements using helicopters, which are confined to close inshore work. The aircraft have a dispersant capability of between 1850 - 3100 litres, depending on aircraft type and model.

AMR, as the contractor, is required to have available six (6) primary aircraft and two (2) secondary aircraft on any one day. These aircraft are located at Emerald (QLD), St George (QLD), Moree or Scone (NSW), Ballarat (VIC), Tintinara or Adelaide (SA), and Ballidu (WA). Primary aircraft activation is on the basis of a four-hour response time, i.e. available to fly within four hours of being requested to respond to an incident.

Activation of the FWADC is through the EPR Duty Officer, who can be contacted via the RCC. The EPR Duty Officer will make an assessment of the requirement and then contact AMR, who within 30 minutes will advise AMSA of the nominated aircraft and estimated arrival time.

As the FWADC Contract does not include a stand-by arrangement, it is important to note that a decision to activate the FWADC incurs a substantial daily charge. The daily charge is in addition to charges for actual flying time. Notwithstanding the absence of a stand-by arrangement, AMSA will advise AMR, for planning purposes (not an activation), of significant incidents where dispersant application may be considered as a major response option.

It should be noted that only National Plan approved dispersants are to be used in response to any incident involving dispersant use. Full details of approved dispersant can be obtained from EPR or www.amsa.gov.au/Marine_Environment_Protection/National_Plan/General_Information/Dispersants_Information/Approved_Oil_Spill_Dispersants.asp

Further details of the FWADC are available through EPR.

4.5.3 Surveillance Aircraft

Where the source of an incident is not identified and thus recovery of costs unlikely, or where it is intended to claim reimbursement of costs from AMSA under the IGA arrangements, then the EPR Duty Officer or Manager, EPR must approve the use of aircraft for surveillance or investigation.

Procedures for the identification and charter of appropriate aircraft should be shown in appropriate State/NT, regional and local contingency plans.

4.5.4 Hire of Other Equipment

In a cleanup operation the hire of other equipment, including earthmoving equipment, storage, and transport will be arranged under the direction of the IC as required.
4.6 Defence Force Assistance

Requests for Defence Force assistance, including the use of military transport are to be directed to EPR.

After assessing and approving any requests, EPR will seek the assistance of the Defence Forces through EMA, Canberra. EMA will arrange for Defence Force assistance once all avenues of utilising commercial resources have been exhausted, or where timeframes are such that it is impractical to use commercial resources.

Following approval of a request by the Defence Force, EPR will continue to liaise with EMA regarding transport details.

Costs associated with the engagement of Defence Force resources, will be charged against the incident and recovered from the polluter. These costs are determined by the Defence Forces in accordance with Government cost recovery directions and, therefore, may exceed normal commercial rates.

4.7 Salvage Arrangements

4.7.1 Salvage Involvement

In the event of an incident involving a damaged or disabled ship, it is paramount that the salvage industry be involved in the response as soon as possible. Salvage activities may need to be arranged to take the vessel in tow, refloat a grounded vessel, or reduce or stop a discharge of oil to minimise environmental damage resulting from the casualty. It is essential that these operations be undertaken as soon as possible.

In accordance with the IGA, AMSA has responsibility for safety issues relating to vessels on interstate or foreign voyages and will be responsible for ship operational matters. These functions include alerting and liaising with salvors, taking measures to minimise oil outflow and other salvage activities.

The vessel’s Master/Owner will normally appoint a salvor by signing a Lloyds Open Form Agreement. However, in cases where this does not occur, AMSA may use its powers under the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969, to either direct the Master/Owner to engage a salvor or alternatively contract a salvor to undertake necessary work, with costs recoverable from the owner.

4.7.2 Salvage Liaison

During an incident requiring the salvage of a vessel, consideration should be given to the appointment of a Casualty Coordinator (CC). The role of the CC is to enable continuing exchange of information regarding the salvage operation between the IC, the Salvage Master and Statutory/Combat Agencies. This will enable the Salvage Master to limit briefings to one person, whilst at the same time providing for continuity in information flow. A senior AMSA marine surveyor is available to act as the CC as required.
4.7.3 Independent Salvage Advice

In a major casualty the possibility may arise for the need to have access to independent salvage advice. AMSA has identified three suitable companies (Appendix 2), which can provide independent advice on the salvage operation, including whether the proposed salvage operations are appropriate. In the event of requiring such advice, AMSA will make appropriate arrangements with one of the identified companies.

In incidents involving an intrastate vessel, the State/NT may wish to undertake the above salvage arrangements. AMSA will provide assistance where required.

4.8 Updating the Plan

Contingency Plans are evolving documents, and as such, require regular updating. It is recommended that all Contingency Plans be reviewed annually to take into account policy changes and experience from incidents and exercises. Regular amendments should be made to reflect changes to contacts, equipment and other details.

Minor amendments to this Plan will be issued by AMSA as they become necessary. AMSA will review the National Marine Oil Spill Contingency Plan annually.

Information for updating the Plan should be forwarded on a regular basis to:

Manager
Environment Protection Response
Emergency Response
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA CITY ACT 2601

Facsimile: (02) 6279 5076
APPENDIX 1

Inter-Governmental Agreement
& Administrative Arrangements
Inter-Governmental Agreement on the National Plan To Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances

This AGREEMENT is made on the 25th day of May 2001.

BETWEEN
The Commonwealth of Australia
The State of New South Wales
The State of Victoria
The State of Queensland
The State of Western Australia
The State of South Australia
The State of Tasmania And
The Northern Territory
(“The Parties”)

Definitions

“Australian Maritime Group” means the group of representatives from the transport agencies of the Commonwealth, States and Northern Territory.

“Australian Transport Council” means the group of Commonwealth, State and Territory Ministers who have responsibility for transport matters from time to time.

“Combat Agency” means the agency having operational responsibility in accordance with the relevant contingency plan to take action to respond to an oil and/or chemical spill in the marine environment.

“Committee” means the National Plan Management Committee established in accordance with paragraph 3 of this Agreement.

“National Plan” means the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances.


“Standing Committee on Transport” means the heads of the transport agencies of the Commonwealth, States and Territories, or their representatives.

“Statutory Agency” means the State/NT or Commonwealth agency having statutory authority for marine pollution matters in their area of jurisdiction.

Principle

Since its establishment in 1973, the National Plan has been characterised by willing and effective cooperation between key players from both government and industry, and has provided both timely and effective response to actual pollution incidents.

Nothing in this agreement lessens the need to maintain this high level of cooperation between all stakeholders in order to provide timely and effective response to actual pollution incidents, including making available equipment and trained personnel as and when needed.
Recitals:

Whereas

A. The Parties have agreed to the implementation of the Review Report recommendations concerning the administrative and funding arrangements under the National Plan for responding to oil and chemical pollution in the marine environment;

B. The Parties agree that the implementation of the recommendations of the Review Report, and the administrative and funding arrangements set out in Schedules 1 and 2 to this Agreement require the establishment and implementation of a cooperative arrangement to ensure that:

(i) the national approach to preparedness and response to oil and chemical spills in the marine environment under the National Plan is continued and strengthened, consistent with the recommendations of the Review Report, with the active participation of industry groups wherever possible and with due regard to existing State/NT emergency management arrangements;

(ii) the division of responsibility between the Parties is clear in relation to maintaining the national preparedness and response capacity in accordance with the National Plan and to manage associated funding, equipment, and training programs to support National Plan activities;

(iii) mechanisms are established to ensure that decision making under the National Plan is cooperative and that the obligations of the Parties under the National Plan are met; and

(iv) principles are agreed under which the obligations of the Parties under the National Plan are to be funded.

C. The Parties note that the Australian Maritime Safety Authority (AMSA), established under the Australian Maritime Safety Authority Act 1990 as a Commonwealth Authority, is the national safety agency with a primary role in maritime safety, protection of the marine environment and aviation and marine search and rescue. AMSA is largely self-funded through levies on the commercial shipping industry. AMSA has statutory authority for marine pollution matters within the jurisdiction of the Commonwealth of Australia. One of AMSA’s primary areas of responsibility is protection of the marine environment through management of the National Plan.

D. The Parties are agreed that the elements of the cooperative arrangement are:

(i) the establishment of a National Plan Management Committee to be responsible for strategic management of the National Plan and to report to the Australian Transport Council through the Australian Maritime Group and the Standing Committee on Transport;

(ii) the establishment of a National Plan Operations Group to report to and support the National Plan Management Committee by considering the overall operational aspects of the National Plan;

(iii) that the Statutory Agency in each State/NT is to be responsible for the coordination of the local administration and operation of the National Plan;

(iv) continuation of AMSA as the managing agency of the National Plan;

(v) a Memorandum of Understanding between AMSA and the Australian Institute of Petroleum; and

(vi) the establishment of principles under which the obligations of the Parties under the National Plan are to be funded.
NOW IT IS AGREED BY ALL PARTIES AS FOLLOWS:

Operation of the Agreement

1. The Agreement will commence on the date it is signed by the Commonwealth, the States and the Northern Territory.

2. The Parties will take such action as is provided for by this Agreement and as is otherwise required to achieve the objectives set out above by initiating the administrative acts and procedures provided for by this Agreement, in accordance with the roles and responsibilities set out below.

Operation and functions of the Committees and Statutory Agencies

National Plan Management Committee

3. The Parties will establish a National Plan Management Committee to provide advice to the Australian Transport Council on the strategic, policymaking and funding direction for the National Plan. The functions of the National Plan Management Committee are to:

(i) provide strategic oversight and direction for the effectiveness and efficiency of the National Plan, including preparedness and response standards;

(ii) oversee the ongoing effectiveness of the formal arrangements between key stakeholders and AMSA as National Plan manager;

(iii) provide advice to the Australian Transport Council on the collection and distribution of funds for the National Plan, including contributions from the Commonwealth, the States/NT, and shipping industry;

(iv) develop and maintain a four-year rolling budget for AMSA’s National Plan activities to be submitted for advice each year to the Australian Transport Council;

(v) develop, implement and monitor mechanisms to ensure the roles and responsibilities of the stakeholders are clearly understood by all stakeholders in the National Plan;

(vi) prepare an annual report to be distributed to all stakeholders on achievement of the National Plan objectives, activities and operations including financial management;

(vii) provide advice to AMSA in developing and maintaining international and regional cooperative arrangements for marine pollution response and preparedness; and

(viii) perform such other functions as the Australian Transport Council may confer on it from time to time.

4. Membership of the Committee will comprise a senior executive representative (or alternate with equivalent authority) from each of the Parties, AMSA (as National Plan manager) and a representative of each of the following stakeholders to the National Plan:

(i) Association of Australian Ports and Marine Authorities;

(ii) Great Barrier Reef Marine Park Authority;

(iii) Australian Institute of Petroleum;

(iv) Australian Shipping Federation; and

5. The Committee will have an independent chair who is not a representative of the Parties or the stakeholders.

6. Each member will bear the costs and expenses incurred in the course of Committee business.

7. The Committee will hold such meetings at least annually, and will hold additional meetings as necessary for the efficient performance of its functions. Meetings may be held by teleconference or videoconference. Notice of meetings and agendas will be given at least one month in advance, unless otherwise agreed by the members. Meetings will not be held unless a majority of State/NT members are able to attend.

8. The Parties will encourage their representatives to provide a whole-of-government perspective, and not just the views of their respective agencies.

9. The Committee will make its reports and recommendations to the Australian Transport Council through the Australian Maritime Group and the Standing Committee on Transport.

