

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 National Marine Oil Spill Contingency Plan. 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 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, 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 ChemPlan. 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 3.

2.2 Division of Responsibility

2.2.1 Statutory/Combat Responsibilities

The IGA defines authorities with responsibility for combating chemical 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 spills within harbours, onshore, in the territorial seas, and on the high seas around Australia are shared between AMSA, State/NT Governments, Port Authorities and Corporations, and the chemical 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 1.

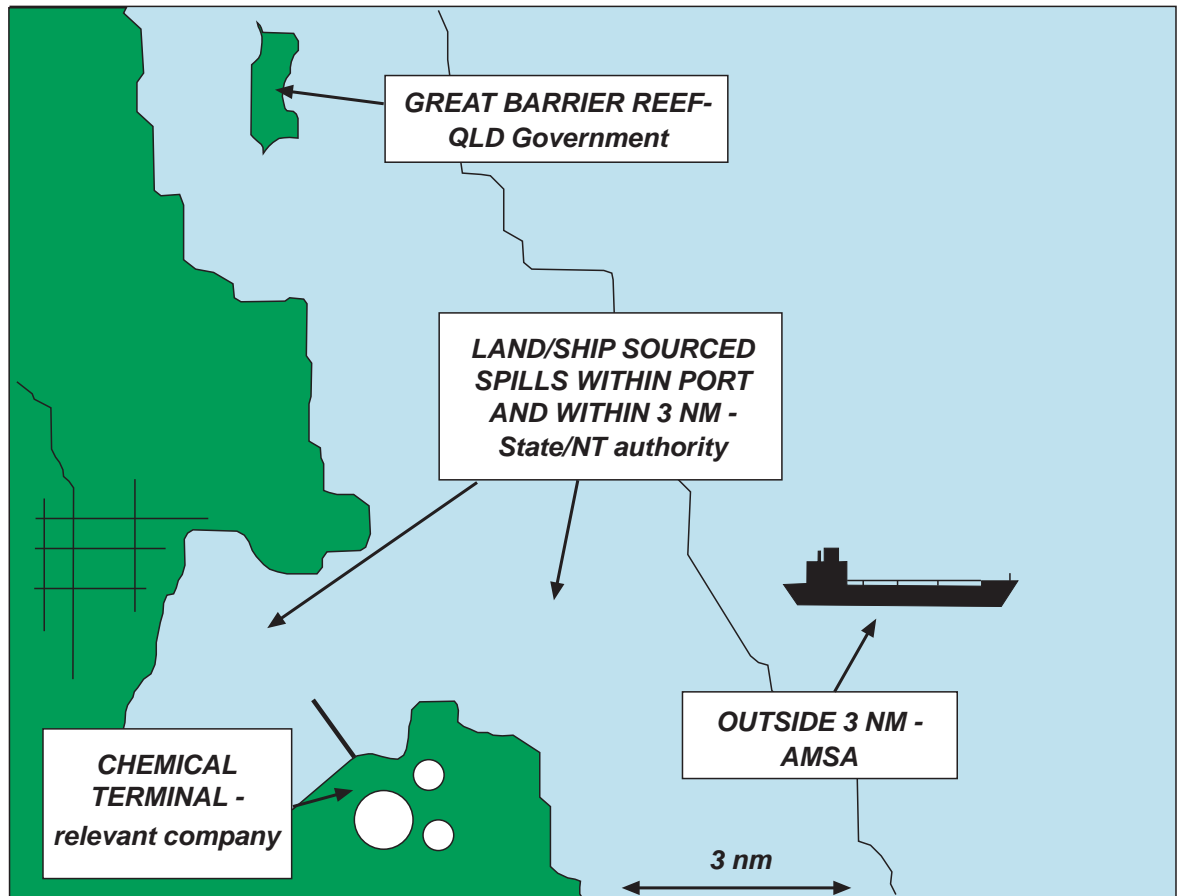


Figure 1: Australian Government Jurisdiction

2.2.2 Statutory Agencies

In accordance with the IGA (and the OCS jurisdictional arrangements), responsibility for overseeing response action for chemical 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 the behalf of all participating agencies.

2.2.3 Combat Agencies

Combat Agencies have the operational responsibility to take action to respond to a chemical or other hazardous or noxious substance in the marine environment in accordance with the relevant contingency plan.

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

At chemical terminals The relevant chemical company or terminal operator under industry arrangements, such as the Plastics and Chemicals Industries Association (PACIA) Chemsafe Emergency Management Program arrangements.

