

1. PURPOSE

The purpose of this Guidance Note is to inform Offshore Petroleum Titleholders (Petroleum Titleholders) of the Tasmanian (TAS) emergency management arrangements in respect to Marine Oil Pollution (Pollution) emergencies in State waters. The Guidance Note outlines Petroleum Titleholders obligations under those arrangements and the Department of Primary Industry Parks Water and Environment – EPA Tasmania (EPA) expectations.

This Guidance Note also informs Petroleum Titleholders of EPA Tasmania’s consultation requirements during the preparation of an environment plan (EP), an oil pollution emergency plan (OPEP) or oil spill contingency plan (OSCP), and ongoing consultations where relevant.

2. SCOPE

This Guidance Note applies to all offshore petroleum activities with the potential to cause a Pollution Emergency in Tasmanian State waters (Figure 1). These activities may occur in shallow coastal or deep oceanic environments in State or Commonwealth waters.

This Guidance Note is relevant to the consultation requirements of both relevant State and Australian Government offshore petroleum legislation.



Figure 1 Tasmanian State Waters

3. RELATED DOCUMENTS

This Guidance Note should be read in conjunction with the Tasmanian Marine Spill Contingency Plan (TasPlan) and other related documents listed in section 13.

4. OFFSHORE PETROLEUM INDUSTRY REGULATORY AGENCIES

The Department of State Growth – Mineral Resources Tasmania (MRT) is the Regulatory Agency for petroleum activities in State waters administered under the *Tasmanian Petroleum (Submerged Lands) Act 1982*, the *Mineral Resources Development Act 1995*, and associated regulations.

MRT is responsible for administering activities related to petroleum activities, which occur in State waters.

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) have responsibility for safety, well integrity and the environmental management of the offshore petroleum industry within Australian Government waters in accordance with the Australian Government *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA) and associated regulations.

NOPSEMA is responsible for the assessment, acceptance and compliance of Oil Pollution Emergency Plans (OPEPs) related to petroleum activities in Australian Government waters, referred to as 'Offshore Area' in the OPGGSA.

5. PETROLEUM TITLEHOLDER RESPONSIBILITIES

Petroleum Titleholders have a legislated responsibility for managing oil spill risks of petroleum activities under the Offshore Petroleum and Greenhouse Gas Storage (Environmental) Regulations 2009.

This includes the requirement to prepare and maintain an OPEP setting out adequate arrangements for responding to and monitoring oil pollution.

EPA Tasmania's role as the Control Agency for a Level 1 / 2 / 3 Pollution emergency in State waters does not negate the requirement for Petroleum Titleholders to have appropriate plans and resources in place to adequately respond to a Pollution incident in State waters commensurate with their level of introduced risk.

For any Pollution emergency, it is an expectation that the Petroleum Titleholder will conduct initial response actions in State waters as necessary in accordance with their OPEP/OSCP and continue to manage those operations until incident control can be established by EPA Tasmania.

To assist EPA Tasmania to assume formal incident control, the nominated EPA Tasmania Incident Controller will establish contact with the relevant Petroleum Titleholder Incident Controller and work to establish joint control – EPA Tasmania IC assuming responsibility within the joint IMT for State Water matters. The Controlling Agency Transfer Checklist at Annex 1 is for guidance.

Upon establishment of incident control by EPA Tasmania, the Petroleum Titleholder is expected to continue to provide an IMT structure to house the Tasmanian responders and allow for the Incident Controller for Tasmanian State Waters to form a working group with the Titleholders Incident Controller – sharing duties as prescribed in their respective Control Agency responsibilities, including planning resources and capability support in accordance with their OPEP/OSCP.

This will include response assets and contracts specified in their OPEP/OSCP, such as those pertaining to waste management, transport and personnel as well as their response arrangements with Australian Marine Oil Spill Centre (AMSOC) and other third party responders.

AMOSOC Core Group operates under the AMOSPlan to support level 2 and level 3 oil spill responses. The

Core Group includes three levels of response expertise: Incident Controller Advisors; Spill Managers; and Field Operators.

All of these are petroleum industry personnel working for AMOSC member companies. Each member company has a Core Group supervisor who is the primary point of contact for any Core Group matter.

While primarily focused on petroleum industry spill response, the Core Group is also available to the National Plan to support other spill responses.

AMOSC members can activate the Core Group directly with AMOSC. All other National Plan stakeholders may request Core Group support through Australian Maritime Safety Authority (AMSA).

6. POLLUTION INCIDENT NOTIFICATION

In accordance with TASPLAN, a Petroleum Titleholder must report all actual or impending Pollution incidents that are or may impact State waters immediately or if not in communications, as soon as reasonably practicable by contacting EPA Tasmania on any of the following:

- EPA Pollution hotline 1800 005 171;
- The AMSA Rescue Coordination Centre (1800 641 792 – 24 hours);

The initial verbal notification must be followed up by an email containing a more detailed Pollution Incident Report to incidentresponse@epa.tas.gov.au.

The TMPC is responsible for the notification of an actual or impending Pollution emergency in State waters to the State Controller, Minister for State Growth and the Minister for the Environment, as required.

The TMPC will also notify senior officials from other TAS Government Agencies represented on Tasmania's State Marine Pollution Committee and Regional Emergency Co-ordination Group.

Petroleum Titleholders are requested not to contact the Department of Premier and Cabinet directly to notify them of a Pollution incident.

Further notification requirements maybe imposed on the Petroleum Titleholder by relevant Regulatory Agencies.

Pollution incident notification procedures are shown in Annex 2.

7. OFFSHORE PETROLEUM INCIDENT COORDINATION FRAMEWORK

The Australian Government has agreed that in responding to offshore petroleum incidents originating in Australian Government waters, a central incident coordination committee be convened and chaired by the Department of Industry, Innovation and Science. The committee is known as the Offshore Petroleum Incident Coordination Committee (OPICC).

The purpose of OPICC is to effectively coordinate the Australian Government efforts and resources, and communicate to the public and affected stakeholders all matters relevant to a significant offshore petroleum incident that originates in Australian Government Waters.

It should be noted that OPICC is not a mechanism to deploy Australian Government resources, exercise incident control or implement operational response

8. TASMANIAN MARINE OIL POLLUTION EMERGENCY MANAGEMENT ARRANGEMENTS

In accordance with the *Tasmanian Emergency Management Act 2006* and supported by the *Pollution of Waters by Oil and Noxious Substances Act 1987*, EPA Tasmania is the Control Agency (CA) for the Marine Oil Pollution hazard in State waters.

