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Marine (Drug, Alcohol and Pollution Control) Act 1988

SECTION 71A AND 71B(1) DIRECTION

I, Tony Pearce, Executive Director, Emergency Risk and Resilience, Department of Transport, Planning and Local Infrastructure, in accordance with the power set out in sections 71A and 71B(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (the Act), direct Gippsland Ports Committee of Management Inc., a specified person or body (as defined in section 71AA of the Act) to participate in the Victorian Marine Pollution Contingency Plan by preparing and planning for marine pollution incidents (including by providing and maintaining equipment and training personnel).

These obligations are to be fulfilled by performing the functions and activities described in Schedule 1 and 2 to this Direction.

Schedule 2 sets out the definitions that apply to this Direction and its Schedules.

Dated 23 January 2014

TONY PEARCE

Executive Director, Emergency Risk and Resilience
Department of Transport, Planning and Local Infrastructure
Delegate of the Secretary to the
Department of Transport, Planning and Local Infrastructure

SCHEDULE 1 – PARTICIPATION IN THE VICTORIAN MARINE POLLUTION CONTINGENCY PLAN (VICPLAN)

Gippsland Ports is to participate in VICPLAN by preparing and planning for marine pollution incidents, by performing the following functions and activities:

Functions	Activities
A. Maintaining equipment	<ol style="list-style-type: none">1. Undertake weekly checks on equipment owned by DTPLI and stored by Gippsland Ports, subject to this Section A of Schedule 1.2. Checks conducted under Item 1 of Section A of Schedule 1:<ol style="list-style-type: none">a) May include assessing the overall condition of the DTPLI equipment, including battery power, fluid levels, cleanliness, electrics, tyre pressure, and ability to deploy (as applicable to the type of equipment); andb) Will not include repairing or replacing broken equipment.
B. Administration and Planning	<ol style="list-style-type: none">1. Hold a minimum of two Gippsland Region Marine Pollution Committee Meetings annually.2. Be the first point of contact for engagement with municipal authorities in the Gippsland Ports Region.3. Oversee the administration and management of the Gippsland Region Marine Pollution Committee and provide a secretariat and chair for each meeting.4. In conjunction with DTPLI, review and update the Gippsland Region Marine Pollution Contingency Plan annually.5. Update the Gippsland Region Marine Pollution Contingency Plan contact list every six months and circulate to stakeholders.

SPECIAL

Functions	Activities
<p>C. VICPLAN Governance Arrangements</p>	<ol style="list-style-type: none"> 1. Participate in the governance arrangements set out in VICPLAN. A Gippsland Ports senior representative must attend all VICPLAN Operations Group Meetings. 2. Submit an agency report by the deadline set for each VICPLAN Operations Group meeting that contains a summary of the number of Marine Pollution Incidents responded to in the six month period. 3. Conduct at least one annual exercise designed to test those Gippsland Ports obligations contained within this Direction. DTPLI must approve the exercise date, time and prescribed methodology. The exercise must comply with the prescribed standard, being the AEMI Managing Exercises, Handbook 4. The exercise will be supervised and evaluated by DTPLI in accordance with the standard and DTPLI will provide Gippsland Ports with a feedback report in addition to an action plan, as required. 4. All exercise planning must include a documented risk assessment that addresses occupational health and safety risks to participants. This must be supported by a safety briefing to participants prior to the execution of component activities.
<p>D. Audit</p>	<ol style="list-style-type: none"> 1. The Department may cause an Audit to be conducted at least once during the term of the Direction. The Audit may include auditing of: <ol style="list-style-type: none"> (a) The Department's equipment; (b) The storage facility(s); (c) Any records, including: <ol style="list-style-type: none"> (i) Receipts for materials used or purchased in connection with providing services; (ii) Stocktake documentation; (iii) Emergency repair procedures; (d) Procedures relating to routine maintenance and deployment of the Department's Equipment and the response of Gippsland Ports staff to Marine Pollution Incidents; (e) The Gippsland Ports Quality Assurance System; and (f) Any other aspects of the services. 2. During an Audit, Gippsland Ports must, if requested by the Department's Representative or the Department's auditor: <ol style="list-style-type: none"> (a) Ensure that a Gippsland Ports representative is present for the duration of the Audit. (b) Deploy any of the Department's Equipment in the water; and (c) Supply any necessary qualified personnel to assist with the handling and deployment of the Department's Equipment during the Audit. <p>The Department may at its sole discretion provide to Gippsland Ports a copy of an auditor's report following completion of an Audit.</p>

Functions	Activities
	<p>3. If requested by the Department, Gippsland Ports must promptly rectify any identified deficiencies. Gippsland Ports must provide a report to the Department's representative when it has completed any rectifications.</p>
<p>E. Training and state capability building</p>	<p>1. Gippsland Ports must nominate a minimum of 5 staff to fill roles on the State Response Team (SRT). These are to occupy the following positions:</p> <ul style="list-style-type: none"> a) 1 x Incident Controller; b) 1 x Operations Officer; and c) 3 x Equipment Operators. <p>2. Gippsland Ports may not delegate the function of Incident Controller to a third party or parties.</p> <p>3. Gippsland Ports may delegate to a third party or parties the functions of:</p> <ul style="list-style-type: none"> i. Equipment Operator; or ii. Operations Officer; subject to approval of the Manager, Marine Pollution. <p>4. Each Gippsland Ports staff member nominated for the SRT must participate in marine pollution training, exercises, workshops, drills or other refresher activities pertinent to their role, on the terms and conditions specified by the Executive Director of Emergency Risk and Resilience.</p> <p>Note: activities referred to in Item 3 of Section E may be specified in accordance with the terms of the SRT fact sheet.</p>
<p>F. Incident control</p>	<p>1. Provide incident control function for all reported Tier 1 Incidents that occur in the Gippsland Region.</p> <p>2. Maintain a 24 hours a day, 365 days a year capability to provide an Incident Controller to all Tier 1 Incident responses that occur in the Gippsland Region.</p> <p>3. Maintain the capability to act as 'Support Agency' to DTPLI for Tier 2 and Tier 3 Incidents through participation in the Incident Management Team (IMT) and through the provision of resources and personnel.</p>
<p>G. Incident assessment</p>	<p>1. Maintain a 24 hours a day, 365 days a year capability to receive reports from third parties to report Marine Pollution Incidents or suspected Marine Pollution Incidents.</p> <p>2. Conduct an initial assessment of a Marine Pollution Incident in accordance with the processes detailed in VICPLAN and the Gippsland Region Marine Pollution Contingency Plan.</p>

