



Australian Government

Australian Maritime Safety Authority

National Maritime Casualty Management Guidance

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Glossary of Terms

AMSA:	means the Australian Maritime Safety Authority established as a Commonwealth Statutory Authority under the <i>Australian Maritime Safety Authority Act 1990</i> and charged with the operational management of and intervention in actual or potential maritime pollution incidents and which administers the Intervention Act.
Bunkers:	means a heavy fuel oil, intermediate fuel oil, blended distillate or diesel used as a vessel's fuel.
Coastal waters:	in relation to a State or the Northern Territory, means the territorial sea to an outer limit of 3 nautical miles from Australia's baselines and any waters that are on the landward side of the baseline, including waters not within the limits of the State or Northern Territory.
Commonwealth waters:	means all waters in the territorial sea and exclusive economic zone seaward of 3 nautical miles from Australia's baselines.
Convention:	means the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 or the International Convention on Salvage, 1989
Exclusive Economic Zone (EEZ):	an area beyond and adjacent to the territorial sea, subject to a specific legal regime established under the United Nations Convention on the Law of the Sea (UNCLOS), under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are primarily governed by the relevant provisions of UNCLOS.
Emergency Towing Vessel (ETV):	is an ocean-going vessel that is suitable for undertaking emergency towing services.
Hazardous and Noxious Substance (HNS):	means "any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea".
Incident:	means an event, occurrence or set of circumstances that: <ul style="list-style-type: none">• has a definite spatial extent• has a definite duration• calls for human intervention• has a set of concluding conditions that can be defined• is or will be under the control of an Incident Controller appointed to make decisions to control and coordinate the approach, means and actions taken to resolve the incident.
Incident Management Team:	is the group of incident management personnel comprised of the Incident Controller and personnel appointed by the Incident Controller to be responsible for the overall control of the response to an incident.
Internal waters:	means those waters that fall within the constitutional boundaries of a State or Northern Territory. The waters which are capable of falling within these limits are described in s.14 of the Seas and Submerged Lands Act 1973 as 'bays, gulfs, estuaries, rivers, creeks, inlets, ports or harbours which were, on 1 January 1901, within the limits of the States and remain within the limits of the States'.
Maritime Casualty:	means 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
MERCOM:	means the Maritime Emergency Response Commander appointed by AMSA under the <i>Protection of the Sea (Powers of Intervention) Act 1981</i>

National Plan:	means the National Plan for Maritime Environmental Emergencies.
Port:	<p>is an area of water, or land and water (including any buildings installations or equipment situated in or on that land or water) intended for use either wholly or partly in connection with the movement, loading, unloading, maintenance or provisioning of vessels and includes:</p> <p>(a) areas of water, between the land of the port and the open waters outside the port, intended for use by vessels to gain access to loading, unloading or other land-based facilities; and</p> <p>(b) areas of open water intended for anchoring or otherwise holding vessels before they enter areas of water described in paragraph (a); and</p> <p>(c) areas of open water between the areas of water described in paragraphs (a) and (b).</p>
Place of Refuge (PoR):	means a place where a ship in need of assistance can take action to enable it to stabilise its condition and reduce hazards to navigation, and to protect human life and the environment.
Responsible Agency:	means the agency or company assigned by legislation, administrative arrangements or within the relevant contingency plan, to control response activities to a maritime environmental emergency. The legislative or administrative mandate should be specified in the relevant contingency plan. The Responsible Agency will have responsibility for appointing the Incident Controller. This is the equivalent of Control Agency or Control Authority under AIIMS.
Vessel (and/or Ship):	has several meanings within Australian legislation and international conventions, but for the purpose of the National Plan means a vessel of any type whatsoever operating in the marine environment, and includes hydrofoil boats, air cushion vehicles, submersibles and floating craft of any type. Throughout this document the term vessel is preferred. Ship, shipowner and shipping are used where these make sense in context or arise from an official or formal source.

