

MEMORANDUM OF UNDERSTANDING

Between

TASMANIA FIRE SERVICE

and the

ENVIRONMENT PROTECTION AUTHORITY

For

Responding to hazardous materials incidents and marine
pollution incidents

(December 2021)

MEMORANDUM OF UNDERSTANDING

between

Tasmania Fire Service (TFS)

and

the Environment Protection Authority (EPA)

The purpose of this Memorandum of Understanding (MOU) is to outline arrangements between the Tasmania Fire Service (TFS) and the Environment Protection Authority (EPA) for the provision of Hazardous Materials Incident Response and specific capabilities in Marine Pollution Incident Response.

1. Parties involved in this MOU

Name: Tasmania Fire Service
Address: GPO Box 1526
Hobart TAS 7001
Contact: Dermot Barry, Chief Officer
Email Address: d.barry@fire.tas.gov.au

Name: Environment Protection Authority
Address: GPO Box 1550
Hobart TAS 7001
Contact: Wes Ford, Director and Chief Executive Officer, Environment
Protection Authority
Email Address: Wes.Ford@epa.tas.gov.au

2. Purpose and scope of MOU

- 2.1. Under the Tasmanian Emergency Management Arrangements (TEMA) both parties respond to hazardous materials incidents and marine pollution incidents.
- 2.2. The EPA has responsibilities under the *Environmental Management and Pollution Control Act 1994* to prevent and/or minimise environmental harm from pollution incidents and under the *Marine-related Incidents (MARPOL Implementation) Act 2020* which include prevention and/or minimisation of discharges into State waters.
- 2.3. The parties have agreed to enter this MOU to establish their respective responsibilities and obligations regarding how they will work together in the event of such incidents.
- 2.4. In undertaking hazardous materials and marine pollution incident response functions both parties agree to adhere to the policies, procedures and plans set out in the TEMA as prescribed by the *Emergency Management Act 2006* and/or authorised by the State Emergency Management Committee.

3. Definitions

In this MOU, words and expressions have the following meanings:

| | |
|-----------------|--|
| AAS | Air Attack Supervisors |
| AO | Air Observer |
| Crown | the Crown in right of state of Tasmania represented by the Secretary of the Department of Primary Industries, Parks, Water and Environment |
| EPA | Environment Protection Authority |
| HAZMAT | Hazardous materials |
| HUET | Helicopter Underwater Escape Training |
| MOU | This Memorandum of Understanding between TFS and the EPA |
| nm | Nautical miles |
| NRT | National Response Team |
| Party (Parties) | Any one of TFS or the EPA as the context requires. |
| Petrol Products | Unleaded Petrol, Premium Unleaded Petrol and Avgas |
| Render Safe | To secure and contain hazardous substances to safeguard the community and minimise harm to the natural environment. |
| TasPlan | Tasmanian Marine Oil and Chemical Spill Contingency Plan |
| TasPorts | Tasmanian Ports Corporation |
| TEMP | Tasmanian Emergency Management Plan |
| TFS | Tasmania Fire Service |

4. Nominated Officers

4.1. The following officers are responsible for ensuring their respective organisation implements its obligations under this MOU:

4.1.1. EPA Nominated Officer: Director and Chief Executive Officer, EPA

4.1.2. TFS Nominated Officer: Chief Officer, TFS

4.2. Each Nominated Officer will ensure the facilitation of timely information flow between the parties and at all levels within their organisation as relevant to incident preparedness; response and recovery and maintain awareness of emergency management arrangements in Tasmania.

HAZARDOUS MATERIALS INCIDENTS

5. TFS role in responding to hazardous materials incidents

5.1. TFS is the control agency for response to hazardous materials incidents in accordance with the Tasmanian Hazardous Materials Emergency Plan.

5.2. TFS responsibilities as the control agency are set out in the *Fire Service Act 1979*, State Fire Protection Plan, Tasmanian Hazardous Materials Emergency Plan and Chemical, Biological and Radiological Security Incident Response Plan.

5.3. TFS will seek advice and assistance from EPA in securing and containing hazardous substances to safeguard the community and minimise harm to the natural environment.

5.4. TFS will endeavour to seek advice and take appropriate measures to minimise pollution from firefighting, and/or the release of environmentally harmful substances caused by any third party.

5.5. TFS will provide field analysis capability for the protection of human health and safety at the incident scene.

5.6. TFS will endeavour to assist EPA with the sampling of materials if requested to do so. EPA will supply sampling equipment, will label sample containers prior to sample collection, and will be responsible for completing all paperwork in relation to the sampling.

6. EPA's role in responding to hazardous materials incidents

6.1. EPA's emergency management responsibilities are set out in the Tasmanian Emergency Management Plan.

6.2. EPA will provide timely technical advice about the hazards associated with materials involved in such incidents. This will include information about the nature of the hazardous materials and the potential impacts on the environment.