If the response is beyond chemical company or terminal

resources, the Statutory Agency will respond with assistance from other National Plan stakeholders as required. Statutory Agencies should enter into predesignated response arrangements with chemical terminal operators that 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.

Terminals (within a port)

Within the three nm The responsible State/NT Statutory Agency with response assistance from other National Plan stakeholders as required.

Beyond the three nm The Commonwealth via AMSA, with response assistance from other National Plan stakeholders as required. In incidents close to shore when chemicals are likely to impact the foreshore, the State/NT via the Statutory Agency will be the Combat Agency for protecting the coastline, while AMSA assumes responsibility for ship operational matters, e.g. containing the spill within the ship, organising salvage, etc.

In the REEFPLAN The Queensland Government via the Queensland National Plan State Committee, with assistance from 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 Spills

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/NT have formal arrangements by way of Memorandum of Understandings that deal with cross border incidents.

2.4 Response Policy

The primary aims of a chemical 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 a chemical 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 chemical(s) involved;
- The size of the spill;
- The location of the spill;
- 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 marine pollution incidents involving chemicals and the response they require are categorised into “Levels”. The concept of a levelled response links the credible spill scenarios to attainable scales of response and, by linking joint arrangements, enables escalation from one level of response to another, should the need arise. It is a practical method of planning a marine pollution response in terms of required resources and likely environmental impact.

ChemPlan’s three levels of response are based on the following graduated spill scenarios:

Level 1 - Potential Emergency Condition - small spill/incident

A minor chemical incident that only requires response within the boundaries of the berth; vessel or small geographical area, no impact or problems are anticipated outside the operations area.

Statutory and Combat Agencies will generally be able to respond to and clean up a spill with local resources. When additional resources are required, these will generally be available from the chemical industry, local port authority or by using National Plan resources in the region or from adjacent industry operators.

Level 2 - Limited Emergency Condition - a medium or significant spill/incident

A significant chemical incident that can be responded to within the boundaries of the berth, vessel or geographical area; but which may have a serious impact on human life and/or the environment.

The Combat Agency will initiate a response and simultaneously notify the Statutory Agency and/or State/NT Committee. Local resources may need to be supplemented by other intra-state or interstate resources. The Statutory Agency, through Environment Protection (EP) will facilitate provision of interstate resources.

Level 3 - Full Emergency Condition- a major spill/incident

A major chemical incident that will pose a very serious impact on human life and/or affect the environment significantly, it requires the activation of support resources up to national or international level.

The Combat Agency may require local, regional and national assistance.

For catastrophic spills, resources from overseas may also be required.

These can be sought by the State/NT Committee through EP, and, in the case of incidents involving chemical tankers, in consultation with industry.

2.6 CHEMICAL RISK ASSESSMENT

A chemical risk assessment of Australian waters has been conducted by AMSA; as a result a risk profile has been derived allowing for the identification of the most likely locations that an oil /chemical spill may occur within Australian waters.

The risk possibilities for chemical spills and chemical releases include:

- Collision
- Grounding
- Transfer spill and equipment failure
- Structural failure
- Severe weather events.

In order to create the risk profile AMSA developed the two reports that describe the risk of pollution in Australian waters.

Firstly; the 2000 risk report, "Risk Assessment of Pollution from Oil and Chemical Spills in Australian Ports and Waters" is based on data relating to the frequency, size and location of large (greater than 10 tonnes) spills of crude oil, refined products, bunker fuel and bulk chemicals. The report found that ports are the major contributor to risk levels due to the density of ships and the frequency of operations associated with a spill risk.

Secondly; the 2006 risk report "Risk Analysis of Bulk Chemical Spill in Australian Ports and Waters" further refines the risk profile of Australian waters. The study focussed on the risks to the marine environment due to spills/releases of bulk Noxious and Liquid Substances (NLS). A risk index was calculated based on chemical tanker movements; NLS characteristics and an environmental sensitivity analysis (refer Figure 2 below)