Functions	Activities
H. Incident response	<ol style="list-style-type: none"> 1. Initiate a response without delay to all reported Tier 1 Incidents in the Gippsland Region. 2. Implement a marine pollution response to all reported Marine Pollution Incidents in the Gippsland Region which are confirmed under Section G of Schedule 1 to be Tier 1 Incidents, to effect a clean-up that is reasonable, justifiable and proportionate. 3. Gippsland Ports may use equipment owned by DTPLI for the purposes of marine pollution response, subject to Section A of Schedule 1. 4. Monitor all confirmed Tier 1 Incidents in the Gippsland Region until clean up measures are complete or the incident is escalated to DTPLI. 5. At the request of DTPLI, Gippsland Ports must conduct a debrief of the Marine Pollution Incident including all parties who were involved in the Marine Pollution Incident.
I. Notification	<ol style="list-style-type: none"> 1. Notify the Emergency Risk and Resilience duty watch officer and EPA pollution duty officer by phone within one hour of all reported Marine Pollution Incidents in the Gippsland Region.
J. Pollution Report	<ol style="list-style-type: none"> 1. Following an incident assessment, issue a Pollution Report, as per the processes developed by DTPLI, for all Marine Pollution Incidents reported in the Gippsland Region within 60 minutes of gaining access to any tools required to prepare and submit a Pollution Report to DTPLI. As a minimum, the Pollution Report must be forwarded to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA. 2. All Pollution Reports generated by Gippsland Ports should contain as much as possible of the following information: <ol style="list-style-type: none"> a) Details of the reported Marine Pollution Incident including: <ol style="list-style-type: none"> i. Where the report originated from; ii. Date, time and location of the Marine Pollution Incident; iii. Description of the Marine Pollution Incident; iv. Estimated size of the pollution; v. The type of pollutant; and vi. The suspected source of pollution if known. b) All Gippsland Ports actions undertaken after the Marine Pollution Incident including: <ol style="list-style-type: none"> i. Any Gippsland Ports investigation of the Marine Pollution Incident; ii. Any Gippsland Ports assessment of the Marine Pollution Incident; iii. Any Gippsland Ports response to the Marine Pollution Incident; and iv. Whether a third party has been deployed to respond to the Marine Pollution Incident.

Functions	Activities
K. Situation Report	<ol style="list-style-type: none"> 1. Prepare ongoing Situation Reports, as per the processes developed by DTPLI, for all Marine Pollution Incidents in the Gippsland Region: <ol style="list-style-type: none"> a) Until no further action is required; or b) The incident control function is escalated to DTPLI. 2. All Situation Reports generated by Gippsland Ports should contain as much of the following information as possible: <ol style="list-style-type: none"> a) Details of the original Pollution Report; b) Details of who has investigated the Marine Pollution Incident onsite; c) Confirmed location, size and type of the pollution or incident; d) Details about the source or suspected source of pollution if known including vessel registration if applicable; e) A description of the actions being undertaken by Gippsland Ports to respond and clean up the Marine Pollution Incident; and f) Reasons for actions undertaken by Gippsland Ports in responding to the Marine Pollution Incident. 3. Gippsland Ports must forward the Situation Report to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA.
L. Escalation	<ol style="list-style-type: none"> 1. Immediately escalate: <ol style="list-style-type: none"> a) a Tier 2 Incident; or b) a Tier 3 Incident; to DTPLI to undertake incident control without delay. 2. Initial escalation of a Marine Pollution Incident to DTPLI must be by phone to the Emergency Risk and Resilience duty watch officer, DTPLI. 3. Gippsland Ports may escalate a complex Tier 1 Incident to DTPLI if Gippsland Ports: <ol style="list-style-type: none"> a) does not have the incident management capability to respond to that specific complex Tier 1 Incident; and b) has consulted with the Manager Marine Pollution.

Functions	Activities
	<p>4. In relation to a Marine Pollution Incident escalated to the Department under Item 1 or Item 3 of Section L, Gippsland Ports must, while the incident control is being handed to the Department:</p> <ul style="list-style-type: none"> a) Continue to assess and monitor the escalated Marine Pollution Incident; and b) Deploy first strike response; c) Provide a full briefing to the relieving Incident Controller; d) Continue to provide assistance to DTPLI as a Support Agency, consistent with the principles of the EMMV for: <ul style="list-style-type: none"> i. Tier 2 Incidents; ii. Tier 3 Incidents; and iii. Tier 1 Incidents to which Item 3 of Section L of Schedule 1 applies. <p>5. Participate in a response to a Marine Pollution Incident as part of the State Response Team, if requested by DTPLI.</p>

SCHEDULE 2 – DEFINITIONS

The following definitions apply to this Direction and its Schedules.

AMSA means the Australian Maritime Safety Authority, established under the **Australian Maritime Safety Authority Act 1990** (Cth).

Control Agency has the meaning given under Section 3.5 of the EMMV.

DTPLI means the Victorian Department of Transport, Planning & Local Infrastructure.

EMMV means the Emergency Management Manual of Victoria, prepared by the Office of the Emergency Services Commissioner under the **Emergency Management Act 1986**.

EPA means the Environment Protection Authority Victoria, established under the **Environment Protection Act 1970** (Vic.).

Gippsland Ports means the Gippsland Ports Committee of Management Incorporated, a committee of management established under the **Crown Land (Reserves) Act 1978**.

Gippsland Ports Quality Assurance System refers to those administrative and procedural activities implemented in the Gippsland Ports quality system, to enable the requirements and goals for goods, services or activities to be realised.

Gippsland Region means:

- (a) the region described as the Gippsland Region in VICPLAN; and
- (b) the Port of Andersons Inlet.

Gippsland Region Marine Pollution Committee Meeting means the committee formed in accordance with Section 2.6.3 of VICPLAN for the Gippsland Region.

Gippsland Region Marine Pollution Contingency Plan means the sub-plan of VICPLAN entitled ‘Gippsland Region Marine Pollution Contingency Plan’.

Incident Controller has the same meaning as in the EMMV, and refers to the person or persons nominated to act in that role by Gippsland Ports of Item 1 of Section F of Schedule 1.

Incident Management Team means the group of people that responds to, in this context, a marine pollution emergency.

Incident Reports means the Situation Reports, Pollution Reports and Agency Reports required to be delivered by Gippsland Ports under Schedule 1 to this Direction.

Manager Marine Pollution means the DTPLI officer with responsibility for the day-to-day management of marine pollution preparedness and response.

MDACPA means the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (Vic.).