6.3. EPA will endeavour to provide an officer/s to attend the site of an incident if requested by the TFS.

- 6.4. EPA has discretion to deploy an officer or officers to an incident site, irrespective of whether TFS requests this, to ensure that appropriate action is taken to protect the environment and the site is satisfactorily cleaned up.
- 6.5. The parties recognise that different circumstances that arise with each incident will affect the availability of officers and the need for EPA to attend an incident.
- 6.6. EPA will assist in the identification of substances if requested to do so, including by taking samples and using the services of Analytical Services Tasmania, if necessary.

7. Hazardous materials incident notifications

- 7.1. TFS will notify EPA of incidents, emergencies and fires involving hazardous materials by calling the Pollution Incidents and Complaints Hotline number - 1800 005 171
- 7.2. Notifications will, as far as practicable, be made immediately.
- 7.3. If EPA is notified of a hazardous materials incident by a source other than TFS, it will immediately notify TFS of the incident by phoning triple zero (000).

8. Render safe phase of hazardous material incidents

- 8.1. When TFS has rendered the site of a hazardous materials incident safe in consultation with EPA, responsibility for the site will be returned to the site owner or occupier.
- 8.2. When EPA determines further remediation works are to be performed in the recovery phase following the render safe phase of an incident, where the party responsible for causing the incident cannot be immediately identified or is unable to effect the required work, TFS will, subject to availability of its resources, provide personnel and equipment to assist.
- 8.3. TFS is not responsible for the disposal of waste generated as a result of a hazardous material incident. EPA will ensure that the site is appropriately cleaned up by the site owner, occupier, or polluter.
- 8.4. If required, EPA will organise for offsite temporary storage of waste generated as a result of a hazardous material incident.

MARINE POLLUTION INCIDENTS

9. TFS role in Marine Pollution Incidents

- 9.1. TFS will act as control agency for spills to the marine environment involving petrol products. *
- 9.2. TFS will act as the control agency for chemical spills in all Tasmanian Ports and within the 3nm coast waters limit.
- 9.3. TFS will supply the aircraft officer or air operations manager and the aerial trained crew for personnel tasked with the specialist roles of the air observer and air attack supervisor. Air Attack Supervisors (AAS) will ensure the safe and efficient coordination of Aerial dispersant application and tactical activity in support of a marine incident. Air observers will record oil location, movement and impacts as well as obtain other incident intelligence as required. Additional observers may be supplied from NRT personnel.

9.4. TFS will source suitable aircraft (which may include Remote Pilot Aircraft) for response operations in the first instance based on standing TFS contract arrangements. Should suitable aircraft not be available from TFS sources, additional aircraft will be sought under a separate agreement.

* Refer to explanatory note

- 9.5. TFS will ensure that its Officers and those from other jurisdictions are suitably trained, qualified and have the following competencies to fulfil the role of AAS:
 - 9.5.1. Senior First Aid Certificate
 - 9.5.2. PUAFIR209A (Work safely around aircraft)
 - 9.5.3. PUAFIR315A (Navigate from an aircraft)
 - 9.5.4. PUAFIR401A (Obtain incident intelligence role specific)
 - 9.5.5. PUAFIR408 (Plan aircraft operations role specific)
 - 9.5.6. UAFIR409A (Developed air attack strategies)
 - 9.5.7. Helicopter Underwater Escape Training (HUET)
- 9.6. TFS will provide Officer(s), upon request, for Aerial Observers (AO) to collect and provide advice on information of oil spill activity from an aircraft.
- 9.7. TFS will ensure that its Officers and those from other jurisdictions are suitably trained, qualified and have the following competencies to fulfil the role as AO:
 - 9.7.1. Senior First Aid Certificate
 - 9.7.2. PUAFIR209A (Work safely around aircraft)
 - 9.7.3. PUAFIR315A (Navigate from an aircraft)
 - 9.7.4. PUAFIR401A (Obtain incident intelligence role specific)
 - 9.7.5. Helicopter Underwater Escape Training (HUET)

10. EPA role in Marine Pollution Incidents

- 10.1. EPA is the jurisdictional authority for marine pollution incidents in Tasmanian waters in accordance with the Tasmanian Marine Oil and Chemical Spill Contingency Plan (TasPlan).
- 10.2. EPA is the control agency for marine pollution incidents in State waters and maintains a 24/7 hotline for reporting of all marine oil and chemical spills. This responsibility is described in more detail in the Tasmanian Marine Oil and Chemical Spill Contingency plan (TasPlan).
- 10.3. EPA is responsible for preparedness, ensuring the State has the resources and capabilities to respond.

GENERAL PROVISIONS

11. TFS responsibility – Provision of resources to protect the environment

- 11.1. TFS will, subject to the availability of its resources, assist EPA:
 - a) To provide resources to protect the environment; and

- b) Where a pollution incident occurs, which is not directly associated with a hazardous material incident or a marine pollution incident, and TFS has been requested to attend by EPA.