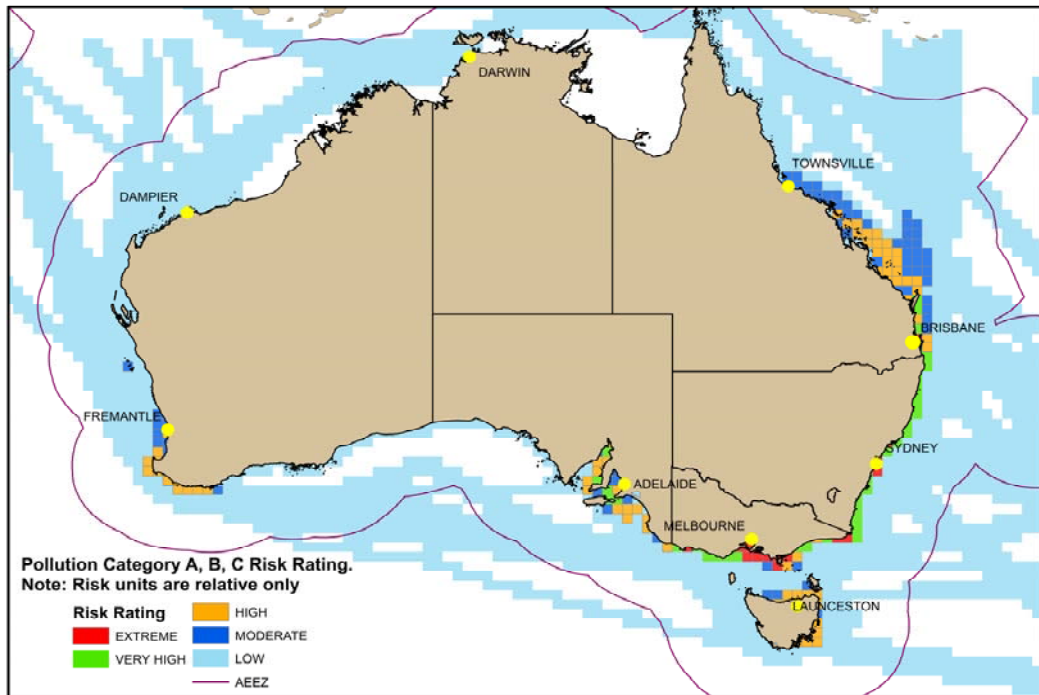


Figure 2- National Risk Profile

The National Risk Profile graph above represents the risk profile information; the water has been divided into 2,500Km² areas in order to indicate areas most at risk of oil or chemical pollution accurately. The graph also indicates the location of national equipment stockpiles in relation to the risk profile.

MARPOL Annex II (noxious liquid substances carried in bulk)

The Annex II *Regulations for the control of pollution by noxious liquid substances in bulk* includes a new four-category categorization system for noxious and liquid substances. The revised annex entered into force on 1 January 2007.

The new categories are:

- **Category X:** Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a major hazard to either marine resources or human health and, therefore, justify the prohibition of the discharge into the marine environment;
- **Category Y:** Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify a limitation on the quality and quantity of the discharge into the marine environment;
- **Category Z:** Noxious Liquid Substances which, if discharged into the sea from tank cleaning or deballasting operations, are deemed to present a minor hazard to either marine resources or human health and therefore justify less stringent restrictions on the quality and quantity of the discharge into the marine environment; and

- **Other Substances:** substances which have been evaluated and found to fall outside Category X, Y or Z because they are considered to present no harm to marine resources, human health, amenities or other legitimate uses of the sea when discharged into the sea from tank cleaning or deballasting operations. The discharge of bilge or ballast water or other residues or mixtures containing these substances are not subject to any requirements of MARPOL Annex II.

2.7 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. Appendix 5 is a Checklist for the Development of State/NT, Region or Port Marine Chemical Spill Contingency Plans. Although changes may be required to meet individual State/NT emergency planning, legislation and administrative requirements, this checklist has been found to be generally applicable.

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 will 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 will be responsible for overall response strategy. The IC will keep the Statutory Agency and/or MPC informed of progress with the response;
- The Statutory Agency, the MPC and AMSA, will provide suitably experienced staff to assist the MPC and IC to initiate and conduct response action;
- 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.

2.8 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 organisation. Committees should also be able to invite wider participation to ensure that all interests are represented and their resources and services are considered.

2.8.1 Response Organisation Structure

The response to any pollution incident will be controlled using an Incident Control

System, which although known as an Oil Spill Response Incident Control System (OSRICS), will be used to manage a marine chemical spill response. OSRICS (Appendix 4) 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. 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.

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.

Figure 4 shows a typical Incident Control Structure (ICS) structure. A more detailed structure may be found in Appendix 4.

2.8.1.1 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.

2.8.1.2 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.

2.8.1.3 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.