1. INTRODUCTION

1.1. Background

In 2008 the Australian Transport Council endorsed the establishment of an integrated national approach to the provision of emergency response arrangements for maritime incidents to protect the marine environment from actual or potential ship-sourced pollution, through the provision of:

- an appropriate level of emergency towage around the Australian coastline;
- the enhancement of the emergency response management framework, including the establishment of the position of the Maritime Emergency Response Commander (the MERCOM); and
- the enhancement of the regulatory framework through amendments to the *Protection of the Sea (Powers of Intervention) Act 1981* ('the Intervention Act').

These objectives have been incorporated into the broader [National Plan for Maritime Environmental Emergencies](#) (National Plan) which outlines how governments and industry will co-operate to respond to a Maritime Casualty or maritime spill of noxious and hazardous substances.

The Commonwealth, States and the Northern Territory governments will only assume control of a maritime casualty incident where the shipowner and/or shipmaster are failing in their responsibility to manage the maritime casualty effectively, in a timely manner or in the interests of protecting the community and the environment;

The State and Northern Territory governments should ensure that there are adequate emergency towage arrangements within their jurisdiction to manage their local risks in support of the national capability.

The National Plan arrangements are underpinned by contingency planning at the national, state / territory, regional and local level and must ensure those plans are current and effective.

1.2. Purpose

The purpose of the Maritime Casualty Management Guidance is to provide guidance in relation to the management of a maritime casualty.

1.3. Scope

The scope of the Maritime Casualty Management Guidance encompasses the response to a maritime casualty.

As defined in the National Plan, a maritime casualty means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

The geographical scope of this Guidance is defined as the Australian Exclusive Economic Zone, offshore islands and territories and the high seas where the incident has the potential to impact upon Australian interests.

2. MARITIME CASUALTY MANAGEMENT RESPONSIBILITIES

2.1. National Arrangements

The National Plan sets out national arrangements, policies and principles for the management of maritime environmental emergencies, including maritime casualties. It outlines roles and responsibilities of jurisdictions and entities, to enable a comprehensive and coordinated response to maritime environmental emergencies regardless of where an incident occurs and how costs might be attributed or ultimately recovered.

2.2. Internationally Nominated Contact for IMO Maritime Assistance Services (MAS)

Australia is obligated under International Maritime Organization Resolutions [A.949\(23\)](#) and [A.950\(23\)](#) to provide a maritime assistance to:

- a ship involved in an incident (e.g. loss of cargo, accidental discharge over board) that does not impair its seakeeping capability but requires to be reported
- the ship, according to its master's assessment, is in need of assistance but not in a distress situation that requires rescue of those involved, or
- the ship is found to be in a distress situation but those on board have already been rescued.

The IMO has been notified in accordance with IMO Resolution A.950(23) that the Australian Joint Rescue Coordination Centre (JRCC Australia), operated by AMSA, will be the contact point between ship masters and the Australian Government for MAS purposes.

2.3. Principles of Maritime Casualty Management

Maritime Casualties have specific characteristics that can affect the way the incident is managed. Management of an incident involving a Maritime Casualty is based on the following principles:

- Operational management of a Maritime Casualty, and ultimate responsibility, rests primarily with the ship owner/operator and, by extension, the commercial sector, i.e. towage and salvage contractors
- The role of Responsible Agency is to oversee the actions of the shipowner / shipmaster and towage and salvage contractors
- The maritime casualty management system must be scalable and flexible to meet the demands of the incident
- The need to facilitate communication amongst key stakeholders in relation to appropriate action and situational information, and
- The requirement to provide for the separation of the Maritime Casualty and marine pollution response functions for significant incidents as necessary.

2.4. Owner/Operator Responsibilities

In the first instance, ship owners/operators are expected to take timely action in response to a maritime casualty. The Commonwealth, State or Northern Territory governments assume control of a maritime casualty incident where the ship owner and/or ship's Master are demonstrably failing to act in:

- discharging their responsibility to manage the maritime casualty effectively, and/or
- in the interests of protecting the community and the environment.

