



Department of
Transport

SHIPPING & PILOTAGE ACT PORTS - PORT FACILITY OPERATOR GUIDANCE NOTE



Maritime Environmental Emergency Response and Consultation Arrangements

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Shipping & Pilotage Act Ports – Port Facility Operator Guidance Note

Maritime Environmental Emergency Response and Consultation Arrangements

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Abbreviations

AMOSC	Australian Marine Oil Spill Centre
AMSA	Australian Maritime Safety Authority
DSA	Divisional Staging Area
DoT	WA Department of Transport
EMA	<i>Emergency Management Act 2005</i>
EMR	Emergency Management Regulations 2006
FOB	Forward Operating Base
HMA	Hazard Management Agency
ICC	Incident Control Centre
IGA	Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances
IMT	Incident Management Team
MEECC	Maritime Environmental Emergency Coordination Centre
MEER	Maritime Environmental Emergency Response
MOP	Marine Oil Pollution
National Plan	National Plan for Maritime Environmental Emergencies
OSCP	Oil Spill Contingency Plan
PAA	<i>Port Authority Act 1999</i>
POWBONS	<i>Pollution of Waters by Oily and Noxious Substances Act 1987</i>
SEMC	State Emergency Management Committee
S&PA	<i>Shipping and Pilotage Act 1967</i>
SMPC	State Marine Pollution Coordinator
SHP - MEE	WA State Hazard Plan for Maritime Environmental Emergencies

1 Purpose

The purpose of this Guidance Note is to inform Port Facility Operators of the Western Australian (WA) emergency management arrangements in respect to Maritime Environmental Emergency (MEE) incidents within the port limits of a *Shipping & Pilotage Act 1967* (S&PA) Port (S&PA Port Waters).

The Guidance Note outlines the roles and responsibilities of the Department of Transport (DoT) and Port Facility Operators under those arrangements. This Guidance Note also informs Port Facility Operators within S&PA Port Waters of DoT's consultation requirements during the preparation of an Oil Spill Contingency Plan (OSCP) and ongoing consultations.

2 Scope

Pursuant to the *WA Emergency Management Act 2005* (EMA) and *Emergency Management Regulations 2006* (EMR), the DoT Chief Executive Officer is the Hazard Management Agency (HMA) for the following hazards in State waters, including those waters defined in the S&PA:

- **Marine Transport Emergency** 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 –

- (i) material damage to the vessel or another vessel;
- (ii) loss of life, injury to a person or damage to the health of a person, property or the environment; or
- (iii) a hazard to the navigation of other vessels”.

- **Marine Oil Pollution** 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.

Collectively, the Marine Transport Emergency and Marine Oil Pollution hazards are referred to as Maritime Environmental Emergencies (MEE).

This Guidance Note specifically applies to MEE incidents within areas of waters contained within ports as defined in the Section 3 of the S&PA. For the purpose of this Guidance Note, these waters shall be referred to as S&PA Port Waters. The geographical location of S&PA Ports covered by this Guidance Note is broadly illustrated in Figure 1.

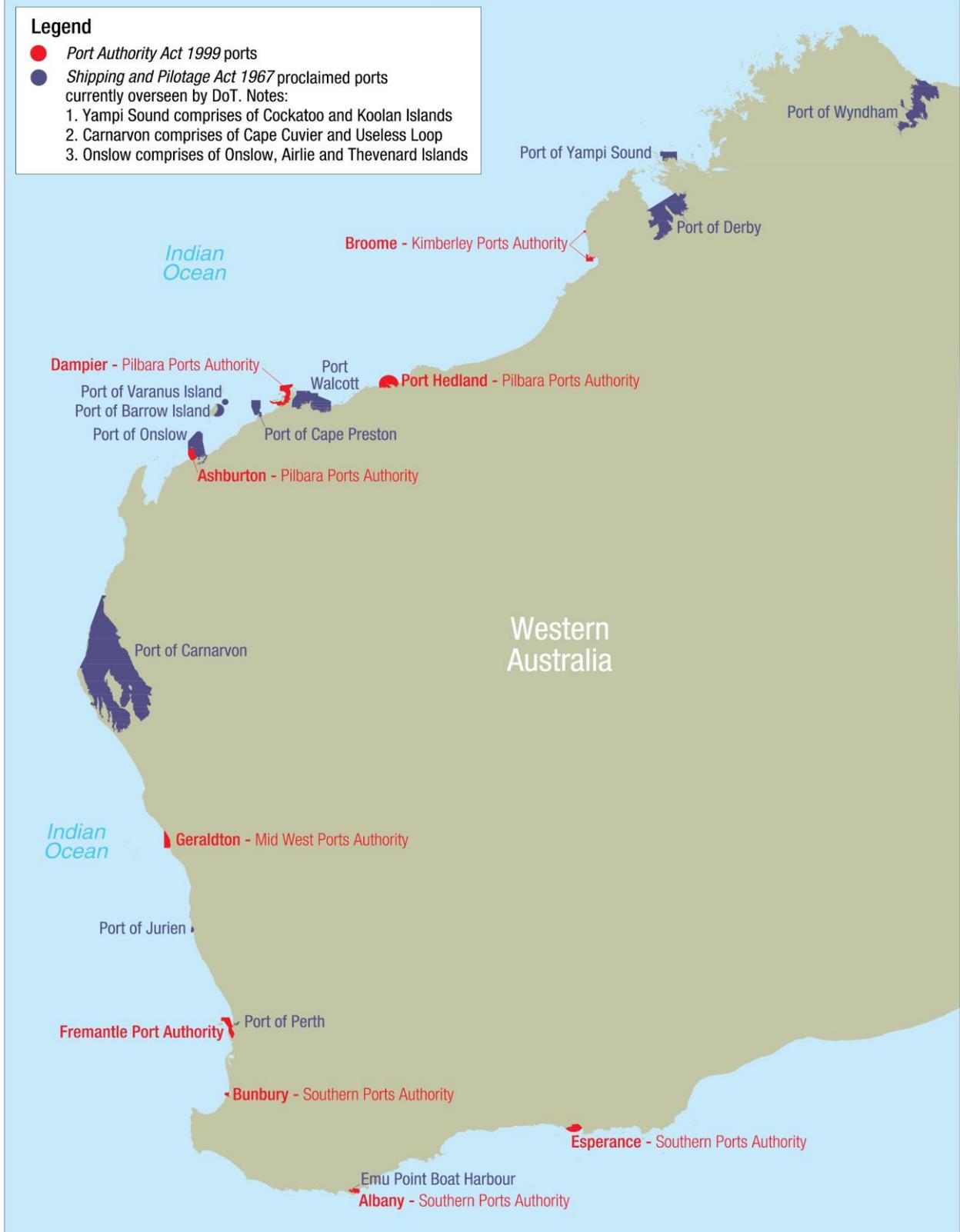
In the context of this Guidance Note, Port Facility Operators are defined as the supplier of goods or services at a maritime facility within the boundaries of a S&PA Port that have the potential to cause a MEE incident in S&PA Port Waters. This is primarily focused on the operator of the port facility.