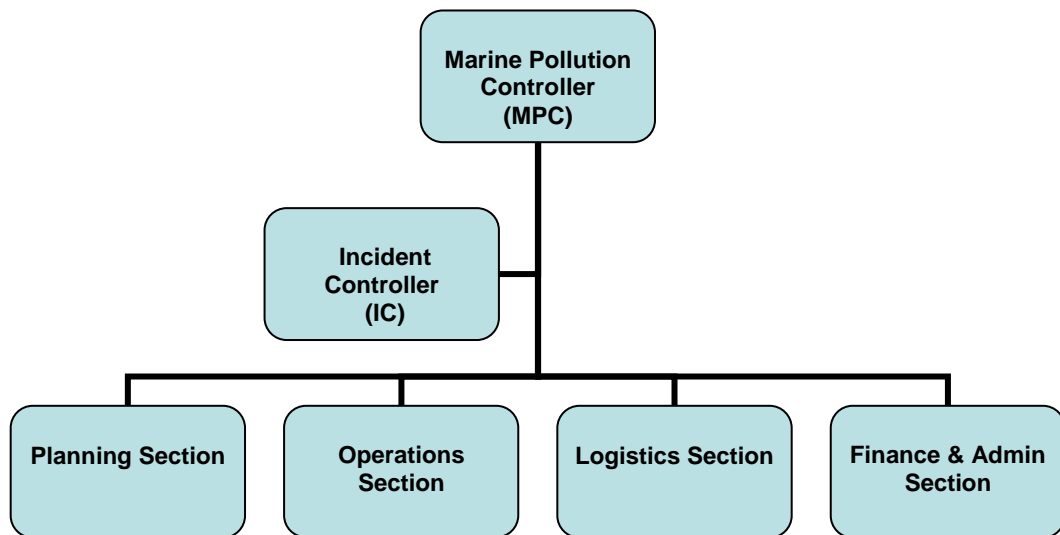


Figure 3- Typical OSRICS structure

2.8.1.4 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.

2.8.1.5 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.

2.8.1.6 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).

2.8.1.7 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 a chemical 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.

2.8.1.8 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.

2.9 Specialist Advice and Assistance

Specialist technical advice is available to response managers from a variety of sources. Advice can vary from the fate of spilled chemicals, and the selection and deployment of pollution control equipment, to the capabilities of support equipment and 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 a chemical spill in the marine environment are listed below.

2.9.1 Australian Maritime Safety Authority (AMSA)

2.9.1.1 Environment Protection (EP)

Environment Protection (EP) can provide advice relating to spill management, intervention powers, legislation and operational, logistic and technical issues. EP can also provide outputs and advice on decision support tools outlined in Section 4. All AMSA operational assistance will be coordinated through EP.

2.9.1.2 Maritime Operations (MOD)

Maritime Operations Division (MOD) can provide advice relating to ship safety, structural integrity and stability of marine casualties. MOD is also responsible for the National Maritime Emergency Response Arrangements (NMEMA).

Key elements of the NAMERA are:

- The provision of a minimum level of maritime emergency towage capability involving Emergency Towage Vessels (ETV's) located in strategic coastal regions. The ETV's include a dedicated vessel, *Pacific Responder*, that maintains a constant presence and availability to respond to emergencies in the Northern area of the Great Barrier Reef. Other ETV's are either vessels contracted by AMSA to be available to be called upon in the event of an incident or suitable vessels that are in the relevant area at the time of the incident that are used as "vessels of opportunity".
- A Maritime Emergency Response Commander (MERCOCOM) appointed by AMSA to act on behalf of the Authority during a shipping casualty. The MERCOCOM is responsible for the management of responses to shipping incidents.

2.9.1.3 Emergency Response Centre (ERC)

In addition to coordinating the rescue and saving of life through the Emergency Response Centre (RCC), the RCC can provide drift calculations and advice on offshore currents.

The ERC 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.

2.9.2 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 EP.

2.9.3 Department of the Environment, Water, Heritage and the Arts (DEWHA)

The Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) 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. DEWHA 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 responsible Minister 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.

DEWHA 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. DEWHA 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.

DEWHA will advise on potential impacts of chemical 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 *Environment Protection and Biodiversity Conservation Act 1999* where conditions may specify arrangements for dealing with spills.

DEWHA should be contacted if a chemical spill is likely to impact on marine protected areas in Commonwealth waters. DEWHA should also be informed of any chemical 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. DEWHA 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 3.11.