Where the ship owner and/or ship's master are responding to a maritime casualty appropriately, the relevant Responsible Agency will assist with an oversight and liaison role to facilitate the continuing timely and effective resolution of the incident.

2.5. Determining the Responsible Agency

The Responsible Agency for maritime casualty management is based on agreed jurisdictional boundaries as outlined in the National Plan. These are displayed in Table 1 below:

Responsibilities for Maritime Casualty Incidents

Scenario		Responsibility/accountability
All vessels within the Commonwealth's area of jurisdiction (except in the Great Barrier Reef Marine Park)		AMSA is responsible for the management of the maritime casualty.
Within the coastal or internal waters of the states and Northern Territory	SOLAS vessels (i.e. vessels >500 gross tonnes)	The state and Northern Territory governments are responsible for the management of the maritime casualty.
	Non SOLAS vessels (i.e. vessels <500 gross tonnes)	The state and Northern Territory governments are responsible for the management of the maritime casualty.
Within the Great Barrier Reef Marine Park	SOLAS vessels (i.e. vessels >500 gross tonnes)	AMSA is responsible for the management of the maritime casualty with the direct support of Maritime Safety Queensland (MSQ) and the Great Barrier Reef Marine Park Authority (GBRMPA).
	Non SOLAS vessels (i.e. vessels <500 gross tonnes)	GBRMPA is responsible for the management of the maritime casualty. Noting its maritime expertise, MSQ will, under agreement with the GBRMPA, manage higher risk marine casualties with the direct support of GBRMPA, and further support from AMSA, as required.
Any vessel within a port	The Commonwealth, state and Northern Territory governments are responsible for the management of the maritime casualty within their respective jurisdictions.	

Table 1 - Jurisdictional Responsibilities: Source National Plan page 38

Notes relating specifically to Table 1:

- In all cases, the Responsible Agency may request assistance from AMSA or that AMSA manage the incident on their behalf.
- Within ports or involving non-SOLAS vessels, the MERCOP will not respond to maritime casualties except where the MERCOP reasonably assesses, on a case by case basis, that there is a threat of, or actual, significant pollution and that adequate measures to deal the incident are not being taken.
- The Intervention Convention does not apply to warships and, accordingly, the *Protection of the Sea (Powers of Intervention) Act 1981* expressly does not authorise the taking of measures against a warship or other ship owned or operated by a foreign State and used, for the time being, only on government non-commercial service.

Below, Figure 1 depicts the various maritime zones.

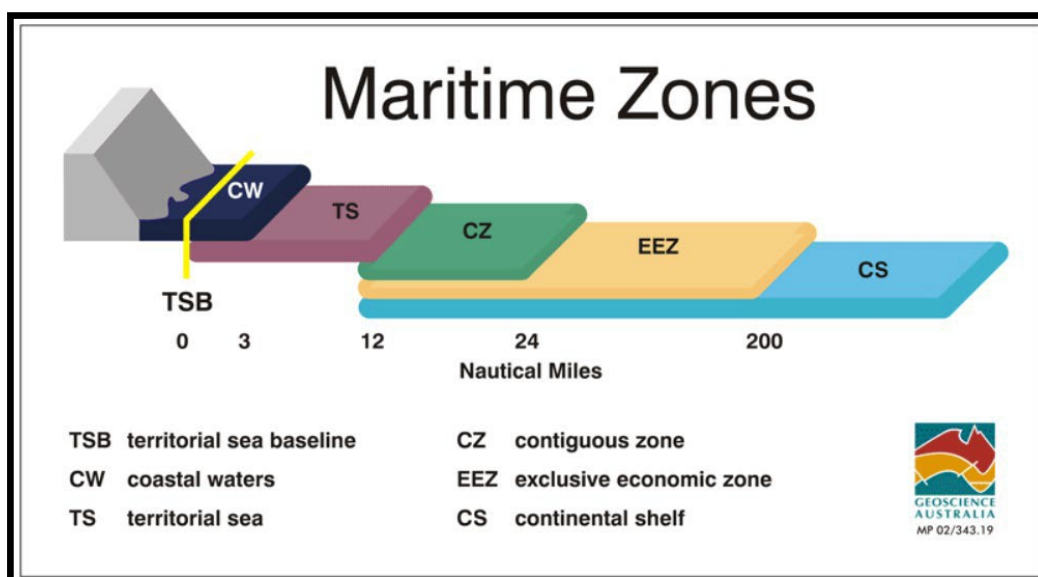


Figure 1 - Maritime Zones: Source [Geoscience Australia](http://www.ga.gov.au)

Figure 2 demonstrates the jurisdictional boundaries and differentiates between internal, port, State and Commonwealth Waters.

