



PORTS GUIDANCE NOTE

Maritime Environmental Emergencies

Response and Collaboration Arrangements in Western Australia



(INTERIM – FOR CONSULTATION & VALIDATION)

Ports Guidance Note: Maritime Environmental Emergencies Response and Collaboration Arrangements in Western Australia

Prepared for Department of Transport

Prepared by Glen McDermott, Manager Maritime Environmental Emergency Response

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1 Introduction

1.1 Purpose

The purpose of this Guidance Note is to inform Port Authorities, Port Operators, and Port Facility Operators or other Maritime Facility or Boat Harbour Operators of the Western Australian (WA) emergency management arrangements in respect to Marine Oil Pollution (MOP) and Marine Transport Emergency (MTE) incidents within the Port limits or Port waters of a *Port Authorities Act 1999* (PAA) Port, or a *Shipping & Pilotage Act 1967* (S&PA) Port.

This Guidance Note outlines the roles and responsibilities of the Department of Transport (DoT), and Port Authorities or Port Operators under those arrangements and seeks to promote consistency between Port Authority and Port Operator provisions for the management of MOP or MTE incidents within Port waters, and the overarching arrangements for WA as outlined in the State Hazard Plan – Maritime Environmental Emergencies (SHP-MEE), the National Plan for Maritime Environmental Emergencies (National Plan), and the State Emergency Management Framework.

This guidance note also provides information to Port Facility Operators and other Maritime Facility or Boat Harbour Operators that exist within Port waters in WA on their roles and responsibilities as outlined in the SHP-MEE. This however does not seek to supersede the requirements for such operators to engage with their relevant Port Authority or Port Operator in the management of their responsibilities pertaining to MEE incidents in Port waters.

This Guidance Note also provides information to Port Authorities relating to opportunities to consult with DoT during the preparation and review of an Oil Spill Contingency Plan (OSCP) or MTE related Incident Management Plan (IMP). Details relating to opportunities for other collaboration with DoT around exercising, activities and risk awareness and ongoing advice or support are also addressed.

1.2 Related Documents

This Guidance Note should be read in conjunction with the WA SHP-MEE and other related documents listed in Section **Error! Reference source not found.** of this document.

1.3 Scope

In accordance with the Western Australian *Emergency Management Act 2005* (EMA) and *Emergency Management Regulations 2006* (EMR), the DoT Chief Executive Officer (CEO) is the Hazard Management Agency (HMA) for the following hazards in State waters and those waters defined as Port waters in the PAA and S&PA:

- **Marine Transport Emergency (MTE)** hazard - Prescribed in the EMR (r. 15(i)) as an:
 - Actual or impending event involving a vessel (including collision, a stranding, or an incident of navigation) if that event is capable of causing or resulting in:
 - material damage to the vessel or another vessel;
 - loss of life, injury to a person or damage to the health of a person, property, or the environment; or
 - a hazard to the navigation of other vessels.

- **Marine Oil Pollution (MOP)** hazard - Prescribed in the EMR (r. 15(j)) as an:
 - Actual or impending spillage, release or escape of oil or an oily mixture that is capable of causing loss of life, injury to a person or damage to the health of a person, property, or the environment.

As per the SHP-MEE, this Guidance Note collectively refers to the two hazards of MTE and MOP as *Maritime Environmental Emergencies (MEE)*.

This Guidance Note is relevant to all Port Authorities and Port Operators in WA who have responsibilities for areas of waters contained within Ports as described in the Section 24 of the PAA and Section 10 of the S&PA. For the purpose of this Guidance Note, these waters shall be referred to as 'PAA Port waters' or 'S&PA Port waters' respectively, or as 'Port waters' collectively.

This guidance note is also relevant to any Port Facility Operator and other Maritime Facility or Boat Harbour Operator located in or conducting activities within Port waters. For the purpose of this Guidance Note, these shall all be referred to as 'Facility Operators'.

The relevance of this guidance note is because the activities conducted within any Port waters have a potential to cause a MEE impact in WA State waters (Figure 1) or specifically result in a MEE incident in Port waters (Figure 2). Activities being conducted external to Port waters can also cause a MEE impact in Port waters.

It is important to note that DoT is not a regulatory agency in respect to Port Authorities or Port Operators and their responsibilities pertaining to MEE incidents in their respective Port waters. Consequently, this Guidance Note does not seek to impose requirements or directions on Port Authorities or Port Operators beyond alignment to those laid out in relevant Legislation and Regulations and seeking to ensure consistency with arrangements outlined in the SHP-MEE, the National Plan, and the State Emergency Management Framework.

It is also important to note that DoT is not the HMA for other potential maritime related hazards that may occur in or impact upon Port waters. These include hazards such as:

- Spill of oil into Port waters originating on land
- Shipboard fire
- Hazardous materials emergency (including radiation escape from a nuclear powered warship)
- Marine rescue
- Hostile acts (including terrorism)
- Human or animal biosecurity (including animal welfare issues)

Those other hazards are managed by other agencies as outlined in the EMR and specific arrangements for each hazard are outlined in other relevant State Hazard Plans. Those other hazards may however occur in conjunction with a MEE incident, and thus this guidance note only addresses arrangements for the management of other hazards where they occur as part of a MEE incident.



Figure 1: State Waters of Western Australia

Note: This Map is not suitable for use in preparation for or response to MEE incidents. DoT's HMA responsibilities for MEE incidents include State waters in WA. The definition of State waters is all waters within the limits of the State; and all coastal waters (as defined in the *Coastal Waters (State Powers) Act 1980*) which is a belt of water between the limits of WA and a line 3 Nautical Miles seaward of the Territorial Sea Baseline (TSB). Further information of Maritime Boundary Definitions can be found at the Geosciences Australia Website.



Figure 2: Port Waters of Western Australia

Note: This Map is not suitable for use in preparation for or response to MEE incidents. DoT's HMA responsibilities for MEE incidents include Port waters in WA (even if they extend beyond the line 3 Nautical Miles seaward of the TSB which is used for the definition of State waters). Further information on the limits of Port waters in WA can be found in Section 24 of the PAA and Section 10 of the S&PA.

2 Port Regulatory Arrangements

2.1 Port Authorities

Ports declared under the PAA are administered by the relevant Port Authority in accordance with the PAA. Pursuant to the PAA, the functions of a Port Authority include a responsibility for the safe operation of the Port and a responsibility to protect the environment of the Port and minimise the impact of Port operations on that environment. Pursuant to the PAA, Port Authorities are to have a Marine Safety Plan approved by the responsible Minister.

Pursuant to the *Pollution of Waters by Oil and Noxious Substances Act 1987* (POWBONS) a Port Authority is deemed to be an Appropriate Authority in PAA Port waters. As the Appropriate Authority, in response to an actual or impending oil spill, a Port Authority may take or cause to be taken such actions as it thinks fit to:

- Prevent or limit the discharge.
- Disperse or contain the oil or oily mixture that has been discharged.
- Remove any oil or oily mixture from waters or land affected by the discharge.
- Minimise the damage from pollution resulting from or likely to result from the discharge.

Pursuant to POWBONS, the Port Authority may also recover all costs and expenses incurred in respect to any action taken by or on behalf of the Port as listed above. POWBONS also enables a Port Authority to initiate prosecution action against any polluter suspected to have committed an offence detailed in the Act.

Nothing in this Guidance Note precludes a Port Authority from taking actions pursuant to the PAA or POWBONS, noting that where an emergency situation declaration is made by the HMA, the EMA prevails to the extent of any inconsistency with the PAA or POWBONS.

2.2 Port Operator (DoT)

Ports declared under the S&PA are administered by DoT as the Port Operator in accordance with the S&PA. Pursuant to the S&PA, DoT has an obligation to maintain good order within the various S&PA Ports. Although specific provisions related to formulation of Maritime Safety Plans are not outlined within the S&PA, it is accepted as good practice that DoT have a Maritime Safety Plan (MSP) for each S&PA Port and that this MSP includes an appropriate OSCP.

Pursuant to POWBONS a DoT as a Port Operator is deemed to be an Appropriate Authority in S&PA Port waters. As the Appropriate Authority, in response to an actual or impending oil spill DoT may take or cause to be taken such actions as it thinks fit to:

- Prevent or limit the discharge.
- Disperse or contain the oil or oily mixture that has been discharged.
- Remove any oil or oily mixture from waters or land affected by the discharge.
- Minimise the damage from pollution resulting from or likely to result from the discharge.

Pursuant to POWBONS, DoT may also recover all costs and expenses incurred in respect to any action taken by or on behalf of it as listed above. POWBONS also enables a DoT to initiate prosecution action against any polluter suspected to have committed an offence detailed in the Act.

Nothing in this Guidance Note precludes a DoT from taking action pursuant to the S&PA or POWBONS, noting that where an emergency situation declaration is made by the HMA, the EMA prevails to the extent of any inconsistency with the S&PA or POWBONS.