Maritime environmental emergency response and consultation arrangements within *Port Authority Act 1999* (PAA) ports illustrated in Figure 1 are detailed in the *Port Authority Act Ports – Port Operator Guidance Note*.



Legend

- Port Authority Act 1999 ports
- Shipping and Pilotage Act 1967 proclaimed ports currently overseen by DoT. Notes:
 1. Yampi Sound comprises of Cockatoo and Koolan Islands
 2. Carnarvon comprises of Cape Cuvier and Useless Loop
 3. Onslow comprises of Onslow, Airlie and Thevenard Islands



projectmapping@transport.wa.gov.au

25 January 2019; Plan No: 10680908

Figure 1 - Port Waters of Western Australia

3 Related Documents

This Guidance Note should be read in conjunction with the Western Australian State Hazard Plan for Maritime Environmental Emergencies (SHP – MEE) and other related documents listed in Section 14.

4 Acknowledgements

This Guidance Note acknowledges that:

- Pursuant to the EMA, DoT has legislative responsibilities in relation to the prevention of, the preparation for, the response to and the recovery from MEE incidents in WA, including those in S&PA Port Waters.
- Pursuant to the SHP-MEE, DoT will always be the Controlling Agency for any MEE incident in S&PA Port Waters.
- The safety of the responders and community must always be the highest priority for a Controlling Agency during a response to a MEE incident. While a Controlling Agency will be expected to take active and timely measures to promote responder and community safety, ultimate responsibility for responder and community safety will always reside with the HMA during a MEE incident response.
- DoT has developed extensive capabilities in respect to preparing for and responding to MEE incidents and has a legislative responsibility, backed by a community expectation, to effectively and proportionately deploy those capabilities as the Controlling Agency during a MEE incident in S&PA Port Waters.
- Port Facility Operators are an important and valued member of their local community and a key component of the local and wider economy. Port Facility Operators have responsibilities in relation to the safe and efficient operation of their port activities to minimise the impact on the environment.
- Pursuant to the SHP-MEE, Port Facility Operators have obligations in relation to the prevention of, preparation for, response to and recovery from a MEE incident directly related to their operations.
- Port Facility Operators have an obligation to work collaboratively and in partnership with DoT when preparing for and responding to MEE incidents in S&PA Port Waters that are directly related to their operations.
- Port Facility Operators are best placed to undertake first strike actions in response to any MEE incident directly related to their operations. Port Facility Operator employees are also often best placed to provide DoT with local knowledge and experience that is directly relevant to effectively responding to MEE incidents in S&PA Port Waters that are directly related to their operations.

- As the Controlling Agency, DoT has a duty to ensure that the impact of any MEE response on port operations within a S&PA port is limited to what is deemed by the Controlling Agency and HMA to be necessary in order to reasonably minimise loss of life, injury to a person or damage to the health of a person, property or the environment. The relevant Port Facility Operator will have a key role in working in partnership with DoT to determine how to best limit any impact on their port operations.
- In instances where it is necessary for restrictions to be placed on port operations during a MEE response, the implementation of any such restrictions shall be carried out by the DoT Harbour Master, in consultation with the Port Facility Operator through established S&PA Port procedures.
- Port Facility Operators are subject to the provisions of the *Pollution of Waters by Oil and Noxious Substances Act 1987* (POWBONS).

5 S&PA Port Regulatory Arrangements

S&PA Ports are administered by DoT in accordance with the S&PA. Pursuant to the S&PA, DoT has an obligation to maintain good order within the port.

Although specific provisions related to formulation of Marine Safety Plans have not been enacted within S&PA, it is accepted as good practice that DoT have a Marine Safety Plan (MSP) for each S&PA Port and that this MSP includes an appropriate Oil Spill Contingency Plan (OSCP).