Marine Pollution Incident means discharge of a Pollutant into waters of the Gippsland Region and includes a Tier 1 Incident, Tier 2 Incident or Tier 3 Incident.

Pollutant means:

- (a) oil; or
- (b) an oily mixture; or
- (c) an undesirable substance.

Pollution Report means the report described in Section J of Schedule 1 to this Direction.

Regional Control Agency has the same meaning as in VICPLAN.

Situation Report means the report described in Section K of Schedule 1 to this Direction.

State Response Team or SRT means a group of individuals trained in various marine pollution roles under the Oil Spill Response Incident Control System, who are able to be deployed to a Tier 2 Incident or Tier 3 Incident in State Waters.

State Waters means all waters adjacent to the Victorian coastline and extending three nautical miles seaward from the low tide point.

Support Agency has the meaning given under the EMMV.

Tier 1 Incident has the same meaning as 'Tier 1' in Section 3.3.1 of VICPLAN.

Tier 2 Incident has the same meaning as 'Tier 2' in Section 3.3.1 of VICPLAN.

Tier 3 Incident has the same meaning as 'Tier 3' in Section 3.3.1 of VICPLAN.

The Department means the Victorian Department of Transport, Planning and Local Infrastructure.

Undesirable substance means –

- (a) any solid ballast, rubbish, gravel, earth, stone or wreck; or
- (b) any dangerous, flammable, corrosive or offensive substance, whether solid, liquid or gaseous; or
- (c) any article or thing or any substance (whether solid, liquid or gaseous) which is capable of constituting a hazard to navigation or of preventing or hindering the proper use of State waters –

but does not include oil or an oily mixture.

VICPLAN means the Victorian Marine Pollution Contingency Plan, as defined in Section 3 of the MDACPA.

VICPLAN Operations Group has the same meaning as is described in Section 2.4 of VICPLAN.

Marine (Drug, Alcohol and Pollution Control) Act 1988

SECTION 71A AND 71B DIRECTION

I, Tony Pearce, Executive Director, Emergency Risk and Resilience, Department of Transport, Planning and Local Infrastructure, in accordance with the power set out in sections 71A and 71B(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (the Act), direct the Port of Melbourne Corporation, a specified body (as defined in section 71AA of the Act) to participate in the Victorian Marine Pollution Contingency Plan by preparing and planning for marine pollution incidents.

These obligations are to be fulfilled by performing the functions and activities described in Schedule 1 and Schedule 2 to this Direction.

Schedule 2 sets out the definitions that apply to this Direction and its Schedules.

Dated 23 January 2014

TONY PEARCE

Executive Director, Emergency Risk and Resilience
Department of Transport, Planning and Local Infrastructure
Delegate of the Secretary to the
Department of Transport, Planning and Local Infrastructure

**SCHEDULE 1 – PARTICIPATION IN THE VICTORIAN MARINE POLLUTION
CONTINGENCY PLAN (VICPLAN)**

Port of Melbourne Corporation (PoMC) is to participate in VICPLAN by preparing and planning for marine pollution incidents, by performing the following functions and activities:

Functions	Activities
A. Administration and Planning	<ol style="list-style-type: none"> 1. Hold a minimum of two Port Phillip Region Marine Pollution Committee Meetings annually. 2. Be the first point of contact for engagement with municipal authorities in the Port Phillip Region. 3. Oversee the administration and management of the Port Phillip Region Marine Pollution Committee and provide a secretariat and chair for each meeting. 4. In conjunction with DTPLI, review and update the Port Phillip Region Marine Pollution Contingency Plan annually. 5. Update the Port Phillip Region Marine Pollution Contingency Plan contact list every six months and circulate to stakeholders.
B. VICPLAN Governance Arrangements	<ol style="list-style-type: none"> 1. Participate in the governance arrangements set out in VICPLAN. A representative of PoMC Security and Emergency Management must attend all VICPLAN Operations Group Meetings. 2. Submit an agency report by the deadline set for each VICPLAN Operations Group meeting that contains a summary of the number of Marine Pollution Incidents responded to in the six month period. 3. Conduct at least one annual exercise designed to test those PoMC obligations contained within this Direction. DTPLI must approve the exercise date, time and prescribed methodology. The exercise must comply with the prescribed standard, being the AEMI Managing Exercises, Handbook.

Functions	Activities
	<ol style="list-style-type: none"> 4. The exercise will be supervised and evaluated by DTPLI in accordance with the standard and DTPLI will provide PoMC with a feedback report in addition to an action plan, as required. 5. All exercise planning must include a documented risk assessment that addresses occupational health and safety risks to participants. This must be supported by a safety briefing to participants prior to the execution of component activities.
C. Training and state capability building	<ol style="list-style-type: none"> 1. PoMC must nominate a minimum of 6 staff to fill roles on the State Response Team (SRT). These are to occupy the following positions: <ol style="list-style-type: none"> a) 1 x Incident Controller; b) 2 x Operations Officer; c) 3 x Equipment Operators; and d) additional staff as requested. 2. PoMC may not delegate the function of Incident Controller to a third party or parties. 3. PoMC may delegate to a third party or parties the functions of: <ol style="list-style-type: none"> i. Equipment Operator; or ii. Operations Officer; subject to approval of the Manager, Marine Pollution. 4. Each PoMC staff member nominated for the SRT must participate in marine pollution training, exercises, workshops, drills or other refresher activities pertinent to their role, on the terms and conditions specified by the Executive Director of Emergency Risk and Resilience. <p>Note: activities referred to in Item 3 of Section C may be specified in accordance with the terms of the SRT fact sheet.</p>
D. Incident control	<ol style="list-style-type: none"> 1. Provide incident control function for all reported Tier 1 Incidents that occur in the Port Phillip Region. 2. Maintain a 24 hours a day, 365 days a year capability to provide an Incident Controller to all Tier 1 Incident responses that occur in the Port Phillip Region. 3. Maintain the capability to act as ‘Support Agency’ to DTPLI for Tier 2 and Tier 3 Incidents through participation in the Incident Management Team (IMT) and through the provision of resources and personnel.
E. Incident assessment	<ol style="list-style-type: none"> 1. Maintain a 24 hours a day, 365 days a year capability to receive reports from third parties to report Marine Pollution Incidents or suspected Marine Pollution Incidents. 2. Conduct an initial assessment of a Marine Pollution Incident in accordance with the processes detailed in VICPLAN and the Port Phillip Region Marine Pollution Contingency Plan.