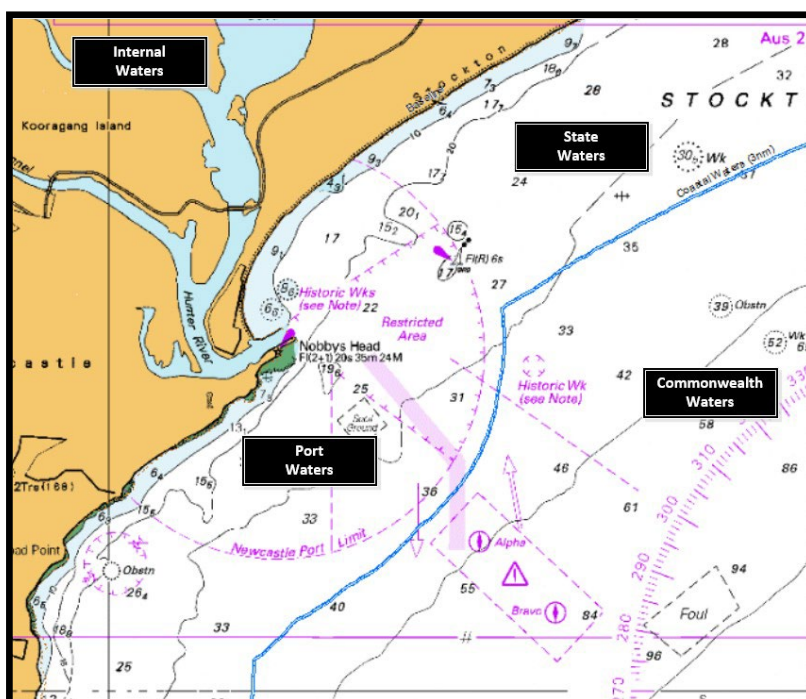


Figure 2 - Jurisdictional Boundaries

3. MARITIME CASUALTY RESPONSE

3.1. Organisation and Roles

3.1.1 Maritime Casualty Incident Management Team - MCIMT

It is highly recommended that the Responsible Agency establish a Maritime Casualty Incident Management Team (MCIMT). The role of a MCIMT is to coordinate and strategically manage the response to a significant incident.

In general, the strategic coordination will comprise:

- **Common operating picture** – evaluating the situation and agreeing and communicating a shared understanding of what is occurring between agencies at the strategic level.
- **Communicating to the public and key stakeholders** – providing public reports of what is happening, why it is happening, what can be done and who is responsible for what. Ensuring key strategic stakeholders remain informed.
- **Decision making** – making strategic policy decisions with regard to the incident, e.g. mission and objectives.
- **Coordination** – developing effective communication, collaboration and commitment amongst responding agencies and other strategic stakeholders.

3.1.2 Maritime Emergency Response Commander - MERCOM

The Maritime Emergency Response Commander (MERCOCM) is responsible for the management of emergency intervention issues in response to maritime casualty incidents where there is an actual or potential risk of significant pollution.

The MERCOCM is appointed by AMSA and is supported by statutory powers under the *Protection of the Sea (Powers of Intervention) Act 1981*.

The MERCOCM will consider the reasonable views and stated positions of the relevant States, Northern Territory and stakeholders. These entities should represent community views about economic, environmental, community and social interests that could be impacted by the MERCOCM's decisions. Decisions made by the MERCOCM will be expeditiously communicated to all relevant stakeholders and fully documented.