In accordance with the State Emergency Management Plan, TasPlan sits as an associated plan within the State Tasmanian emergency management arrangements.

TasPlan prescribes the management arrangements for the prevention of, preparation for, response to and recovery from a Pollution emergency in order to minimise the impacts of marine oil pollution from vessels, offshore petroleum activities and other sources in State waters.

The Tasmanian 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 Pollution. It defines obligations of the States and various industry sectors in respect to Pollution prevention, preparation, response and recovery.

The IGA also commits the State to nominate a responsible 'Jurisdictional Authority' to manage Pollution emergencies in State waters and nominate a 'State (Tasmanian) Marine Pollution Coordinator' (TMPC).

In effect, the above arrangements prescribe EPA Tasmania as the Jurisdictional Authority for a Pollution emergency in State waters.

8.1. CONTROL AGENCY RESPONSIBILITIES

The Control Agency is the agency or company assigned by legislation, administrative arrangement (such as TasPlan) or within the relevant contingency plan to control the response activities to a Pollution emergency.

The Control Agency also has responsibility for appointing the Incident Controller who is competent to undertake the incident control function at a level commensurate with the defined level of incident.

In accordance with TasPlan, the Control Agency for a Pollution emergency in State waters (excluding Primary Port areas) is EPA Tasmania.

The Control Agency for a Pollution emergency in State waters (excluding Primary Port areas) resulting from an offshore petroleum activity is EPA Tasmania.

In accordance with the National Plan, the Control Agency for a Level 1 / 2 / 3 Pollution emergency in Commonwealth waters resulting from an offshore petroleum activity is the Petroleum Titleholder.

Further details on the responsibilities for response in Tasmanian waters is detailed in section 1.7 Roles and Responsibilities of Tasmania's oil spill contingency plan (TasPlan). Part 5 of the National Plan outlines arrangements at a National level.

8.2. EPA TASMANIA CONTROL AGENCY MARINE POLLUTION (COASTAL) COORDINATOR RESPONSIBILITIES

The Control Agency has overall responsibility for ensuring there is an adequate response to a Pollution emergency in State waters, including those resulting from an offshore petroleum activity.

In these instances the provision of an adequate response will be primarily achieved through the coordinated employment of the Petroleum Titleholder's resources.

During an actual or impending Pollution emergency in State waters, the Director of the EPA, will assume the role of TMPC. The TMPC provides overall strategic management of the response and executive level support and guidance to the Incident Controller.

DPIPWE Tasmania staff, TasPorts when operationally possible and broader government resources through the State Control Centre assists the TMPC to form the IMT or a support staff team for the TPMC and EPA Tasmania to fulfil their statutory obligations in respect to a Pollution emergency in State waters.

8.3. SINGLE JURISDICTIONAL ARRANGEMENTS

In the context of this Guidance Note, a Single Jurisdiction Pollution emergency is one that originates in State waters, or that has transitioned from another jurisdiction and is now only impacting the State.

In the event that a Pollution emergency resulting from an offshore petroleum activity is situated in State waters, EPA Tasmania will assume the function of Control Agency.

In fulfilling its obligations as Control Agency, EPA Tasmania will require the relevant Petroleum Titleholder to work in partnership with EPA Tasmania to ensure an adequate response is provided.

It should be noted that EPA Tasmania's role of Control Agency will not extend to response operations directly associated with source control or relief well drilling. Management of these operations will be performed by the Petroleum Titleholder.

In such instances, coordination measures, such as the deployment of Liaison Officers, may be required between EPA Tasmania's Pollution Incident Management Team (IMT) and the Petroleum Titleholder Source Control IMT.

The Control Agency control and coordination arrangements for a Single Jurisdiction Pollution emergency are outlined in Figure 2.

Control Agency Control and Coordination Structure – Single Jurisdiction

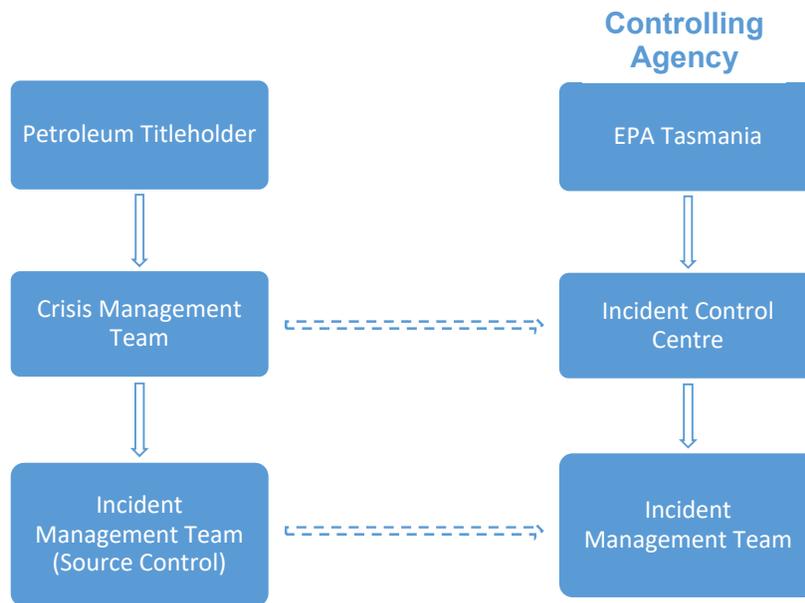


Figure 2 – Control Agency Control and Coordination Structure – Single Jurisdiction

Note – EPA Tasmania IMT is supported by number of appropriately qualified persons from the Petroleum Titleholder in key areas commensurate with their level of introduced risk.

8.3.1. INCIDENT MANAGEMENT TEAM – SINGLE JURISDICTION

In the event of a Pollution emergency resulting from an offshore petroleum activity situated in State waters, EPA Tasmania will establish an IMT.

In this instance the Petroleum Titleholder will be required to provide an appropriate number of appropriately qualified personnel to provide a capability for the EPA Tasmania responsibilities within the IMT.

Further details on the Hazard Management Structure / Arrangements are contained within Section 1 of TasPlan.

8.3.2. AGENCY TRANSFER PROTOCOLS – SINGLE JURISDICTION

In the event of a transfer of Control Agency from the Petroleum Titleholder to EPA Tasmania for a Single Jurisdiction Pollution emergency, the TMPC will confirm all relevant protocols with the nominated Petroleum Titleholder representative.