Functions	Activities
F. Incident response	<ol style="list-style-type: none"> 1. Initiate a response without delay to all reported Tier 1 Incidents in the Port Phillip Region. 2. Implement a marine pollution response to all reported Marine Pollution Incidents in the Port Phillip Region which are confirmed under Section E of Schedule 1 to be Tier 1 Incidents, to effect a clean-up that is reasonable, justifiable and proportionate. 3. PoMC may use equipment owned by DTPLI for the purposes of marine pollution response. 4. Monitor all confirmed Tier 1 Incidents in the Port Phillip Region until clean up measures are complete or the incident is escalated to DTPLI. 5. At the request of DTPLI, PoMC must conduct a debrief of the Marine Pollution Incident including all parties who were involved in the Marine Pollution Incident.
G. Notification	<ol style="list-style-type: none"> 1. Notify the Emergency Risk and Resilience Duty Watch Officer and EPA Pollution Duty Officer by phone within one hour of all reported Marine Pollution Incidents in the Port Phillip Region.
H. Pollution Report	<ol style="list-style-type: none"> 1. Following an incident assessment, issue a Pollution Report, as per the processes developed by DTPLI, for all Marine Pollution Incidents reported in the Port Phillip Region within 60 minutes of gaining access to any tools required to prepare and submit a Pollution Report to DTPLI. As a minimum, the Pollution Report must be forwarded to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA. 2. All Pollution Reports generated by PoMC should contain as much as possible of the following information: <ol style="list-style-type: none"> a) Details of the reported Marine Pollution Incident including: <ol style="list-style-type: none"> i. Where the report originated from; ii. Date, time and location of the Marine Pollution Incident; iii. Description of the Marine Pollution Incident; iv. Estimated size of the pollution; v. The type of pollutant; and vi. The suspected source of pollution if known. b) All PoMC actions undertaken after the Marine Pollution Incident including: <ol style="list-style-type: none"> i. Any PoMC investigation of the Marine Pollution Incident; ii. Any PoMC assessment of the Marine Pollution Incident; iii. Any PoMC response to the Marine Pollution Incident; and iv. Whether a third party has been deployed to respond to the Marine Pollution Incident.

Functions	Activities
I. Situation Report	<ol style="list-style-type: none"> 1. Prepare ongoing Situation Reports, as per the processes developed by DTPLI, for all Marine Pollution Incidents in the Port Phillip Region: <ol style="list-style-type: none"> a) Until no further action is required; or b) The incident control function is escalated to the DTPLI. 2. All Situation Reports generated by PoMC should contain as much of the following information as possible: <ol style="list-style-type: none"> a) Details of the original Pollution Report; b) Details of who has investigated the Marine Pollution Incident onsite; c) Confirmed location, size and type of the pollution or incident; d) Details about the source or suspected source of pollution if known including vessel registration if applicable; e) A description of the actions being undertaken by PoMC to respond and clean up the Marine Pollution Incident; and f) Reasons for actions undertaken by PoMC in responding to the Marine Pollution Incident. 3. PoMC must forward the Situation Report to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA.
J. Escalation	<ol style="list-style-type: none"> 1. Escalate: <ol style="list-style-type: none"> a) a Tier 2 Incident; or b) a Tier 3 Incident to DTPLI to undertake incident control without delay. 2. Initial escalation of a Marine Pollution Incident to DTPLI must be by phone to the Emergency Risk and Resilience duty watch officer, DTPLI. 3. PoMC may escalate a complex Tier 1 Incident to DTPLI if PoMC: <ol style="list-style-type: none"> a) does not have the incident management capability to respond to that specific complex Tier 1 Incident; and b) has consulted with the Manager Marine Pollution.

Functions	Activities
	<p>4. In relation to a Marine Pollution Incident escalated to the Department under Item 1 or Item 3 of Section J, PoMC must, while the incident control is being handed to the Department:</p> <ul style="list-style-type: none"> a) Continue to assess and monitor the escalated Marine Pollution Incident; and b) Deploy first strike response; c) Provide a full briefing to the relieving Incident Controller; d) Continue to provide assistance to DTPLI as a Support Agency, consistent with the principles of the EMMV for: <ul style="list-style-type: none"> i. Tier 2 Incidents; ii. Tier 3 Incidents; and iii. Tier 1 Incidents to which Item 3 of Section J of Schedule 1 applies. <p>5. Participate in a response to a Marine Pollution Incident as part of the State Response Team, if requested by DTPLI.</p>

SCHEDULE 2 – DEFINITIONS

The following definitions apply to this Direction and its Schedules.

AMSA means the Australian Maritime Safety Authority, established under the **Australian Maritime Safety Authority Act 1990** (Cth).

Control Agency has the meaning given under Section 3.5 of the EMMV.

DTPLI means the Victorian Department of Transport, Planning and Local Infrastructure.

EMMV means the Emergency Management Manual of Victoria, prepared by the Office of the Emergency Services Commissioner under the **Emergency Management Act 1986**.

EPA means the Environment Protection Authority Victoria, established under the **Environment Protection Act 1970** (Vic.).

Incident Controller has the same meaning as in the EMMV, and refers to the person or persons nominated to act in that role by PoMC of Item 1 of Section D of Schedule 1.

Incident Management Team means the group of people that responds to, in this context, a marine pollution emergency.

Incident Reports means the Situation Reports, Pollution Reports and Agency Reports required to be delivered by PoMC under Schedule 1 to this Direction.

Manager Marine Pollution means the DTPLI officer with responsibility for the day-to-day management of marine pollution preparedness and response.

MDACPA means the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (Vic.).

Marine Pollution Incident means discharge of a Pollutant into waters of the Port Phillip Region and includes a Tier 1 Incident, Tier 2 Incident or Tier 3 Incident.

Pollutant means:

- (a) oil; or
- (b) an oily mixture; or
- (c) an undesirable substance.

Pollution Report means the report described in Section I of Schedule 1 to this Direction.

PoMC means the Port of Melbourne Corporation, continued under section 141B of the **Transport Integration Act 2010**.

PoMC Security and Emergency Management means the functional area of the Port of Melbourne Corporation's business that deals with those matters that pertain to security and emergency management

Port of Melbourne Quality Assurance System refers to those administrative and procedural activities implemented in the Port of Melbourne quality system, to enable the requirements and goals for goods, services or activities to be realised.

Port Phillip Region means all State Waters bounded geographically by Cape Schanck on the east to Cape Otway on the west, including all bays and enclosed waters between those two points. For the Yarra and Maribyrnong Rivers, it includes waters downstream of the Bolte and Sheppard's bridges, except when pollution sourced from port waters travels upstream into those areas.

Port Philip Region Marine Pollution Committee Meeting means the committee formed in accordance with VICPLAN for the Port Phillip Region.

