

APPENDIX 4 - Pollution events from offshore petroleum operations - Combat Agency Transfer Operational Protocol

Purpose

This Protocol is an informal arrangement endorsed by the Environmental Assessors Forum and the National Plan Operations Group to set out the process for transferring Combat Agency responsibility following a pollution event from an offshore petroleum operation.

This Protocol does not:

- apply to the normal provision of assistance or advice where Combat Agency responsibility does not change;
- have any funding implications;
- affect the formal National Plan arrangements in respect of such matters; or
- have any legal effect.

Definitions

“Coastal Waters” – waters within 3 nautical miles seaward of the territorial sea baselines.

“Combat Agency” - 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.⁴

“Designated Authority” – Relevant State/NT government agency responsible for the day to day administration of the *Offshore Petroleum Act 2006*.

“Inter-Governmental Agreement” – Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances (IGA)

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

“Offshore Petroleum Operation” – means an operation governed by the *Offshore Petroleum Act 2006*.

“Statutory Agency” - the State/NT or Commonwealth agency having statutory authority for marine pollution matters in their area of jurisdiction.⁵

“State/NT National Plan Agency” – Relevant State/NT government agency responsible for the day to day administrations of the National Plan.

Introduction

The National Plan is a national integrated government and industry organisational framework enabling effective response to marine pollution incidents. The Australian Maritime Safety Authority (AMSA) manages the National Plan, working with the State/NT governments and the shipping, oil, exploration and chemical industries, emergency services and fire brigades to maximise Australia’s marine pollution response capability.

⁴ See “Definitions” in the National Plan Inter-Governmental Agreement

⁵ See “Definitions” in the National Plan Inter-Governmental Agreement

The National Plan is based on an Inter-Governmental Agreement between the Commonwealth and States NT, which defines the roles and responsibilities of the various stakeholders, primarily by reference to “Statutory Agencies” and “Combat Agencies”.

In accordance with the *Offshore Petroleum Act 2006*, relevant State/NT offshore petroleum legislation, and the IGA, the Statutory Agency for pollution events from offshore petroleum operations is the “Designated Authority” under the *Offshore Petroleum Act 2006* in that State or Territory.⁶ This applies for spills both within and outside coastal waters.

The “Combat Agency” for such pollution events, both within and outside coastal waters, is the relevant oil company with assistance, as required, from the Statutory Agency.⁷

Transfer of “Combat Agency” Role

In the event of a pollution event from an offshore petroleum operation, the relevant oil company, as Combat Agency, will as soon as possible undertake preventive and clean up action.⁸ In most circumstances, pollution events are relatively minor and no outside assistance is required.

However, the Inter-Governmental Agreement provides for the Combat Agency role to be transferred in two circumstances:

- (1) The Combat Agency may request another agency to act on its behalf;⁹ or
- (2) 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 (in this case, the Designated Authority) may assume control of the response.¹⁰

(1) Request for another agency to assume Combat Agency Role

This is likely to be the most common circumstance in which the Combat Agency role is transferred, and will arise where the relevant oil company considers a pollution event is beyond its response capabilities. Reasons might include the size of the spill and/or the location of the necessary response activity.

For pollution events within coastal waters, the relevant oil company may request the State/NT National Plan Agency to act on its behalf. The response will then be carried out in accordance with the relevant State/NT contingency plan.

For pollution events outside coastal waters, the relevant oil company may request AMSA to act on its behalf. The response will then be carried out in accordance with the National Marine Oil Spill Contingency Plan.

The transfer of Combat Agency role to either the State/NT National Plan Agency or AMSA should be undertaken:

- As soon as practicable once a decision is taken by the relevant oil company that the Combat Agency role is to be transferred;
- By telephone with confirmation in writing by facsimile. A copy of the facsimile is also to be sent to the relevant Designated Authority.

Contact details and arrangements for responding to pollution events in coastal waters will be provided in the relevant company and State/NT contingency plans. Contact details for AMSA are as follows:

⁶ Paragraph 5, Schedule 1, Inter-Governmental Agreement

⁷ Paragraph 6, Schedule 1, Inter-Governmental Agreement

⁸ Paragraph 8, Schedule 1, Inter-Governmental Agreement

⁹ Paragraph 8, Schedule 1, Inter-Governmental Agreement

¹⁰ Paragraph 9, Schedule 1, Inter-Governmental Agreement

Rescue Co-ordination Centre (24 hours)
Telephone 1800 641792 (02) 62306811
Facsimile (02) 62306868.
Attention: Manager Environment Protection Response.

The party assuming Combat Agency responsibility will keep the Designated Authority informed of progress with the response, for example by inclusion in circulation of Situation Reports (SITREPS).

(2) Statutory Authority assumes control.

This is likely to be less common, and may arise when the Designated Authority determines that the relevant oil company will not be able to respond or is not responding effectively. While the Designated Authority may assume control, in practice it will immediately pass Combat Agency responsibility to:

- the State/NT National Plan Agency for pollution events within coastal waters; or
- AMSA for pollution events outside coastal waters.

The transfer of Combat Agency role to either the State/NT National Plan Agency or AMSA should:

- Be undertaken as soon as practicable; and
- Be communicated by telephone with confirmation in writing by facsimile.

Implementation and Review

To give effect to the operation of this Operational Protocol the respective agencies should notify other interested agencies within their jurisdictions of this Operational Protocol and its intent.

A review of the implementation of this Operational Protocol will be undertaken at the request of either the Environmental Assessors Forum or the National Plan Operations Group.

Attachment

Combat Agency Transfer Operational Protocol - Flowchart