3.1.3 Maritime Casualty Control Unit - MCCU

A Maritime Casualty Control Unit (MCCU) is recommended to be implemented for significant incidents. The establishment of a MCCU is consistent with the principles of the Australasian Interservice Incident Management System (AIIMS) which provides for multiple incident management teams for incidents involving multiple hazards or impacts. The MCCU will form a specific sub-unit of the larger IMT and will alongside the MERCOCM or Incident Controller.

The MCCU will:

- oversee and monitor actions taken in response to a maritime casualty
- review salvage and other relevant response plans
- provide a platform for key stakeholders to discuss and maintain situational information, and
- provides an avenue for informed government intervention when required.

Figure 3 depicts an example of the indicative functional and organisational structure of a Maritime Casualty Control Unit which can be adapted to suit individual Commonwealth, State or NT requirements.

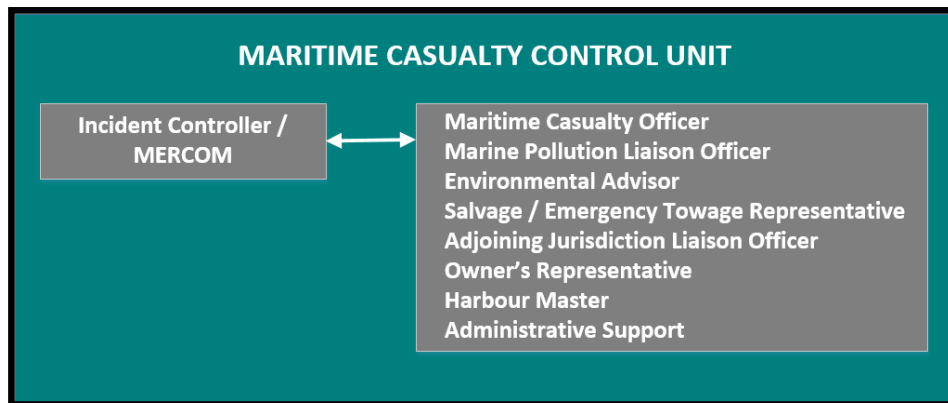


Figure 3 – MCCU

3.2. Response Options

3.2.1 Overview of Response Options

A range of response options to prevent, mitigate or eliminate a maritime casualty are available to the Responsible Agency. When considering possible response options, the overriding approach is to determine whether the actions are both reasonable and proportionate to the risk posed to the marine environment.

The range of specific response options, capabilities or decision support tools to invoke, activate or deploy in appropriate circumstances include, but is not limited to:

- Monitoring the situation to:
 - ensure the relevant ship owners/operators take appropriate action to address the situation
 - ensure relevant Commonwealth / State / Northern Territory governments are engaged to ensure appropriate action is taken to address the situation
 - identify external factors (e.g. weather) which may impact on the situation.
- Planning of possible future scenarios and response options, which may include initiating the development of large ship drift modelling to predict vessel movements
- Providing information and support to ship owners/operators to assist them in resolving the situation, including encouraging the ship owner/operator to take appropriate action and communicating what that action might be
- Invoking legislated State/NT Powers of Intervention as appropriate.

States/NT may seek assistance from AMSA should MERCOM powers or ETV assistance be required. This may include:

- Tasking an ETV to assist the casualty;
- Deployment of the Hazardous and Noxious Substance Reconnaissance Capability and/or; and
- When considering a Places of Refuge request.

The Incident Controller will determine the preferred response option/s based on professional judgement and the information available.