Port Phillip Region Marine Pollution Contingency Plan means the sub-plan of VICPLAN entitled 'Port Phillip Region Marine Pollution Contingency Plan'.

Regional Control Agency has the same meaning as in VICPLAN.

Situation Report means the report described in Section I of Schedule 1 to this Direction.

State Response Team or SRT means a group of individuals trained in various marine pollution roles under the Oil Spill Response Incident Control System, who are able to be deployed to a Tier 2 Incident or Tier 3 Incident in State Waters.

State Waters means all waters adjacent to the Victorian coastline and extending three nautical miles seaward from the low tide point.

Support Agency has the meaning given under the EMMV.

Tier 1 Incident has the same meaning as 'Tier 1' in Section 3.3.1 of VICPLAN.

Tier 2 Incident has the same meaning as 'Tier 2' in Section 3.3.1 of VICPLAN.

Tier 3 Incident has the same meaning as 'Tier 3' in Section 3.3.1 of VICPLAN.

The Department means the Victorian Department of Transport, Planning and Local Infrastructure.

Undesirable substance means –

- (a) any solid ballast, rubbish, gravel, earth, stone or wreck; or
- (b) any dangerous, flammable, corrosive or offensive substance, whether solid, liquid or gaseous; or
- (c) any article or thing or any substance (whether solid, liquid or gaseous) which is capable of constituting a hazard to navigation or of preventing or hindering the proper use of State waters –

but does not include oil or an oily mixture.

VICPLAN means the Victorian Marine Pollution Contingency Plan, as defined in section 3 of the MDACPA.

VICPLAN Operations Group has the same meaning as is described in Section 2.4 of VICPLAN.

Marine (Drug, Alcohol and Pollution Control) Act 1988

SECTION 71A AND 71B(1) DIRECTION

I, Tony Pearce, Executive Director, Emergency Risk and Resilience, Department of Transport, Planning and Local Infrastructure, in accordance with the power set out in sections 71A and 71B(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (the Act), direct Port of Portland Pty Limited, a specified person or body (as defined in section 71AA of the Act) to participate in the Victorian Marine Pollution Contingency Plan by preparing and planning for marine pollution incidents (including by providing and maintaining equipment and training personnel).

These obligations are to be fulfilled by performing the functions and activities described in Schedule 1 and 2 to this Direction.

Schedule 2 sets out the definitions that apply to this Direction and its Schedules.

Dated 23 January 2014

TONY PEARCE

Executive Director, Emergency Risk and Resilience
Department of Transport, Planning and Local Infrastructure
Delegate of the Secretary to the
Department of Transport, Planning and Local Infrastructure

**SCHEDULE 1 – PARTICIPATION IN THE VICTORIAN MARINE POLLUTION
CONTINGENCY PLAN (VICPLAN)**

Port of Portland is to participate in VICPLAN by preparing and planning for marine pollution incidents, by performing the following functions and activities:

Functions	Activities
A. Maintaining equipment	<ol style="list-style-type: none"> 1. Undertake weekly checks on equipment owned by DTPLI and stored by the Port of Portland, subject to this Section A of Schedule 1. 2. Checks conducted under Item 1 of Section A of Schedule 1: <ol style="list-style-type: none"> a) May include assessing the overall condition of the DTPLI equipment, including battery power, fluid levels, cleanliness, electrics, tyre pressure, and ability to deploy (as applicable to the type of equipment); and b) Will not include repairing or replacing broken equipment.
B. Administration and Planning	<ol style="list-style-type: none"> 1. Hold a minimum of two Portland Region Marine Pollution Committee Meetings annually. 2. Be the first point of contact for engagement with municipal authorities in the Portland Region. 3. Oversee the administration and management of the Portland Region Marine Pollution Committee and provide a secretariat and chair for each meeting. 4. In conjunction with DTPLI, review and update the Portland Region Marine Pollution Contingency Plan annually. 5. Update the Portland Region Marine Pollution Contingency Plan contact list every six months and circulate to stakeholders.

Functions	Activities
<p>C. VICPLAN Governance Arrangements</p>	<ol style="list-style-type: none"> 1. Participate in the governance arrangements set out in VICPLAN. A senior representative from the Port of Portland must attend all VICPLAN Operations Group Meetings. 2. Submit an agency report by the deadline set for each VICPLAN Operations Group meeting that contains a summary of the number of Marine Pollution Incidents responded to in the six month period. 3. Conduct at least one annual exercise designed to test those Port of Portland obligations contained within this Direction. DTPLI must approve the exercise date, time and prescribed methodology. The exercise must comply with the prescribed standard, being the AEMI Managing Exercises, Handbook 4. The exercise will be supervised and evaluated by DTPLI in accordance with the standard and DTPLI will provide Port of Portland with a feedback report in addition to an action plan, as required. 4. All exercise planning must include a documented risk assessment that addresses occupational health and safety risks to participants. This must be supported by a safety briefing to participants prior to the execution of component activities.
<p>D. Audit</p>	<ol style="list-style-type: none"> 1. The DTPLI may cause an Audit to be conducted at least once during the term of the Direction. The Audit may include auditing of: <ol style="list-style-type: none"> (a) The DTPLI equipment; (b) The storage facility(s); (c) Any records, including: <ol style="list-style-type: none"> (i) Receipts for materials used or purchased in connection with providing services; (ii) Stocktake documentation; (iii) Emergency repair procedures; (d) Procedures relating to routine maintenance and deployment of the DTPLI equipment and the response of Port of Portland staff to Marine Pollution Incidents; (e) The Port of Portland Quality Assurance System; and (f) Any other aspects of the services. 2. During an Audit, Port of Portland must, if requested by the DTPLI Representative or the DTPLI auditor: <ol style="list-style-type: none"> (a) Ensure that a Port of Portland representative is present for the duration of the Audit. (b) Deploy any of the DTPLI equipment in the water; and (c) Supply any necessary qualified personnel to assist with the handling and deployment of the DTPLI equipment during the Audit. <p>The DTPLI may at its sole discretion provide to Port of Portland a copy of an auditor's report following completion of an Audit.</p> 3. If requested by the DTPLI, Port of Portland must promptly rectify any identified deficiencies. Port of Portland must provide a report to the DTPLI representative when it has completed any rectifications.