Within S&PA Port Waters, Port 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 of a Port Facility Operator within a S&PA Port may also be governed by relevant provisions of their respective State Agreement Act where such an Act exists.

6 WA Maritime Environmental Emergency Management Arrangements

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 State/Territories to implement and maintain a National Plan for Maritime Environmental Emergencies (the National Plan).

The National Plan sets out the national arrangements, policies and principles for the management for MEE. 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 and to nominate a State Marine Pollution Controller (SMPC).

Pursuant to the EMA, DoT's Chief Executive Officer is the HMA for MEE incidents. The powers of the HMA have been delegated to DoT's Assistant Executive Director Maritime and other select positions within DoT. The Assistant Executive Director Maritime has also been nominated as the WA SMPC.

In effect, the above arrangements prescribe DoT as the Jurisdictional Authority for a MEE incident in State waters, including S&PA Port Waters.

In accordance with the EMA, the State Hazard Plan - MEE (SHP-MEE) has been formulated by the HMA and approved by the WA State Emergency Management Committee (SEMC).

SHP-MEE prescribes the management arrangements for the prevention of, preparation for, response to and recovery from a MEE incident in order to minimise the impacts of a MEE originating from vessels, offshore petroleum activities and other sources that impact all State Waters, including S&PA Port Waters.

7 Prevention and Mitigation

7.1 Hazard Management Agency Responsibilities – Prevention and Mitigation

The HMA is responsible for undertaking prevention and/or mitigation activities in relation to MEE incidents in S&PA Port Waters.

Specific prevention and mitigation activities are detailed in Section 2.2 of the SHP-MEE. Activities required of DoT specific to S&PA Ports include:

- Developing and monitoring policies and arrangements to prevent and control MEE incidents.
- 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 Port Facility Operators formulate and maintain an appropriate OSCP.
- Ensuring Port Facility Operators formulate and implement their own prevention and mitigation activities.

7.2 Port Facility Operator Responsibilities – Prevention and Mitigation

In accordance with Section 2.1 of the SHP-MEE, Port 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 DoT Port Operating Requirements (where issued)
- Monitoring and guiding shipping associated with their facility operations as appropriate.
- Installing and maintaining aids to navigation where it is agreed this is a Port Facility Operator responsibility.
- Establishing and maintaining shipping channels where it is agreed this is a Port Facility Operator responsibility.

8 Preparedness

8.1 Hazard Management Agency Responsibilities - Preparedness

The HMA has overall responsibility for undertaking preparedness activities in relation to marine oil pollution and marine transport emergencies in S&PA Port Waters.

Specific preparedness activities are detailed in Section 3 of the SHP-MEE. Preparedness activities required of DoT specific to S&PA 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 OSCP.
- Formulating and maintaining the relevant S&PA Port OSCP.
- Maintaining a State Stockpile of marine oil pollution response equipment.
- Maintaining an effective Maritime Incident Management Team (MIMT) and State Response Team (SRT).
- Conducting regular exercises to develop and maintain capability within the State to respond to a MEE incident.
- Working with Port Facility Operators to assist them meet their obligations in respect to the SHP – MEE.

8.2 Port Facility Operator Responsibilities - Preparedness

In accordance with Section 3.3.2 of the SHP-MEE, Port Facility Operators are responsible for formulating, reviewing and exercising their own OSCP document. This development of the OSCP identifies hazards and risks, available response resources, response arrangements and procedures and reporting arrangements. These Port Facility Operator OSCPs may be reviewed periodically by DoT as the HMA.

In accordance with Section 3.3.7 of the SHP-MEE, Port Facility Operators are also responsible for holding and maintaining a stockpile of Level 1 response equipment commensurate with the identified risk. It is also a requirement that the Port Facility Operator OSCP include a list of response equipment held on site by the Port Facility Operator.

Although not specifically mentioned in the SHP-MEE, it is implied that Port Facility Operators maintain adequate human resource to undertake initial response actions detailed in their OSCP, both in the field and in an incident management capacity.

It is also expected that Port Facility Operators regularly conduct training and exercises to ensure adequate preparations are in place to undertake initial response actions detailed in their OSCP.

9 Response

9.1 Hazard Management Agency / State Marine Pollution Coordinator Responsibilities - Response

The HMA has overall responsibility for ensuring there is an adequate response to a marine oil pollution and/or marine transport emergencies in WA State Waters, including within S&PA Port Waters.

Specific information pertaining to response arrangements are detailed in Section 4 of the SHP-MEE.

9.1.1 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 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 establish communications with the nominated senior representative of the relevant Port Facility Operator to ensure an effective coordinated response.

The specific duties of the SMPC during a MEE incident are detailed in the SHP-MEE.

9.1.2 Controlling Agency

The Controlling Agency has responsibility to control response activities to an actual or impending MEE incident.

In accordance with Section 4.1 of the SHP-MEE, DoT is the Controlling Agency for any MEE incidents in S&PA Port Waters, regardless of the incident level.

Upon notification of a MEE incident in S&PA Port Waters, DoT will appoint an Incident Controller and establish an Incident Management Team (DoT IMT) in the DoT Fremantle Incident Control Centre (ICC).

The Incident Controller will then establish contact with the relevant Port Facility Operator and confirm key information detailed in the checklist at Appendix 1.