2.3 Facility Operator (within a Port)

Within Port waters, Facility Operators, Ship Owners and Ship Masters are subject to the provisions of the POWBONS. This is an Act relating to the protection of the sea and certain waters from pollution by oil and other noxious substances discharged from ships and places on land. The operations and responsibilities of a Facility Operator within a Port may also be governed by relevant provisions of their respective Port Authority or State Agreement Act where such an Authority or Act exists.

3 Maritime Environmental Emergency Management Arrangements

3.1 Hazard Management Agency

Pursuant to the EMA, DoT's CEO is the HMA for MEE incidents. The powers of the HMA have been delegated to DoT's Director Maritime Environmental Emergencies Response (MEER) & Ports and other select positions within DoT. The Director MEER & Ports has also been nominated as the WA State Marine Pollution Coordinator (SMPC). DoT as the HMA for MEE Incidents is responsible for the formulation and implementation of the SHP-MEE. As part of this, DoT's Maritime Environmental Emergency Response (MEER) Program, managed by the MEER Team and aligned to arrangements outlined in the National Plan, assists the HMA and DoT to fulfil their statutory obligations in respect to a MEE incident in State waters (inclusive of Port waters).

3.2 State Hazard Plan – Maritime Environmental Emergencies

In accordance with the EMA, the SHP-MEE has been formulated by and approved by the WA State Emergency Management Committee (SEMC). The SHP-MEE prescribes management arrangements for the prevention of, preparation for, response to and recovery from a MEE incident to minimise the impacts of incidents originating from vessels, offshore petroleum activities and other sources that impact State waters (inclusive of Port waters).

3.3 National Plan for Maritime Environmental Emergencies

The WA Government is a signatory to the *2002 Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances* (IGA). The IGA commits the Australian Government and States/Territories to implement and maintain a National Plan for Maritime Environmental Emergencies (National Plan). The National Plan sets out the national arrangements, policies, and principles for the management for MEE incidents. It defines obligations of the States and various industry sectors in respect to MEE prevention, preparation, response, and recovery. The IGA also commits the State to nominate a responsible Jurisdictional Authority to manage MEE incidents in State waters (inclusive of Port waters) and to nominate an SMPC. In effect, the HMA arrangements prescribe DoT as the Jurisdictional Authority in WA State waters (inclusive of Port waters).

3.4 Controlling Agency

In accordance with the State Emergency Management Framework, a Controlling Agency is the agency or organisation assigned by legislation, administrative arrangement (such as SHP-MEE) or within the relevant contingency or emergency/incident plan to control the response activities to a MEE incident.

For Port Authorities, they are identified in the SHP-MEE as controlling agency for MEE incidents in their Port waters. DoT is identified in the SHP-MEE as controlling agency for MEE incidents in S&PA Port waters. DoT is also identified in the SHP-MEE as controlling agency for MEE incidents in State waters.

Nothing in this Guidance Note prevents a Port Authority or DoT providing support to another Controlling Agency responding to a MEE incident. In these instances, any support provided will come under the control of the relevant Controlling Agency.

3.5 Maritime Emergency Response Commander

Pursuant to the National Plan, the Maritime Emergency Response Commander (MERCOT) 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 MERCOT is appointed by the Australian Maritime Safety Authority (AMSA) and is supported by statutory powers under the *Protection of the Sea (Powers of Intervention) Act 1981*. When fulfilling their responsibilities, the MERCOT will consider the reasonable views and Stated positions of the relevant States and stakeholders, primarily via consultation with the State's nominated SMPC. The MERCOT will act on behalf of the relevant authority when managing a shipping casualty if there is a risk of significant pollution. Decisions made by the MERCOT will be expeditiously communicated to all relevant stakeholder groups and fully documented. Regardless of the MERCOT role, powers retained by Port Authorities and DoT in WA to deal with subsidiary pollution or environmental threats may still be exercised independently.

3.6 Functional Responsibilities

The WA State Emergency Management Plan outlines the responsibilities of agencies and organisations in relation to specific functions and activities pertaining to incident management. For MEE related incidents, relevant functional responsibilities are further laid out in the SHP-MEE pertaining to incident type or source and initial incident location. All Port Authorities and DoT as a Port Operator have the following functional responsibilities relating to MEE incidents originating in or impacting upon Port waters:

- Control of the response activities to a MEE incident in their Port waters.
- Preparation for or response to a MEE incident in or impacting their Port waters.

In addition to the functional responsibilities of Port Authorities and DoT as a Port Operator, the following other key functional responsibilities for other organisations/agencies are relevant to MEE incidents occurring in or impacting upon Port waters:

- Department of Transport:
 - Control of the response activities to an MEE incident in State waters.
 - Possible control of a Level 2/3 MEE incident in PAA Port waters, where it is deemed by the SMPC that it is more suitable that DoT be the Controlling Agency.
 - Preparation for or response to a MEE incident impacting State waters.
 - Provision and management of Public Information as the HMA, in conjunction with the Controlling Agency.
- Facility Operator:
 - Preparation for or response to a MEE incident resulting from their Maritime Facility (including conduct of First Strike Actions).
- Petroleum Titleholder:
 - Preparation for or response to an MEE incident resulting from their Offshore Activities (including conduct of First Strike Actions).

3.7 Other Related Hazard Arrangements

For all MEE related incidents, the SMPC will facilitate clarification of incident management arrangements for the MEE component if there is uncertainty because of the occurrence of multiple, consequential hazards. This will be done in accordance with the State Emergency Management Plan section 5.1.2 and State Emergency Management Procedure 4.1 as required. For all level 2 and 3 incidents that are MEE related, the SMPC as part of Incident Notification Briefs will facilitate clarification of incident management arrangements relating to the MEE component. Relevant Port Authorities will always be notified of arrangements/agreements for any MEE related incident occurring in or impacting upon their Port where clarification is required.

3.7.1 Spills Originating on Land

Where spills of oil originating on land enter Port waters, the Fire and Emergency Services Commissioner is the HMA. The management arrangements for these land spills are detailed in the State Hazard Plan – HAZMAT. Within those arrangements, and pursuant to requirements outlined in POWBONS, Port Authorities and DoT still have functional responsibilities to support the management of impacts from spills that enter Port waters under the coordination of the relevant HMA.

3.7.2 Shipboard Fires

Where a shipboard fire occurs in Port waters, the fire is subject to the Fire Brigades Act 1942 and the Fire and Emergency Services Commissioner is the HMA. The management arrangements for Fire incidents are detailed in the State Hazard Plan – Fire and arrangements for responding to shipboard fires will be determined by the Department of Fire and Emergency Services (DFES), in conjunction with the relevant Port or Facility Operator.

Within those arrangements, for shipboard fire where the hazard and/or the mitigating actions required result in an MTE becoming a greater risk, then the emergency shall be regarded as a MTE. In this case, arrangements outlined in the SHP-MEE with DoT as the HMA apply, however DFES will remain responsible for the Fire component of the emergency. In Port waters the relevant Port Authority or DoT as a Port Operator will thus be appointed as the Controlling Agency. In such instances, the Controlling Agency may opt to appoint a suitable DFES Officer as the Incident Controller or establish a unified command structure with the senior DFES on-scene officer.

3.7.3 Hazardous Materials

Where a HAZMAT incident occurs in Port waters, the Fire and Emergency Services Commissioner is the HMA (Note: The Commissioner of Police is the HMA for Nuclear Powered Warship Emergencies). The management arrangements for HAZMAT incidents are detailed in the State Hazard Plan – HAZMAT.

Within those arrangements, for an actual or impending HAZMAT incident from a vessel where the hazard and/or the mitigating actions result in an MTE becoming a greater risk, then the emergency shall be regarded as a MTE. In this case, arrangements outlined in the SHP-MEE with DoT as the HMA apply, however DFES will remain responsible for the HAZMAT component of the emergency. In Port waters the relevant Port Authority or DoT as a Port Operator will thus be appointed as the Controlling Agency. In such instances, the Controlling Agency may opt to appoint a suitable DFES Officer as the Incident Controller or establish a unified command structure with the senior DFES on-scene officer.