Functions	Activities
E. Training and state capability building	<ol style="list-style-type: none"> 1. Port of Portland must nominate a minimum of 5 staff to fill roles on the State Response Team (SRT). These are to occupy the following positions: <ol style="list-style-type: none"> a) 1 x Incident Controller; b) 1 x Operations Officer; and c) 3 x Equipment Operators. 2. Port of Portland may not delegate the function of Incident Controller to a third party or parties. 3. Port of Portland may delegate to a third party or parties the functions of: <ol style="list-style-type: none"> i. Equipment Operator; or ii. Operations Officer; subject to approval of the Manager, Marine Pollution. 4. Each Port of Portland staff member nominated for the SRT must participate in marine pollution training, exercises, workshops, drills or other refresher activities pertinent to their role, on the terms and conditions specified by the Executive Director of Emergency Risk and Resilience. <p>Note: activities referred to in Item 3 of Section E may be specified in accordance with the terms of the SRT fact sheet.</p>
F. Incident control	<ol style="list-style-type: none"> 1. Provide incident control function for all reported Tier 1 Incidents that occur in the Portland Region. 2. Maintain a 24 hours a day, 365 days a year capability to provide an Incident Controller to all Tier 1 Incident responses that occur in the Portland Region. 3. Maintain the capability to act as 'Support Agency' to DTPLI for Tier 2 and Tier 3 Incidents through participation in the Incident Management Team (IMT) and through the provision of resources and personnel.
G. Incident assessment	<ol style="list-style-type: none"> 1. Maintain a 24 hours a day, 365 days a year capability to receive reports from third parties to report Marine Pollution Incidents or suspected Marine Pollution Incidents. 2. Conduct an initial assessment of a Marine Pollution Incident in accordance with the processes detailed in VICPLAN and the Portland Region Marine Pollution Contingency Plan.
H. Incident response	<ol style="list-style-type: none"> 1. Initiate a response without delay to all reported Tier 1 Incidents in the Portland Region. 2. Implement a marine pollution response to all reported Marine Pollution Incidents in the Portland Region which are confirmed under Section G of Schedule 1 to be Tier 1 Incidents, to effect a clean-up that is reasonable, justifiable and proportionate. 3. Port of Portland may use equipment owned by DTPLI for the purposes of marine pollution response, subject to Section A of Schedule 1.

Functions	Activities
	<ol style="list-style-type: none"> 4. Monitor all confirmed Tier 1 Incidents in the Portland Region until clean up measures are complete or the incident is escalated to DTPLI. 5. At the request of DTPLI, Port of Portland must conduct a debrief of the Marine Pollution Incident including all parties who were involved in the Marine Pollution Incident.
I. Notification	<ol style="list-style-type: none"> 1. Notify the Emergency Risk and Resilience duty watch officer and EPA pollution duty officer by phone within one hour of all reported Marine Pollution Incidents in the Portland Region.
J. Pollution Report	<ol style="list-style-type: none"> 1. Following an incident assessment, issue a Pollution Report, as per the processes developed by DTPLI, for all Marine Pollution Incidents reported in the Portland Region within 60 minutes of gaining access to any tools required to prepare and submit a Pollution Report to DTPLI. As a minimum, the Pollution Report must be forwarded to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI b) AMSA; and c) EPA. 2. All Pollution Reports generated by Port of Portland should contain as much as possible of the following information: <ol style="list-style-type: none"> a) Details of the reported Marine Pollution Incident including: <ol style="list-style-type: none"> i. Where the report originated from; ii. Date, time and location of the Marine Pollution Incident; iii. Description of the Marine Pollution Incident; iv. Estimated size of the pollution; v. The type of pollutant; and vi. The suspected source of pollution if known. b) All Port of Portland actions undertaken after the Marine Pollution Incident including: <ol style="list-style-type: none"> i. Any Port of Portland investigation of the Marine Pollution Incident; ii. Any Port of Portland assessment of the Marine Pollution Incident; iii. Any Port of Portland response to the Marine Pollution Incident; and iv. Whether a third party has been deployed to respond to the Marine Pollution Incident.
K. Situation Report	<ol style="list-style-type: none"> 1. Prepare ongoing Situation Reports, as per the processes developed by DTPLI, for all Marine Pollution Incidents in the Portland Region: <ol style="list-style-type: none"> a) Until no further action is required; or b) The incident control function is escalated to the DTPLI.

Functions	Activities
	<ol style="list-style-type: none"> 2. All Situation Reports generated by Port of Portland should contain as much of the following information as possible: <ol style="list-style-type: none"> a) Details of the original Pollution Report; b) Details of who has investigated the Marine Pollution Incident onsite; c) Confirmed location, size and type of the pollution or incident; d) Details about the source or suspected source of pollution if known including vessel registration if applicable; e) A description of the actions being undertaken by Port of Portland to respond and clean up the Marine Pollution Incident; and f) Reasons for actions undertaken by Port of Portland in responding to the Marine Pollution Incident. 3. Port of Portland must forward the Situation Report to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA.
L. Escalation	<ol style="list-style-type: none"> 1. Immediately escalate: <ol style="list-style-type: none"> a) a Tier 2 Incident; or b) a Tier 3 Incident to DTPLI to undertake incident control without delay. 2. Initial escalation of a Marine Pollution Incident to DTPLI must be by phone to the Emergency Risk and Resilience duty watch officer, DTPLI. 3. Port of Portland may escalate a complex Tier 1 Incident to DTPLI if Port of Portland: <ol style="list-style-type: none"> a) does not have the incident management capability to respond to that specific complex Tier 1 Incident; and b) has consulted with the Manager Marine Pollution. 4. In relation to a Marine Pollution Incident escalated to the Department under Item 1 or Item 3 of Section L, Port of Portland must, while the incident control is being handed to the Department: <ol style="list-style-type: none"> a) Continue to assess and monitor the escalated Marine Pollution Incident; and b) Deploy first strike response. c) Provide a full briefing to the relieving Incident Controller. d) Continue to provide assistance to DTPLI as a Support Agency, consistent with the principles of the EMMV for: <ol style="list-style-type: none"> i. Tier 2 Incidents; ii. Tier 3 Incidents; and iii. Tier 1 Incidents to which Item 3 of Section L of Schedule 1 applies. 5. Participate in a response to a Marine Pollution Incident as part of the State Response Team, if requested by DTPLI.

SCHEDULE 2 – DEFINITIONS

The following definitions apply to this Direction and its Schedules.

AMSA means the Australian Maritime Safety Authority, established under the **Australian Maritime Safety Authority Act 1990** (Cth).

Control Agency has the meaning given under Section 3.5 of the EMMV.

DTPLI means the Victorian Department of Transport, Planning and Local Infrastructure.

EMMV means the Emergency Management Manual of Victoria, prepared by the Office of the Emergency Services Commissioner under the **Emergency Management Act 1986**.