3.2.2 Maritime Powers of Intervention Legislation

The Commonwealth, some States and the Northern Territory have maritime Powers of Intervention legislation which is specific to their respective jurisdiction. This legislation is detailed below:

Jurisdiction	Legislation
Commonwealth	<i>Protection of the Sea (Powers of Intervention) Act 1981</i>
New South Wales	Section 183 of <i>Marine Pollution Act - 2012</i>
Northern Territory	Sections 70 and 71 of the <i>Marine Pollution Act 2016</i>
Queensland	Division 7 of the <i>Transport Operations (Marine Pollution) Act 1995</i>
South Australia	Section 28 of the <i>Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987</i>
Tasmania	Section 26A of <i>Pollution of Waters by Oil and Noxious Substances Act 1987</i>
Victoria	Sections 45 to 47 of the <i>Marine Act 1988</i>
Western Australia	Not legislated

Table 2 – Maritime Intervention Legislation

3.2.3 National Emergency Towage Capability

AMSA manages Australia’s national emergency towage capability which provides various levels of emergency towage capability around the Australian coastline.

The primary role of an Emergency Towage Vessel (ETV) is to stabilise a maritime casualty vessel to ensure it remains safe from navigational hazards until a commercial arrangement can be arranged. In addition to providing stabilisation to a maritime casualty, the ETV may be required to undertake additional ‘first strike capabilities’ such as, but not limited to:

- preserving life
- assist with protection of the marine environment from pollution
- provide a passive escort
- provide firefighting assistance (if so equipped), and
- tow or escort a casualty to a Place of Refuge (as opposed to a place of repair).

The national emergency towage program includes three tiers of Emergency Towage Capability (ETC) dispersed across various geographic locations:

Level 1 Capability – a dedicated emergency towage vessel (ETV) operating in Far North Queensland ETC region.

Level 2 Capability – contracted port towage within the 11 regions that is capable of undertaking open water towage operations.

Level 3 Capability – vessels of opportunity that can be directed or contracted at the time of an incident to assist or supplement the Level 1 or 2 capability.

The ETC can only be activated by AMSA. AMSA has identified 11 separate ETV regions extending from the coast out to Australia’s 200nm Economic Exclusion Zone boundary. Each region is provisioned with either a contracted Level 1 or Level 2 ETV capability. These regions are outlined in Figure 4.

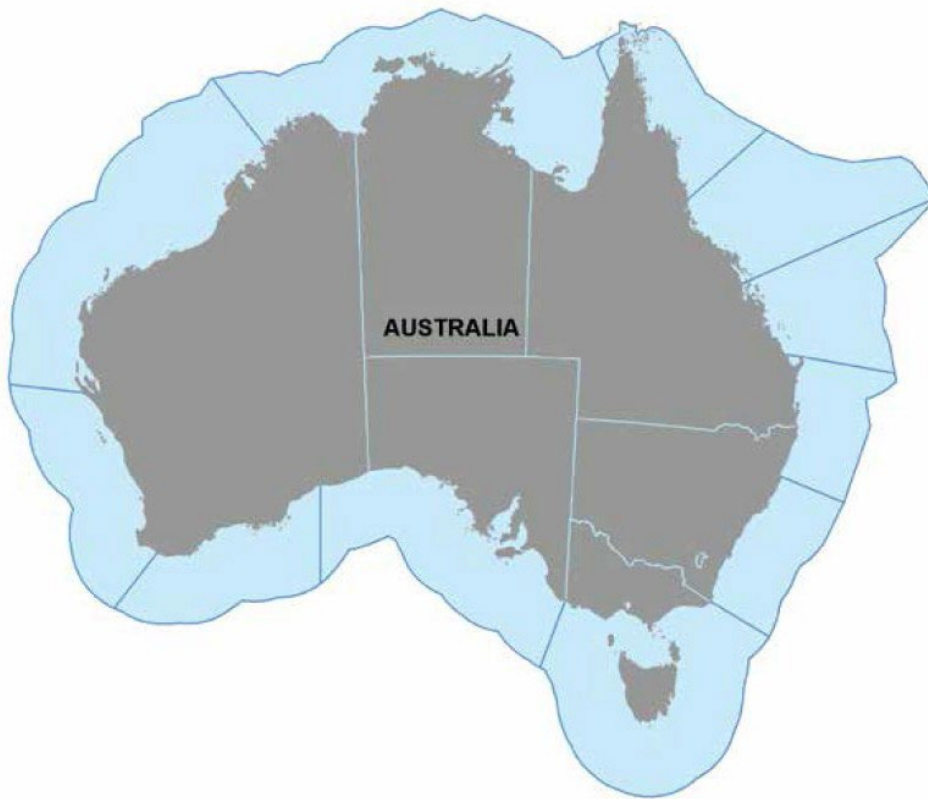


Figure 4 – Emergency Towing Capability Regions

3.2.4 Hazardous and Noxious Substance Reconnaissance

As a party to The Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol), Australia has an obligation to prepare for and respond to a pollution incident by Hazardous and Noxious Substances (HNS).