10. The Australian Transport Council will be entitled to be notified of and to be given information concerning any matter being dealt with by the Committee. The Australian Transport Council will have the right to refer any matter arising out of or in connection with their marine pollution prevention responsibilities directly to the Committee for consideration.

11. The secretariat for the Committee will be provided by AMSA.

National Plan Operations Group

12. The Parties will establish a National Plan Operations Group to support the National Plan Management Committee by considering the overall operational aspects of the National Plan. The functions of the National Plan Operations Group are to:

(i) develop and implement programs to:

(a) provide training under the National Plan;
(b) coordinate the National Response Team\(^1\) to assist in a response under the National Plan to an oil or chemical spill in the marine environment;
(c) monitor National Plan equipment, identify acquisitions to be made by AMSA of National Plan equipment and maintenance of AMSA-owned National Plan equipment;
(d) ensure equipment allocation, compatibility and preparedness to enable a consistent approach to be taken by each Party for the purposes of paragraph 20 of this agreement;
(e) test the effectiveness of contingency plans through conducting incident response exercises;
(f) maintain support systems under the National Plan, including fixed wing aerial dispersant spraying, risk assessment, the Oil Spill Response Atlas, and the Oil Spill Trajectory Model;

\(^1\) The National Response Team is a group of trained and experienced personnel from various National Plan stakeholder agencies that is available to provide support across all response disciplines to any National Plan Combat Agency in the event of a major oil pollution incident.
(g) support the adoption of new technology and evaluate research and development projects for National Plan funding;
(h) address marine environmental issues such as guidelines to determine extent, and restoration of, damage caused by marine pollution incidents;
(i) raise community awareness about protection of the marine environment from oil and chemical pollution; and
(j) support and give guidance to the implementation of the Oil Spill Response Incident Control System.

(ii) establish and oversight working groups that are necessary for the National Plan Operations Group to carry out its functions;
(iii) assist States/NT to establish and maintain effective communication channels with all relevant stakeholders; and
(iv) perform such other functions as the National Plan Management Committee may confer on it from time to time.

13. Members of the National Plan Operations Group will have senior operations management responsibilities within their respective agencies or organisations. Parties to this agreement and the following stakeholders in the National Plan will be represented:
   (i) Australian Marine Oil Spill Centre;
   (ii) Environment and Scientific Coordinators Network;
   (iii) Australasian Fire Authorities’ Council; and
   (iv) Association of Australian Ports and Marine Authorities.

14. The National Plan Operations Group will be chaired by AMSA (as National Plan manager).

15. Each member will bear the costs and expenses incurred in the course of National Plan Operations Group business.

16. The National Plan Operations Group will hold such meetings as are necessary for the efficient performance of its functions. Meetings will be held twice yearly or more often as the Operations Group decides is appropriate and where possible will be held before meetings of the National Plan Management Committee. Meetings may be held by teleconference or videoconference. Notice of meetings and agendas will be given at least one month in advance, unless otherwise agreed by the members. Meetings will not be held unless a majority of State/NT members are able to attend.

17. The National Plan Operations Group will make its reports and recommendations to the National Plan Management Committee.

18. The secretariat for the National Plan Operations Group will be provided by AMSA.

**State/NT Responsibilities**

19. A Statutory Agency in each State and the Northern Territory will be responsible for coordinating the local administration and operation of the National Plan, in accordance with the National Plan Administrative Arrangements, appearing in Schedule 1 to this Agreement. This may be done in consultation with a State/NT Committee and with due consideration to the relevant State/NT emergency management arrangements.
20. The responsibilities of the National Plan State/NT Statutory Agencies will be:

(i) administration and operation of the National Plan in the State/NT, including provision of support to the National Plan Management Committee and National Plan Operations Group;

(ii) developing and implementing contingency plans for combating marine pollution under the National Plan;

(iii) advising and supporting the Combat Agency during the response to a marine oil or chemical pollution incident;

(iv) advising AMSA in relation to capital equipment, maintenance and training requirements for that State/NT on an annual basis; and

(v) ensuring all oil and chemical pollution incidents and reports of oil spill sightings whether confirmed or unconfirmed are reported to AMSA.

**Funding**

21. The Parties agree that the following principles should form the basis under which obligations are funded under the National Plan:

(i) Preparedness for marine pollution incidents should be funded on the basis of the principle that the potential polluter pays;

(ii) Response to marine pollution incidents should be funded on the basis of the principle that the polluter pays; and

(iii) Agencies responding to and incurring costs in relation to pollution incidents where the polluter is not identified, or costs are not recoverable, will be reimbursed by AMSA on the basis of the potential polluter pays, as set out in paragraphs 22 to 29 of Schedule 1 to this Agreement.

22. Each State/NT agrees that, following consultation with the National Plan Operations Group and relevant stakeholders, they will ensure that:

(i) each oil/chemical terminal and offshore drilling rig/platform within their jurisdiction maintains, either directly or indirectly, an appropriate preparedness and response capacity consistent with the level of risk posed by the terminal, offshore drilling rig or offshore platform;

(ii) each port within their jurisdiction, including private ports and private terminals within ports, maintains, either directly or indirectly, an appropriate preparedness and response capacity consistent with the level of risk within the port;

23. The Parties agree that any arrangements put in place to provide participation by ports in National Plan activities outside port limits are undertaken on a commercial basis, where such participation is not separately mandated by State/NT legislation.

24. The Parties agree to the specific funding obligations appearing in Schedule 2 to this Agreement.
Review

25. The National Plan Management Committee will report to the Australian Transport Council on an evaluation of the cooperative arrangements contained within this Agreement within 12 months of its commencement and at regular intervals thereafter as determined by the Australian Transport Council.

26. The Australian Transport Council will decide as soon as practicable after receipt of the report whether this Agreement should continue, be modified or terminated. The Council will make their decision by consensus and, if the decision is to extend, modify or terminate this Agreement, take all necessary steps to give effect to their decision.

27. The Australian Transport Council may at any time review or modify this Agreement and, if they decide by consensus to terminate it, do all that is necessary to terminate it.

28. The National Plan Management Committee may at any time review or modify the Schedules to this Agreement.

SIGNED by (the Commonwealth of Australia)
Date:

SIGNED by (the State of New South Wales)
Date:

SIGNED by (the State of Victoria)
Date:

SIGNED by (the State of Queensland)
Date:

SIGNED by (the State of Western Australia)
Date:

SIGNED by (the State of South Australia)
Date:

SIGNED by (the State of Tasmania)
Date:

SIGNED by (the Northern Territory)
Date:
SCHEDULE 1

Administrative Arrangements

Application
1. These arrangements will apply to action taken when responding to marine oil and chemical pollution in Australian waters.

2. Arrangements between the Commonwealth and/or State/NT authorities and the Australian Institute of Petroleum with respect to the role of the oil industry and for the mutual use of equipment and expertise are set out in separate agreements.

Division of Responsibility
3. In some cases the Statutory and Combat Agencies will be the same agency.

4. In accordance with the Offshore Constitutional Settlement jurisdictional arrangements, the Statutory Agency responsible for overseeing response action for oil and/or chemical spills other than those from offshore petroleum operations is as follows:
   (i) within the three nautical mile coastal waters and foreshore areas - the State/NT government’s designated Statutory Agency;2
   (ii) outside the three nautical mile coastal waters and in coastal waters and foreshore areas not within State/NT jurisdiction - the Australian Maritime Safety Authority (AMSA), as the Commonwealth Statutory Agency.

5. In accordance with the Petroleum (Submerged Lands) Act 1967 and relevant State/NT offshore petroleum legislation, Statutory Agency responsibility for overseeing response actions to pollution events from offshore petroleum operations lies with the relevant State/NT Statutory Agency, or the agent for the Commonwealth in areas of Commonwealth jurisdiction.

6. Combat Agency responsibility for responding to oil and/or chemical spills in various jurisdictions can vary between the States/NT. Generally, the following applies:

For State/NT waters:3
   (i) at oil terminals - the relevant oil company or terminal operator using industry arrangements as required such as the AMOSPlan mutual aid arrangements through the Australian Marine Oil Spill Centre (AMOSC). Should a situation develop where the necessary response is beyond oil company or terminal resources, responsibility for control will transfer to the Statutory Agency, with response assistance from other National Plan stakeholders as required. Statutory Agencies should enter into predesignated response arrangements with oil terminal operators which clearly specify the agreed division of responsibilities and terms and conditions for transferring control;

---

2 In Queensland, it is recognised that offshore jurisdiction between the Commonwealth and the State is particularly complex as a consequence of the many islands and cays within the Great Barrier Reef and Torres Strait. Jurisdiction in these areas is set out in maps that have been prepared for the purposes of this agreement. These maps are held by the Queensland and Commonwealth Statutory Agencies and should be referred to when determining jurisdiction for incidents in these areas.

3 In NSW, the Combat Agency for all oil and chemical spills in State waters is the designated Statutory Agency.
(ii) at chemical terminals - the relevant chemical company or terminal operator under industry arrangements as required such as the Chemsafe Emergency Management Program arrangements under the Plastics and Chemicals Industries Association. Should a situation develop where the necessary response is beyond chemical company or terminal resources, responsibility for control will transfer to the Statutory Agency, with response assistance from other National Plan stakeholders as required. Statutory Agencies should enter into predesignated response arrangements with the relevant Chemical Terminal operators which clearly specify the agreed division of responsibilities and terms and conditions for transferring control;

(iii) in ports (other than at oil and chemical terminals within a port), the port operator or responsible State/NT authority, as specified in the relevant contingency plan, with assistance from other National Plan stakeholders as required; and

(iv) within the three mile coastal waters - the responsible State/NT Statutory Agency with assistance from other National Plan stakeholders as required.

For Commonwealth waters:

(v) beyond the three mile coastal waters - the Commonwealth via AMSA except in those incidents close to shore when oil or chemicals are likely to impact the shoreline. In these circumstances, the State/NT via the Statutory Agency will be the Combat Agency for protecting the coastline while AMSA assumes responsibility for ship operational matters, eg containing the spill within the ship, organising salvage, etc.

For the Great Barrier Reef:

(vi) in the REEFPLAN area of the Great Barrier Reef - Queensland Government via the Queensland National Plan State Committee, with assistance from other National Plan stakeholders as required.

For offshore petroleum operations:

(vii) for spills emanating from offshore petroleum operations - the relevant oil company with assistance, as required, from the Statutory Agency;

7. In those incidents close to State/NT borders it is essential for high-level consultation and cooperation between the two Statutory Agencies to ensure a clear delineation of responsibility for the response.

8. The Combat Agency will as soon as possible undertake preventive and clean up action or may request another agency to act on its behalf.

9. In circumstances where the incident has exceeded or is likely to exceed the capacity of the Combat Agency to respond effectively or the response is not being conducted effectively, the Statutory Agency may assume control of the response.

10. The Statutory Agency is responsible for the institution of legal proceedings and the recovery of clean up costs on behalf of all participating agencies.