These matters will include, but not be limited to:

- Timing and method of EPA Tasmania formally assuming the function of Control Agency and any relevant transitional arrangements.
- The location of the Incident Control Centre (ICC) and any Forward Operating Bases (FOB), including coordination and liaison arrangements in place.
- The appointment of an EPA Tasmania Incident Controller and communications protocols with the Petroleum Titleholder.

- Required ongoing commitment from the Petroleum Titleholder in respect to response personnel, including members of the IMT and operational teams.
- Required ongoing commitment from the Petroleum Titleholder in respect to response resources and funding arrangements.
- Requirements pertaining to ongoing Public Information efforts, particularly with respect to media management.
- Protocols relating to source control and relief well drilling and associated communications between EPA Tasmania and the Petroleum Titleholder.
- Protocols to ensure resolution of issues of any matters of concern between the State of Tasmania, through the TMPC, and the Petroleum Titleholder.
- Protocols to ensure effective coordination and communications between the Australian Government, State of Tasmania and the Petroleum Titleholder.

The above matters should be considered as part of consultations between the Titleholder and EPA Tasmania (Tasmanian stakeholder representation for oil spill response arrangements).

Arrangements will then be made for the EPA Tasmania Incident Controller to work through the Controlling Agency Transfer Checklist (Annex 1) with the relevant Petroleum Titleholder Incident Controller.

8.3.3. CONFLICT RESOLUTION – SINGLE JURISDICTION

If matters of contention involving response activities solely related to State waters cannot be resolved at IMT level between EPA Tasmania and the Petroleum Titleholder, the matter is to be referred to the TMPC for a resolution.

If necessary, the TMPC may consult with NOPSEMA, the Petroleum Titleholder's nominated senior point of contact prior to making a determination on a matter requiring resolution.

8.4. CROSS JURISDICTIONAL ARRANGEMENTS

In the context of this Guidance Note, a cross jurisdiction Pollution emergency is one that originates, and may still be ongoing, in Australian Government waters and results in EPA Tasmania exercising its Control Agency obligations in respect to actual or impending response activities in State waters.

It may also be the case that response activities in relation to the pollution emergency may also be required in adjacent State waters. In this instance the TMPC will liaise with adjacent State representatives in order to establish protocols between the States.

Where Tasmanian State waters are impacted by a Level 1 / 2 / 3 Pollution emergency resulting from an offshore petroleum activity in Australian Government waters, EPA Tasmania will only assume the role of Control Agency for that portion of the response activity that occurs within State waters.

In cross jurisdiction Pollution emergencies, EPA Tasmania may establish an Incident Controller into the established IMT to represent Tasmanian Control agency responsibilities, or establish a separate Tasmanian IMT to represent Tasmanian Control Agency functions.

In both instances the Petroleum Titleholder will be required to provide an appropriate capability of appropriately qualified Liaison Officers and support staff, (commensurate with the level of introduced risk), for the EPA Tasmania Control Agency functions to be effectively delivered.

In fulfilling its obligations as Control Agency, EPA Tasmania will require the relevant Petroleum Titleholder

to work in partnership with EPA Tasmania to ensure an adequate response is provided across the entire incident.

To facilitate this overarching coordination between the two Control Agencies and their respective priorities, a Joint Strategic Coordination Committee (JSCC) will be established.

The JSCC will be jointly chaired by the TMPC for each effected State and the Petroleum Titleholder’s nominated senior representative and will comprise of individuals deemed necessary by the chairs to ensure an effective coordinated response across all jurisdictions.

The Control Agency control and coordination arrangements for a Cross Jurisdiction Pollution emergency are outlined in Figure 3.