The National Plan identifies the three distinct levels of HNS Response:

HNS Level 1: Advisory – the focus of the advisory service is to provide an assessment of the risks to health, immediate response advice and an assessment of the need for additional assistance to a vessel’s crew. AMSA maintains arrangements with relevant hazmat agencies for the provision of hazardous materials advice on a 24/7 basis. This service complements State and Northern Territory arrangements

HNS Level 2 Incident: Shipboard Response – the objective of a shipboard response capability is to provide rapid intervention in order to contain an incident to a vessel and prevent damage to the vessel or loss of material into the environment where possible

HNS Level 3 Incident: Major Incident Response – in a very small number of situations, it may be beyond the capability of a shipboard response and the relevant Control Agency to contain the material to the vessel. In these situations, which may result in the loss of material into the marine environment, a full response under the National Plan will be launched similar to an oil spill.

AMSA, in partnership with Fire & Rescue NSW (FRNSW), has developed a HNS Reconnaissance Capability capable of responding to Level 1 and Level 2 HNS incidents at sea.

At this time there is no specific HNS Level 3 incident response capability under the National Plan arrangements, level incident will be managed on a case-by-case basis with the relevant State/NT Government agency.

3.2.5 Place of Refuge

A place of refuge is a place where a ship in need of assistance can take action to enable it to stabilise its condition (including the status of cargo), protect human life and the environment and reduce the hazards to navigation.

The [National Maritime Places of Refuge Risk Assessment Guidance](#) is an arrangement, agreed by the Commonwealth, States and Northern Territory governments, for the management of requests for, or circumstances that require, a Place of Refuge.

The guidance states that a place of refuge should be provided by an Australian maritime agency when necessary and appropriate to protect:

- the safety of the ship's crew, passengers and salvage crew
- the safety of human life and health within the immediate vicinity of the distressed ship
- 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 ship and its cargo.

The guidance, while optional, may be implemented within the relevant jurisdiction level contingency plans and jurisdictions may choose (or not) to pre-designate or identify possible places of refuge.

3.3. Termination of Response

The Responsible Agency is accountable for the decision to terminate response operations. This decision should be informed by advice from a range of stakeholders identified in relevant contingency plans.

3.4. Record Keeping

All communications and decisions with regard to a response to a maritime casualty are to be recorded in an appropriate repository.

3.5. Cost Recovery

Funding arrangements to support the National Plan are based on the polluter pays principles.

Response and recovery is funded on the basis of the polluter pays. For shipping, this is achieved through the implementation of relevant international conventions under the auspices of the IMO. For the offshore petroleum industry, this is achieved through the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA).

All agencies responding to and incurring costs in relation to ship sourced pollution incidents where the polluter is not identified, or costs are not recoverable, may be able to recover their costs from AMSA under the Protection of the Sea Levy.

Responsible Agencies should review jurisdictional specific legislation for further applicability in such circumstances.

International arrangements provide guidance as to what are considered to be reasonable costs associated with the response to a maritime environmental emergency. Costs and expenditure for the purposes of the National Plan relate to reasonable measures taken to respond to maritime environmental emergencies such as responding to a casualty to prevent pollution, combating actual pollution by oil or chemical at sea, defending sensitive resources

and/or cleaning shorelines and coastal installations. 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
- were not undertaken purely for public relations reasons.

Jurisdictions are responsible for ensuring that there are arrangements, administrative or legislative, in place to enable support agencies to be reimbursed for the costs incurred in responding to an incident.