11. An oil/chemical spill response will be terminated when the Statutory Agency considers that the effective completion of the response is achieved based on expert Combat Agency advice. The Statutory Agency will be responsible for announcing the termination of a response, after consultation with the Combat Agency. These arrangements are to be specified in all contingency plans.
Australian Maritime Safety Authority

12. AMSA's role as managing agency of the National Plan includes:

(i) maintaining the National Maritime Oil Spill Contingency Plan and the National Maritime Chemical Spill Contingency Plan;

(ii) providing on-site oil and/or chemical spill operational, technical, environmental and administrative advice and assistance to Statutory and Combat agencies;

(iii) maintaining a listing of National Response Team members to assist Statutory and Combat Agencies to respond to oil spills in the marine environment;

(iv) maintaining a national database of trained oil and/or chemical spill response personnel;

(v) maintaining a national inventory of marine oil and chemical spill response equipment;

(vi) maintaining uniform standards and testing protocols for oil spill dispersants and other chemical response agents;

(vii) maintaining a national database of marine oil and chemical spill incidents, collating data provided by State/NT agencies;

(viii) providing advice regarding setting of standards for equipment, training and implementation of oil and chemical spill responses;

(ix) providing advice and guidelines for contingency planning and audit of response plans;

(x) managing the development and delivery of annual and longer term equipment acquisition programs for AMSA-owned equipment;

(xi) auditing and inspecting response equipment stockpiles and maintenance programs;

(xii) coordinating and auditing the National Plan training program endorsed by the National Plan Operations Group and delivery of AMSA courses;

(xiii) reviewing and reporting to National Plan stakeholders on State/NT or industry spill responses and exercises;

(xiv) managing research and development projects endorsed by the National Plan Operations Group and the dissemination of information on pollution prevention, improved spill response and planning techniques;

(xv) being accountable for the Commonwealth’s responsibilities as outlined in these Arrangements;

(xvi) managing revenue collected by AMSA for the purposes of the National Plan and expenditure against a four-year rolling budget developed by the National Plan Management Committee, and provision of financial statements to the National Plan Management Committee;

(xvii) managing the Oil Spill Response Atlas and Oil Spill Trajectory Modelling programs;

(xviii) providing the Chair to the National Plan Operations Group;

(xix) represent the interests of National Plan stakeholders in international fora;

(xx) providing secretariat services to the National Plan Management Committee and the National Plan Operations Group; and

(xxi) administering and enforcing Commonwealth legislation.
Responsibility for Overall Coordination of a Major Spill

13. Statutory Agencies will each nominate one or more senior persons authorised to act as Marine Pollution Controller with overall responsibility for ensuring that a response to a major incident within their relevant jurisdiction, as defined in paragraphs 4, 5 and 6 of this Schedule, is managed and coordinated appropriately. This includes coordinating the delivery of all available combat resources both in Australia and, where necessary, from overseas.

14. The nominated persons (Marine Pollution Controller) will have authority to direct response and clean up arrangements at a high management level and will be responsible for high level liaison with Ministers as well as senior government and industry representatives.

Equipment

Ports, terminals, rigs and platforms

15. Consistent with the funding principles set out in this Agreement, States/NT and the Commonwealth will each ensure that ports, terminals, rigs and platforms will ensure a first-strike capacity is provided to respond to oil spills within their declared areas of operation. This capacity may be provided directly by the operator, or as a service to the operator by a separate organisation. This first strike capacity will generally involve the provision of Tier 1 (up to 10 tonnes) type spill equipment and capacity for its effective operation, although there may also be circumstances where a greater or lesser capacity would be appropriate.4

16. State/NT Statutory Agencies, in consultation with the relevant terminal, port, rig or platform operator, will determine the required first strike capacity for these operations, having regard to the individual circumstances. The National Plan Operations Group is to be consulted when determining appropriate capacity.

17. The equipment employed will be compatible with national standards and/or criteria established for National Plan equipment by the National Plan Operations Group. AMSA is available to assist stakeholders in determining equipment compatibility.

Transitional Arrangements

18. For the purposes of paragraph 15 of this Schedule, AMSA will transfer ownership of first strike equipment to the States/NT or their nominees at no cost. The National Plan Operations Group will determine the distribution of this first strike equipment, considering equitable arrangements, gaps arising from risk analysis, and age and condition of equipment. The cost for any identified shortfall in equipment or equipment repair will be met from the National Plan.

Australian Maritime Safety Authority

19. Regional resource centres of equipment and material for use in the response, containment, monitoring and clean up of marine pollution will be maintained by AMSA in accordance with this agreement.

20. The contents of the resource centres will be determined by the National Plan Operations Group based on recommendations from Statutory Agencies and taking into consideration national priorities and equipment held by ports, terminals, rigs and platforms, and the Australian Marine Oil Spill Centre. All stakeholders will be kept informed of any significant changes to the contents of the resource centres.

---

4 Some States/NT have legislation requiring ports to respond to oil spills in coastal waters adjoining the State, for which ports receive appropriate regulatory fees.
21. AMSA will maintain a database of all National Plan equipment. This database will be available for use by all National Plan stakeholders. States/NT and industry will keep AMSA informed of detailed holdings/movements in order that national pollution equipment database records can be maintained accurately.

Costs and Expenses

22. Where a marine oil and/or chemical pollution incident occurs detailed records will be kept of all operations (use of personnel, equipment, etc). When relevant, the Protection and Indemnity Club representative is to be notified as soon as possible and kept advised of oil spill response strategy and general operations.

23. Subject to paragraphs 24 to 29 of this Schedule, AMSA will replace consumable materials used and reimburse the reasonable costs and expenditure incurred by a Statutory or Combat Agency and any assisting agency in the prevention and clean up of marine pollution from ships where the value of the materials and total reasonable costs and expenditure incurred in responding to oil spills during a financial year exceeds $5000. This figure is to be indexed in accordance with CPI, and will increase by increments of $1000 at appropriate intervals. Where response costs in respect of a single incident exceed $5000 and the polluter cannot be identified, AMSA will also reimburse the first $5000.

24. Costs and expenditure relating to oil and hazardous substances spill monitoring that will be reimbursed by AMSA is restricted to Type 1 monitoring. Type 1 monitoring is defined as the collection of information about the oil and hazardous substances spill, in particular the extent and quantity of contamination and effectiveness of clean-up for the purposes of aiding decision making during shoreline clean-up and on-water operations. Reimbursement of costs and expenditure by AMSA will be limited to those incurred during the incident.

25. For the purpose of paragraph 23 of this Schedule, costs and expenditure which will not be reimbursed by AMSA includes;
   (i) post spill monitoring (other than Type 1 monitoring referred to in paragraph 24 of this Schedule) and environmental impact assessment;
   (ii) the cost of patrol, search and surveillance or other activities not directly related to a particular incident, actual or reported;
   (iii) a payment, other than the premium for insurance directly relevant to persons involved in a particular incident, made pursuant to legislation relating to workers’ compensation; or
   (iv) the payment of compensation or damages for the death or injury to a person or the loss of or damage to property;
   (v) legal costs associated with action other than recovery of clean up costs.

26. For the purposes of paragraph 23 of this Schedule, the State/NT Statutory Agency will furnish AMSA with a report of every incident which will include details of:
   (i) the methods used to determine whether the pollution came from a ship source;
   (ii) the preventative and clean up measures taken; and
   (iii) the equipment, dispersant and other materials used and costs and expenses incurred.

27. In any case to which paragraph 23 of this Schedule is applicable, and to the extent it is practicable to do so, the State/NT Statutory Agencies will take such steps as are available to them, including the institution of criminal or civil proceedings, for recovery from the owner
or the master of the ship which caused the oil and/or chemical pollution of the costs and expenses incurred in the preventative and clean up measures (including costs and expenses incurred by a Statutory Agency on its behalf or an assisting agency). Hire charges for National Plan equipment should be in accordance with the rates advised by AMSA as updated from time to time. Any amount recovered by a State/NT Statutory Agency pursuant to this paragraph will be deducted from the amount payable by AMSA to that agency pursuant to this paragraph or, if the agency has already been paid the full amount of such costs and expenses, the agency will pay the amount it has recovered to AMSA.

28. State/NT Statutory Agency will use best endeavours to recover all reasonable costs incurred in responding to an incident in its jurisdiction. AMSA will assist the State/NT by providing advice on making claims, format etc. AMSA will be responsible for recovery of all costs incurred in assisting the State/NT to respond to the spill. This includes, but is not limited to, all AMSA direct costs and the costs of any assistance provided or arranged by AMSA under National Plan arrangements such as transport of National Plan, industry or overseas equipment and the provision of National Response Team, or overseas personnel involved in the response. Unless an agreement is reached with the shipowner and the insurer in respect of a specific incident, all accounts will be lodged with the shipowner.

29. Where the costs of clean up for any one incident exceed $20,000, the responsible Statutory Agency may seek reimbursement from AMSA for analysis of oil and chemical spill samples and legal costs not otherwise recoverable which have been incurred in the effort to recover clean up costs. On receipt of documented claims AMSA will meet these reimbursement costs. This does not include legal costs incurred in mounting a prosecution, which will be the responsibility of the appropriate State/NT or Commonwealth Government depending on jurisdiction of the area of the spill.

Training

30. Training will be conducted by National Plan stakeholders at three levels:

   Level 3 - senior government and industry personnel responsible for high level decision making in the management of oil or chemical spill incidents;

   Level 2 - middle management personnel responsible for managing the operational response, eg incident controllers, their deputies and environment and scientific coordinators, and Fire Brigade (Hazardous Materials) specialists;

   Level 1 - operator level personnel, i.e. those undertaking on-site clean-up operations. In a major incident this would also include supervisors appointed as site managers.

31. The National Plan training program will be developed and overseen by the National Plan Operations Group.

32. AMSA will meet the reasonable cost of airfares and course fees for State/NT Statutory Agency nominees to attend courses run by AMSA as part of the training program.
SCHEDULE 2

Funding Arrangements

Australian Maritime Safety Authority

1. The Australian Maritime Safety Authority (AMSA) is largely self-funded through levies on the commercial shipping industry. AMSA will manage the National Plan against a four-year rolling budget developed and maintained by the National Plan Management Committee and submitted for advice each year to the Australian Transport Council. AMSA will provide for a range of programs to support National Plan activities, as set out in paragraphs 3 to 14 below.

Administration of the National Plan by AMSA

2. AMSA will meet the administrative costs associated with management of the National Plan. This includes AMSA staffing costs, travel and transport, communications expenses, and depreciation.

Equipment

3. AMSA will purchase equipment for incident response, in accordance with a four year rolling oil spill response capital program developed by the National Plan Operations Group. This equipment will not include first strike equipment for offshore petroleum operations, terminals and ports.

4. AMSA will develop and implement an annual equipment maintenance program and pay reasonable storage costs for equipment held by AMSA in central and regional stockpiles.

5. AMSA will develop and implement an annual equipment audit program for equipment held by AMSA in central and regional stockpiles, or held on long term loan by the States/NT.

6. AMSA will maintain the Marine Oil Spill Equipment System (MOSES) that provides information on equipment held by AMSA, States/NT and industry.

Training

7. AMSA will fund and coordinate the AMSA Oil Spill Management Courses (Level 2 course) and State Marine Pollution Controller Courses (Level 3 course) to meet the requirements of the National Plan.

National Plan Biennial Exercise

8. AMSA will provide funding assistance to facilitate the development and delivery of a major biennial exercise by AMSA, States/NT and industry to test response plans, procedures and arrangements. Such assistance will be determined on a case-by-case basis in consultation with the National Plan Operations Group.

Fixed Wing Aerial Dispersant Capability (FWADC)

9. AMSA will manage the operational delivery of the national fixed wing aerial dispersant capability and the administrative functions associated in maintaining the capability.

Dispersants

10. AMSA will develop, maintain and fund a rolling program to provide for the purchase and storage of oil spill dispersants for Tier 2 and 3 incidents.
Incident Cost Recovery

11. AMSA will replace consumable materials used and reimburse the costs and expenditure incurred by a State/NT Statutory or Combat Agency and any assisting agency in the prevention and clean up of marine pollution from ships, in accordance with Schedule 1 to this Agreement.

