

Coordination of International Incidents: Notification Arrangements Guidance

Purpose

1. The *Coordination of International Incidents Guidance* is intended to outline arrangements to apply where a maritime environmental emergency impacts upon the interests of another country. Arrangements include:
 - (a) assessment of incidents and notification arrangements;
 - (b) engagement with the Department of Foreign Affairs and Trade (DFAT) and relevant diplomatic posts;
 - (c) engagement with the Department of the Environment and Energy in relation to Pacific Islands Regional Marine Spill Contingency Control Plan (PACPLAN) matters;
 - (d) coordination of response operations across trans-national boundaries; and
 - (e) coordination of international assistance under PACPLAN and other Memorandum of Understanding (MOU) arrangements.
2. This document establishes a notification procedure to be followed in the event a maritime pollution incident in Australian waters affects or is likely to affect another country. It provides guidance for responding to both ship-sourced pollution of the sea and pollution due to discharge from an offshore petroleum facility.

Background

3. The *International Convention on Oil Pollution Preparedness, Responses and Co-operation* and the *United Nations Convention on the Law of the Sea* oblige Australia to immediately notify a potentially affected country when it becomes aware that that country's interests, including the marine environment, are affected or likely to be affected by pollution.
4. Furthermore, it is in Australia's national interest to ensure we undertake timely, appropriate and ongoing communication with neighbouring countries regarding incidents in our waters that may or will impact upon the territory and maritime areas, activities and interests of the other country.
5. This guidance ensures Australia is able to meet both these objectives.

Notification arrangements

6. In the event a pollution incident is affecting or is likely to affect another country, the Control Agency¹ (in the case of pollution from a ship or unknown source) and the Department of Industry, Innovation and Science (in the case of pollution from an offshore petroleum facility) will contact DFAT as soon as practicable through the contact point advised by DFAT.
7. DFAT will take the necessary steps to meet Australia's international notification obligations and coordinate official communication between the Government of Australia and the foreign government concerned.
8. The Australian Maritime Safety Authority (AMSA) maintains contact with counterparts in several neighbouring countries. Where AMSA has bilateral arrangements on marine pollution preparedness and response with a counterpart in the affected country, AMSA will notify all relevant parties. This notification will be in addition to notification provided under Paragraph 8.

¹ As defined within the National Plan for Maritime Environmental Emergencies at page 5 and further described in section 5.6

9. In relation to pollution of the marine environment occurring from petroleum activities in the Joint Petroleum Development Area (JPDA) in the Timor Sea:
 - (a) The operator will inform the Autoridade Nacional do Petroleo (ANP) (as the Designated Authority for the JPDA, in its delegated capacity as the regulator on behalf of the Timor-Leste and Australian Governments) and may also inform the Australian Government.
 - (b) If informed of such an incident, the Department of Industry, Innovation and Science, will contact DFAT as soon as practicable.
 - (c) Should DFAT become aware of such an incident, DFAT will notify the Department of Industry, Innovation and Science.
 - (d) In the event that a pollution incident occurs within Australian waters and the pollution may spill into the JPDA, the Department of Industry, Innovation and Science, through the Australian Joint Commissioner, will notify the Timor-Leste Government through the Timorese Joint Commissioner, in addition to notifying DFAT.
10. For any incident with international implications, DFAT is to be included in any whole of government coordination arrangements.

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