

Trade & Transport Alert

Australia waves goodbye to old maritime pollution plans

Release of the new National Plan for Maritime Environmental Emergencies

WHAT YOU NEED TO KNOW

- On 12 March 2014, AMSA released its new National Plan for Maritime Environmental Emergencies.
- This new plan is a combination of the previous National Plan to Combat Pollution of the Sea by Oil and Other Hazardous and Noxious Substances and the separate National Maritime Emergency Response Arrangements, and implements a number of changes (including increasing response equipment stockpiles).

WHAT YOU NEED TO DO

- Stakeholders should ensure that they are familiar with the new National Plan for Maritime Environmental Emergencies.

Last month, the Australian Maritime Safety Authority (**AMSA**) released a new National Plan for Maritime Environmental Emergencies (**National Plan**). The National Plan implements Australia's obligations with respect to the management of maritime environmental emergencies under the *United Nations Convention on the Law of the Sea, 1982*, the *International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990* (**OPRC Convention**), and the *Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000* (**2000 Protocol**).

The release of the new National Plan also provided an opportunity for the Government to address and resolve a number of shortcomings of previous environmental emergency response plans that were identified in the Commission of Inquiry's report on the 2009 Montara incident. The National Plan is available from AMSA's website [here](#).

Introduction to the National Plan

The National Plan sets out comprehensive national maritime environmental emergency response arrangements, policies and principles that aim to minimise pollution from vessel casualties and spills from offshore facilities. The National Plan seeks to minimise environmental impacts on the Australian community, cultural and heritage resources, the environment and the economy and infrastructure resulting from maritime emergencies.

The National Plan is designed to meet the following eight principles common to all emergency responses:

- protection of the community, the environment and maritime industries;
- giving effect to relevant international conventions;
- integrating with the Australian Emergency Management Arrangements;
- providing a comprehensive management arrangement;
- providing a single integrated response arrangement;
- implementing a risk management approach;
- implementing the "polluter pays" principle; and
- providing for stakeholder engagement.

Despite its name suggesting otherwise, the National Plan is not actually a plan, but rather a document that outlines the applicable policies and provides guidance on the following so as to ensure national consistency in:

- casualty prevention;
- planning for incident response;
- strategic management and governance;
- response plans, processes and systems;
- recovery and community support; and
- cost recovery and financial arrangements.

In order to maximise Australia's marine pollution response capability, the National Plan will be managed by AMSA. In this management role, AMSA will work with Commonwealth, State and the Northern Territory governments, emergency services nationwide as well as with industry stakeholders (including the shipping, ports, salvage, offshore, oil and chemical industries).

What's changed in the National Plan?

Importantly, the National Plan supersedes the previous National Plan to Combat Pollution of the Sea by Oil and Other Hazardous and Noxious Substances and the separate National Maritime Emergency Response Arrangements.

The combination of these two previously separate plans aside and, whilst not representing a "seismic shift" in Australia's approach to the management of maritime pollution and shipping casualty incidents, the National Plan does implement a number of recommendations that were identified in a 2011/12 review of the previous plans (**2011/12 Review**) (available [here](#)).

As a result of the combination of the previously separate plans into a single document, the National Plan now:

- provides clear links to Australia's obligations as a signatory to the OPRC Convention and the OPRC Convention's 2000 Protocol that deals with Hazardous and Noxious Substances;

- provides a new comprehensive management arrangement overseen by the National Plan Strategic Coordination Committee (**NPSCC**) with membership from the Commonwealth, State and Northern Territory Governments;
- is more closely aligned to Commonwealth, State and Northern Territory emergency management arrangements; and
- establishes a National Plan Strategic Industry Advisory Forum, an independent industry-focused body established to provide input to the NPSCC on the strategic direction of the National Plan.

The National Plan includes a renewed focus on strategic equipment stockpiles of marine pollution response equipment, outlining the specific principles that underpin the location and composition of the AMSA national stockpiles. One reason for this was that in the 2011/12 Review areas adjacent to and offshore from Dampier (WA) and Hay Point (Qld) were identified as having a very high environmental risk.

The National Plan will also assist in the implementation of competency based training of senior government and industry personnel, as well as middle management personnel responsible for managing operational responses. This is achieved through AMSA being empowered to coordinate nationally consistent training. This coordination involves AMSA providing resources to assist the States and the Northern Territory with aligning their training with an AMSA Registered Training Organisation.

The National Plan also provides for:

- national response capability exercises to be rotated between jurisdictions and held more frequently;
- enhancements to the Oil Spill Response Atlas and cost recovery arrangements; and
- the development of a national oiled wildlife capability and upgraded oiled wildlife resources within the National Plan equipment stockpiles.

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