Research and Development

12. AMSA will fund research and development projects agreed by the National Plan Operations Group and approved by the National Plan Management Committee.

Oil Spill Response Atlas (OSRA)

13. AMSA will manage the OSRA program and provide annual funding to allow the State/NT to ensure existing data remains current and to add additional data as necessary, as specified in the Oil Spill Response Atlas strategy agreed by the National Plan Operations Group.

Oil Spill Trajectory Model (OSTM)

14. AMSA will manage and provide annual funding for the OSTM program.

States/NT

15. The States/NT will maintain and administer State/NT contingency plans, in accordance with obligations set out in this agreement, and provide a range of programs to support National Plan activities, as set out in paragraphs 16 to 21 below.

Equipment

16. States/NT will administer an appropriate preparedness and response capacity at oil/chemical terminals, offshore drilling rigs/platforms and ports within their jurisdiction in accordance with paragraphs 15 to 17 of Schedule 1 to this Agreement. This will include appropriate arrangements for equipment maintenance and audits. States/NT will give due regard to principles developed by the National Plan Operations Group.

17. States/NT will provide regular updates of equipment held by the State/NT to AMSA to ensure the Marine Oil Spill Equipment System (MOSES) is accurate.

Training

18. States/NT will be responsible for the delivery of Equipment Operator Courses (Level 1 Course), Shoreline Cleanup Courses and Oil Spill Administration Courses to meet the requirements of the State/NT.

Exercises

19. States/NT will provide funding and personnel as appropriate to assist in the development and delivery of a major biennial exercise by AMSA, State/NT and industry to test response plans, procedures and arrangements. AMSA will reimburse the costs of the airfares of States/NT personnel who are involved in the planning and umpiring of a biennial exercise.

20. States/NT will arrange, conduct and bear the cost of exercises required by the NT/State Statutory Agencies.

Oil Spill Response Atlas

21. States/NT will ensure existing OSRA data remains current and carry out the functions specified in the strategy endorsed by the National Plan Operations Group.
APPENDIX 3

RESPONSE STRUCTURE
Response Structure

Marine Pollution Controller

Advisers & State Committee

Incident Controller

Advisers & National Response Team

(Media Liaison Officer)

(Incident Safety Officer)

Planning Section
(Planning Officer)

Situation Unit
(Situation Coordinator)

Resource Unit
(Resource Coordinator)

Environment Unit
(Environment Coordinator)

Consultation Unit
(Consultation Coordinator)

Response Planning Unit
(Response Planning Coordinator)

Operations Section
(Operations Officer)

Maritime Unit
(Maritime Coordinator)

Aviation Unit
(Aviation Coordinator)

Shoreline Unit
(Shoreline Coordinator)

Wildlife Unit
(Wildlife Coordinator)

OH&S Unit
(OH&S Coordinator)

Waste Management Unit
(Waste Management Coordinator)

Logistics Section
(Logistics Officer)

Procurement Unit
(Procurement Coordinator)

Services Unit
(Services Coordinator)

Transport Unit
(Transport Coordinator)

Communications Unit
(Communications Coordinator)

Medical Unit
(Medical Coordinator)

Staging Area Unit
(Staging Area Manager)

Finance & Administration Section
(F&A Officer)

Administration Unit
(Administration Coordinator)

Finance Unit
(Finance Coordinator)

Records Unit
(Records Coordinator)

Incident Control Centre Management Unit
(ICC Manager)
APPENDIX 4

MARINE OIL SPILL EQUIPMENT SYSTEM (MOSES)
OVERVIEW

The Marine Oil Spill Equipment System (MOSES) is a system to make accessible and manage operational and technical information about National Plan assets. It is also used to manage audit, maintenance and repair of equipment.

MOSES is based on the MAXIMO application licensed from PSDI Inc.

MOSES enables users to create, modify and track asset information, collect and report the cost of incidents and other work, plan and schedule equipment audits and maintenance, standardise the procedures used to perform this work, and track location, stock levels and suppliers of spare parts.

EQUIPMENT

The equipment of the National Plan is listed in the MOSES Data Base. An example of the detail of the information required so that the data base can be correctly listed is shown below on the actual MOSES Equipment screen.
As a result of the information stored AMSA can produce an Excel spread sheet that lists all the equipment, location of storage, Contact Officer and owner. A section of this report is undernoted to provide a brief description of an output.

Copies of MOSES outputs are available from EPR, AMSA. Alterations to equipment details (locations, contact details, new equipment, etc.) should be forwarded to EPR, AMSA, for amendment to MOSES.
APPENDIX 5

NATIONAL MARITIME PLACES OF REFUGE
RISK ASSESSMENT GUIDELINES

National Plan Management Committee November 2002

[Endorsed by the Australian Transport Council on 23 May 2003]
1 Introduction

“When dealing with ships in distress, the requirement is to find them an area of sheltered water where the situation can be stabilised, the cargo made safe and the salvors and authorities can evaluate what further steps are necessary without the pressure of a crisis hanging over their heads. The concern of port authorities that they should not be exposed to the risks of pollution, fire or explosion is well understood and is not in any way challenged. But equally, this is an issue which will not go away and must be addressed. We cannot continue to permit a situation to unfold in which salvors dealing with a damaged vessel containing a potentially hazardous cargo have nowhere to go.”

Secretary-General, International Maritime Organization

(Keynote address: 22nd World Ports Conference of the International Association of Ports and Harbours (IAPH), Montreal, Canada, May 2001)

1.1 Purpose

1.1.1 The National Maritime Place of Refuge Risk Assessment Guidelines (the Guidelines) are intended to assist Australian maritime administrations, ship Masters and the maritime industry in identifying:

• places of refuge in circumstances where an emergency cannot be dealt with at sea; and,

• the appropriate procedures to access a place of refuge.

The Guidelines have been prepared recognising that there is a clear separation in responsibility between maritime security and maritime safety. These Guidelines are intended to assist both maritime safety for commercial trading ships and to protect the environment.

1.2 Application

1.2.1 The Guidelines apply to any maritime incident giving rise to circumstances where State/Northern Territory (State/NT) and/or the Commonwealth government agencies need to consider a request for a place of refuge within internal waters, the territorial sea or the Australian Exclusive Economic Zone.

1.2.2 The Guidelines are complementary to, and should be read in conjunction with, any existing applicable State/NT guidelines.

1.2.3 The Guidelines should at all times be applied in a manner consistent with the principles of international law, in particular those relating to the balance of interests between a ship in distress and Australia’s national interest. Thus, these Guidelines:

• are voluntary;

• are flexible to take into account the wide variety of circumstances that might arise;

• allow for case-by-case analysis and application; and,

• seek to enhance a cooperative and consensus approach between all parties.
1.3 Definition of a Place of Refuge and a Maritime Casualty

1.3.1 “Place of refuge” is a new term to maritime and International Maritime Organization (IMO) practices and replaces the previously used terms “port of refuge” or “safe haven”.

1.3.2 A place of refuge is a place where a ship in need of assistance can find favourable conditions enabling it to take action to stabilize its condition, protect human life and reduce the hazards to navigation and to the environment.

1.3.3 “Place of refuge” does not appear in any IMO instrument or in the United Nations Convention on the Law of the Sea (UNCLOS). However, the advantage of the term, place of refuge, is that while it may include ports, it is not necessarily confined only to such ports. Additionally, place of refuge is more consistent with a “place of safety” in the Lloyds Open Form.

1.3.4 When a vessel is in a position where:
- the safety of the vessel, its crew and/or passengers are at risk; or,
- it poses a threat to the marine environment or other property,
- such a vessel should seek a place of refuge.

1.3.5 Generally, access to a place of refuge may be sought in circumstances involving a maritime casualty, force majeure or distress, or some other operational, logistical or medical situation.

1.3.6 A “maritime casualty” may arise following a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to the ship or its cargo.

1.3.7 There may also arise circumstances where a foreign ship undertaking the right of innocent passage through the territorial sea, seeks to stop and anchor in cases of force majeure or distress. This right is explicitly referred to by UNCLOS in the case of navigation in the territorial sea (Article 18(2)), straits used for international navigation (Article 39.1(c)) and in archipelagic waters (Article 54).

1.3.8 Distress could be the result of force majeure or other disaster that endangers the safety of a vessel. Force majeure is understood as an act of a higher force, a force or event beyond reasonable human control, acts of God, events generally uncontrollable by humanity including storms, hurricanes and other natural disasters.

1.3.9 Finally, as part of a vessel’s normal operations, there may be occasions when it requires to remain at a place, either offshore or in a port, to effect temporary repairs, to land a sick or injured crew member, to pick up navigational charts, emergency stores, etc.

1.3.10 Any type of ship, including a warship, may invoke the right to a place of refuge provided there is a genuine distress, whatever its cause. It should be noted that if a place of refuge is granted to a warship, most relevant international conventions, in particular those relating to intervention, liability and compensation, do not apply (see also Section 4.3, below).
1.4 Why Provide a Place of Refuge?

1.4.1 Under longstanding maritime tradition, and the practice of good seamanship, a ship’s Master faced with a maritime casualty, force majeure, or some other operational, logistical or medical situation is expected to seek a place of refuge.

1.4.2 While there may be a natural reluctance for some maritime administrators to accept damaged or disabled ships into their area of responsibility, it is rarely possible to deal satisfactorily and effectively with a marine casualty in open sea conditions. In some circumstances, the longer a damaged ship is forced to remain at the mercy of the elements in the open sea, the greater the risk of the vessel’s condition deteriorating or the sea, weather or environmental situation changing, and thereby becoming a greater potential hazard to Australia.

1.4.3 A place of refuge should therefore be provided by Australia with the aim of protecting:

- the safety of the vessel’s crew, passengers and salvage crew;
- the safety of human life and health within the immediate vicinity of the distressed vessel;
- the ecological and cultural resources, and the marine, coastal and terrestrial environments;
- economic and socio-economic infrastructure, including sensitive installations, within the coastal zone and ports; and,
- the safety of the vessel and its cargo.

International Law

1.4.4 As a Contracting State to the International Convention on Salvage, 1989 (Salvage 1989), Australia is obliged under Article 11 of the Convention when considering a request for a place of refuge, to take into account the need for cooperation between salvors, other interested parties and public authorities to ensure the efficient and successful performance of salvage operations. Article 11 of the Salvage Convention states:

“A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.”

1.4.5 However, there is at present no international requirement for a country to provide a place of refuge for vessels in distress. Thus, when considering a request for a place of refuge, Australia, like most other maritime administrations, is faced with the need to balance several competing factors including:

a. the long-established humanitarian right of a ship in distress to seek a place of refuge for the purpose of overcoming the distress and carrying out repairs, etc.

The right of a ship in distress to seek refuge is an old established and universally accepted humanitarian right under international law. Any type of ship, including
warships, may invoke this right, provided there is a genuine distress, whatever
its cause. The right is limited by its purpose – to overcome the distress by seeking
shelter, carrying out the necessary repairs, etc;

b. the duty of Australia to render assistance to ships in distress.

The duty to render assistance to vessels and persons in distress at sea is also a well-
established principle of international maritime law [see for example: the International
Convention for the Safety of Life at Sea (SOLAS) 1974, Chapter V and the
International Convention on Maritime Search and Rescue (SAR) 1979, Chapter 2].

c. the right of Australia to regulate, and to place conditions on, entry into its ports.

The right of Australia to regulate entry into its ports is reflected in Articles 2 and
25(2) of UNCLOS; and,

d. the right of Australia to protect its coastlines and marine resources from pollution
or the threat of pollution.