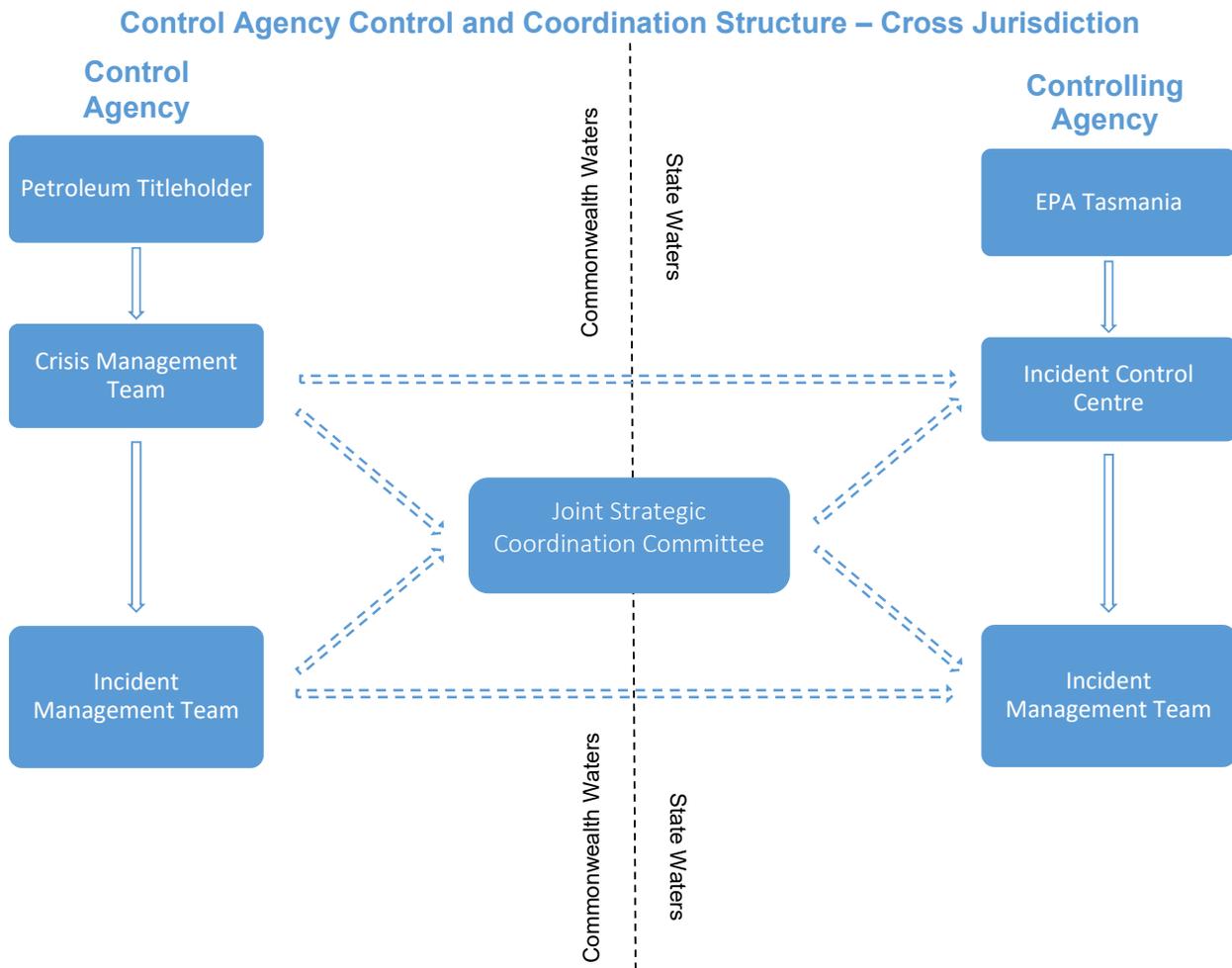


Figure 3 – Control Agency Control and Coordination Structure – Cross Jurisdiction

Note – EPA Tasmania IMT is supported by number of appropriately qualified persons from the Petroleum Titleholder in key areas commensurate with their level of introduced risk.

Overall Control and Coordination Structure – Cross Jurisdiction

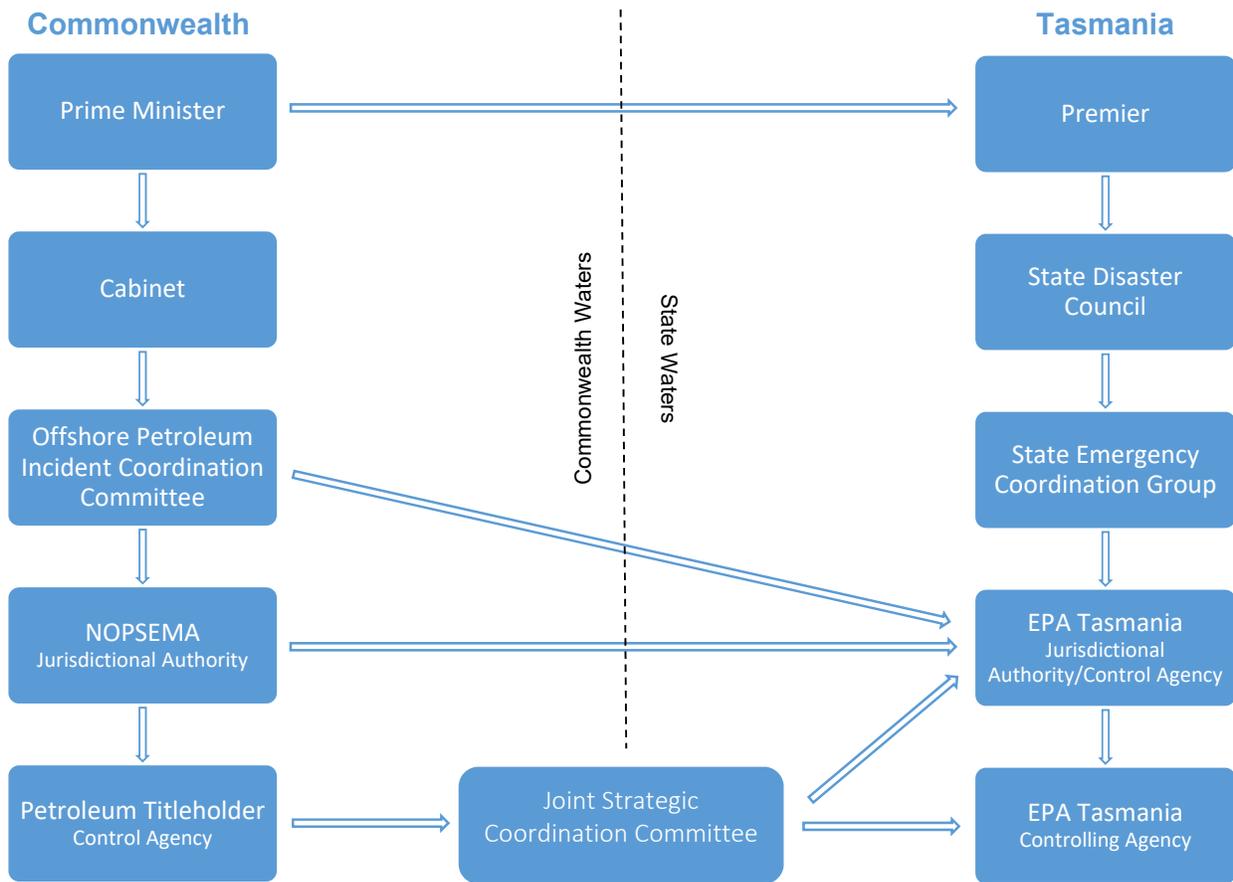


Figure 4 – Overall Control and Coordination Structure – Cross Jurisdiction

8.4.1. JOINT STRATEGIC COORDINATION COMMITTEE

The role of the JSCC is to ensure appropriate coordination between the respective Incident Controllers established by multiple Control Agencies utilising the joint IMT resources

The key functions of the JSCC include:

- Ensuring that the key objectives set by multiple Incident Controllers in relation to the marine oil pollution emergency are consistent and focused on achieving an effective coordinated response.
- De-conflicting competing priorities between multiple Incident Controllers.
- De-conflicting competing requests for resources between the multiple Incident Controllers, including those managed by AMSA, such as national stockpile equipment, dispersant aircraft and the National Response Team.
- Resolution of significant strategic issues as they arise during the incident response.
- Ensuring that there is a single shared understanding of the concept of operations for the response and resolution of any controversial actions.
- Ensuring that there is a shared understanding of the incident situation and its meaning amongst all key stakeholders.
- Ensuring there is agreement on how information is communicated to the public, particularly those issues that have actual or perceived public health implications.

- Ensuring adequate coordination and consistency is achieved in relation to access and interpretation of intelligence, information and spill modelling to promote a common operating picture.

It is important to note that the JSCC is a committee, not a team operating from a specified location, nor does it formally hold an operational management or planning functionality.

The JSCC will be administered by EPA Tasmania and the inaugural JSCC meeting will be convened by the TMPC once both the Petroleum Titleholder and EPA Tasmania formally assume the role of Control/Controlling Agency.