4 Prevention

4.1 Hazard Management Agency Responsibilities – Prevention

In accordance with Section 2 of the SHP-MEE, the HMA is responsible for undertaking prevention and/or mitigation activities in relation to MEE incidents. As part of this, Port Authorities and DoT as a Port Operator are primarily responsible for prevention and/or mitigation activities in relation to MEE incidents within their respective Port waters. Specific prevention and mitigation activities are detailed in Section 2.2 of the SHP-MEE, and activities required of DoT specific to Ports include:

- Developing and monitoring policies and arrangements to prevent and control MEE incidents.
- Promoting the commitment of Controlling Agencies to implement the SHP-MEE.
- Ensuring Port Authorities are prepared to fulfil the responsibilities of Controlling Agency for MEE incidents in their Port waters.
- Ensuring Port Authorities formulate and maintain an appropriate OSCP and MTE related IMP, detailing their preparedness and response capability commensurate with the identified risks.
- Ensuring Port Authorities maintain a stockpile of response equipment to adequately respond to a minimum Level 1 incident in their Port waters commensurate with the identified risks.
- Ensuring Port Authorities formulate and implement their own prevention and mitigation activities.
- Maintaining a State Stockpile of response equipment to supplement a Port Authority's stockpile during a MEE incident.
- Encouraging Port Authorities to undertake MEE response capability development and response training.
- Participating in the National Plan Strategic Coordination Committee and actively participate in the National Plan arrangements

4.2 Port Responsibilities – Prevention

In accordance with Section 2 of the SHP-MEE, Port Authorities and DoT as a Port Operator are responsible for ensuring that MEE prevention and mitigation strategies relative to their operations are implemented and maintained at an adequate level. These activities should include:

- For Port Authorities
 - Developing and monitoring policies and arrangements to prevent MEE incidents within their respective Port waters.
 - Developing and monitoring Port Operating Requirements (where issued).
 - Monitoring and guiding shipping associated within their respective Port waters as appropriate.
 - Facilitating the installation and maintaining of shipping channels and aids to navigation to promote safe navigation within their respective Port waters.
 - Licensing Marine Pilots for operations within their respective Port waters.
 - Port Authorities may also have additional prevention and mitigation responsibilities detailed in the PAA, their relevant regulations and other legislation.
- For DoT as a Port Operator:
 - Developing and monitoring S&PA Port Operating Requirements (where issued).
 - Licensing Marine Pilots for operation in S&PA Ports.
 - Installing and maintaining aids to navigation where it is agreed this is a DoT responsibility.

- Establishing and maintaining shipping channels where it is agreed this is a DoT responsibility.
- Ensuring Facility Operators in S&PA Ports formulate and maintain an appropriate OSCP.
- Ensuring Facility Operators in S&PA Ports formulate and implement their own prevention and mitigation activities.

4.3 Facility Operator Responsibilities – Prevention

In accordance with Section 2 of the SHP-MEE, Facility Operators are responsible for ensuring that MEE prevention and mitigation strategies relative to their operations are implemented and maintained at an adequate level. These activities should include:

- Developing and monitoring policies and arrangements to prevent MEE incidents.
- Adhering to Port Operating Requirements (where issued by their relevant Port Authority/Operator)
- Monitoring and guiding shipping associated with their Facility operations as appropriate and where it is agreed this is a Facility Operator responsibility.
- Installing and maintaining aids to navigation where it is agreed this is a Facility Operator responsibility.
- Establishing and maintaining shipping channels where it is agreed this is a Facility Operator responsibility.

5 Preparedness

5.1 Hazard Management Agency Responsibilities – Preparedness

In accordance with Section 3 of the SHP-MEE, the HMA is responsible for the development of plans and arrangements to manage MEE incidents. As part of this however, Port Authorities and DoT as a Port Operator are primarily responsible for ensuring there are adequate plans and arrangements in place to manage MEE incidents within their respective Port waters. Specific preparedness activities are detailed in Section 3 of the SHP-MEE, and activities required of DoT specific to Ports include:

- Ensuring WA is an active participant in the National Plan arrangements.
- Maintaining the SHP-MEE and ensuring that all parties meet their obligations under the SHP-MEE.
- Formulating and maintaining the WA ‘State’ OSCP and MTE related ‘State’ IMP.
- Ensuring Port Authority OSCP and MTE related IMPs are consistent with the SHP-MEE, the National Plan, and the State Emergency Management Framework overall.
- Maintaining a State stockpile of MEE incident response equipment.
- Maintaining an effective Maritime Incident Management Team (MIMT) and State Response Team (SRT) for MEE incidents
- Conducting regular exercises to develop and maintain capability within the State to respond to a MEE incident.
- Working with Port Authorities to assist them to meet their obligations in respect to the SHP-MEE.

5.2 Port Authority and Port Operator Responsibilities – Preparedness

In accordance with Section 3 of the SHP-MEE, Port Authorities and Port Operators are responsible for ensuring that MEE preparedness plans and arrangements relative to their operations are implemented and maintained at an adequate level. These should include:

- The formulating, reviewing, and exercising of their own OSCP and MTE related IMP documents (These documents should outline identified hazards and risks, available response resources, response arrangements and procedures and reporting arrangements)
 - It is in the best interests of DoT and Port Authorities that OSCP and MTE related IMPs are developed and reviewed by a Port Authority in consultation with DoT as the HMA for MEE. This ensure they are consistent with the relevant national and State arrangements for MEE. There is however no legislative requirement for DoT to formally review a Port Authority’s OSCP or MTE related IMP.
 - To assist a rapid and coordinated response, it is recommended that Port OSCP’s detail the ‘Sectorisation’ of their Port limits and include Tactical Response Plans (TRPs) that detail initial response activities in key locations for MOP incidents.
 - Any OSCP should include a list of equipment held on site by the Port to respond to an MOP incident.
- The establishment and maintenance of a stockpile of Level 1 response equipment commensurate with the identified risk.
- The establishment and maintenance of adequate human resources to undertake initial response actions detailed in their respective OSCP and MTE related IMP (both field response and incident management roles/capacity).
- Access to adequate Port or emergency towage services commensurate with the identified risk for MTE.

- The contribution (where possible) of appropriately trained individuals to be part of the DoT managed SRT (as an important resource that can be called upon to augment response capabilities State-wide).
- The facilitation of regular training and exercises to ensure adequate preparations are in place to undertake initial response actions detailed in the respective OSCP and MTE related IMP (both field response and incident management).
 - As a guide, DoT would request that Ports exercise elements of their MEE plans and arrangements annually and that for Port Authorities, DoT be extended an invitation to participate in these exercises.
- For Port Authorities, participation (where available) in DoT's annual State MEE exercise or on occasion to partner with DoT and host a State MEE exercise in their Port.
- For Port Authorities, work with Facility Operators in their respective Ports to assist them to meet their obligations in respect to the SP-MEE.
- For DoT as a Port Operator, work with Facility Operators in S&PA Ports to assist them to meet their obligations in respect to the SP-MEE.

5.3 Facility Operator Responsibilities – Preparedness

In accordance with Section 3 of the SHP-MEE, Facility Operators are responsible for ensuring that MEE preparedness plans and arrangements relative to their operations are implemented and maintained at an adequate level. These should include the following:

- For Facility Operators within PPA Port waters:
 - Where required by their respective Port Authority, the formulating, reviewing, and exercising of their own OSCP (This document should outline identified hazards and risks, available response resources, response arrangements and procedures and reporting arrangements)
 - Where required by their respective Port Authority, the establishment and maintenance of a stockpile of Level 1 response equipment commensurate with the identified MEE risk from Facility activities.
 - The establishment and maintenance of adequate human resources to support initial response actions detailed in the respective Port OSCP.
 - The participation in training and exercises undertaken to ensure adequate preparations are in place to undertake or support initial response actions detailed in the respective Port OSCP.
- For all Facility Operators within S&PA Port waters:
 - The formulating, reviewing, and exercising of their own OSCP (This document should outline identified hazards and risks, available response resources, response arrangements and procedures and reporting arrangements)
 - It is in the best interests of Facility Operators that OSCP's are developed and reviewed by DoT as their Port Operator to ensure they are consistent with the relevant Port OSCP.
 - DoT may seek to periodically review Facility Operator OSCP's.
 - To assist a rapid and coordinated response, it is requested that Facility Operator OSCP's detail any 'Sectorisation' consistent with that of the relevant Port OSCP and include TRPs that detail initial response activities in key locations.
 - Any Facility Operator OSCP should include a list of equipment held on site by the Facility Operator for the response to MEE incidents.
 - The establishment and maintenance of a stockpile of Level 1 response equipment commensurate with the identified MEE risk from Facility activities.

- The establishment and maintenance of adequate human resources to undertake or support initial response actions detailed in the respective Facility or Port OSCP (both field response and incident management roles/capacity).
- The facilitation of regular training and exercises to ensure adequate preparations are in place to undertake or support initial response actions detailed in the respective Facility or Port OSCP (both field response and incident management).
 - As a guide, Facility Operators should generally conduct this in conjunction with DoT as their Port Operator.

6 Response

6.1 Notifications

For all actual or impending MEE incidents, DoT as the HMA is required to be notified. Notification requirements are outlined on the DoT Maritime Environmental Emergency website and must include the following at a minimum:

- For **ALL INCIDENTS** (That are or have the potential to impact WA State waters, inclusive of Port waters), notify the DoT MEER Team **IMMEDIATELY** by calling **08 9480 9924**.
- For **ALL MOP INCIDENTS**, file a Pollution Report (POLREP) available on the DoT Maritime Environmental Emergency website and email to marine.pollution@transport.wa.gov.au within the following timeframes:
 - Within **24 HOURS** for **LEVEL 1** incidents
 - Within **2 HOURS** for **LEVEL 2/3** incidents

OR

For **LEVEL 2/3 MTE INCIDENTS**, provide DoT with the completed AMSA Incident Alert (Form 18) available on the AMSA website by email to marine.pollution@transport.wa.gov.au within **2 HOURS**.