EPA means the Environment Protection Authority Victoria, established under the **Environment Protection Act 1970** (Vic.).

Harbour Master means a harbour master engaged by the Port of Portland in respect of the port of Hastings who holds a current harbour master's licence as required under the **Marine Safety Act 2010**.

Incident Controller has the same meaning as in the EMMV, and refers to the person or persons nominated to act in that role by the Port of Portland of Item 1 of Section F of Schedule 1.

Incident Management Team means the group of people that responds to, in this context, a marine pollution emergency.

Incident Reports means the Situation Reports, Pollution Reports and Agency Reports required to be delivered by the Port of Portland under Schedule 1 to this Direction.

Manager Marine Pollution means the DTPLI officer with responsibility for the day-to-day management of marine pollution preparedness and response.

MDACPA means the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (Vic.).

Marine Pollution Incident means discharge of a Pollutant into waters of the Portland Region and includes a Tier 1 Incident, Tier 2 Incident or Tier 3 Incident.

Pollutant means:

- (a) oil; or
- (b) an oily mixture; or
- (c) an undesirable substance.

Pollution Report means the report described in Section J of Schedule 1 to this Direction.

Port of Portland means Port of Portland Pty Ltd (ACN 072 507 012), a port manager of the commercial trading port of Portland within the meaning of the **Port Management Act 1995**.

Port of Portland Quality Assurance System refers to those administrative and procedural activities implemented in the Port of Portland quality system, to enable the requirements and goals for goods, services or activities to be realised.

Portland Region means all State Waters bounded geographically by the South Australia border on the west to Cape Otway on the east, including enclosed waters.

Portland Region Marine Pollution Committee Meeting means the committee formed in accordance with Section 2.6.3 of VICPLAN for the Portland Region.

Portland Region Marine Pollution Contingency Plan means the sub-plan of VICPLAN entitled 'Portland Region Marine Pollution Contingency Plan'.

Regional Control Agency has the same meaning as in VICPLAN.

Situation Report means the report described in Section K of Schedule 1 to this Direction.

State Response Team or SRT means a group of individuals trained in various marine pollution roles under the Oil Spill Response Incident Control System, who are able to be deployed to a Tier 2 Incident or Tier 3 Incident in State Waters.

State Waters means all waters adjacent to the Victorian coastline and extending three nautical miles seaward from the low tide point.

Support Agency has the meaning given under the EMMV.

Tier 1 Incident has the same meaning as ‘Tier 1’ in Section 3.3.1 of VICPLAN.

Tier 2 Incident has the same meaning as ‘Tier 2’ in Section 3.3.1 of VICPLAN.

Tier 3 Incident has the same meaning as ‘Tier 3’ in Section 3.3.1 of VICPLAN.

The Department means the Victorian Department of Transport, Planning and Local Infrastructure.

Undesirable substance means –

- (a) any solid ballast, rubbish, gravel, earth, stone or wreck; or
- (b) any dangerous, flammable, corrosive or offensive substance, whether solid, liquid or gaseous; or
- (c) any article or thing or any substance (whether solid, liquid or gaseous) which is capable of constituting a hazard to navigation or of preventing or hindering the proper use of State waters –

but does not include oil or an oily mixture.

VICPLAN means the Victorian Marine Pollution Contingency Plan, as defined in section 3 of the MDACPA.

VICPLAN Operations Group has the same meaning as is described in Section 2.4 of VICPLAN.

Marine (Drug, Alcohol and Pollution Control) Act 1988

SECTION 71A AND 71B(1) DIRECTION

I, Tony Pearce, Executive Director, Emergency Risk and Resilience, Department of Transport, Planning and Local Infrastructure, in accordance with the power set out in sections 71A and 71B(1) of the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (the Act), direct Patrick Stevedoring Pty Ltd, a specified person or body (as defined in section 71AA of the Act) to participate in the Victorian Marine Pollution Contingency Plan by preparing and planning for marine pollution incidents (including by providing and maintaining equipment and training personnel).

These obligations are to be fulfilled by performing the functions and activities described in Schedule 1 to this Direction.

Schedule 2 sets out the definitions that apply to this Direction and its Schedules.

Dated 23 January 2014

TONY PEARCE

Executive Director, Emergency Risk and Resilience
Department of Transport, Planning and Local Infrastructure
Delegate of the Secretary to the
Department of Transport, Planning and Local Infrastructure

**SCHEDULE 1 – PARTICIPATION IN THE VICTORIAN MARINE POLLUTION
CONTINGENCY PLAN (VICPLAN)**

Patrick Stevedoring is to participate in VICPLAN by preparing and planning for marine pollution incidents, by performing the following functions and activities:

Functions	Activities
A. Maintaining equipment	<ol style="list-style-type: none"> 1. Undertake weekly checks on equipment owned by DTPLI and stored by Patrick Stevedoring, subject to this Section A of Schedule 1. 2. Checks conducted under Item 1 of Section A of Schedule 1: <ol style="list-style-type: none"> a) May include assessing the overall condition of the DTPLI equipment, including battery power, fluid levels, cleanliness, electrics, tyre pressure, and ability to deploy (as applicable to the type of equipment); and b) Will not include repairing or replacing broken equipment.
B. Administration and Planning	<ol style="list-style-type: none"> 1. Hold a minimum of two Western Port Region Marine Pollution Committee Meetings annually. 2. Be the first point of contact for engagement with municipal authorities in the Western Port Region. 3. Oversee the administration and management of the Western Port Region Marine Pollution Committee and provide a secretariat and chair for each meeting. 4. In conjunction with DTPLI, review and update the Western Port Region Marine Pollution Contingency Plan annually. 5. Update the Western Port Region Marine Pollution Contingency Plan contact list every six months and circulate to stakeholders.