2.9.4 Great Barrier Reef Marine Park Authority (GBRMPA)

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

2.9.5 Plastics and Chemicals Industries Association (PACIA)

PACIA through its Chemsafe Emergency Management Program provides the following support services to the chemical industry:

- a land-based Transport Incident Management Service, which is a physical response to chemical transport emergencies involving the products of participating companies;
- Material Safety Data Sheet (MSDS) Database, which provides MSDS's to all emergency service providers;
- an Emergency Response Service which provides a 24 hours a day, 7 days a week technical advice on product hazards, appropriate protective clothing and equipment, and medical advice via a toll free number 1 800 033 111; and
- provides advice on specific chemical products and manufacturers.

2.9.6 Bulk Liquids Industry Association

The Bulk Liquids Industry Association (BLIA) is a national association of companies that move bulk liquids between ship and shore. Its members include chemical manufacturers, terminal storage companies (many who are also members of PACIA), and chemical shipowners. It also includes marine cargo surveyors/chemists, port authorities and trucking companies who service the chemical industry. In an emergency these companies may be able to provide specialist advice.

BLIA can be contacted through PACIA.

2.9.7 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 the environmental impacts, or response activities. This also includes access to State Fire Services.

2.9.8 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. Chemical and hazardous materials experts and responders from the fire services, PACIA and BLIA may be called to form part of the NRT where necessary.

The services of the NRT are obtained through EP, 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 a chemical spill incident exceeds the resource availability of the Combat Agency and State/NT concerned.

2.9.9 International Assistance

In the event of a major chemical spill incident, it is likely that assistance may be sought from overseas chemical manufacturers, transport companies, private and government spill response organisations in accordance with the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS Protocol). Requests for such overseas assistance should be passed to EP, which will make the necessary arrangements. AMSA has obtained the cooperation of the Commonwealth Customs and Immigration Departments to expedite the temporary import of equipment and experienced personnel should the need arise on a request from AMSA. EP, in accordance with current Memoranda of Understandings and relevant International Conventions, may also assist neighbouring countries in relation to marine spill incidents in their waters.

2.10 Equipment Availability

A variety of chemical monitoring, response and personal protective equipment may be needed to support a chemical spill incident response. A list of items of specialised chemical response and cleanup equipment across Australia identified by the chemical industry and Fire Services is available from these agencies to support this Plan.

2.10.1 Use of National Plan Oil Spill Equipment

Conventional on-water oil spill containment and recovery equipment is of little use in the majority of marine chemical spills. Only approximately 15% of bulk chemicals transported by sea float and are persistent. Many of these could also be incompatible with the equipment construction materials or pose a health hazard to response equipment operators.

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 to those available in the area concerned.

These stockpiles are in Townsville, Brisbane, Sydney, Melbourne, Launceston, Adelaide, Fremantle, Dampier and Darwin. Additionally, ship-to-ship transfer equipment is located in Brisbane and Fremantle.

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

Details of National Plan, State/NT, AMOSC and other industry resources held in each State/NT are given in MOSES. A copy of MOSES should be placed in each State/NT Contingency Plan.

2.11 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 a chemical spill, or potential chemical 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.

2.12 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 2.9.1.4) 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 EP (part 4.2).

2.13 Wildlife Response

When a marine pollution incident occurs it is possible that the contamination 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. Contaminated and dead wildlife attracts 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 found at:

www.amsa.gov.au/Marine_Environment_Protection/National_Plan/General_Information/Oiled_Wildlife/Wildlife.pdf 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 spill. This is further supported by detailed State/NT internal arrangements.

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 marine spills. These arrangements vary from State to State and should be detailed within a State/NT or regional wildlife plan.

2.14 State/NT Contingency Arrangements

Outlines of the State/NT contingency arrangements for marine chemical spills are given in Appendices 13 to 19. More detail can be obtained from State/NT authorities and relevant plans and procedures.

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 6) 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 pre-designated 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, conduct regular training programs and exercises for personnel likely to be involved in a response to a 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 a marine spill incident.

Training programs are conducted at three levels, which recognise the overall technical complexity of managing a marine pollution 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

- The focus is on the requirements of senior government and industry management personnel, including Commonwealth, State/NT appointed Marine Pollution Controllers - responsible for high level decision making.

Middle Management

- 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 chemical spill response operations and associated logistic, administrative and financial tasks.

Operator

- 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 EP or

www.amsa.gov.au/Marine_Environment_Protection/National_Plan/Training_Program/index.asp.