At this point the DoT IMT will take measures to ensure that response activities that have been commenced by the Port Facility Operator in accordance with their OSCP are brought under the effective control of DoT as the Controlling Agency.

This will be primarily achieved through the appointment of the nominated Port Facility Operator employee leading the initial response to the position of Division Commander, reporting to the DoT Operations Officer in Fremantle. The role and duties of the Division Commander are detailed in Appendix 2.

If the situation warrants, the DoT IMT will then commence actions to facilitate the deployment of personnel and equipment to the nominated population centre near the MEE incident site. These actions will include the establishment of a Forward Operating Base (FOB) and Divisional Staging Area (DSA) in accordance with the relevant OSCP.

These facilities will be established with the support of the relevant Port Facility Operator, with an expectation that an appropriate number of Port Facility Operator employees will be embedded into the FOB and DSA. This should include the appointment of a Deputy Division Commander and Deputy Staging Area Coordinator once DoT personnel arrive on site to assume the roles of Division Commander and Staging Area Coordinator.

If possible, for continuity, it is preferable that the individual nominated by the Port Facility Operator for the position of Deputy Division Commander is the individual who was the Division Commander prior to the hand over to the DoT Division Commander.

As the Controlling Agency DoT has a duty to ensure that the impact of any MEE response on port operations is limited to what is deemed by the Controlling Agency and HMA to be necessary in order to reasonably minimise loss of life, injury to a person or damage to the health of a person, property or the environment. The relevant Port Facility Operator will have a key role in working in partnership with DoT to determine how to best limit any impact on port operations.

In instances where it is necessary for restrictions to be placed on port operations during a MEE response, the implementation of any such restrictions shall be carried out by the DoT Harbour Master, in consultation with the Port Facility Operator through established S&PA Port procedures. If necessary, directions may also be issued by an appropriately delegated Hazard Management Officer pursuant to the EMA.

9.1.3 Public Information / 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 a MEE. This responsibility will be met with the support of the Public Information Section within the DoT IMT.

For a MEE incident within S&PA Port, the SMPC will seek to work in partnership with relevant Port Facility Operator to establish a single coordinated public information strategy as it pertains to the MEE response. This should include the embedding of a Media Officer and a Community Engagement Officer from the relevant Port Facility Operator into the Public Information Section.

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 Facility Operator. It is accepted that the Port Facility Operator may engage in other public information activities during this period that are not directly related to the MEE response.

DoT will also establish a call centre within the DoT IMT to receive calls from the community as well as issue all appropriate warnings directly related to the MEE response.

9.2 Port Facility Operator Responsibilities – Response

9.2.1 Notifications

In accordance with Section 4.4 of the State Hazard Plan - MEE, a Port Facility Operator must report all actual or impending MEE incidents that are in, or may impact, State waters as soon as reasonably practicable to DoT Maritime Environmental Emergency Response (MEER) Duty Officer via the 24 hour reporting number **(08) 9480 9924**.

For an actual or impending MEE incident in a S&PA Port, reasonably practicable is defined by the HMA as being a verbal notification within one hour of becoming aware of the incident occurring.

The initial verbal notification must be followed up by an email containing a more detailed Marine Pollution Report (POLREP) to marine.pollution@transport.wa.gov.au.

Further information to reporting an MEE incident can be found at <https://www.transport.wa.gov.au/imarine/reporting-marine-oil-pollution.asp>.

The SMPC is responsible for the notification of an actual or impending MOP incident in State Waters to the Director General – Transport, the Minister for Transport and the State Emergency Coordinator as required.

The SMPC will also notify senior officials from other WA Government Agencies represented on DoT's Operational Area Support Group. This will include notification of the relevant Local Government Authority.

It is accepted that the Port Facility Operator may have other notification obligations with other agencies and organisations in respect to its operations.

9.2.2 Initial Response

During an actual or impending MEE incident in S&PA Port Waters, it is an expectation that the Port Facility Operator will commence initial response actions in accordance with their OSCP.

These initial response actions should be focused on the following objectives:

1. Ensuring the safety of personnel, including response personnel.
2. Ensuring the safety of the community.
3. Controlling the source and minimising spillage of oil into the marine environment.
4. Containing any oil that does enter the marine environment to minimise impacts and aid recovery.

The exact nature of these initial response actions will vary greatly depending on many factors, including location and the incident specifics. For this reason, it is expected that the most likely initial response actions are to be detailed in the relevant Port Facility Operator OSCPs in the form of Tactical Response Plans (TRP) aligned to individual Sectors. These Sectors will be detailed in the relevant Port OSCP formulated by DoT.

DoT is available to assist Port Facility Operators in the formulation of their TRPs as part of the consultation process detailed in Section 12.

As the Controlling Agency, DoT will assume control of any initial response actions initiated by a Port Facility Operator through the appointment of the nominated Port Facility Operator employee leading the initial response to the position of Division Commander, reporting to the Operations Officer in Fremantle.

From this point, the DoT IMT will direct all MEE related response activities. This will include the mobilisation of appropriate resources, establishment of a Forward Operating Base and Divisional Staging Area and the formulation and implementation of an Incident Action Plan for every proceeding Operational Period.

For planning purposes, it can be assumed that an advance party, including a DoT officer to assume the role of Division Commander, will be onsite within 24-36 hours following an incident notification. Upon a handover, it is requested that the outgoing Division Commander assume the role of Deputy Division Commander in order to continue to promote strong collaboration between DoT and the Port Facility Operator.