The right of Australia to take action to protect its coastline or related interests from
pollution or threat of pollution following upon a maritime casualty is also well
established in international law (see for e.g. UNCLOS, Articles 194, 195, 198, 199,
211, 221 and 225).

2. Requests for a Place of Refuge

2.1 Who in Australia has the Authority to Grant a Place of Refuge?

2.1.1. Within Australia, only the State/NT government agency as listed in Appendix A or the
Commonwealth Government’s Australian Maritime Safety Authority (AMSA) has the
authority to grant a request for a place of refuge.

2.1.2. Generally, within Australia, a request for a place of refuge which is:

- within internal waters or the three nautical mile coastal waters will be considered
  by the relevant State/NT government agency in Appendix A; or,

- within any other waters (i.e. outside of the three nautical mile coastal waters to the
  limit of the Australian Exclusive Economic Zone, including the external territories),
  will be considered by AMSA in consultation with other relevant agencies including
  the Great Barrier Reef Marine Park Authority for requests within the Great Barrier
  Reef Marine Park.

2.1.3. Appendix A provides initial contact details for Commonwealth / State / NT
government agencies that have the authority to grant a request for a place of refuge.

2.2 Who Should Make a Request and to Whom?

2.2.1 The most appropriate person to make a place of refuge request is the person in charge
of the ship at the time. While this is most likely to be the vessel’s Master, it is
acknowledged that there is a need to maintain flexibility in light of prevailing
circumstances and that a request for a place of refuge could equally come from a
vessel’s officer, the owner, the operator, the agent or a salvor.
2.2.2 All requests for a place of refuge should be made through AMSA's Australian Rescue Coordination Centre.

2.2.3 However, allowance should be made for passing ships or ships visiting Australia for the first time that may not be familiar with standard reporting requirements in Australian waters. Consequently, a place of refuge request could equally be made to a relevant State/NT agency, a port authority/corporation, a harbour master, etc, depending upon the circumstances prevailing at the time.

2.2.4 If a port authority/corporation or harbour master receives a request for a place of refuge they should advise AMSA's Australian Rescue Coordination Centre and the relevant State/NT agency.

2.2.5 When a place of refuge request is made it is important to try to minimize the number of contact points between those interests associated with the vessel and the relevant government agency. The problems associated with multiple points of contact during a maritime incident are well recognized. Accordingly, the prime contact point during an incident should be the point to which contact was first made unless the responsibility for managing an incident has been formally passed to another jurisdiction or responsible agency (see Section 4.1, below)

2.3 Information to be Supplied With a Place of Refuge Request

2.3.1 A vessel requesting a place of refuge should supply all relevant information to assist the relevant Commonwealth or State/NT agency reach a decision on whether to grant a request for a place of refuge. Full details of the requisite information are outlined at Appendix B.

3. Deciding Whether to Grant a Request for a Place of Refuge

3.1 Introduction

3.1.1 In Australian waters, places of refuge are determined on a case-by-case basis and are not pre-designated.

3.1.2 This approach is premised on the fact that a place of refuge is not a fixed location but depends on the characteristics of the vessel, the facts of the incident and prevailing environmental conditions and the likely consequences. For example, a place of refuge that is deemed unsafe for a particular vessel in a particular instance may well be held to be safe for the same vessel in different circumstances.

3.1.3 Commonwealth or State/NT agencies should initially explore the option of continuing to respond to a maritime casualty at sea rather than automatically granting approval to access a place of refuge.

3.1.4 In order to do so, the relevant maritime agency will need to collect, synthesise and analyse all relevant information so as to allow a comparison between the risks involved if the ship remained at sea and the risks that it would pose to the place of refuge and its environment. Appendix C outlines the information that would be required in this instance.
National Marine Oil Spill Contingency Plan

3.1.5 In circumstances where it is not possible to respond to a maritime casualty at sea the relevant Commonwealth or State/NT agency will need to address a range of criteria when assessing a request for a place of refuge.

3.1.6 Appendix D outlines the relevant information that will be needed to assist the relevant Commonwealth or State/NT agency reach a decision on whether to grant a request for a place of refuge. Where possible, this information should be provided by the ship or its local agent. However, where applicable, specialized information may be sought from other maritime agencies and/or other relevant government organizations.

3.1.7 In assessing a place of refuge request, the relevant Commonwealth or State/NT agency may request that duly qualified personnel undertake an expert inspection of the ship. During a number of recent maritime incidents, both AMSA and the States/NT have made use of a “casualty coordinator” placed on board a vessel during an incident by an agency to provide independent and objective advice. On such occasions, the casualty coordinator has been a surveyor with extensive knowledge of ship structures and stability and experience in salvage operations. The casualty coordinator provides advice to the Incident Coordinator about onboard actions and procedures either proposed or undertaken by the Master or the salvor.

3.2 Decision Making Processes

3.2.1 The reporting and decision-making process following receipt of a place of refuge request is set out below.

3.2.2 The agency receiving a request for a place of refuge shall immediately inform other relevant stakeholders. In most instances, this will involve AMSA’s Australian Rescue Coordination Centre notifying State/NT lead agencies in accordance with existing arrangements and contacts under the National Plan (see section 2.2 of the National Marine Oil Spill Contingency Plan), including relevant port authorities/corporations if they are likely to be a place of refuge. Where a State/NT or port authority/corporation receives a direct request for a place of refuge, AMSA’s Australian Rescue Coordination Centre should be notified without delay.

3.2.3 Responsibility for assessing a request for a place of refuge will generally mirror the division of responsibility for pollution response as set out in the Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances – that is:

- requests for a place of refuge in a port or within the three nautical miles coastal waters will be the responsibility of the relevant State/NT;
- requests for a place of refuge in a port of an external territory, the coastal waters of an external territory or waters outside the three nautical miles coastal waters of a State/NT will be the responsibility of AMSA; or,
- requests for a place of refuge in the Great Barrier Reef Marine Park outside of coastal waters will be the responsibility of AMSA in consultation with the Maritime Safety, Queensland and the Great Barrier Reef Marine Park Authority.
3.2.4 Assessment of a place of refuge request should be undertaken in accordance with any specific applicable local, regional or State/NT guidelines or plan for assessing such requests. Where no such guidelines or plan exist, these Guidelines may be used.

3.2.5 The process of assessing requests for places of refuge will in all cases involve consultation between the statutory agency, as outlined above, and any agency which could include a port authority/corporations, and/or other Government agencies with responsibility for areas affected or likely to be affected.

3.2.6 The decision to grant a place of refuge will be made by the nominated official in any applicable State/NT, local, regional guidelines or plan.

3.2.7 Once a decision on whether to grant or refuse a place of refuge request has been made that decision should be immediately communicated to the person who made the request, and AMSA's Australian Rescue Coordination Centre if not the lead agency. AMSA's Australian Rescue Coordination Centre will inform neighbouring State/NT agencies of the decision for information.

3.3 Implications of Refusing a Place of Refuge Request

3.3.1 Australia would appear to be better placed than many maritime nations, in that passing traffic not calling at Australian ports is minimal. At the same time, our relative isolation means that there are few nearby maritime administrations that could provide assistance to a vessel requesting a place of refuge, unlike other areas of the world such as Europe, Asia, etc.

3.3.2 Consequently, in assessing a place of refuge request, the relevant Commonwealth or State/NT agency needs to be cognizant of the fact that a vessel may have few other options available to it in the likelihood that the place of refuge request is denied.

3.3.3 In refusing a place of refuge request a Commonwealth or State/NT agency should give consideration to alternative arrangements to assist a maritime casualty.

4. Management Issues

4.1 When and How Casualty Coordination is Handed Over Between Jurisdictions

4.1.1 As indicated in Section 2.2, the prime contact point during an incident should be the point to which contact was first made unless the responsibility for coordinating an incident has been formally passed to, and accepted by, another jurisdiction or responsible agency.

4.1.2 During a response to a maritime casualty and/or place of refuge request, there will come a time when coordination of the casualty may need to be passed to another jurisdiction. This may arise as a result of a decision to pass coordination following movement of the casualty and/or the granting of a place of refuge request in another jurisdiction. The decision to pass coordination to another jurisdiction may also arise due to limitations on staffing, knowledge or skill, pressures from other maritime casualty and/or place of refuge requests, etc.
4.1.3 In order to clarify the transfer and acceptance of coordination between Commonwealth/State/NT agencies there is a need for a formal handover process.

4.1.4 Taking coordination of a maritime casualty and/or place of refuge request means that:

- **accountability** for the conduct of the incident rests with the coordinating agency until coordination is transferred to, and accepted by, another agency; and,

- **responsibility** for a particular activity or portion of the incident may be delegated to another competent agency. In this case the responsibility for the proper conduct of that activity or process rests with the agency so delegated. However, the accountability for the incident still remains with the agency that has coordination for the incident.

4.1.5 A suggested *pro forma* for the transfer and acceptance of coordination between Commonwealth / State / NT agencies is at Attachment E.

4.1.6 Once the formal handover is completed, the new coordinating agency assumes responsibility for all aspects of responding to a maritime casualty and/or a place of refuge request including response coordination and planning, resource identification and allocation, preparation and distribution of situation reports, media briefing, etc.

4.2 Powers of Intervention of the Commonwealth and the States/NT in Directing a Casualty to a Place of Refuge

**Background**

4.2.1 The powers of intervention were conceived for dealing with a situation where those in control of a polluting or potentially polluting vessel were blatantly not complying with the wishes of the relevant Commonwealth or State/NT agency by, for example, failing to employ competent salvors or by refusing to take a tow or refusing to proceed to a specified place of refuge, or were unable to process with the salvage operations due to unforeseen developments. It was not envisaged that they would be used to intervene in a situation where competent salvors were clearly doing all they could to bring a salvage incident to a successful conclusion.

*(Modified after the UK Maritime Accident Investigation Board Report into the Sea Empress incident as quoted in the Report of Lord Donaldson’s Review of Salvage Intervention and Their Command and Control)*

4.2.2 International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties 1969 (the “Intervention Convention”), as amended by the Protocol of 1973 relating to substances other than oil and, in relation to the territorial sea and internal waters, derive from UNCLOS. The Intervention Convention entered into force internationally in 1975 and for Australia in 1984.

4.2.3 Commonwealth implementing legislation is the *Protection of the Sea (Powers of Intervention) Act 1981* and subordinate legislation including regulations and Marine Orders Part 92.

4.2.4 It should be noted that the position in internal waters (i.e. ports and harbours) is a matter for State / NT legislation in accordance with Australia’s domestic law. Most Australian States (New South Wales, Victoria, Tasmania, Queensland and South Australia) have specific legislation that deals with intervention powers.
These powers may differ slightly from the Commonwealth Act and the relevant legislation should be consulted prior to considering such action.

4.2.5 A suggested pro forma for the issuing of a directions notice by Commonwealth / State / NT agencies is at Attachment F.

Measures Available Under the Intervention Convention and the Protection of the Sea (Powers of Intervention) Act

4.2.6 The operative provision of the Convention is Article I, which allows parties to:
“take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.”

4.2.7 There are thus two criteria that have to be satisfied before Australia can intervene under the Convention – there has to be a “maritime casualty” and that casualty must represent “a grave and imminent” danger of pollution to Australia.

4.2.8 An important additional provision is that parties can intervene where pollution is threatened “from acts related to such a casualty, which may reasonably be expected to result in major harmful consequences”, thereby enabling intervention where salvage operations go wrong.

4.2.9 Where s10 of the Protection of the Sea (Powers of Intervention) Act 1981 applies (incidents within the territorial sea), intervention is possible where AMSA is satisfied that oil or a noxious substance is likely to escape from such a ship.