6.2 Hazard Management Agency / Jurisdictional Authority Arrangements

DoT as the HMA has overall responsibility for ensuring there is an adequate response to a MEE incident in State waters (inclusive of Port waters). Specific information pertaining to response arrangements are detailed in Section 4 of the SHP- MEE and for the purposes of the National Plan, DoT as the HMA is also in effect the Jurisdictional Authority.

6.2.1 State Marine Pollution Coordinator

During an actual or impending MEE incident, DoT will appoint an individual who is delegated to perform the functions of the HMA, to be the SMPC.

The SMPC will provide overall strategic management of the response and provide executive level support and guidance to the Controlling Agency and the Incident Controller. The SMPC will also perform functions of the HMA during the incident response, including the confirmation of the Controlling Agency, recognition of the appointment of the Incident Controller and the declaration of an Emergency Situation if required. The SMPC will furthermore perform functions of the Jurisdictional Authority during the incident response, including facilitation of State and national assistance through SHP-MEE and National Plan arrangements. The specific duties of the SMPC during a MEE incident are detailed in the SHP-MEE.

Importantly the role of the SMPC does not preclude a Port Authority or Facility Operator from formulating a Crisis Management Team (CMT) to provide overall strategic management and executive level support and guidance from a commercial perspective. The SMPC will establish communications with the nominated senior representative of any relevant Port Authority or Facility Operator to ensure an effective coordinated response in Port waters.

6.2.2 Maritime Environmental Emergency Coordination Centre

During an actual or impending Level 2 or 3 MEE incident, the SMPC will establish a Maritime Environmental Emergency Coordination Centre (MEECC) to support them in the conduct of their duties. This is generally located in the DoT Maritime Office in Fremantle. When a Port Authority is the Controlling Agency, the MEECC will also coordinate the provision of DoT and external agency support to the Port Authority. This includes activation and access to National Plan resources in close consultation with the Incident Management Team (IMT). Where required, the MEECC will also incorporate the establishment of an Operational Area Support Group (OASG), comprised of senior representatives from other government organisations to support the incident.

6.2.3 Liaison Officer

During an actual or impending Level 2 or 3 MEE incident impacting upon Port waters the SMPC will seek to activate a DoT Liaison Officer. For PAA Ports, this Liaison Officer will mobilise to either the Port Authority's office or control Facility. In the case of S&PA Ports, they will mobilise to a Facility Operator's office or site. The role of the DoT Liaison Officer is:

- Facilitate effective communications between DoT (SMPC and/or Incident Controller) and the Port Authority (Incident Controller and/or CMT Leader) or Facility Operator (Executive and/or Operational Management as relevant)
- Provide enhanced situational awareness to DoT of the incident and the potential impact on State or other Port waters.
- Assist in the provision of SMPC direction, or support and advice from DoT to the Port Authority or Facility Operator.

6.2.4 Place of Refuge Management

During an actual or impending MEE where a vessel in need of assistance makes a request to seek refuge in WA State waters (inclusive of Port waters), the SMPC will represent the WA Government pertaining to the assessment or approval of a place of refuge request. Only DoT or AMSA through the MERCOCOM have the authority to assess and grant a place of refuge request from a vessel in WA. As per the National Plan, all place of refuge requests should, as far as practically possible, be made through AMSA's Joint Rescue Coordination Centre (JRCC).

Only a DoT or AMSA has the authority to assess and grant a place of refuge request for from a vessel in WA. The SMPC will represent the WA Government in matters pertaining to the assessment or approval granting of a place of refuge request during a MEE, particularly in relation to dealings with AMSA through the MERCOCOM.

6.2.5 Cross Jurisdictional and Conflict Management

If an actual or impending MEE incident includes cross jurisdictional complications, multiple Controlling Agencies or multiple IMTs, the SMPC will manage coordination between any differing Jurisdictional Authorities and coordination between any differing IMTs to ensure an effective coordinated response in State waters (inclusive of Port waters).

6.2.6 Public Information and Warnings

In accordance with Section 4.5 of the SHP-MEE, the SMPC has overall responsibility for the provision of media management and public information during an actual or impending MEE incident.

For a MEE incident within PAA Port waters, the SMPC will seek to work in partnership with the Port Authority if it is the Controlling Agency to establish a single coordinated public information strategy as it pertains to the MEE response. This will include the embedding of a DoT Media Liaison Officer into the Port Authority's CMT or IMT.

For a MEE incident within S&PA Port waters, this responsibility will be met with the support of the Public Information Section within the DoT IMT, with DoT being the Controlling Agency. Regardless, the SMPC will still seek to work in partnership with any relevant Facility Operator to establish a single coordinated public information strategy as it pertains to the MEE response. This will include the embedding of a DoT Media Liaison Officer into the Facility Operator's CMT or IMT.

For any MEE incident, the SMPC will also seek to release joint media Statements and conduct joint media conferences in relation to the MEE response, with the active participation of senior management from the relevant Port Authority or Facility Operator. It is accepted that a Port Authority or Facility Operator may engage independently in other public information activities during a MEE incident that are not directly related to the MEE response.

As part of meeting its obligations for public information and warnings during an actual or impending MEE incident, DoT may establish a call centre to receive calls from the community as well issue appropriate warnings (possibly independently) directly related to the MEE response.

6.2.7 State and National Capability Support

During an actual or impending MEE, the SMPC is the conduit for the provision of State and national capability for the response to an incident. When State or National resources are provided for an incident, DoT or AMSA as the relevant resource owner will determine use parameters and resourcing escalation/de-escalation requirements and these will be confirmed and communicated through the SMPC. As part of State and national arrangements outlined in the SHP-MEE and the National Plan, the following general response capabilities can be requested through the SMPC:

- Incident Appraisal Support
 - DoT as the HMA for MEE Incidents, maintains a pool of capability for the appraisal of an incident located throughout WA and through National Plan arrangements. The specifics of these capabilities and the timeframes for their mobilisation is outlined in Appendix 1.
- Incident Management Advisor Support
 - DoT as the HMA for MEE Incidents, maintains a pool of qualified incident management advisors centred on members for the MEER Team. The specifics of these advisory roles are outlined in Appendix 2.
- State Response Team
 - DoT as the HMA for MEE Incidents, maintains a pool of personnel trained to perform field response operations and operate State and National marine pollution response equipment. The specifics of these personnel and the timeframes for their mobilisation can be confirmed via the SMPC or MEER Team.
- State Marine Pollution Response Equipment
 - DoT as the HMA for MEE Incidents, maintains stockpiles (primarily in Fremantle and Karratha) of marine pollution response equipment focused on the facilitation of inshore and shoreline assessment, protection and clean-up activities, and Oiled Wildlife Response activities during a

MEE incident. The specifics of these stockpiles and the timeframes for their mobilisation can be confirmed via the SMPC or MEER Team.

- Emergency Towage Capability
 - The National Plan includes arrangements for Emergency Towage Capability (ETC) managed by AMSA. The ETC can only be activated by AMSA however requests for activation can be made via the SMPC. AMSA is responsible for the delivery of the ETC, including the following in WA:
 - Level 2 Capability – contracted Port arrangements towage that can undertake open water towage operations.
 - Level 3 Capability – vessels of opportunity that can be either directed or contracted at the time of an incident to assist or supplement a dedicated or contracted ETC capability.
- National Response Team
 - The National Plan includes arrangements for a pool of personnel trained to perform incident management and field response operations and operate National marine pollution response equipment. The specifics of these personnel and the timeframes for their mobilisation can be confirmed via the SMPC or AMSA.
- National Plan Marine Pollution Response Equipment
 - The National Plan applies a cascade response to the supply of response equipment and capabilities. As part of this, AMSA maintains strategic equipment stockpiles of marine pollution response equipment, including in WA (primarily in Fremantle and Karratha). The offshore petroleum industry, through the Australian Marine Oil Spill Centre (AMOSOC), also maintains stockpiles at locations including in WA (primarily in Fremantle, Exmouth, and Broome), accessible through National Plan arrangements.

6.3 Controlling Agency Arrangements

6.3.1 Control Arrangements

The Controlling Agency is the Agency identified in the SHP-MEE that controls the response activities for an incident.

In accordance with Section 4.1 of the SHP-MEE, for an actual or impending MEE incident in Port waters, the controlling agency is either the relevant Port Authority for PAA Port waters, or DoT for S&PA Port waters.

The responsibilities for Port Authorities and DoT as Controlling Agencies in Port waters stem not only from arrangements outlined in the SHP-MEE, but also obligations outlined in POWBONS whereby they are each considered an Appropriate Authority.

Upon notification of a MEE incident in Port waters, the relevant Port Authority or DoT as the controlling agency are required to:

- Appoint an Incident Controller
- Establish an IMT and Incident Control Centre (ICC)
- Notify DoT as the HMA / Jurisdictional Authority (via the 24 hour reporting number **(08) 9480 9924**)
- Commence execution of any relevant Port or Facility OSCP or MTE related IMP (in collaboration with a Facility Operator where relevant as per functional responsibilities).

