

National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances

Response to the *Pacific Adventurer* Incident

Incident Analysis Team – Terms of Reference

Aim: To undertake a comprehensive analysis of the response to the oiling of the Queensland coastline by oil discharged by the *Pacific Adventurer* into the Coral Sea off Brisbane on 11 March 2009 (the 'Pacific Adventurer Incident'), as provided for under the National Plan Inter-Governmental Agreement.

Incident Analysis Team: The incident analysis team is to comprise persons with expertise in response to ship-sourced marine pollution incidents and related matters, but who had no direct role in the response to the *Pacific Adventurer* incident. Members of the incident analysis team are:

- Mr Mike Julian (Chair) – Director of M.H Julian Pty. Ltd and former Chair, IMO Marine Environment Protection Committee;
- Mr Steve Raaymakers – Founder and Principal, EcoStrategic Consultants;
- Mr Graham Edgley, Senior Manager, Marine Operations, Sydney Ports Corporation; and,
- Mr John Gillies (Executive Officer) – Australian Maritime Safety Authority.

Terms of Reference: Analyse the management of the incident from the oil pollution preparedness / response perspective and make recommendations to improve the National Plan arrangements and how the actual response to the *Pacific Adventurer* incident might be improved upon for future reference. In this context:

1. Assess the oil pollution response aspects with particular reference to:
 - (i) the call out procedures used, the effectiveness and timeliness of the initial and subsequent response;
 - (ii) the suitability and accessibility of National Plan equipment including State and industry equipment;
 - (iii) availability, timeliness and management of the National Response team arrangements;
 - (iv) the decisions made in respect of calls for equipment and personnel in regard effectiveness, sufficiency and timeliness;
 - (v) the adequacy and effectiveness of the wildlife rescue and rehabilitation response;
 - (vi) the adequacy and effectiveness of incident response plans and their implementation;

- (vii) the adequacy of the management of Occupational Health and Safety issues;
 - (viii) the adequacy of the administrative support, environmental advice and support, and other related activities;
 - (ix) the interaction with the media and other interested parties;
 - (x) the adequacy and effectiveness of communications with affected and interested stakeholders.
2. Assess the involvement of the various parties to the response from the viewpoint of appropriateness, timeliness and adequacy. In this regard, particular attention should be given to:
 - (i) the effective involvement of the parties; and,
 - (ii) the interaction and cooperation between agencies.
 3. Within the context of this incident, assess the National, State and local contingency plans and report on the adequacy of each, including the Oil Spill Response Incident Control System (OSRICS).
 4. Review the effectiveness of Australia's current liability regime pertaining to ship-sourced marine pollution incidents and related matters, with special reference to the adequacy of the Limitation of Liability for Maritime Claims Convention in relation to significant bunker oil spills and the new Bunkers Convention regime and its implementation in Australia.
 5. Review the effectiveness and contribution to the response of the Declaration of a disaster situation on 12 March, under the *Queensland Disaster Management Act 2003*, covering the areas affected by the oil spill.
 6. Provide recommendations for improvements and initiatives based on the lessons learned from the incident.

In construing the Terms of Reference, the incident analysis team should consider the loss of containers and the request for assistance from the ship and how these actions impacted on any decision of management of the response.

As far as is practicable, the incident analysis team or member(s) thereof should attend the various debriefing sessions to be carried out by relevant agencies and bodies involved in the incident and consider the written reports of the various entities in the response.

Administrative support for the incident analysis team will be provided by AMSA.

A written report on the findings and recommendations of the incident analysis is to be submitted to the Australian Maritime Safety Authority by 31 July 2009.

Gary Prosser
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Maritime Standards Division
Australian Maritime Safety Authority

30 April 2009