Application of the Intervention Convention and Places of Refuge

4.2.10 When an incident occurs and the required intervention powers are contained in State / NT legislation, then that legislation should be used whenever possible.

4.2.11 In an operational context, the relevant Commonwealth and State / NT intervention legislation is complementary, and co-operation between AMSA and the various State / NT agencies will normally achieve the desired outcomes.

4.2.12 In using the relevant Commonwealth and State / NT intervention legislation a pro-active approach whereby the relevant agency seeks to provide any necessary assistance to assist a Master and/or a salvor to achieve a desired outcome is more likely to be productive rather than using the intervention powers as a measure of last resort after salvage attempts, etc, have failed.

4.2.13 However, should there be disagreement between the Commonwealth and the relevant State / NT agency or the Master or the salvor, on the best course of action following a maritime casualty and/or a place of refuge request, the following should be noted.

4.2.14 The Protection of the Sea (Powers of Intervention) Act 1981 provides the Commonwealth, through AMSA, with the authority to direct a ship involved in a maritime casualty falling within the scope of the Intervention Convention on the high seas, or a ship in the territorial sea or sea on the landward side of the territorial sea not with the limits of a State/Territory and internal waters (for certain defined ships) to enter a
particular port or sheltered area irrespective of the consent of the relevant port authority and/or State/NT government. In this instance, a ship, as defined in Schedule 1 of the *Protection of the Sea (Powers of Intervention) Act 1981* (which reproduces the Intervention Convention), means:

(a) “any sea-going vessel of any type whatsoever, and

(b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof.”

4.2.15 For the purposes of ships within internal waters, only those trading ships on interstate or overseas voyages, fishing vessels on overseas voyages and ships other than pleasure craft can be subject to an AMSA direction.

4.2.16 The Commonwealth’s intervention powers, however, do not extend:

• to the requisitioning of port tugs or other assets to assist a ship in distress outside the port, nor to ordering the intervention by such assets – except in circumstances where the asset is a salvor in possession of the ship seeking a place of refuge; nor,

• to requisitioning State/NT assets or to directing State/NT officials without State/NT consent.

4.3 Liability and Compensation

4.3.1 The provisions of the various liability and compensation conventions developed under the aegis of IMO remain applicable in determining liability for pollution damage under a place of refuge request. The relevant conventions all contain provisions relating to geographical scope of application that would continue to apply if a pollution incident were to occur within a place of refuge.

4.3.2 However, a prudent approach would involve the use of tools such as indemnities and letters of undertaking. Such tools could be used to address costs, liability and compensation associated with the granting of a place of refuge request which could range from deployment of marine pollution response equipment to administrative, environmental, socio-economic and cultural costs as well as operational costs and liabilities incurred within a port if a port is used as a place of refuge. Such tools should be negotiated directly between the relevant Commonwealth/State/NT agency and the vessels’ Master, owner or insurer, as appropriate. Indemnities and letters of undertaking may require to be backed by financial bonds or guarantees.

4.3.3 As previously indicated (see Section 1.3.10) a warship seeking a place of refuge is exempt from the normal IMO conventions relating to intervention, liability and compensation. The Royal Australian Navy (RAN) is responsible for determining Australia’s response to a maritime casualty and/or a place of refuge request involving either a domestic or foreign warship. Therefore in circumstances where such a vessel requests a place of refuge, the request should be formally made through the Department of Defence and/or the Department of Foreign Affairs and Trade. It would be expected that the RAN would liaise closely with Commonwealth and State/NT agencies as well as with port authorities/corporations and other relevant organizations when port entry is involved and prior to a final decision being made. These Guidelines may then be invoked.
Attachments
Attachment A: Contact Details for Commonwealth/State/NT Maritime Agencies
Attachment B: Initial Information to be Supplied With a Place of Refuge Request
Attachment C: Issues to be Considered in Continuing to Respond to a Maritime Casualty at Sea
Attachment D: Selecting a Place of Refuge
Attachment E: *Pro Forma* for Transfer and Acceptance of Coordination for a Maritime Casualty or Place of Refuge Request Between Commonwealth/State/NT Agencies
Attachment F: *Pro Forma* for a Directions Notice Issued Under Commonwealth/State/NT Intervention Legislation
Attachment A

Initial Contact Details for Commonwealth / State / NT Maritime Agencies*

Commonwealth
AMSA’s Australian Rescue Coordination Centre
Duty Officer: (02) 6230-6811 or
Freecall: 1800 641-792

Queensland
Maritime Safety Queensland:
0419 300 152

New South Wales
Relevant Port Authority
Newcastle: (02) 4985-822
Sydney: (02) 9296 4000
Port Kembla: (02) 4274-0201

Victoria
Marine Safety Victoria
Duty Officer: (03) 9883-5331 (Pager)

Tasmania
Marine and Safety Tasmania
Manager, Marine Operations:
0419 005 677

South Australia
SA Transport: (08) 8378 2380 (Pager) or 0408 848 129

Western Australia
Department of Planning and Infrastructure
Duty Officer: 0417 938 157 or 0438 916 223

Northern Territory
Department of Infrastructure, Planning and Environment
Department Duty Officer – Transport: 0401 117 454 or
Duty Officer Darwin Port Corporation: 0419 840 041

* Extract from original document (please refer to Appendix 2 for current nomenclature and contact details).
Initial Information to be Supplied With a Place of Refuge Request

- A vessel requesting a place of refuge should supply the following information to assist in the decision making process:
  - Name and Flag of the vessel
  - Ship’s identification number (IMO number)
  - Type of vessel and cargo classification, (access automated manifest systems such as “Sea Cargo”)
  - Size (tonnage), length, beam and draft of vessel
  - Name and address of the local or Australian agent
  - Name(s) of the registered owner(s), the registered bareboat charter(s) and their registered address(es)
  - Name of registered Company, its registered address and the address(es) from where it carries out the safety management activities
  - Name(s) and contact details of the “Designated Person” nominated on the vessel’s ISM Document of Compliance
  - Identification details of ship’s insurers
  - Name(s) and contact details of the local P&I Club representative
  - Position of vessel (and how determined, GPS, dead reckoning, best guess)
  - Course and speed (steaming, adrift or at anchor)
  - Weather and sea conditions
  - Type and quantity of bunker fuel on board
  - Nature and quantity of hazardous or harmful substances carried
  - Cause of damage and the nature and extent of damage
  - Details of any casualties on board or in the vicinity of the ship
  - Nature of immediate assistance required
  - Actual pollution or potential for pollution
  - Response actions taken by a vessel (for eg: whether salvors have been contacted or engaged
  - Details of place of refuge request (area, coordinates, etc)
  - Person on ship making request
  - Preferred language for communications
  - Details of all vessels’ satellite communication numbers (for eg: INMARSAT C / Satphone / mobile / fax, etc, numbers)
  - Date and time of request.
Issues to Be Considered in Continuing to Respond to a Maritime Casualty at Sea

Maritime agencies should initially address the option of continuing to respond to a marine casualty at sea. In these situations, the following matters should be considered:

- Seaworthiness of the vessel, in particular buoyancy, stability, availability of means of propulsion and power generation, also is anchoring possible
- Current and tidal conditions at sea
- Prevailing and forecast weather conditions for the time the vessel is expected to remain at sea
- Adequate persons (in number and qualifications) on board to fulfill all functions on board and an assessment of human factors including fatigue. If not, can these personnel be supplied from shore and be placed on board
- Is a salvor at the scene and has a commercial salvage contract been concluded between the relevant parties
- Can the vessel be accessed by helicopter
- Traffic density in the incident area
- Adequate sea room and depth of water available to allow ship to drift
- Availability of sufficient tugs and support vessels and where are they stationed
- Additional safety measures to be taken to ensure the ship can safely remain at sea
- How will all imposed prevention and pre-cautionary measures such as navigation instructions, bridge complement, manning of engine room, number of tugs, etc, be complied with (eg representatives, inspectors or salvors on board)
- Availability of fire fighting, oil and chemical pollution combating equipment and sufficient qualified personnel
- Option to restrict or prohibit access of ships/craft and personnel and to enforce it, if circumstances so require (establishment of sea safety zones)
- Requirement for restrictions regarding the use of the sea area in the vicinity of the vessel and the use of air space above or in the vicinity of the vessel – have these been imposed by the competent authorities and how are they enforced
- Possibility of lightering at sea and availability of appropriate equipment (barges, cranes, cargo gear, etc) and personnel
- Sustainability/availability of an anchorage or berth in a port and any potential environmental or other effects
- Which financial indemnities/bonds have been or have to be requested to cover personal injuries and other damages such as damages to the environment, port channels and installations, costs for combating the incident, costs for entering a port (pilot, tugs, crew, etc), port dues, delays to other vessels/cargo in the port, leased berth usage, cargo handling, repairs, disposal of any types of wastes, wreck removal, etc. Also is there a need for financial bonds, etc, to cover costs associated with environmental / socio-economic / cultural assessments and
- How and up to which amount have these been secured (eg bonds, bank guarantee, letter of indemnity, etc).
Attachment D

Selecting a Place of Refuge

Operational Criteria

The following operational criteria must be considered in selecting a place of refuge:

- What is the state of the vessel – does it urgently require access to the nearest place of refuge or can the vessel endure a longer passage to a place of refuge with either better facilities and resources or one which is of lesser environmental, socio-economic and cultural sensitivity?

- What are the risks posed by the vessel in distress to the population, environment and installations, particularly those requiring special protection, at the intended place of refuge and in the vicinity, taking into consideration the “worst case” scenario and the likelihood of it actually occurring, if it is shifted to the intended place of refuge?

- In case of dangerous goods on board – the type of goods on board and what affects may result from one of the incidents mentioned above.

- Overall risk posed to coastal waters, marine species, coastline or proposed place of refuge.

- Estimated distance and transit time to place of refuge.

- Adequate sea room and depth of water with relatively unobstructed approach from seaward.

- Presence of good holding ground for both immediate anchoring during approach and at place of refuge.

- Availability and positioning of suitable tugs or other support vessels during approach.

- Availability of helicopters or fixed wing aircraft for rescue or surveillance and/or pollution response function.

- Provision of marine pilot during approach.

- Prevailing weather conditions during approach.

- Shelter from prevailing and forecast weather and swell at place of refuge and forecast weather conditions for the time vessel is expected to remain at place of refuge.

- Access to place of refuge by land, sea and air transport modes.

- If it is desirable or necessary to bring the vessel into a port, availability of suitable anchorage or berth, risks of entry into port such as potential channel blockage, environmental effects (spills etc.) effect on ongoing port operations such as delays to other vessel movements, berth/facility lease arrangements and consequential cargo impacts of berth use especially if cargo is to be discharged.

- Availability of fire fighting, oil and chemical pollution response equipment and operating personnel.

- Availability of reception facilities for harmful and dangerous cargoes.

- Compliance with instructed preventative measures (navigational directions, marine surveyor/salvor aboard to ensure compliance with preventative instructions, tugs in attendance as directed, compulsory pilotage).