9.2.3 Ongoing Response

To enable an effective ongoing response, it is expected that the relevant Port Facility Operator will continue to provide the necessary support to DoT as the Controlling Agency.

This includes the provision of appropriate access within the port facility area and the provision of adequate facilities to accommodate the Forward Operating Base and Divisional Staging Area.

It also includes the provision of assistance to sustain the ongoing response effort through the provision of logistical support and local knowledge to access goods and services.

All ongoing response operations related to the MEE incident will be controlled by the DoT Incident Controller through the DoT IMT in Fremantle and FOB in the Divisional Area.

9.2.4 Incident Management Team Personnel

In the event that DoT is required to establish an IMT, the relevant Port Facility Operator will be formally requested to make available an appropriate number of appropriately qualified persons to work within the DoT IMT. The **initial** number of Port Facility Operator employees requested to be deployed into the DoT IMT, and the role they will be requested to fulfil, is detailed in Appendix

The provision of the initial cohort of Port Facility Operator personnel to the DoT IMT will be formally requested by the SMPC to the senior Port Facility Operator representative.

In this instance it will be requested that the Port Facility Operator's nominated Deputy Incident Controller attend the DOT ICC in Fremantle as soon as possible after the formal request has been made by the SMPC. It is also anticipated that the remaining initial cohort will be requested to attend the DoT ICC no later than 8am on the day following the request being formally made to the Port Facility Operator by the SMPC.

For Port Facility Operator personnel requested to serve in DoT's FOB, it is anticipated that they will be requested to be present when the FOB is established upon the arrival of the DoT Division Commander in the Divisional Area.

Once the specific circumstances of the incident are known and the actual workload of the DoT IMT is determined, the Incident Controller may request the deployment of additional personnel from the Port Facility Operator into the DoT IMT/FOB. Any subsequent requests will be communicated to the Port Facility Operator through the Port Facility Operator's nominated Deputy Incident Controller in the DoT IMT.

9.2.5 Operational Personnel

While DoT will deploy members of the State Response Team (SRT) and may request the deployment of members from the National Response Team (NRT), it will be formally requested that the relevant Port Facility Operator contributes an appropriate number of appropriately qualified persons to perform operational duties in the field under DoT control.

Depending on the scale of the response, DoT may also opt to secure additional personnel through an employment agency. These efforts will be managed by the DoT IMT through its own contracts without a reliance on any employment agency contracts the Port Facility Operator may have in place.

The DoT IMT will also manage any spontaneous volunteers by directing them to its nominated employment agency for potential employment depending on the requirements determined by the DoT IMT.

9.3 Occupational Health and Safety and Liability

Incident management and operational team personnel will be expected to respond in accordance with the Incident Action Plan approved by the DoT Incident Controller and the DoT MEER Safety Management System.

To ensure the safety of responders, DoT will appoint a Safety Officer to serve in the DoT IMT in Fremantle and a Safety Coordinator in FOB. Safety Representatives, reporting to the Safety Coordinator, will also be deployed within the Divisional Area to monitor adherence to the DoT MEER Safety Management System.

It is an expectation that the Port Facility Operator will nominate an appropriate employee to serve in the FOB in the role of Deputy Safety Coordinator to support DoT's OH&S activities.

All personnel working under the direction of DoT as the Controlling Agency, are insured under DoT insurance arrangements.

9.4 Response Arrangement Exercises

The HMA has a responsibility to ensure that the response arrangements contained within State Hazard Plan - MEE are exercised annually. The location, timing and format of the annual State MEER exercise will be confirmed by the HMA in partnership with relevant key stakeholders.

Beyond the annual State MEER exercise, DoT's involvement in exercises conducted by individual Port Facility Operators is dependent on the availability of DoT resources. Requests for DoT participation in exercises conducted by individual Port Facility Operator can be made through DoT's MEER unit with at least 3 months notice.

9.5 Investigations

During an incident, DoT and the Department of Water and Environmental Regulation (DWER) may conduct a joint investigation into possible breaches of State legislation. Movement of investigators within the spill area will be coordinated by the DoT FOB to facilitate personnel safety with the assistance of the Port Facility Operator.

10 Recovery

10.1 Hazard Management Agency / State Marine Pollution Coordinator Responsibilities - Recovery

The HMA has overall responsibility for ensuring an effective recovery process is initiated for a MEER incident.

Specific information pertaining to response arrangements are detailed in Section 5 of the SHP-MEE.

This responsibility includes the appointment of a Recovery Coordinator and establishment of a Recovery Committee by the SMPC. It also includes the formulation of an agreed 'End Point Criteria', preparation of a formal Impact Statement and agreement on ongoing scientific monitoring requirements.

10.2 Port Facility Operator Responsibilities - Recovery

The Port Facility Operator will be expected to assist DoT fulfil its recovery obligations. This includes the appointment of a senior Port Facility Operator representative to participate in the Recovery Committee, scientific monitoring and the provision of assistance to formulate the agreed 'End Point Criteria' document and formal Impact Statement.

11 Cost recovery

Cost recovery arrangements for MOP incidents in WA are in accordance with the National Plan and the 'polluter pays' principle. All reasonable costs or expenses incurred responding to a MEE incident in the land or waters of the State will be recovered from the relevant polluter in a court of competent jurisdiction.