6.3.2 DoT as a Controlling Agency in PAA Port Waters

For MEE Incidents in PAA Port waters, DoT is a potential Controlling Agency for Level 2/3 incidents. In instances where an actual or impending MEE incident is occurring in PPA Port waters and it is either requested by the Port Authority or determined by the SMPC that DoT take over as controlling agency, the relevant Port Authority is still required to remain actively involved in the ongoing incident response. This involvement will include a formal request from the SMPC for the Port Authority to make available an appropriate number of appropriately qualified and/or experienced personnel to work within the DoT IMT and Forward Operating Base (FOB). Further details on likely number and roles required is detailed in Appendix 3.

6.3.3 Controlling Agency Transfer

Should a transfer of Controlling Agency be required during an actual or impending MEE incident, the SMPC is responsible for putting in place adequate arrangements to ensure an effective transfer is achieved with minimal disruption to the response effort. Primarily, for Port waters, this may involve a **transfer of control from a Port Authority to DoT**. In this case, the SMPC will confirm all relevant protocols with the nominated senior representative of the relevant Port Authority with which the transfer is occurring. These matters will include, but not be limited to:

- Timing of DoT formally assuming the function of Controlling Agency and any relevant transitional arrangements.
- Required ongoing commitment from the Port Authority in respect to response personnel, response resources and funding arrangements, as per their functional responsibilities including members of the IMT.
- Requirements pertaining to ongoing Public Information efforts, particularly with respect to media management.
- Protocols relating to a maritime casualty, if relevant, and associated communications between DoT and the MCCU if separate from the DoT IMT.
- Protocols to ensure resolution of issues of any matters of concern between DoT and the Port Authority.
- Protocols to ensure effective coordination and communications with Executive Government and the Port Authority's Management Board.
- Arrangements for the incoming DoT Incident Controller to work through the Controlling Agency Transfer Checklist at Appendix 4 with the outgoing Port Authority Incident Controller, prior to the actual transfer of control.

6.3.4 State Emergency Management Framework Requirements

The State Emergency Management Framework (the framework) is made up of legislation, policy, plans, procedures, guidelines, and a governance structure to facilitate effective management of emergencies in WA. The framework incorporates a suite of documents endorsed by the SEMC and is supported by a suite of tools for emergency management practitioners.

The SHP-MEE aligns to the arrangements and requirements outlined throughout the framework. As part of this, details outlined in the State Emergency Management Plan are adhered to by DoT as a HMA and should be adhered to any Controlling Agency. At a bare minimum, any controlling agency must at least facilitate the following during an incident:

- Management of the incident in alignment with the State Strategic Control Priorities
- The ongoing determination and formulation of incident level assessments.
- Consideration of if an Incident Support Group is required.

- Development of an Impact Assessment for all level 2/3 incident.

6.3.5 Incident Controller

The Controlling Agency through the SMPC is responsible for the appointment and recognition of an Incident Controller for an incident. The Incident Controller has overall responsibility for the management of all activities and personnel deployed to resolve the incident and thus the Controlling Agency is to ensure that the appointed Incident Controller is competent to undertake the incident control function at a level commensurate with the defined level of incident.

When considering a suitable Incident Controller, it is recommended that at a minimum the individual is qualified as an Incident Controller commensurate to the incident level, or that the Controlling Agency is satisfied that the person can perform the role or there are extenuating factors for why a suitable qualification is not required.

Further information on the role of the incident controller and their responsibilities and requirements is available on the DoT Maritime Environmental Emergency website in the form of an Incident Controller's Guide which serves as a guide for anyone appointed an incident controller so they can meet their minimum requirements as per the State Emergency Management Framework.

6.3.6 Incident Management Team

The Controlling Agency through the Incident Controller is responsible for the effective management of an incident using an Incident Management Team (IMT) and Incident Management System (IMS). The exact composition of the IMT and application of the IMS will be dependent on the Incident requirements.

To assist Port Authorities as potential controlling agencies, DoT's IMT and IMS approach is outlined on the DoT Maritime Environmental Emergency website in the form of an Incident Management System Guide. DoT's approach conforms to the Australasian Inter-Service Incident Management System (AIIMS), but also employs the Incident Command System (ICS). This proven approach is not mandated however information on ICS, including the provision of specific templates and training, can be obtained from the DoT Maritime Environmental Emergency website or from DoT MEER upon request.

To promote interoperability and effective communications between Port Authorities and DoT during an incident response, it is requested that Port Authorities adhere to the position naming conventions and duty Statements detailed in the National Plan for Maritime Environmental Emergencies - Aide-memoire for Marine Pollution Response, available via the AMSA website.

6.3.7 Responder Health and Safety

The Controlling Agency through the Incident Controller and any appointed Safety Officer is responsible for the overall health and safety of all responders under their control. Port Authorities should thus ensure their safety arrangements and procedures include provisions for safety in MEE incidents. If DoT is a Controlling Agency, all responders will need adhere to requirements outlined in the DoT MEER Safety Management System (SMS).

During an incident, it can be expected that non-Port or non-Facility personnel will be required to enter the relevant Port or Facility (inclusive of the Port Security Zone). It is therefore imperative that Ports give consideration prior to an incident what arrangements will need to be put in place to balance the requirement to accommodate external support with relevant safety and security considerations.

Regardless of the controlling agency, for any incident at a Port, the relevant Port Authority or Facility Operator will need to facilitate any access and inductions requirements as part of the incident. These arrangements should be detailed in the relevant Port or Facility OSCP.

6.3.8 End Point Criteria

The Controlling Agency through the Incident Controller is responsible for determining when to conclude the response phase of an incident. This is achieved through the development of End Point Criteria (EPC) which require approval by both the Incident Controller and the SMPC. This process allows for the formulation of agreed measurable criteria for determining when to stop operations and allow for a practical assessment of determining what level of cleanliness is required for the particular incident. It determines if the effort to respond operationally is no longer having an effect. The formulation of the EPC is a collaborative forum involving relevant stakeholders (both internal and external)

When achieved, the Incident Controller is required to confirm with the SMPC when the transition point has been reached based on the endorsed EPC and thus recommend that the response phase of the incident can be terminated. The response phase can only formally be terminated with approval from the SMPC.

6.3.9 Investigations

The Controlling Agency is responsible for initiating investigations of the cause of an incident, to inform the ongoing effective response to and recovery from an incident and including facilitation of sampling where required. As the circumstances of an incident become known, other agencies may have responsibilities relating to investigations. A Controlling Agency must facilitate any agency requirements relating to investigations where relevant and the SMPC can assist to clarify differing investigation requirements as required.

6.4 Response Phase Requirements

6.4.1 Initial Response

During an actual or impending MEE incident in Port waters, the Port Authority or DoT as a Port Operator is required to commence or facilitate initial response actions in accordance with their OSCP and aligned to their functional responsibilities outlined in the SHP-MEE. Initial response actions should be focused on the following:

- Ensuring the safety of personnel, including response personnel.
- Ensuring the safety of the community.
- Controlling and/or Stabilising the Source or Casualty and minimising actual or potential spillage of oil into the marine environment.
- Containing any oil that does enter the marine environment to minimise impacts and aid recovery.
- Apprising actual/potential impacts of incident to inform subsequent ongoing response actions

The exact nature of these initial response actions will vary greatly depending on many factors, including location and the incident specifics. For this reason, the most likely initial response actions should be detailed in the relevant Port and Facility OSCP or IMPs.

6.4.2 Ongoing Response

To enable an effective ongoing response, the Controlling Agency is required to establish and maintain an appropriately resourced and structured IMT. Key functions to be performed by the IMT include:

- Deliver a coordinated response in collaboration with the SMPC.
- Ensure the safety of responders and the community.
- Maintain situational awareness and predict future impacts.
- Manage current operations and actions.
- Formulate incident action plans to direct future response operations and actions.
- Manage resources and maintain accurate record keeping, including expenses incurred.
- Assisting recovery through the provision of support to the Recovery Coordinator.

6.5 Port Authority and Port Operator Responsibilities – Response

In accordance with Section 4 of the SHP-MEE, Port Authorities and DoT as a Port Operator are Controlling Agencies for MEE incidents in their respective Port waters. They are thus responsible for controlling all response activities for an incident in their Port waters. This should include the following:

- Adhere to all controlling agency arrangements and requirements as outlined above.
- Commence initial response actions in accordance with their OSCP or IMP and any relevant first strike or tactical response plans.
- Manage community safety within the limits of their Port waters.
- Supporting other agencies and organisations with functional responsibilities to achieve those within their Port waters where required.
- Adhering to MERCOM directions and be prepared to facilitate ETC level 2 and 3 requirements under National Plan arrangements (AMSA Coordinated).
- Respond to support the management of impacts outside the limits of their Port waters for an incident originating from their Port.