- Any requirement under Administration legislation or for commercial/operational reasons to post an adequate bond to cover any risk (pollution, grounding, damage to port facilities, business disruption, etc).
• Restricting or prohibiting unauthorised vessels/vehicles and personnel as required during operation
• Through Air Services Australia, restriction on use of air space over and in the vicinity of the vessel at the place of refuge, if required
• As required, notification of relevant agencies such as Quarantine, Immigration and Customs
• When practical, and particularly where serious impact to coastal resources may occur, consultation with the community should be undertaken as soon as possible
• Agreement by the Master and/or the owner of the ship to the proposal

Environmental, Cultural and Socio-economic Criteria

The requirements listed under must be considered in conjunction with the operational criteria:

• Assessment of environmental risk to ecological, cultural and socio-economic resources, both along the approach to, and at the proposed place of refuge. This may include inter alia assessment of ecological and socio-economic resources include reefs, islands, coastline, significant species, sensitive habitats, fisheries, commercial activity and amenities and assessment of risk to culturally significant resources including sites, species, etc
• Analysis of “worst case” scenario, the likelihood of the scenario occurring and the effects on environmental, cultural and socio-economic resources
• Liaison with environmental and cultural groups within the community and
• Concurrence or approvals of statutory agencies.
Pro Forma for Transfer and Acceptance of Coordination for a Maritime Casualty or Place of Refuge Request Between Commonwealth / State / NT Agencies

It is hereby agreed that the [NAME OF COMMONWEALTH / STATE / NT AGENCY] transferred coordination for the:

(a) maritime casualty [VESSEL NAME]¹
(b) place of refuge request from the [VESSEL NAME]¹

to the [NAME OF COMMONWEALTH / STATE / NT AGENCY] which accepted coordination on [SPECIFY DATE AND TIME].

Signed by:

Name: Name:
Position: Position:
[NAME OF COMMONWEALTH / STATE / NT AGENCY TRANSFERRING COORDINATION] [NAME OF COMMONWEALTH / STATE / NT AGENCY ACCEPTING COORDINATION]

¹ - Strike out which ever is not applicable
Attachment F

Pro Forma for a Directions Notice Issued Under
Commonwealth / State / NT Intervention Legislation

NOTICE UNDER THE [Name of Relevant Commonwealth / State / NT Intervention Legislation] Act [Year]

[To be printed on relevant Commonwealth / State / NT Maritime agency letterhead]

I, [Insert full name of delegate authorised to issue notice], Delegate of the [Name of relevant Commonwealth / State / NT maritime agency], pursuant to the provisions of Section [Insert relevant section number] of the [Name of Relevant Commonwealth / State / NT Intervention Legislation] Act [Year] hereby require the owners [Insert full name of owner(s)]; the Master, [Name of Master] of the [Insert flag state] flag vessel known as the [Insert name of vessel] (the vessel) having Radio Call Sign [Insert call sign], (and if circumstances warrant, the Salvors, [Insert name of salvor]) jointly and severally to comply with the following instructions irrespective of signing a Lloyds Open Form or other similar agreement:

[List instructions]:

For example:

1. The [Insert name of vessel] be towed from [Insert name of area or region or location] to a safe anchorage off [Insert name of area or region or location]; or,

2. Prior to departing from the [Insert name of area or region or location] anchorage and continuing its voyage the vessel’s owner/master shall supply [Insert name of relevant Commonwealth / State / NT Maritime agency] with a written report from the [Insert name of Classification Society] verifying that the vessel’s [Insert nature of problem or incident] meets the requirements of [Insert name of Classification Society] rules.

I further require that you acknowledge this notice and advise me upon receipt of this notice via the [Insert name of Coastal Radio or Coordination Centre] facsimile number: [+61 Insert fax number] by [Insert time response required] of the action you have taken or propose to take to comply with this notice.

Dated this [Day] of [Month] [Year]

[Signature]

[Name of person authorised to issue Notice]
APPENDIX 6

APPEARANCE OF OIL ON WATER
## APPEARANCE OF OIL ON WATER

Relation between appearance, thickness and volume

<table>
<thead>
<tr>
<th>Figure No.</th>
<th>Oil type</th>
<th>Appearance</th>
<th>Approx thickness (mm)</th>
<th>Approx volume (m²/km²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Oil sheen</td>
<td>silvery</td>
<td>&gt;0.0001</td>
<td>0.1</td>
</tr>
<tr>
<td>2</td>
<td>Oil sheen</td>
<td>iridescent (colours)</td>
<td>&gt;0.0003</td>
<td>0.3</td>
</tr>
<tr>
<td>3</td>
<td>Crude/fuel oil</td>
<td>black/dark brown</td>
<td>&gt;0.1</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>Water-in-oil emulsions (“mousse”)</td>
<td>Brown/orange</td>
<td>&gt;1.0</td>
<td>1000</td>
</tr>
</tbody>
</table>

Reference - International Tanker Owners Pollution Federation Limited - Technical Information Paper

**Figure 1**

**Figure 2**

**Figure 3**

**Figure 4**
APPENDIX 7
POLREP FORMAT
Marine Pollution Report (POLREP)

NOTE: Incidents to be reported are outlined on page 3

Send completed form to: AMSA Environment Protection Response
Fax: (02) 6279 5076  Email: rccaus@amsa.gov.au

<table>
<thead>
<tr>
<th>Location name/ description</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Incident coordinates</th>
<th>Format of coordinates used (select one)</th>
<th>Latitude of spill</th>
<th>Longitude of spill</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Degrees &amp; decimal degrees</td>
<td>0° 00'</td>
<td>0° 00'</td>
</tr>
<tr>
<td></td>
<td>Degrees, minutes &amp; decimal minutes</td>
<td>0° 00'</td>
<td>0° 00'</td>
</tr>
<tr>
<td></td>
<td>Degrees, minutes &amp; seconds</td>
<td>0° 00'</td>
<td>0° 00'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of incident</th>
</tr>
</thead>
</table>

POLLUTION SOURCE

- Vessel [ ] Land [ ] Other [ ] Unknown [ ]
- Details

Vessel Details

- Type (if known)
  - Tanker [ ] Container [ ] Bulk Cargo [ ] Fishing [ ] Defence [ ] Recreational [ ]
  - Specify

- Vessel name
  - Flag State / callsign

- Australian vessel? [ ] Yes [ ] No

POLLUTANT

- Oil [ ] Bilge [ ] Diesel bunker [ ] HFO bunker [ ] Crude [ ] Unknown [ ]
  - Specify

- Chemical [ ]
  - Name
  - MARPOL cat / UN Nos

- Garbage [ ] Packaged [ ] Sewage [ ] Other [ ]
  - Details / description

EXTENT

- Size of spill (length & width in metres)

- Amount of pollutant, if known (litres)

AMSA USE ONLY

<table>
<thead>
<tr>
<th>Folio No.</th>
<th>MIRS No.</th>
</tr>
</thead>
</table>

AMSA 74 (6/03)

Version 2.0
June 2005

Appendix 7
Page 2 of 4
ADDITIONAL INFORMATION

<table>
<thead>
<tr>
<th>Has the discharge stopped?</th>
<th>Yes</th>
<th>No</th>
<th>Unknown</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Response action undertaken?</th>
<th>Yes</th>
<th>No</th>
<th>If yes, provide details below, please include any environmental impact.</th>
</tr>
</thead>
</table>

Weather conditions at site

<table>
<thead>
<tr>
<th>Photos taken</th>
<th>Details</th>
<th>Held by</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Video taken</th>
<th>Details</th>
<th>Held by</th>
</tr>
</thead>
</table>

Samples taken

<table>
<thead>
<tr>
<th>Description</th>
<th>Held by</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Items retrieved</th>
<th>Description</th>
<th>Held by</th>
</tr>
</thead>
</table>

Original report source

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Phone</th>
<th>Combat agency</th>
<th>Statutory agency</th>
</tr>
</thead>
</table>

Equipment used?

<table>
<thead>
<tr>
<th>AMSA</th>
<th>State / NT</th>
<th>Legal</th>
<th>AMSA assistance</th>
<th>Other</th>
<th>Specify</th>
</tr>
</thead>
</table>

Possible further action

<table>
<thead>
<tr>
<th>SENDER DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>------</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>PRIVACY STATEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Australian Maritime Safety Authority (AMSA) is collecting the information on this form to enable it to carry out its role as managing agency of the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances. AMSA may give some or all of this information to other government bodies, non-government organisations who have responsibilities under the National Plan, and law enforcement agencies.</td>
</tr>
</tbody>
</table>
Summary of incidents to be reported

All slicks, including deck washings, that can be seen trailing a vessel should be reported. The type of substance contained in the slick may not be able to be determined until further investigation has been undertaken by enforcement agencies.

<table>
<thead>
<tr>
<th>Reportable</th>
<th>Non-reportable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Oil</strong> - All slicks trailing from a vessel. All spills in the marine environment (notwithstanding the size or amount of oil or sheen). All spills where National Plan equipment is used in a response. Note: If oil or sheen is “visible” then it is an illegal discharge MARPOL permitted oily discharges are at 15 parts of oil to one million parts of water (15ppm). Oil discharges at sea cannot be visually observed until at least 50ppm and even that may not be readily discernable depending upon the observation platform, sea state, weather conditions etc.</td>
<td>• Coral spawning. • Algal bloom. • Oil spills specifically known to be from land sources (eg drains, road tanker accidents) and where there is no response using National Plan equipment or resources used. • Exploration/production associated discharges where there is no response and National Plan equipment or resources used. (these are reportable to the relevant authority eg: Mines Department or Department of Science Industry and Resources).</td>
</tr>
<tr>
<td><strong>Chemicals</strong> – All sightings of slicks/dischourations trailing vessels. All odorous discharges from a vessel.</td>
<td></td>
</tr>
<tr>
<td><strong>Harmful Packaged Substances</strong> - All packages associated with a vessel.</td>
<td></td>
</tr>
<tr>
<td><strong>Sewage</strong> – All slicks seen trailing from a vessel.</td>
<td></td>
</tr>
<tr>
<td><strong>Garbage</strong> – All sightings of garbage being disposed from a vessel. Any type of garbage found that can be specifically tied to a specific vessel such as garbage with printing showing a vessel name (eg Quarantine bonded plastic bags with identifier tag).</td>
<td>• Dumping at sea that requires a permit (EPA or EA) • Dumped dredge spoil. • Floating logs.</td>
</tr>
</tbody>
</table>
APPENDIX 8

HARMFUL SUBSTANCES REPORT FORMAT
HARMFUL SUBSTANCES REPORT FORMAT

(Sections of the ship-reporting format, which are inappropriate, should be omitted from the report)

This report is for use when reporting discharge or potential discharge of oil or noxious liquid substance carried in bulk.