In addition to the National Plan arrangements, DoT has statutory powers in State waters to recover all costs and expenses incurred in relation to discharges or probable discharges in accordance with the Western Australian *Pollution of Waters by Oil and Noxious Substances Act 1987*.

Port Facility Operator OSCP's are expected to acknowledge that cost recovery arrangements apply in full for all reasonable documented expenses incurred by DoT and Service Providers. Expenses include any costs resulting from any action or inaction taken by DoT in association with an actual or impending MEE incident that can be directly attributed to the Port Facility Operator.

The placement of Port Facility Operator personnel into the DoT IMT structure will enable the Port Facility Operator to have input and visibility on the allocation of resources and response expenditure. However, Port Facility Operator approval for expenditure decisions is not required by DoT during an incident response.

12 Consultation Requirements

12.1 Consultation Criteria

DoT requires consultation with all Port Facility Operators conducting operations within S&PA Ports that have the potential to cause a MOP incident in S&PA Port waters.

As the HMA and the Port Operator within S&PA Ports, it is an expectation that Port Facility Operators consult with DoT in the formulation and review of their OSCP.

Additionally, DoT may initiate consultations with a Port Facility Operator to confirm their MEE prevention, preparation, response and recovery arrangements.

12.2 Scope of Consultations

DoT places a high importance on consultations with Port Facility Operators and views this process as an important part of maximising the State's preparedness to adequately respond to a MEE incident in State waters.

In particular, consultations enable DoT to gain an understanding of the level of risk introduced to State waters by the Port Facility Operator activity within S&PA Ports and agree on appropriate incident management arrangements and response measures where DoT is identified as the Controlling Agency.

DoT requires that it is consulted as early as practicable during the development or review of an OSCP.

DoT will also seek to schedule occasional site visits to view Port Facility Operator operations and discuss preparations for a MEE incident.

12.3 Information Requirements for Consultations

As part of the consultation process with DoT, the Port Facility Operator is to provide the consultation information as outlined in Appendix .

Prior to engaging in the consultation process, the Port Facility Operator is expected to familiarise themselves with this Guidance Note, the SHP - MEE and the relevant S&PA Port OSCP.

In addition to the information contained within these documents, DoT may also provide clarification on its expectations as HMA on:

- Appropriate initial response techniques and protection priorities in S&PA Port waters.
- Adequacy of Port Facility Operator resources for response activities in S&PA Port waters.

12.4 Consultation Outcomes

At the completion of any consultation, the following outcomes will be provided:

- Port Facility Operators will have an effective OSCP that meets DoT's expectation as the HMA, Controlling Agency and relevant Port Operator.
- DoT will maintain an updated awareness of the State's oil spill risk and response capability.
- Clarity around the roles and responsibilities of the Port Facility Operator and DoT during a MEE incident will be understood by both parties to enable an effective coordinated response during a MEE incident in S&PA port waters.

12.5 Ongoing Consultation Required

Where consultation criteria are satisfied, DoT requires the MEER unit be provided with an electronic copy of the final OSCP.

DoT requires timely notification to the MEER unit of a new or increased environmental risk and/or changes in response arrangements in a Port Facility Operator OSCP.

13 Document Review

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

14 Additional Information

Australian Government:

- AMSA National Plan for Maritime Environmental Emergencies. Available at <https://www.amsa.gov.au/environment/maritime-environmental-emergencies/national-plan/>

WA State Government:

- Western Australian *Emergency Management Act 2005* and the Western Australian Emergency Management Regulations 2006. Available at: <http://www.slp.wa.gov.au/index.html>
- Western Australian State Hazard Plan for Maritime Environmental Emergencies. Available at https://www.transport.wa.gov.au/mediaFiles/marine/MAC_EP_StateEmergencyManagementPlanForMarineTransportEmergencies.pdf
- Western Australian Shipping and Pilotage Port Act Port Oil Spill Contingency Plans available upon request from DoT Harbour Master.
- Western Australian Oiled Wildlife Response Plans available at <https://www.dpaw.wa.gov.au/management/marine/marine-wildlife>

15 General Enquiries

All enquires relating to MOP incident management arrangements in Western Australia should be made to:

Maritime Environmental Emergency Response Unit
Maritime | Department of Transport
5 Newman Court, Fremantle, Western Australia 6160
marine.pollution@transport.wa.gov.au

Appendix 1 – Initial Incident Controller Contact Checklist

<input type="checkbox"/> Confirm the details and nature of the incident, including the incident prognosis.
<input type="checkbox"/> Confirm the potential impact on the community and the nature and extend of any actions underway or required to minimise community exposure to the spill.
<input type="checkbox"/> 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.
<input type="checkbox"/> Confirm the nature and extent of current and planned initial response (first strike) operations.
<input type="checkbox"/> Confirm the composition and status of measures in place to ensure the safety of responders.
<input type="checkbox"/> Confirm the composition and status of all response resources, both personnel and equipment, that has been mobilised by the Port Facility Operator and in transit to the spill site that will contribute to future response operations.
<input type="checkbox"/> Confirm the notifications that have been completed.
<input type="checkbox"/> Confirm current level of incident and the predicted level in the future.
<input type="checkbox"/> Conduct an initial assessment of DoT support required.
<input type="checkbox"/> Confirm details of the Port Facility Operator employee nominated to perform the role of Division Commander in the DoT IMT.
<input type="checkbox"/> Confirm the lines of communication arrangements between the Division Commander and the DoT Operations Officer.
<input type="checkbox"/> Confirm the location of the FOB and Divisional Staging Area.
<input type="checkbox"/> Confirm the public information arrangements between DoT and the relevant Port Facility Operator.