6.6 Facility Operator Responsibilities – Response

In accordance with Section 4 of the SHP-MEE, Facility Operators have a functional responsibility to respond to a MEE incident resulting from their Facility (including conduct of First Strike Actions). This should include the following:

- Facilitate achievement of functional responsibilities under the control of the relevant Port Authority or DoT as Port Operator.
- Commence initial response actions in accordance with their Facility OSCP or IMP or support initial response actions in accordance with the relevant Port OSCP or IMP
- Support other agencies and organisations with functional responsibilities to achieve those within their Facility where required.
- Respond to support the management of impacts outside the limits of their Facility or the relevant Port for an incident originating from their Facility.

6.7 Department of Transport Responsibilities (State Waters) – Response

In accordance with Section 4 of the SHP-MEE, DoT has a functional responsibility to respond to a MEE incident impacting State waters. This should include the following:

- Facilitate achievement of functional responsibilities under the control of the relevant Port Authority where an incident originates from PAA Port waters (unless a transfer of control to DoT occurs).
- Commence response actions in State waters in accordance with any relevant OSCP or IMP.
- Support other agencies and organisations with functional responsibilities to achieve those within State waters where required.

6.8 Department of Biodiversity, Conservation and Attractions Responsibilities (Oiled Wildlife Response) – Response

In accordance with Section 4 of the SHP-MEE, the Department of Biodiversity, Conservation and Attractions (DBCA) has a functional responsibility to manage Oiled Wildlife response under the control of the Controlling Agency for a MEE incident. This is done in accordance with the WA Oiled Wildlife Response Plan which is administered by DBCA with resourcing facilitated in collaboration between DBCA, DoT and AMSA. This will include the appointment of an Oiled Wildlife Advisor (OWA) to the IMT established by the Controlling Agency.

7 Recovery

7.1 Recovery Coordination Arrangements

In accordance with Section 5 of the SHP-MEE, the HMA is responsible for ensuring an effective recovery process is initiated for a MEE incident. This includes the commencement of initial recovery coordination actions undertaken by the Controlling Agency during the response phase and as part of response termination, including:

- Appointment of Recovery Coordinator
- Development of Impact Statement
- Handover to Recovery Coordination Committee(s)

Note: A deliberate recovery process must be initiated for any Level 2/3 Incident.

7.1.1 Recovery Coordinator

During a Level 2/3 MOP incident the Controlling Agency through the Incident Controller must appoint a Recovery Coordinator to initiate recovery actions and commence the development of an Impact Statement.

7.1.2 Impact Statement

During any Level 2/3 MOP Incident, the Controlling Agency through an appointed Recovery Coordinator must develop and complete an Impact Statement prior to response termination as per requirements outlined in the State Emergency Management Procedures for Recovery.

An Impact Statement should include the following information:

- Incident details
- Summary of known, emerging or anticipated impacts
- Emerging risks and risk assessment
- Contact details of contributing organisations
- Impact details against each of the following:
 - Social environment
 - Natural environment
 - Economic environment
 - Built environment
- Supporting attachments, including reports, maps, images etc.

7.1.3 Scientific Monitoring

Scientific Monitoring is the key tool for determining the impact an oil spill has had on the environment. This monitoring includes short and long term damage assessments, scientific studies on affected resources and any other monitoring activities not directly related to the response phase of managing an oil spill. In the context of an incident in a Port, the Controlling Agency will be required to develop a Scientific Monitoring Plan specific to the incident, which will need to be approved by the SMPC. Where

Ports or Facilities have ongoing environmental monitoring as a part of their day-to-day operations this should be incorporated where relevant as baseline data.

7.1.4 Cost Recovery

The Controlling Agency for an incident is responsible for initiating and preparing claims for cost recovery.

The National Plan is based on the polluter pays principle and POWBONS allows for Port Authorities and DoT as Appropriate Authorities to recover costs associated with the response to MOP incidents. Costs for shipping incidents is also recoverable through the implementation of relevant international conventions under the auspices of the International Maritime Organization (IMO) and costs for offshore petroleum activity related incidents is recoverable through the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA).

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 seek reimbursement of their costs from AMSA under the Protection of the Sea Levy.

Claims should not just include costs directly incurred from the controlling agency. A Port Authority as a controlling agency will also need to have arrangements to facilitate third party claims management as part of cost recovery actions.

7.2 Hazard Management Agency Responsibilities – Recovery

In accordance with Section 5 of the SHP-MEE, the HMA is responsible for ensuring an effective recovery process is initiated for a MEE incident. Specific information pertaining to recovery arrangements are detailed in Section 5 of the SHP- MEE, and activities required of DoT as a HMA, specific to incidents in Ports include:

- Consideration by the SMPC (in consultation with the Controlling Agency) during the response phase of the incident of the requirement to appoint a Recovery Coordinator and Recovery Committee.
- Consideration by the SMPC (in consultation with the Controlling Agency) during the response phase of the incident of the requirement to prepare an Impact Statement and inform the DFES State Recovery Coordination Unit and any potentially or actually impacted Local Government Authorities (LGAs) of the incident and its potential impacts or recovery requirements.
- Consideration by the SMPC of the recovery commencement (response end-point), management and end point criteria, and during the actual recovery phase of any requirements to request/recommend escalation to State Recovery Arrangements.

7.3 Port Authority and Port Operator Responsibilities – Recovery

In accordance with Section 5 of the SHP-MEE, the Controlling Agency is responsible for initiating recovery actions for a MEE incident. Notwithstanding specific obligations placed upon Port Authorities and DoT as a Port Operator, outlined as relevant in the PAA, S&PA or POWBONS, Port Authorities and DoT should:

- Integrate the role of the Recovery Coordinator into the IMT, under the control of the Incident Controller.
- Facilitate the establishment of a Recovery Committee under the coordination of the appointed Recovery Coordinator.

- Facilitate the preparation and completion of an Impact Statement and an agreed ongoing Scientific Monitoring Plan under the coordination of the appointed Recovery Coordinator and in consultation with the SMPC and any potentially or actual impacted LGAs.
- Facilitate the transition of recovery from under the control of the Incident Controller during the response phase, to under the control of a Recovery Coordinator / Recovery Controller and Recovery Coordination Committee appointed by the Controlling Agency and SMPC, or the State Recovery Coordinator during the recovery phase.

7.4 Facility Operator Responsibilities – Recovery

Facility Operators (causing or impacted by the incident) should assist with the process of recovery. This includes the potential appointment of a representative to participate in the Recovery Coordination Committee (where relevant), support scientific monitoring plans and assist to formulate an Impact Statement or EPC.

8 Collaboration

Given DoT's responsibilities as a HMA and DoT's functions under the SHP-MEE, DoT has an interest in supporting all stakeholders in achieving their responsibilities relating the management of MEE incidents in Port waters. As part of this, DoT offers opportunities for the following collaboration:

- Consultation for the development and review of OSCPs or MTE related IMPs.
- Collaboration in the exercising of OSCPs or MTE related IMPs.
- Visits to Ports and Facilities to increase activities and risk awareness.

8.1 Consultation

It is a requirement of the PAA that Port Authorities have a MSP which sets out the arrangements for maritime safety at the Port and is approved by the relevant Minister. As part of this, Ports make provisions for and include details related to OSCPs and MTE related IMPs. It is also outlined in the SHP-MEE that DoT as the HMA will ensure that all Port Authorities and Facility Operators formulate and maintain an appropriate OSCP and MTE related IMP, detailing their preparedness and response capability commensurate with their identified risk. The SHP-MEE also stipulates that all Port Authorities and Facility Operators are responsible for the formulation, review and exercising of an OSCP and MTE related IMPs for their respective Port or Facility.

DoT offers the opportunity for consultation with all Port Authorities and Facility Operators as their activities have the potential to cause a MOP or MTE. It is encouraged that Port Authorities and Facility Operators in S&PA Ports consult with DoT as the HMA in the formulation and review of their OSCP and MTE related IMP. Consultation with DoT assists to ensure consistency of respective plans with the SHP-MEE, National Plan, and the WA State Emergency Management Framework.

8.1.1 Scope of Consultations

DoT places a high importance on consultations and views this process as an important part of maximising the State's preparedness to adequately respond to a MEE incident in State waters (inclusive of Port waters). Consultations enable DoT to gain an understanding of the level of risk introduced to State waters (inclusive of Port waters).by Port activities and agree on appropriate incident management arrangements and response measures where DoT is identified as having a Functional Responsibility. Where consultation is sought, it is recommended that DoT is consulted as early as practicable during the development or review of an OSCP or MTE related IMP.

It is important to note that DoT is not a regulatory agency in respect to Port Authorities or Facility Operators (other than its role as a Port Operator) with responsibility for accepting or approving an OSCP or MTE related IMP. Consequently, consultation does not seek to duplicate the approval processes for Port Authorities or DoT as a Port Operator for OSCPs or MTE related IMPs. However, any deficiencies or inconsistencies identified by DoT will be brought to the attention of the Port Authority or Facility Operator with the recommendation that the deficiencies or inconsistencies identified be considered for rectification. The key aim of DoT is to support the achievement of consistency between Port or Facility plans in relation to the SHP-MEE, the National Plan, and the State Emergency Management Framework.