A. Ship name, call sign/ship station identity and flag

B. Date and time of event
   (Note: time must be expressed as Universal Co-ordinated time)

C. Position: latitude and longitude; or

D. Position: true bearing and distance

E. True course

F. Speed in knots and tenths of knots

L. Route information/intended track

M. Radio communications: full names of stations (including INMARSAT)

N. Time of next report
   (Note: Time must be expressed as Universal Co-ordinated time)

P**
   1. Type of oil or the correct technical name of the noxious liquid substances on board
   2. UN number or numbers
   3. Pollution category (A, B, C or D) for each noxious liquid substance
   **(Note: In the case of a probable discharge, item P should be included)

Q
   1. Condition of ship, as relevant
   2. Ability to transfer cargo/ballast/fuel

R
   1. Type of oil or the correct technical name of the noxious liquid substance discharged into the sea
   2. UN number or numbers
   3. Pollution category (A, B, C, or D) for each noxious liquid substance
   4. Names of manufacturers of substances or consignee or consignor
   5. An estimate of the quantity of each substance
   6. Whether lost substances floated or sank
   7. Whether loss is continuing
   8. Cause of loss
   9. Estimate of the movement of the discharge or lost substances giving current conditions, if known
   10. Estimate of the surface area of the spill

S. Weather conditions (give brief details of weather and sea conditions prevailing)

T. Name, address, telex and telephone numbers of the ship’s owner and representative

U. Ship size and type

X
   1. Action being taken with regard to the discharge and to the movement of the ship
   2. Assistance or salvage efforts which have been requested or to which have been provided by others
   3. The master of an assisting or salvaging ship should report the particulars of the action undertaken or planned
APPENDIX 9

MARINE POLLUTION SITUATION REPORT (SITREP)

FORMAT
# MARINE POLLUTION SITUATION REPORT (SITREP)

This is advice from the Combat Agency of the current status of the incident and the response. This form is transmitted to all relevant agencies including:

- Statutory Agency
- Chair, State Committee
- General Manager Maritime Operations, AMSA

<table>
<thead>
<tr>
<th>Priority</th>
<th>Urgent</th>
<th>Immediate</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final SITREP?</td>
<td>Yes</td>
<td>No</td>
<td>Next SITREP on:</td>
</tr>
<tr>
<td>Date/Time</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLREP Reference</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incident</td>
<td>Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brief Description of Incident and Impact</td>
<td>Latitude</td>
<td>Longitude</td>
<td></td>
</tr>
<tr>
<td>Overall Weather conditions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Summary of Response Actions to Date</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Strategies</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONTINUES ON PAGE 2
### SITREP PAGE 2

<table>
<thead>
<tr>
<th>Summary of Resources Available/Deployed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expected Developments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITREP Prepared By</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fax</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mobile</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attachments?</th>
<th>No of Pages Attached:</th>
</tr>
</thead>
</table>
APPENDIX 10

SAMPLING PROCEDURES
SAMPLING PROCEDURES

Samples of oil/oily mixtures from the marine environment (water and foreshore areas) and all potential sources should be taken with the **minimum of delay** so that changes in the oil composition due to weathering are kept to a minimum. All samples should be kept in a cool, dark, secure location (i.e. within an insulated container, an esky or a refrigerator if available).

**Marine environment** - Every effort should be made to obtain representative samples of the pollutant from the water and foreshore areas or other polluted areas (including oiled wildlife). A number of samples should be taken from various locations within the spill. Note that any drains or outfalls in the area should be eliminated as a potential source of the spill. These samples should be contained in clean glass jars (preferably sterilized glass jars if available) and information about where the samples were taken should be recorded. This information should be provided to the laboratory to assist with the analysis of the samples. Blanks or clean water samples should also be taken upstream/outside the spill area and provided to the laboratory.

**Ships** – Sampling ships should only be undertaken with the assistance of an authorized officer with relevant shipping expertise. Samples from all potential ships that could have been responsible for the spill must be obtained. It is important to be able to eliminate ships as well as identifying the source of the spill. Samples should be taken from all waste oil tanks, bilge and bilge holding tanks, fuel oil tanks and the discharge from the oily water separator for comparison purposes, particularly if prosecution is envisaged. Information on how the sample was obtained should also be recorded and provided to the laboratory (e.g. from drain tap, valve, dipping into tank etc). Samples should be contained within sterilized or clean glass jars.

**Continuity of Samples**

To be admissible as evidence, samples taken must be proved conclusively to be in an appropriate person’s possession until delivery to the laboratory. This requires that rigid controls be instituted and maintained to establish continuity for the samples from the time of initial sampling.

**Delivery of Samples**

Where samples are collected for the purpose of prosecution appropriate safeguards need to be ensured during their transport. AMSA has identified that TNT Failsafe Couriers can provide transport of samples from the person responsible for its collection and/or custody to the designated analyst, incorporating rigid controls and security.

Transport of samples is organised for all State/NT locations by the TNT Failsafe’s Sydney office. TNT Failsafe contact details are available from AMSA.

**Analysis of Samples**

AMSA has arrangements in place whereby analysts appointed under the provisions of the Commonwealth Protection of the Sea (Prevention of Pollution from Ships) Act 1983 will carry out testing of all samples for the purposes of prosecutions under that Act. State/NT legislation may also have similar provisions.

**Further Details**

Further details concerning sampling procedures and appointed analysts are available from AMSA. The International Maritime Organization publication “IMO Guidelines for Sampling and Identification of Oil Spills” 1998 provides more detailed information on this subject. (All State/NT National Plan Committee Chairs have been provided with a copy.)
APPENDIX 11

OIL SPILL TRAJECTORY MODELLING (OSTM)

REQUEST
**OIL SPILL TRAJECTORY MODELLING (OSTM) REQUEST**

Priority of request  [ ] Urgent  [ ] Routine  [ ] Exercise

NB: At least five (5) working days notice must be given for OSTM run(s) requested as part of an exercise or for contingency planning purposes.

<table>
<thead>
<tr>
<th>Vessel/spill/exercise name or identifier</th>
<th>Name of requesting organisation</th>
<th>Name of requesting person and position in response</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact telephone number</th>
<th>Email address for model output (preferred method)</th>
<th>Fax number for receipt of model output</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Format of coordinates used (select one)</th>
<th>Latitude of spill</th>
<th>Longitude of spill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Degrees &amp; decimal degrees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Degrees, minutes &amp; decimal minutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Degrees, minutes &amp; seconds</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Spill start date (eg 23 08 2000)</th>
<th>Spill start time (spill site local time, 24 hour clock)</th>
<th>Local time used (eg EST, CST, WST, UTC, daylight saving etc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>Month</td>
<td>Year</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of oil spill or likely to be spilt eg Name: crude oil / Type: fuel oil / Grade: bunker fuel</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Amount of oil spill or likely to be spilt (complete one option)**

If exact spill quantity is unknown for modelling purposes provide a maximum quantity of spill

- [ ] Tonnes
- [ ] Cubic metres
- [ ] Litres
- [ ] Barrels

<table>
<thead>
<tr>
<th>Known or estimated amount of time oil was being discharged</th>
<th>hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How long do you want the model prediction for</th>
<th>Hours (eg 12, 24, 36 hrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surface water temperature at spill site</th>
<th>°C (if not available AMSA will use an average for this location)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Wind speed and direction at spill location is vital to the effectiveness of the spill simulation model**

<table>
<thead>
<tr>
<th>Wind speed and direction</th>
<th>Note: If wind speed and direction are variable use page 2 to input data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISCLAIMER**

Any Oil Spill Trajectory Modelling predictions are for the exclusive use of the client and not for third party use. The oil spill trajectory predictions, opinions and interpretations contained in predictions are based on observations and data supplied by the client and information sources available to AMSA.

The computer model predictions, interpretations or opinions expressed represent the best judgement of the Environment Protection Response, Emergency Response, Australian Maritime Safety Authority (AMSA), AMSA and its personnel or advisers, assume no responsibility and make no warranty or representations as to the accuracy or reliability of the predictions. It should be noted that accuracy of predictions may be adversely affected where modelling is carried out in respect of spills in enclosed waters, estuaries, close to shore, or when only low resolution maps are available.

The use and mention of any specialist software or equipment in any prediction does not represent endorsement of these products by AMSA.

Copies of this form can be obtained at:


AMS 57 (8/04)

---

Version 2.0

June 2005

Appendix 11

Page 2 of 3
Enter wind information into columns starting at the time of the spill and for the duration of simulation required.

<table>
<thead>
<tr>
<th>Date</th>
<th>Time at site (24 hr clock)</th>
<th>Wind speed (knots)</th>
<th>Wind direction (eg from N, NW etc or degrees)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 12

EXAMPLE OF A VESSEL CHARTER AGREEMENT
AUSTRALIAN MARITIME SAFETY AUTHORITY
CHARTER AGREEMENT

IT IS MUTUALLY AGREED between the owner and the Australian Maritime Safety Authority that the owner will let and the Australian Maritime Safety Authority will take the vessel for the period of hire at the agreed rate for the purpose of combating pollution of the sea by oil within such parts of the area of operations as the Australian Maritime Safety Authority representative may direct on the following conditions namely:

1. Prior to the commencement of hire, the owner and the skipper of the vessel shall perform and observe all laws relating to the servicing operation and certification of the vessel.

2. The owner will place the vessel in a seaworthy condition manned in accordance with all relevant legal requirements at the disposal of the Australian Maritime Safety Authority at the specified port at the commencement of hire.

3. The owner will pay the wages of the crew during the hiring and, subject to condition 7, will bear the cost of maintenance and other outgoings arising out of the hiring other than the cost of fuel which shall be borne by the Australian Maritime Safety Authority.

4. The skipper will be responsible for the safe navigation of the vessel and will be the sole judge as to whether it is prudent to put to sea or remain at sea at any given time having regard to the state of the weather and the surrounding circumstances.

5. Subject to condition 4 the skipper and crew will obey all reasonable orders of the Australian Maritime Safety Authority representative including orders relating to:
   (a) the carriage of persons other than the crew on board the vessel;
   (b) the fitting to the vessel of anti-pollution equipment supplied by the Australian Maritime Safety Authority;
   (c) the carriage, operation and use of anti-pollution equipment and materials on board the vessel; and
   (d) the voyages and tasks to be undertaken by the vessel.

6. Time lost through any defect in the vessel or its equipment or any unreasonable act or omission of the owner, skipper or crew will be deducted from the period of hire.

7. The Australian Maritime Safety Authority shall, with respect to matters arising from the use of the vessel for the purpose of this Agreement:
   (a) to the extent that the owner is not otherwise covered by insurance, indemnify the owner against all actions claims and demands, other than those for or relating to workers' compensation, for which the owner shall be liable on account of death of or injury to any person or the loss of or damage to any property; and
   (b) to the extent that the owner is not otherwise covered by insurance, compensate the owner for loss of or damage to the vessel including pollution damage and for loss of the value of fish which are aboard the vessel at the commencement of hire.

8. The hiring may be terminated by the Australian Maritime Safety Authority representative, or by the owner, at any time upon either of them giving 24 hours' notice in writing to the other.

9. Any notice which the owner may desire to give to the Australian Government under this agreement may be given by the owner or skipper to the Australian Maritime Safety Authority representative and any notice which the Australian Maritime Safety may wish to give the owner under this agreement may be given by the Australian Government representative to the owner or skipper.

10. In the agreement the expressions set out in Column 1 of the Schedule shall have the meanings respectively set out opposite to them in Column 2 of the Schedule.
# THE SCHEDULE

<table>
<thead>
<tr>
<th>COLUMN 1</th>
<th>COLUMN 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vessel</td>
<td></td>
</tr>
<tr>
<td>Owner</td>
<td></td>
</tr>
<tr>
<td>Skipper</td>
<td></td>
</tr>
<tr>
<td>Specified Port</td>
<td></td>
</tr>
<tr>
<td>Area of Operations</td>
<td>within a radius of nautical miles from</td>
</tr>
<tr>
<td>Commencement of Hire</td>
<td>.......... am on ........../......../..........</td>
</tr>
<tr>
<td></td>
<td>.......... PM on ........../......../..........</td>
</tr>
<tr>
<td>Period of Hire</td>
<td>.......... days of 24 hours</td>
</tr>
<tr>
<td>proportionately</td>
<td></td>
</tr>
<tr>
<td>Agreed Rate</td>
<td>$............... a day and</td>
</tr>
<tr>
<td></td>
<td>for and part of</td>
</tr>
<tr>
<td></td>
<td>$............... a day</td>
</tr>
</tbody>
</table>

**Australian Maritime Safety Authority Representative**

The person signing this agreement on behalf of the Australian Maritime Safety Authority or any person nominated by him to be the Australian Maritime Safety Authority representative for the purpose of this agreement.

Date this .........................day of............................................20..

....................................................................................................................

**Owner**

**Australian Maritime Safety Authority**