Confirm the Port Facility Operator employee nominated to be the senior representative in dealings with the SMPC

Notification of significant Safety Risks.

Secure a summary of all community / stakeholder engagement activities undertaken to date by the Port Facility Operator.

Confirm the estimated time of arrival for the DoT Advance Party and assistance required to establish the DoT FOB and Divisional Staging Area.

DoT Incident Controller: _____

Date: _____

Time: _____

Appendix 2 – Division Commander – Roles and Duties

The Division Commander reports to the Operations Officer within the Incident Management Team and is located within a defined geographical area established around the spill area referred to as the Divisional Area.

The Division Commander establishes and operates from a FOB within the Divisional Area.

As the Controlling Agency, DoT will assume control of any initial response actions initiated by a Port Facility Operator through the appointment of the nominated Port Facility Operator employee leading the initial response to the position of Division Commander, reporting to the Operations Officer in Fremantle.

From this point, the DoT IMT will direct all MEE related response activities. This will include the mobilisation of appropriate resources, establishment of a Forward Operating Base and Divisional Staging Area and the formulation and implementation of an Incident Action Plan for every proceeding Operational Period.

For planning purposes, it can be assumed that an advance party, including a DoT officer to assume the role of Division Commander, will be onsite within 24-36 hours following an incident notification. Upon a handover, it is requested that the outgoing Division Commander assume the role of Deputy Division Commander in order to continue to promote strong collaboration between DoT and the Port Facility Operator.

The roles and responsibilities of the Division Commander in the context of a spill related to a Port Facility Operator within a S&PA Port are as follows:

Role

- Activation and coordination of initial response options, with particular focus on the following objectives:
 - Ensuring the safety of personnel, including response personnel.
 - Ensuring the safety of the community.
 - Controlling the source and minimising spillage of oil into the marine environment.
 - Containing any oil that does enter the marine environment to minimise impacts and aid recovery.
- Coordination of notification reporting to the DoT MEER Duty Officer.
- Coordination and allocation of resources assigned to initial response operations.
- Implementation of their portion of the Incident Action Plan.
- Reporting on incident situation, the progress of response operations, emerging risks and the status of resources within the Divisional Area.
- Maintaining effective two-way information flows within the IMT Structure.
- Representing the Port Facility Operator on operational matters related to the incident response.

Responsibilities

- Identify and obtain a briefing from the Operations Officer.
- Establish the FOB and response units within the Divisional Area, setting the manning levels appropriate to the size and complexity of the incident.
- Delegate tasks within the Divisional Area.
- Manage personnel within the Divisional Area.
- Adjust the structure and manning in the Divisional Area throughout the incident in consultation with the Operations Officer.
- Provide a safe working environment for response personnel within the Divisional Area.
- Establish and maintain a log of activities and decisions within the FOB.
- Communicate performance within the Divisional Area to the Operations Officer.
- Represent the Port Facility Operator on operational matters in the IMT.
- Prepare a handover to the nominated DoT officer set to assume the role of Division Commander upon arrival in the Divisional Area.

Appendix 3 – Initial DoT IMT / Personnel Request upon the Port Facility Operator

Area	Role	Key duties	Number
DoT MEECC	Port Facility Operator Senior Representative	<ul style="list-style-type: none"> • Represent the Port Facility Operator in dealings with the SMPC relating to the strategic management of the MEE incident. • Offer advice to SMPC on matters pertaining to the strategic management of the MEE incident. • Facilitate Port Facility Operator involvement in joint media and public information activities. • (Note this individual may perform this role remotely from Fremantle) 	1
DoT IMT Incident Control	Deputy Incident Controller	<ul style="list-style-type: none"> • Provide a direct liaison between the Port Facility Operator and the DoT IMT. • Facilitate effective communications and coordination between the Port Facility Operator and the DoT IC. • Offer advice to the DoT IC on matters pertaining to Port Facility Operator incident response policies and procedures. • (Note this individual may perform this role remotely from Fremantle) 	1
DoT IMT Intelligence – Environmental	Environmental Support Officer	<ul style="list-style-type: none"> • As part of the Intelligence Team, assist the Environmental Coordinator in the performance of their duties in relation to the provision of environmental support to the planning process. • Assist in the interpretation of the Port Facility Operator OPSC as it pertains to environmental sensitivities. • (Note this individual may perform this role remotely from Fremantle) 	1

Area	Role	Key duties	Number
DoT IMT Planning – Plans/ Resources	Deputy Planning Officer	<ul style="list-style-type: none"> • As part of the Planning Team, assist the Planning Officer in the performance of their duties in relation to the interpretation of the relevant Port Facility Operator OSCP and the development of incident action plans. • (Note this individual must have intimate knowledge of the relevant OSCP and planning processes) • (Note this individual may perform this role remotely from Fremantle) 	1
DoT IMT Public Information – Media/ Community Engagement	Public Information Support & Media Liaison Officer	<ul style="list-style-type: none"> • As part of the Public Information Team, provide a direct liaison between the Port Facility Operator and DoT IMT Media team. • Assist in the release of joint media statements and conduct of joint media briefings. • Assist in the release of joint information and warnings through the DoT Information & Warnings team. • Offer advice to the DoT Media Coordinator on matters pertaining to Port Facility Operator media policies and procedures. • Facilitate effective communications and coordination between the Port Facility Operator and DoT Community Liaison teams. • Assist in the conduct of joint community briefings and events. • Offer advice to the DoT Community Liaison Coordinator on matters pertaining to the Port Facility Operator community liaison policies and procedures. • Facilitate the effective transfer of relevant information obtained through the Contact Centre to the Port Facility Operator. • (Note this individual may perform this role remotely from Fremantle) 	1