8.1.2 Conduct of Consultations

Noting there is no legislative requirement for DoT (other than its role as a Port Operator) to formally consult on a Port or Facility OSCP or MTE related IMP, should a Port Authority or Facility Operator request that DoT consult on its OSCP or MTE related IMP, it is requested that this is done in accordance with the process detailed in Appendix 5.

Prior to submitting an OSCP or MTE related IMP to DoT for a consultation, it is requested that the Port Authority or Facility Operator endeavour to ensure the OSCP or MTE related IMP is consistent with the SHP-MEE, National Plan and this Guidance Note. Consultations by DoT are done in the form of a plan review, with return comments provided relating to any deficiencies or inconsistencies identified for subsequent consideration by the relevant Port Authority or Facility Operator.

At the completion of any OSCP consultation, it is requested that DoT be provided with a final version of an OSCP or MTE related IMP for its records and to assist it in supporting any Port Authority or Facility Operator if an incident occurs.

At the completion of any consultation, DoT aims to seek the following outcomes have been achieved:

- Port Authorities and Facility Operators have an effective OSCP or MTE related IMP that is consistent with the SHP-MEE, National Plan, and the WA State Emergency Management Framework.
- DoT maintains an updated awareness of the State's oil spill risk and response capability.
- Clarity around the roles and responsibilities of the Port Authorities and Facility Operators, and DoT as a HMA or Port Operator during a MEE incident will be understood by all parties to enable an effective coordinated response during a MEE incident in Port waters.

8.2 Other Collaboration

As part of its efforts to adequately understand the MEE risk to WA and the support requirements of Port Authorities and Facility Operators, DoT will also seek to schedule occasional site visits to view Port Authority and Facility Operator facilities, equipment, and operations, and to discuss preparations for a MEE incident or other MEE related concerns and arrangements. DoT will also seek to participate where practicable in any exercises of OSCPs or MTE related IMPs undertaken by Port Authorities or Facility Operators.

It is important to note that DoT is not a regulatory agency in respect to Port Authorities or Facility Operators (other than its role as a Port Operator). Consequently, DoT through other collaboration does not seek to direct Port Authorities or Facility Operators in relation to their preparedness and specific arrangements for MOP or MTE incidents related to their Port or Facility. However, any deficiencies or inconsistencies identified by DoT will be brought to the attention of the Port Authority or Facility Operator with the recommendation that the deficiencies or inconsistencies identified be considered as part of any reviews of OSCPs or MTE related IMPs. The key aim of DoT is to support the achievement of consistency between Port Authority and Facility Operator preparedness and response capability commensurate with their identified risk.

9 Conclusion

9.1 Document Review

This Guidance Note will be reviewed biennially, or earlier if required.

9.2 Additional Information

9.2.1 Australian Government:

- AMSA National Plan for Maritime Environmental Emergencies.
- AMSA National Plan for Maritime Environmental Emergencies – Aide-memoire for Marine Pollution Response.

9.2.2 WA State Government:

- Emergency Management Act 2005 and the Western Australian Emergency Management Regulations 2006.
- State Emergency Management Plan.
- State Hazard Plan for Maritime Environmental Emergencies.
- State Incident Management Plan – Marine Oil Pollution
- State Incident Management Plan – Marine Transport Emergencies
- Shipping and Pilotage Port Act Port Oil Spill Contingency Plans.
- Western Australian Oiled Wildlife Response Plan.

9.3 General Enquiries

All enquires relating to MEE incident management arrangements in WA should be made to:

Maritime Environmental Emergency Response
Maritime | Department of Transport
Fremantle, Western Australia
marine.pollution@transPort.wa.gov.au

Appendix 1 – Initial State/National Appraisal and Advisory Capabilities able to be provided to a Port as Controlling Agency

Capability	Requested Via	Requirements	Indicative Timeframe
Oil Spill Trajectory Modelling <i>(National Plan Arrangement)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Provided through AMSA and with approval of SMPC)</i>	Confirmed location of spill Any information on spill quantities and flow rates. Address/method for sending/transferring of digital model files	4-6 hours <i>(following submission of request to AMSA)</i>
DoT Liaison Officer <i>(DoT Person)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Activated with approval of SMPC)</i>	Access to Port IMT Provide with SITREPs/IAPs Include in catering plan for Port IMT	6-12 hours <i>(Arrive <u>on-site</u>)</i>
Oil Sampling <i>(Equipment)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Activated with approval of SMPC)</i>	Plan for actual conduct of sample gathering Logistics arrangements for sample return to Perth	6-24 hours <i>(Sample Kit arrive <u>on-site</u>)</i>
Satellite Tracking Buoy <i>(Equipment)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Activated with approval of SMPC)</i>	Plan for actual deployment of buoy Satellite track provided from DoT	6-24 hours <i>(Tracking Buoy arrive <u>on-site</u>)</i>
Shoreline Assessment <i>(Response Team)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Activated with approval of SMPC)</i>	Access to incident area Tasking and Sustainment through Port IMT 1 x Port person as part of assessment team (Environmental Person)	12-36 hours <i>(Assessment Equipment and DoT personnel arrive <u>on-site</u>)</i>
IMT Advisors <i>(DoT & DBCA Personnel)</i>	DoT MEER Duty Officer (08 9480 9924) <i>(Provided for level 2/3 incidents only, with approval of SMPC)</i>	Access to Port IMT Integration into Control, Planning, Operations, Logistics, and Intelligence functions (as relevant) Include in catering plan for Port IMT if on-site	12-24 hours <i>(support virtually)</i> 24-48 hours <i>(support <u>on-site</u>)</i>

Appendix 2 – Initial DoT IMT Support Able to be provided to a Port as Controlling Agency

Area	Role	Key duties	Qty
Port CMT/IMT	DoT Liaison Officer	<p>Provide a direct liaison between DoT and the Port Authority CMT/IMT</p> <p>Facilitate interactions between the SMPC, the Port Authority Executive Management or CMT, the Incident Controller (and Port Authority Harbour Master if different).</p> <p>Offer information to the Port Authority on matters pertaining to DoT incident coordination policies and procedures and State Emergency Management Framework requirements.</p> <p>(Note this individual will perform this role on site at the Port)</p>	1
	Media Liaison Officer	<p>Provide a direct liaison between the DoT Media/Communications Team and the Port Authority Media/Communications Team and/or IMT Public Information Function.</p> <p>Offer information to the IMT Public Information Function on matters pertaining to the facilitation of information and warnings.</p> <p>Assist in the release of joint media Statements, conduct of joint media briefings, conduct of joint community engagement, and the release of joint information and warnings for the incident.</p> <p>(Note this individual may perform this role remotely from the Port CMT/IMT)</p>	1
Port IMT	Control/Planning Advisor	<p>Offer advice to the IMT Control and Planning functions on matters pertaining to effective MEE Incident Management.</p> <p>Support the activities of the IMT Control and Planning functions through filling supporting roles as required (not including functional lead roles).</p> <p>Facilitate access across required stakeholders in the broader WA EM sector</p> <p>(Note this individual may perform this role remotely from the Port IMT)</p>	1

Area	Role	Key duties	Qty
	Environmental Advisor	<p>Offer advice to the IMT Intelligence and Environmental functions on matters pertaining to effective MEE Incident Management.</p> <p>Support the activities of the IMT Intelligence and Environmental functions through filling supporting roles as required (not including functional lead roles).</p> <p>Facilitate access across required stakeholders in the broader MEE ES&T network</p> <p>(Note this individual may perform this role remotely from the Port IMT)</p>	1
	Operations/Logistics Advisor	<p>Offer advice to the IMT Operations and Logistics functions on matters pertaining to effective MEE Incident Management.</p> <p>Support the activities of the IMT Operations and Logistics functions through filling supporting roles as required (not including functional lead roles).</p> <p>Facilitate access across required stakeholders in the broader State and National response resources network</p> <p>(Note this individual may perform this role remotely from the Port IMT)</p>	1
Incident Response Area or Staging Area	Operations Coordinator and/or State and National Resources Staging Coordinator	<p>Offer advice to the Field Operations components on matters pertaining to effective MEE response.</p> <p>Facilitate the effective arrival of State and national resources to the incident</p> <p>Support the activities of the IMT Operations function through filling supporting roles that are field orientated as required (such as sector commander or team leader).</p> <p>(Note this individual will perform this role on site at the Port)</p>	1
Total DoT Personnel able to be requested to support a Port as Controlling Agency			6

Appendix 3 – Initial DoT Personnel Requirements upon a Port in the Event Controlling Agency is Transferred to DoT