8.4.2. TMPC LIAISON OFFICER RESPONSIBILITIES

Where State waters may be impacted by a Pollution emergency in Commonwealth Waters, EPA Tasmania will send an TMPC Liaison Officer, and other specialist liaison team members (inc. Environment Science Coordinator & GIS Mapping specialist) as required, to the Petroleum Titleholder's ICC or equivalent control facility. The role of the TMPC Liaison Officer will be to:

- Facilitate effective communications between the TMPC / EPA Tasmania IC and the Petroleum Titleholder's appointed Incident Controller.
- Provide enhanced situational awareness to the TMPC / EPA Tasmania IC of the incident and the potential impact on State waters.
- Confirm emergency response arrangements for any response operations that may be required in State waters.
- Assist in the provision of support from EPA Tasmania to the Petroleum Titleholder.
- Provide technical advice to the Petroleum Titleholder Incident Controller on behalf of EPA Tasmania as required.

8.4.3. CONTROL AGENCY COORDINATION PROTOCOLS – CROSS JURISDICTION

Either prior, or upon, EPA Tasmania assuming the function of Control Agency for response operations in State waters, the TMPC will confirm all relevant protocols with the nominated Petroleum Titleholder representative.

The TMPC will also confirm arrangements relating to the establishment and operation of the JSCC.

The use of a Coordination Plan / framework, in accordance with NATPLAN guidance, may be used as a tool to define protocols and arrangements.

Arrangements will then be made for the EPA Tasmania Incident Controller to assume the lead role for State waters and work through the Controlling Agency Transfer Checklist with the relevant Petroleum Titleholder Incident Controller.

8.4.4. LEAD IMT – CROSS JURISDICTION

In the instance that both the Petroleum Titleholder and EPA Tasmania have response activities according to their legal duties for Commonwealth waters and State waters respectively, then identified members of the joint IMT will be determined for State based responsibilities and functions.

Within each functional area – individual roles will adopt a 'Lead' focus for State based responsibilities and priorities.

Alternatively, in accordance with NATPLAN guidance, a “Lead Control Agency” status may be agreed and established to by Control Agencies involved.

These measures will facilitate greater coordination and efficiency of effort for some functions that apply across the entire incident response.

Unless otherwise agreed during consultations between the Petroleum Titleholder and EPA Tasmania, the allocation of IMT functions and designation of ‘Lead’ will be as detailed in Annex 4.

During an incident, any matters pertaining to this arrangement that cannot be addressed through direct communications between the multiple Incident Controllers can be referred to the JSCC for joint resolution.

8.4.5. CONFLICT RESOLUTION - CROSS JURISDICTION

If matters of contention involving response activities related to both State waters and Australian Government waters cannot be resolved at IMT level between EPA Tasmania and the Petroleum Titleholder Incident Controllers, any other representative States the matter is to be referred to the JSCC for a joint resolution.

Where resolution is not possible at the JSCC and EPA Tasmania is of the view that it is a possible compliance matter, it will be referred to NOPSEMA.

8.5. JURISDICTIONAL ARRANGEMENT CHANGES DURING AN INCIDENT

During the course of an incident it is possible that more than one jurisdictional arrangement may be applicable. For example, an incident may begin as a single jurisdictional arrangement in Commonwealth waters.

If the incident then transitions to a response in both State and Commonwealth waters, cross jurisdictional arrangement are required.

Finally, if the response in Commonwealth waters is terminated, the incident becomes a single jurisdictional arrangement in State waters.

In circumstances where more than one jurisdictional arrangement is required, IMT structures may transition between Single and Cross Jurisdictional structures. Transitions should follow protocols discussed in this document, and outlined in NATPLAN guidance, and be agreed as part of consultations between the Petroleum Titleholder and EPA Tasmania.

8.6. INCIDENT CONTROL CENTRE

In the event that EPA Tasmania is required to establish an IMT, it will be located at a suitable site within Tasmania.

In the instance that the Petroleum Titleholder has established an IMT to control a response and it then enters State Waters arrangements would need to be made between the TMPC and the Petroleum Titleholder to facilitate an orderly deployment of suitably qualified Petroleum Titleholder personnel, as well as the transition and handover of appropriate information and functions, to EPA Tasmania’s IC for effective carry out of functions as required.

The ICC/FOB arrangements will be discussed as part of consultations between the Petroleum Titleholder and EPA Tasmania.

8.7. INCIDENT MANAGEMENT TEAM PERSONNEL

In the event that EPA Tasmania is required to lead activities in State Waters as Control agency the existing IMT structure established by the Petroleum Titleholder will provide the appropriate framework, and Tasmanian Functional leads will be included as appropriate to response needs in State Waters.

The Tasmanian Incident Controller – already part of the IMT will formally take control for matters pertaining to Tasmanian State Waters, within the Incident Controller group and be the lead IC on these matters.

Unless otherwise agreed during consultations between the Petroleum Titleholder and EPA Tasmania, the initial support requirements of Petroleum Titleholder and Tasmanian Government and TasPorts personnel assigned to the other's respective IMT, and the role they will be expected to fulfill, is in accordance with the AIIMS 4 principles.

The provision of the initial support resources by the Petroleum Titleholder to the EPA Tasmania State based activities will be formally requested by the TMPC to the senior Petroleum Titleholder representative in their CMT.

It is an expectation that this initial support will be attributed to Tasmanian Operations, no later than later than 24 hours following the request being formally made to the Petroleum Titleholder by the TMPC.

For Petroleum Titleholder personnel assigned to support EPA Tasmania's FOB, it is expected that they arrive at the FOB no later than 24 hours, dependent on accessibility to the location, from the formal request being made to the Petroleum Titleholder by the TMPC.

It is important to note that the requirements identified in Annex 3 and Annex 4 is a guide. Once the specific circumstances of the incident are known and the actual workload of the IMT determined, the EPA Tasmania Incident Controller may require the additional capability from the Petroleum Titleholder into the Tasmanian response requirements. These requirements will be communicated to the Petroleum Titleholder through the Petroleum Titleholder's Incident Controller.

In the event that additional resources requested of the Petroleum Titleholder cannot be agreed or provided, the matter may be referred to the JSCC for resolution.

8.8. OPERATIONAL TEAM PERSONNEL

While EPA Tasmania may opt to deploy members of the State Response Team and request the deployment of members from the National Response Team, it is an expectation that the Petroleum Titleholder provides the appropriate level of support, as described in their OPEP/OSCP, to perform operational duties in the field. The appropriate level of resources allocated to this task by the Petroleum Titleholder in their OPEP/OSCP should be commensurate with their level of introduced risk.