Area	Role	Key duties	Number
DoT IMT Logistics	Deputy Logistics Officer	<ul style="list-style-type: none"> • As part of the Logistics Team, assist the Logistics Officer in the performance of their duties in relation to the provision of supplies to sustain the response effort. • Facilitate the acquisition of appropriate supplies through the Port Facility Operator s existing private contract arrangements. • Collect Request Forms from DoT to action via Port Facility Operator as required. • (Note this individual must have intimate knowledge of the relevant Port Facility Operator logistics processes and contracts) • (Note this individual may perform this role remotely from Fremantle) 	1
DoT IMT Finance – Accounts/ Financial Monitoring/	Deputy Finance Officer	<ul style="list-style-type: none"> • As part of the Finance Team, assist the Finance Officer in the performance of their duties in relation to the setting up and payment of accounts for those services acquired through the Port Facility Operator private contract arrangements. • Facilitate the communication of financial monitoring information to the Port Facility Operator to allow them to track the overall cost of the response. • Assist the Finance Officer in the tracking of financial commitments through the response, including the supply contracts commissioned directly by DoT and to be charged back to the Port Facility Operator. • (Note this individual may perform this role remotely from Fremantle) 	1

Area	Role	Key duties	Number
DoT FOB Operations Command	Deputy Division Commander	<ul style="list-style-type: none"> • Provide a direct liaison between the Port Facility Operator and DoT FOB. • Facilitate effective communications and coordination between the Port Facility Operator and the DoT Division Commander. • Offer advice to the DoT Division Commander on matters pertaining to Port Facility Operator incident response policies and procedures. • Assist the Safety Coordinator deployed in the FOB in the performance of their duties, particularly as they relate to Port Facility Operator employees or contractors. 	1
DoT FOB Safety	Deputy Safety Coordinator	<ul style="list-style-type: none"> • Offer advice to the Safety Coordinator on matters pertaining to Port Facility Operator safety policies and procedures, particularly as they relate to Port Facility Operator employees or contractors operating under the control of the DoT IMT. • Assist the Safety Coordinator in the conduct of activities to ensure the safety of responders within the Divisional Area. 	1
DoT Divisional Staging Area Operations	Deputy Staging Area Coordinator	<ul style="list-style-type: none"> • Provide support to the Staging Area Coordinator in the conduct of their duties as they pertain to the establishment and operation of the Divisional Staging Area. 	1
		TOTAL PORT FACILITY OPERATOR PERSONNEL INITIALLY REQUIRED IN DOT IMT	10

Appendix 4 – Department of Transport Consultation

Through the *Emergency Management Regulations 2006* the Chief Executive Officer of the Department of Transport (DoT) is the Hazard Management Agency (HMA) for Marine Oil Pollution (MOP) and has overall responsibility for ensuring there is an adequate response to a MOP incident in State waters, including S&PA Port water.

To ensure the HMA can fulfil its obligations as the HMA it is critical that Port Facility Operators provide the HMA with relevant information and that agreement between the HMA and the Port Facility Operators can be reached in relation to oil spill contingency arrangements. As part of this responsibility, DoT continually updates its awareness of oil spill risk and response capability.

As the relevant Port Operator and Controlling Agency, DoT will work with Port Facility Operators and provide input to the oil spill contingency planning process to ensure that oil spill response capability is commensurate with the level of introduced risk.

For review, Port Facility Operators should provide DoT with a copy of their OSCP. Accompanying this should be a table listing out the sections where the specific information, as detailed below, is covered in the OSCP. The specific information as requested is as follows:

1. Description of activity, including the location (including coordinates) and a map.
2. Worst case spill volumes.
3. Known or indicative oil type/properties.
4. Description of existing environment and protection priorities associated with the immediate area of the relative port facility operation and potential adjacent impact area.
5. Details of the environmental risk assessment related to marine oil pollution - describe the process and key outcomes around risk identification, risk analysis, risk evaluation and risk treatment.
6. Outcomes of any oil spill trajectory modelling conducted for the OSCP, including contacted shorelines.
7. Details on initial response actions and key activation timeframes.
8. Potential Forward Operating Base arrangements.
9. Potential Divisional Staging area arrangements.
10. Proposed Tactical Response Plans.
11. Details and diagrams on proposed IMT structure including integration of DoT arrangements as per this Guidance Note.
12. Details on proposed exercise and testing arrangements of OSCP.

All documents submitted to DoT should display the relevant document control information to avoid any revision confusion.

DoT may request further information if sufficient detail is not provided or adequately highlighted.

Port Facility Operators may also choose to provide other supporting information with any submissions.

Port Facility Operators are reminded to provide the DoT MEER unit with an electronic copy of the final OSCP at the completion of the consultation.

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

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