Area	Role	Key duties	Qty
DoT MEECC and/or IMT	Port Liaison Officer	<p>Provide a direct liaison between the Port Authority and the SMPC/MEECC and/or the DoT IMT.</p> <p>Facilitate interactions between the DoT Incident Controller and Port Authority Harbour Master, and the SMPC and the Port Authority Executive Management or CMT</p> <p>Offer information to the DoT SMPC and/or Incident Controller on matters pertaining to Port Authority incident response policies and procedures and Port Operation Considerations.</p> <p>(Note this individual must perform this role in person at the DoT MEECC/IMT)</p>	1
	Media Liaison Officer	<p>Provide a direct liaison between the Port Authority Media/Communications Team and the DoT Media/Communications Team and/or DoT IMT Public Information Function.</p> <p>Offer information to the DoT IMT Public Information Function on matters pertaining to Port Authority stakeholders/community and Port Operations and Safety Considerations as they relate to the facilitation of information and warnings.</p> <p>Assist in the release of joint media Statements, conduct of joint media briefings, conduct of joint community engagement, and the release of joint information and warnings for the incident.</p> <p>(Note this individual must perform this role in person at the DoT MEECC/IMT)</p>	1

Area	Role	Key duties	Qty
DoT IMT	Deputy Incident Controller and/or Marine Casualty Coordinator	<p>Provide a direct liaison between the Port Authority and the DoT IMT.</p> <p>Offer advice to the DoT Incident Controller on matters pertaining to Port Authority incident response policies and procedures and Port Operation management.</p> <p>Oversee, in support of the DoT Incident Controller, components of the incident relating to coordination with ongoing Port Operations Management and the integration and utilization of Port Response and Recovery Capability.</p> <p>(Note this individual may perform this role remotely from the DoT IMT)</p>	1
	Environmental Support Officer	<p>Provide a direct liaison between the Port Authority Environmental Team and the DoT IMT Intelligence Function.</p> <p>Offer advice to the DoT Intelligence Officer on matters pertaining to Port Authority environmental considerations, policies, and procedures.</p> <p>Offer information to the DoT IMT Intelligence Function on matters relating to environmental sensitivities and environmental monitoring arrangements within Port Waters.</p> <p>(Note this individual must have intimate knowledge of the relevant Port environmental sensitivities and considerations)</p> <p>(Note this individual may perform this role remotely from the DoT IMT)</p>	1

Area	Role	Key duties	Qty
	Deputy Planning Officer	<p>Offer advice to the DoT Planning Officer on matters pertaining to the Port Authority OSCP and MTE related IMP, plus any related incident response policies and procedures for the Port Authority.</p> <p>Offer information to the DoT IMT Planning Function on matters relating to the development of IAPs for incidents within Port Waters.</p> <p>Oversee, in support of the DoT Planning Officer, components of the planning relating to coordination with ongoing Port Operations Management and the integration and utilization of Port Response and Recovery Capability.</p> <p>(Note this individual must have intimate knowledge of the relevant OSCP or MTE related IMP)</p> <p>(Note this individual may perform this role remotely from the DoT IMT)</p>	1
	Deputy Logistics and Finance Officer	<p>Provide a direct liaison between the Port Authority Finance Team and the DoT IMT Logistics and/or Finance Functions.</p> <p>Offer advice to the DoT Logistics Officer on matters pertaining to the Port Authority logistical or financial (including contractual) arrangements that can be utilized in the incident.</p> <p>Offer information to the DoT IMT Logistics and/or Finance Functions on matters relating to funding, claims, sustainment, and supply concerns within Port Waters.</p> <p>Oversee, in support of the DoT Logistics and/or Finance Officers, components of the logistical and financial management of the incident that is being arranged or provided at the cost of the Port Authority.</p> <p>(Note this individual must have intimate knowledge of the relevant Port logistics and finance processes and contracts)</p> <p>(Note this individual may perform this role remotely from the DoT IMT)</p>	1

Area	Role	Key duties	Qty
DoT Forward Operating Base or Staging Area	On Scene Operations Coordinator	<p>Provide a direct liaison between the Port Authority Response Teams and the DoT FOB/DSA.</p> <p>Facilitate coordination between Port Authority and State/National Response Resources</p> <p>Offer advice to the DoT Division Commander on matters pertaining to Port Authority incident response policies and procedures and Port Operation management and safety requirements.</p> <p>Oversee, in support of the DoT Division Commander, components of the response relating to coordination of Port Teams and Resources, and coordination with ongoing Port Operations Management.</p> <p>(Note this individual must perform this role on site at the Port)</p>	1
	Safety Coordinator	<p>Offer advice to the DoT Division Commander on matters pertaining to Port Authority safety policies, procedures and concerns or hazards, particularly as they relate to Port Authority employees or contractors operating under the control of the DoT IMT.</p> <p>Assist the DoT Division Commander and Port On-Scene Coordinator to ensure the safety of responders throughout the incident.</p> <p>(Note this individual must have intimate knowledge of the relevant Port safety and security processes and requirements)</p> <p>(Note this individual must perform this role on site at the Port)</p>	1
Total Port Personnel requested to support DoT as Controlling Agency			8

Appendix 4 – Incident Control Transfer Checklist (Port Waters)

CHECKLIST FOR THE TRANSFER OF CONTROL OF A MARITIME ENVIRONMENTAL EMERGENCY IN PORT WATERS

Controlling Agency From: _____ **Controlling Agency To:** _____

- Confirm the details and nature of the incident, including the incident prognosis.
- Confirm the potential impact on the community and the nature and extent of any actions underway or required to minimise community exposure to the spill.
- Confirm the potential impact on the environment and the nature and extend of any actions underway or required to minimise environmental exposure to the spill.
- Confirm the nature and extent of current and planned initial response (first strike) operations.
- Confirm the composition and status of measures in place to ensure the safety of responders.
- Confirm the composition and status of all response resources, both personnel and equipment, that have been mobilised by the Port Authority and in transit to the spill site that will contribute to future response operations.
- Confirm the notifications that have been completed.
- Confirm current level of incident and the predicted level in the future.
- Conduct an initial assessment of DoT support required.
- Confirm details of the Port Authority employee nominated to perform the role of Deputy Incident Controller in the DoT IMT.
- Confirm details of the Port Authority employee nominated to perform the role of Deputy Division Commander in the DoT FOB.
- Confirm the location of the DoT FOB and DoT Divisional Staging Area.
- Confirm the public information arrangements between DoT and the Port Authority.
- Notification of significant safety risks.
- Secure a summary of all community / stakeholder engagement activities undertaken to date by the Port Authority.

Acknowledgement:

Signature of Outgoing Incident Controller: _____

Name: _____

Organisation: _____

Date: _____

Time: _____

Signature of Incoming Incident Controller: _____

Name: _____

Organisation: _____

Date: _____

Time: _____

Appendix 5 – Department of Transport Consultation

The CEO of the DoT is the HMA for MEE and has overall responsibility for ensuring there is an adequate response to a MEE incident in State waters (inclusive of Port waters).

Section 3.3.2 of the SHP-MEE states that it is in the best interests of DoT and Port Authorities or Facility Operators that OSCP and MTE related IMPs are developed and reviewed by Port Authorities or Facility Operators in consultation with DoT as the HMA, to ensure they are consistent with the relevant National and State arrangements. There is no legislative requirement for DoT to formally review a Port Authority's OSCP or MTE related IMPs.

Should a Port Authority or Facility Operator request DoT assist by consulting on their OSCP or MTE related IMP, it is requested that the OSCP and/or MTE related IMP be accompanied with the following information:

- Worst case spill volumes and known or indicative oil or fuel type/properties for an MOP and/or likely MTE scenarios.
- Description of existing environment and protection priorities associated with the immediate area of the relative Port or Facility and potential adjacent impact area.
- Details of the environmental risk assessment related to MOP and or MTE - describe the process and key outcomes around risk identification, risk analysis, risk evaluation and risk treatment.
- Details on initial response actions and key activation timeframes for MOP and/or MTE.
- Details on determined and possible response strategies for both for MOP and/or MTE.
- Potential Forward Operating Base (FOB) and Staging Area arrangements
- Outcomes of any oil spill trajectory modelling conducted for an OSCP, including potential for shorelines to be impacted.
- Details on any 'sectorisation' of Port waters and adjacent shorelines (where applicable)
- Tactical Response Plans.
- Details and diagrams on proposed IMT structure including integration of DoT arrangements as per this Guidance Note.
- Details on proposed exercise and testing arrangements of OSCP and MTE related IMPs.

It is requested that all documents submitted to DoT should display the relevant document control information to avoid any revision confusion, including document and revision number. DoT may request further information if sufficient detail is not provided or adequately highlighted. Port Authorities and Facility Operators may also choose to provide other supporting information with any submissions.

Port Authorities and Facility Operators are requested to provide the DoT MEER unit with an electronic copy of the final OSCP and MTE related IMP at the completion of the consultation.

In addition to the above provision of information requirements, DoT may request Port Authority and Facility Operator activity specific information for incorporation into regional and State risk assessments.

All consultation requests are to be directed to the marine.pollution@transPort.wa.gov.au email address. Port Authorities and Facility Operators are advised that there is a six (6) week timeframe on responses for consultation.