This requirement includes making available an appropriate number of operational strike teams to serve under the direction of Tasmanian responders in the field, particularly in relation to shoreline and inshore response. It also includes the provision of an appropriate number of wildlife assessments, collection and treatment strike teams to serve under the direction of the nominated Wildlife Coordinator provided by the Department of Primary Industry, Parks, Water and Environment (DPIPWE).

The operational personnel requirements will be agreed as part of consultations between the Petroleum Titleholder and DPIPWE.

8.9. OCCUPATIONAL HEALTH AND SAFETY AND LIABILITY

Incident management and operational team personnel should respond in accordance with the Incident Action Plan approved by the appointed Incident Controller.

An exception may be where personnel believe that an operation presents unacceptable risks to the health and safety of personnel. In these circumstances, personnel or their representative should seek to resolve these issues at the earliest opportunity with the Safety Officer or Company representative.

8.10. CONSULTATION REQUIREMENTS

It is a requirement of the relevant Australian Government regulations that titleholders carry out appropriate consultation with relevant persons in the case of preparing an environment plan for assessment by NOPSEMA.

A relevant person could include any person whose functions, interests or activities may be affected by either the oil pollution or the associated response activities. Given EPA Tasmania's functions under TasPlan, EPA Tasmania considers itself a relevant person.

9. CONSULTATION CRITERIA

EPA Tasmania requires consultation with Petroleum Titleholders for activities that have the potential to cause a Pollution emergency in State waters as defined in TasPlan.

Titleholders are responsible for running an effective consultation process and as such need to take the following into consideration:

- Titleholders are required to have a plan in place for ongoing consultation to be undertaken during the activity. This plan is to be provided to EPA Tasmania prior to consultation taking place.
- Titleholders are responsible for letting relevant persons know if they may be affected by an activity and the process for making comment.
- EPA Tasmania as a "Relevant person" has a right to request information about how they might be affected.
- Titleholders must give EPA Tasmania a reasonable time to respond to requests for consultation.
- Views from EPA Tasmania must be used to inform quality risk and impact assessments.
- EPA Tasmania requests to know how their input has been taken into account by NOPSEMA.

9.1. SCOPE OF CONSULTATIONS

EPA Tasmania places a high importance on consultations with the offshore petroleum industry and views this process as an important part of maximising the State's preparedness to adequately respond to a Pollution emergency in State waters.

In particular, consultations enable EPA Tasmania to gain an understanding of the level of risk introduced to State waters by the proposed offshore petroleum activity and agree to appropriate incident management arrangements and response measures where EPA Tasmania is identified as a Control Agency.

EPA Tasmania is not a Regulatory Agency in respect to the offshore petroleum industry with responsibility for accepting or approving an environment plan. Consequently, EPA Tasmania will not be seeking to duplicate the regulatory process. However, any deficiencies identified by EPA Tasmania will be brought to the attention of the Petroleum Titleholder and, if necessary, the relevant Regulatory Agency.

9.2. FORMAT FOR CONSULTATION

The format of consultation will be determined at an initial consultation meeting with the Petroleum Titleholder and is expected to include:

- Meetings to keep EPA Tasmania apprised of offshore petroleum industry activity.
- Participation in marine oil pollution response exercises and/or workshops.

EPA Tasmania requires that they are contacted as early as practicable during the development of an environment plan. EPA Tasmania prefers a strategic approach to consultation to reduce the burden on EPA Tasmania and the Petroleum Titleholder.

9.3. INITIAL INFORMATION REQUIREMENTS FOR CONSULTATIONS

In preparing for consultations with EPA Tasmania, the Petroleum Titleholder is to provide the initial information outlined in Annex 3.

EPA Tasmania will not accept the whole EP or OPEP/OSCP as a consultation format.

Dependent on the detail and content of the OPEP/OSCP an appropriate amount of time is to be provided to EPA Tasmania to review and consult with key stakeholders on the impact of the plans. Petroleum titleholders may review this Guidance Note and TasPlan in order to:

- Obtain information on Tasmanian emergency management arrangements in respect to a Pollution emergency, including response roles and responsibilities, response notification protocols and access to government owned equipment and resources.
- Ensure that the proposed OPEP/OSCP are consistent with the National System for Oil Pollution Preparedness and Response, of which TasPlan forms part.
- Obtain information on protocols when EPA Tasmania assumes the role of Control Agency.

EPA Tasmania may provide clarification on its expectations as Control Agency on:

- Appropriate response techniques and protection priorities in State waters.
- Adequacy of Petroleum Titleholder resources for response activities in State waters.

9.4. CONSULTATION OUTCOMES

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

- Petroleum Titleholders will be able to demonstrate that they have consulted with EPA Tasmania and thus met legislated consultation requirements for preparing an EP.
- EPA Tasmania will maintain an updated awareness of the State's oil spill risk and response capability.
- Clarity around the roles and responsibilities of the Petroleum Titleholder and EPA Tasmania during a Pollution emergency to ensure consistency with the National Plan and TasPlan.

9.5. ONGOING CONSULTATION REQUIRED

Where consultation criteria are satisfied EPA Tasmania requires the Incident Response Officer to be provided with an electronic copy of the final OPEP/OSCP prior to the relevant offshore petroleum activity commencing.

EPA Tasmania requires timely notification to the Incident Response Officer of a new or increased environmental risk and/or changes in response arrangements in an approved OPEP/OSCP that has the potential to impact State waters.

10. RESOURCES

If the titleholder is introducing a new risk to the State, that is outside of the existing impacts, and the State does not have the resources of capability to deal with the new risk, then it is the responsibility of the titleholder to ensure that through appropriate consultation and negotiation, that the required capability and resources to deal with the introduced risk are established by the titleholder to appropriately deal with the risk and to ensure that it remains as low as reasonably possible.

11. COST RECOVERY

Cost recovery arrangements for Pollution incidents in Tasmania are in accordance with the National Plan and the 'polluter pays' principle.

All reasonable costs or expenses incurred responding to a Pollution emergency in the land or waters of the State will be recovered from the relevant Petroleum Titleholder in a court of competent jurisdiction.

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

The OPEP/OSCP must confirm that cost recovery arrangements apply in full for all documented expenses incurred by EPA Tasmania and Service Providers.