11.2. Both parties acknowledge that, from time to time, TFS may not be able to allocate resources to fulfil its commitment under this MOU for incidents where it is not the control agency. However, TFS will strive to give effect to this MOU and to ensure that all practical resources of TFS are available at the discretion of the TFS Chief Officer.

12. Media requests for comments

12.1. TFS will comment on operational matters and refer media requests for comments on environmental impacts to the EPA. The control agency tasked with leading operations will manage media requests through the incident controller and usual business of the incident IMT media unit. Expert comments relating to environmental impacts, or Hazardous Materials will involve specialists from EPA and TFS respectively.

12.2. Both parties will refer any media requests for comments on threats to public health and property to the relevant agency.

13. Training

13.1. The parties are to establish and maintain arrangements to ensure that their personnel are advised of, and participate in, relevant training and exercise activities.

13.2. The parties are to engage in a biannual training event addressing air capability and techniques. Examples of training events include: a discussion exercise, a professional development event, an on-water exercise or field deployment training event.

13.3. EPA will train appropriate TFS staff in the collection of samples as referred to in clause 5.6 of this MOU.

14. Information sharing

14.1. The parties will comply with any reasonable request to provide information which may assist in the performance of this MOU and their statutory functions.

14.2. Advice provided to TFS, from agencies other than EPA, on HAZMAT incidents is to be provided to EPA upon request to ensure that both parties are receiving consistent advice. *

15. Operational costs

15.1. Each party will bear their own operational costs with regard to this MOU. Cost recovery from third party individuals or companies involved in an incident is the responsibility of each party.

16. Dispute resolution

16.1. Both parties agree to act in good faith and in the spirit of cooperation to resolve by way of negotiation any dispute, grievance or disagreement that may arise from this MOU. If any issue arises, the aggrieved party's Nominated Officer must notify the other Nominated Officer as soon as practicable so that the matter can be resolved.

17. Not legally binding

17.1. This MOU is not legally binding or enforceable as the intention is for the parties to cooperate with each other.

18. Previous arrangements

18.1. The parties acknowledge that this MOU supersedes all previous agreements, arrangements and understandings between the parties dealing with the same subject matters.

* Refer to explanatory note

19. Commencement and duration

19.1. The MOU will commence when signed by both parties and continues indefinitely until termination.

19.2. The MOU will be reviewed by the parties every five years or as agreed between the parties in writing.

20. Termination

20.1. This MOU may be terminated by:

- a) Agreement of both parties in writing at any time, or
- b) Either party giving three months written notice to the other party at any time.

21. Execution Page

Executed as an agreement:

DATED this.....9th.....day of...December...20...21.....

SIGNED for and on behalf of Tasmania Fire Service as an authorised representative

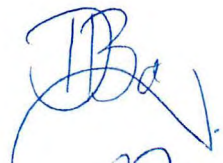
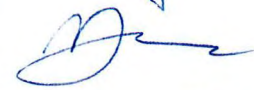
Signature of authorised person

In the presence of:

Signature of witness

Name of witness (block letters)

Address and occupation of witness



 FIONA IRWIN
 1811 CRESWELL'S ROW
 HOBART IN TASMANIA
 EXECUTIVE ASSISTANT

SIGNED for and on behalf of the Environment Protection Authority as an authorised representative

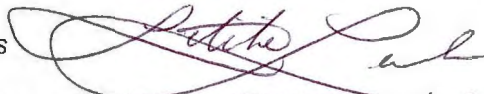
Signature of authorised person



13th Dec 21

In the presence of:

Signature of witness



Name of witness (block letters)

LETTIA LAMB.

Address and occupation of witness

MARINE POLLUTION OFFICER.

134 MACQUARIE ST

HOBART 7000

EXPLANATORY NOTE FOR OFFICERS OF THE TASMANIA FIRE SERVICE AND THE EPA

The Memorandum of Understanding (MOU) between the Tasmania Fire Service (TFS) and Environment Protection Authority, (EPA) outlines arrangements between the parties for the provision of Hazardous Materials and Marine Pollution Incidents.

This Explanatory Note — which should be read in conjunction with the MOU — provides background information and the current status of the signatories' ability to provide resources.

- 9.1 TFS currently has very limited capacity to undertake the control role for HAZMAT incidents aboard ships that are not secured to wharves. TFS is working towards either achieving that capability within TFS or seeking assistance from other intrastate and interstate agencies.

- 14.2 TFS has an arrangement to request specialist HAZMAT advice from Victorian fire agencies (Country Fire Authority and Metropolitan Fire Brigade). Any specialist advice will be shared between EPA and TFS to ensure clarity and agreed protocols regarding Incident Management.