Expenses include any costs resulting from any action or inaction taken by EPA Tasmania in association with an actual or impending Pollution incident.

12. DOCUMENT REVIEW

The Guidance Note will be reviewed biennially or as required.

13. ADDITIONAL INFORMATION

Australian Government:

- AMSA National Plan for Maritime Environmental Emergencies. Available at <https://www.amsa.gov.au/environment/maritime-environmental-emergencies/national-plan/>
- NOPSEMA IP1488 - Oil pollution risk management - Rev 0 - September 2014 and GN1344 - Environment Plan Content Requirements - Rev 2 - September 2015. Available at <http://www.nopsema.gov.au/environmental-management/environmental-resources/>
- Offshore Petroleum Incident Coordination Framework Prepared by Australian Government Department of Industry and Science. January 2015. Available from offshoreregulations@industry.gov.au

Tasmania:

- The Tasmanian *Emergency Management Act 2008* and the Tasmanian *Protection of Marine*

Waters (Prevention of Pollution from Ships) Act 1987, supported by the *Harbors and Navigation Act 1993* available at: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1987-095>

- Tasmanian State Contingency Plan for Marine Oil Pollution (TasPlan). Available on request from epa.enquiries@epa.tas.gov.au
- Tasmanian Oiled Wildlife Response Plans available on request from: epa.enquiries@epa.tas.gov.au

14. GENERAL ENQUIRIES

All enquires relating to Pollution emergency management arrangements in Tasmania should be made to:

Marine Pollution Officer

epa.enquiries@epa.tas.gov.au

Annex 1

Incident Control Transfer Checklist (State Waters)

Transfer of Control to State waters will require the IC from Tas to take the lead on all matters pertaining to Tas waters within the IMT IC group.

Any conflicts within this decision making between the IC will be referred to the JSCC for resolution.

All members of the IMT will continue to work as a whole group – with Tas inserted members taking the State waters matters as a priority tasking within their functional areas.

- Confirm date and time of formal transfer of Incident Control in State Waters.
- Confirm respective Incident Controller lines of communication arrangements (reaffirm group IC reporting to JSCC)
- Confirm respective On-Scene Commander lines of communication arrangements.
- Confirm the location of any PT FOB and Staging Areas.
- Confirm the details of all current first strike response operations being controlled by PT in State Waters.
- Confirm the composition and status of all response resources, both personnel and equipment, currently being controlled by the PT that relate to response operations in State Waters.
- Confirm the composition and status of all response resources, both personnel and equipment that has been mobilised by the PT and in transit to the spill site that will contribute to future response operations in State Waters.
- Confirm the composition and status of all response resources, both personnel and equipment that is in the process of being mobilised by the PT to contribute to future response operations in State Waters.
- Confirm current level of incident.
- Confirm existence and adherence to an OPEP/OSCP and secure a copy for the relevant OPEP/OSCP plan.
- Secure a copy of the current Situation Report and incident prognosis.
- Secure a copy of the Product Material Safety Data Sheet (MSDS)
- Notification of significant Safety Risks
- Secure a copy of the latest spill trajectory modelling.
- Secure a copy of the latest actual spill monitoring and surveillance information.
- Secure a copy of the current IAP as it relates to State Waters response operations, specifically the details of all immediate future response operations planned by the PT in State waters.
- Secure a copy of the most recent media statements.
- Secure a summary of all community / stakeholder engagement activities undertaken to date and those planned in the immediate future that pertain to state waters impact.
- Confirm deployment of initial PT personnel to DPTI IMT and DPTI FOB.
- Reconfirm date and time of formal transfer of Incident Control in State Waters

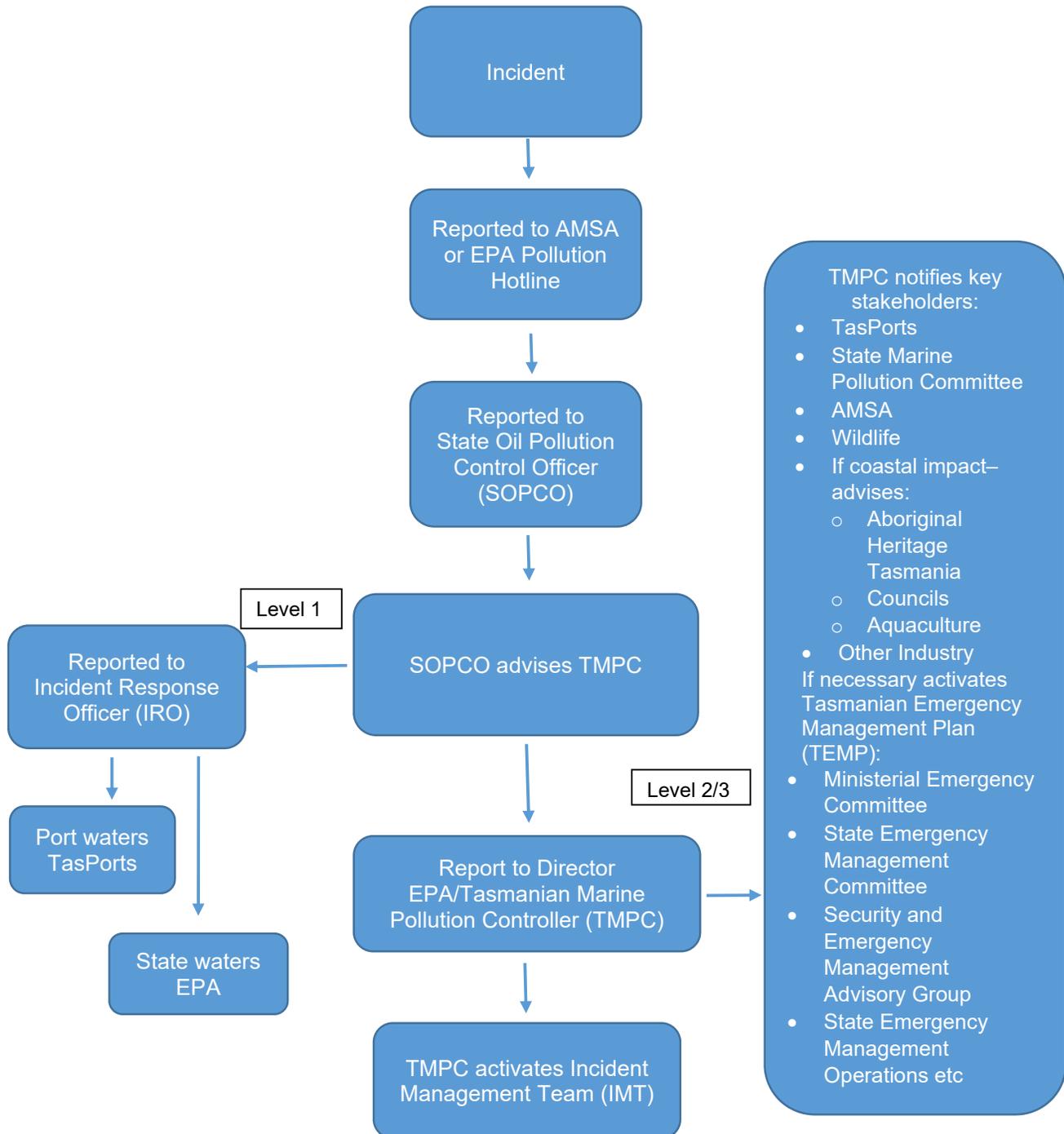
DPTI Incident Controller _____

Date _____

Time _____

Annex 2

Pollution Incident Notification Flowchart



Annex 3

Initial Information and Consultation Requirements

EPA Tasmania is the Control Agency (CA) for Marine Oil Pollution and has overall responsibility for ensuring there is an adequate response to a Pollution emergency in State waters.

To ensure EPA Tasmania can fulfil its obligations as the CA it is critical that Petroleum Titleholders provide the CA with relevant information and agreement between the CA and the Petroleum Titleholder can be reached in relation to potential oil spill response arrangements.

As part of this responsibility, EPA Tasmania continuously updates its awareness of oil spill risk and response capability.

EPA Tasmania is not a regulatory agency and does not accept or approve documents or duplicate the function of DPC or NOPSEMA. However, EPA Tasmania will work with the Petroleum Titleholder and give input to the oil spill contingency planning process to ensure that oil spill response capability is commensurate with the level of introduced risk.

Petroleum Titleholders must provide EPA Tasmania with the following initial information prior to consultations occurring:

1. Brief description of activity, including the intended schedule, location, distances to nearest landfall and map.
2. Worst case spill volumes.
3. Known or indicative oil type/properties.
4. Amenability of oil to dispersants.
5. Brief description of existing environment and protection priorities.
6. Key inputs and outputs of the environmental risk assessment.
7. Outcomes of oil spill trajectory modeling, including predicted times to enter State waters and contact shorelines.
8. Details on initial response actions and key activation timeframes.
9. Potential Incident Control Centre arrangements.
10. Potential staging areas / Forward Operating Base.
11. Details on response strategies.
12. Details on proposed IMT structure.
13. Details on exercise and testing arrangements of OPEP/OSCP.

Petroleum Titleholders may choose to provide:

- Draft OSCP or OPEP.
- Draft environment plan.

Petroleum Titleholders are reminded to provide the Marine Pollution Officer with an electronic copy of the accepted/approved OPEP/OSCP prior to the commencement of the offshore petroleum activity.

Annex 4

IMT Functions and 'Lead IMT' Designations

Key Activity	PT IMT	EPA TAS IMT	Comment
Strategic committee	All incidents	Represent State waters potential impact	JSCC by phone hookup. Hobart link – Tas State Marine Pollution Controller representing Tas State Marine Pollution Committee. When appropriate Tas SCC invited members to attend and form part of represented group. CMT Commander and State Marine Pollution Coordinator, through the JSCC, to reach agreement on a single set of key strategic objectives, response priorities and protection priorities as they relate to the MOP component of the overall incident.
Incident Control	Commonwealth waters	State Waters	Incident Controllers to work with same IMT base formed by titleholder
Incident Control Centre	Titleholder to decide	TAS IMT members present on location in Titleholders IMT	
Forward Operating Base	Determined by Operations		
Operations - offshore Marine	Lead		
Operations – inshore Marine		Lead provided by Tas for operations close and within Tas 3NM limits	
Operations – Aviation	Lead	Aviation representative in team to nominate and forward air tasks within State limits	
Operations - Shoreline		Lead functional head for Tas coastal areas	Includes shoreline assessments
Operations – Wildlife		Lead functional head supplied	Including wildlife in Commonwealth waters

Operations – waste management		Lead functional head supplied for Tasmanian coastal areas	Titleholder needs to present pre-arranged waste management contract as part of delivery in this team
Planning – Intelligence Situation & Analysis	Combined group	Combined group	
Planning- Intelligence Technical advice			
Planning – Intelligence Modeling and Predictions	Lead	ES GIS service member present	Potential for this area to form part of source control group rather than oil spill response group
Planning – Intelligence Mapping	Lead	ES GIS member contributing	
Planning – Plans	Lead	Contributing planners to the group – will develop sub plans for Tas areas of interest.	Draw on planning undertaken by the PT as part of the EP approval processes.
Planning – resourcing	Lead		
Planning – Communications Planning	Lead	Officer supplied to input on communication requirement esp in remote areas of Tas jurisdiction	
Planning – management	Lead		
Planning – Environmental Support	Combined	Combined	Focused on provision of environmental support related to own lead operational areas of responsibility.
Planning – Environmental Monitoring	Lead		For both Commonwealth and State areas.

Public Information - Information and Warnings		Lead	Input from both entities – release coordinated by Tas State Coordination Centre group (based in Hobart)
Public Information Media	Media representative present in Hobart – to work with Tas Marine Pollution Controller	Media group work from Hobart and provide support and advice remotely to the IMT.	<p>Strong preference is for joint media statements and joint media conferences with content approved by both Title and DPTI through the JSCC. TMPC is the nominated State’s Spokesperson.</p> <p>Both have right to put out independent media statements or conduct media conferences without the other being present.</p>
Public Information – Community Liaison			<p>Both the Titleholder and EPA Tas reserve right to conduct independent community engagement.</p> <p>Strong preference is for joint community engagement activities with content approved by both Titleholder and EPA Tas through the JSCC.</p>
Public Information – Contact Centre	Lead for Source control IMT as separate group	Lead	Strong preference is for a single incident Contact Centre for the MOP component.
Logistics	Lead		
Finance - Accounts		Lead for Tasmanian coastal areas	<p>Focused on meeting the requirements related to own lead operational areas of responsibility.</p> <p>Noting the polluter pays principal will require EPA Tasmania to apply disciplined accounting procedures.</p>
Safety	Lead	Officer to advise of particular Tas area requirements	