Functions	Activities
C. VICPLAN Governance Arrangements	<ol style="list-style-type: none"> 1. Participate in the governance arrangements set out in VICPLAN. A senior representative of Patrick Stevedoring must attend all VICPLAN Operations Group Meetings. 2. Submit an agency report by the deadline set for each VICPLAN Operations Group meeting that contains a summary of the number of Marine Pollution Incidents responded to in the six month period. 3. Conduct at least one annual exercise designed to test those Patrick Stevedoring obligations contained within this Direction. DTPLI must approve the exercise date, time and prescribed methodology. The exercise must comply with the prescribed standard, being the AEMI Managing Exercises, Handbook 4. The exercise will be supervised and evaluated by DTPLI in accordance with the standard and DTPLI will provide Patrick Stevedoring with a feedback report in addition to an action plan, as required. 4. All exercise planning must include a documented risk assessment that addresses occupational health and safety risks to participants. This must be supported by a safety briefing to participants prior to the execution of component activities.
D. Audit	<ol style="list-style-type: none"> 1. The Department may cause an Audit to be conducted at least once during the term of the Direction. The Audit may include auditing of: <ol style="list-style-type: none"> (a) The Department's equipment; (b) The storage facility(s); (c) Any records, including: <ol style="list-style-type: none"> (i) Receipts for materials used or purchased in connection with providing services; (ii) Stocktake documentation; (iii) Emergency repair procedures; (d) Procedures relating to routine maintenance and deployment of the Department's Equipment and the response of Patrick Stevedoring staff to Marine Pollution Incidents; (e) The Patrick Stevedoring Quality Assurance System; and (f) Any other aspects of the services. 2. During an Audit, Patrick Stevedoring must, if requested by the Department's Representative or the Department's auditor: <ol style="list-style-type: none"> (a) Ensure that a Patrick Stevedoring representative is present for the duration of the Audit. (b) Deploy any of the Department's Equipment in the water; and (c) Supply any necessary qualified personnel to assist with the handling and deployment of the Department's Equipment during the Audit. <p>The Department may at its sole discretion provide to Patrick Stevedoring a copy of an auditor's report following completion of an Audit.</p> 3. If requested by the Department, Patrick Stevedoring must promptly rectify any identified deficiencies. Patrick Stevedoring must provide a report to the Department's representative when it has completed any rectifications.

Functions	Activities
E. Training and state capability building	<ol style="list-style-type: none"> 1. Patrick Stevedoring must nominate a minimum of 4 staff to fill roles on the State Response Team (SRT). These are to occupy the following positions: <ol style="list-style-type: none"> a) 1 x Incident Controller; b) 1 x Operations Officer; and c) 2 x Equipment Operators. 2. Patrick Stevedoring may not delegate the function of Incident Controller to a third party or parties. 3. Patrick Stevedoring may delegate to a third party or parties the functions of: <ol style="list-style-type: none"> i. Equipment Operator; or ii. Operations Officer; subject to approval of the Manager, Marine Pollution. 4. Each Patrick Stevedoring staff member nominated for the SRT must participate in marine pollution training, exercises, workshops, drills or other refresher activities pertinent to their role, on the terms and conditions specified by the Executive Director of Emergency Risk and Resilience. <p>Note: activities referred to in Item 3 of Section E may be specified in accordance with the terms of the SRT fact sheet.</p>
F. Incident control	<ol style="list-style-type: none"> 1. Provide incident control function for all reported Tier 1 Incidents that occur in the Western Port Region. 2. Maintain a 24 hours a day, 365 days a year capability to provide an Incident Controller to all Tier 1 Incident responses that occur in the Western Port Region. 3. Maintain the capability to act as ‘Support Agency’ to DTPLI for Tier 2 and Tier 3 Incidents through participation in the Incident Management Team (IMT) and through the provision of resources and personnel.
G. Incident assessment	<ol style="list-style-type: none"> 1. Maintain a 24 hours a day, 365 days a year capability to receive reports from third parties to report Marine Pollution Incidents or suspected Marine Pollution Incidents. 2. Conduct an initial assessment of a Marine Pollution Incident in accordance with the processes detailed in VICPLAN and the Western Port Region Marine Pollution Contingency Plan.
H. Incident response	<ol style="list-style-type: none"> 1. Initiate a response without delay to all reported Tier 1 Incidents in the Western Port Region. 2. Implement a marine pollution response to all reported Marine Pollution Incidents in the Western Port Region which are confirmed under Section G of Schedule 1 to be Tier 1 Incidents, to effect a clean-up that is reasonable, justifiable and proportionate. 3. Patrick Stevedoring may use equipment owned by DTPLI for the purposes of marine pollution response, subject to Section A of Schedule 1.

Functions	Activities
	<ol style="list-style-type: none"> 4. Monitor all confirmed Tier 1 Incidents in the Western Port Region until clean up measures are complete or the incident is escalated to DTPLI. 5. At the request of DTPLI, Patrick Stevedoring must conduct a debrief of the Marine Pollution Incident including all parties who were involved in the Marine Pollution Incident.
I. Notification	<ol style="list-style-type: none"> 1. Notify the Emergency Risk and Resilience duty watch officer and EPA pollution duty officer by phone within one hour of all reported Marine Pollution Incidents in the Western Port Region.
J. Pollution Report	<ol style="list-style-type: none"> 1. Following an incident assessment, issue a Pollution Report, as per the processes developed by DTPLI, for all Marine Pollution Incidents reported in the Western Port Region within 60 minutes of gaining access to any tools required to prepare and submit a Pollution Report to DTPLI. As a minimum, the Pollution Report must be forwarded to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA. 2. All Pollution Reports generated by Patrick Stevedoring should contain as much as possible of the following information: <ol style="list-style-type: none"> a) Details of the reported Marine Pollution Incident including: <ol style="list-style-type: none"> i. Where the report originated from; ii. Date, time and location of the Marine Pollution Incident; iii. Description of the Marine Pollution Incident; iv. Estimated size of the pollution; v. The type of pollutant; and vi. The suspected source of pollution if known. b) All Patrick Stevedoring actions undertaken after the Marine Pollution Incident including: <ol style="list-style-type: none"> i. Any Patrick Stevedoring investigation of the Marine Pollution Incident; ii. Any Patrick Stevedoring assessment of the Marine Pollution Incident; iii. Any Patrick Stevedoring response to the Marine Pollution Incident; and iv. Whether a third party has been deployed to respond to the Marine Pollution Incident.
K. Situation Report	<ol style="list-style-type: none"> 1. Prepare ongoing Situation Reports, as per the processes developed by DTPLI, for all Marine Pollution Incidents in the Western Port Region: <ol style="list-style-type: none"> a) Until no further action is required; or b) The incident control function is escalated to DTPLI.

Functions	Activities
	<ol style="list-style-type: none"> 2. All Situation Reports generated by Patrick Stevedoring should contain as much of the following information as possible: <ol style="list-style-type: none"> a) Details of the original Pollution Report; b) Details of who has investigated the Marine Pollution Incident onsite; c) Confirmed location, size and type of the pollution or incident; d) Details about the source or suspected source of pollution if known including vessel registration if applicable; e) A description of the actions being undertaken by Patrick Stevedoring to respond and clean up the Marine Pollution Incident; and f) Reasons for actions undertaken by Patrick Stevedoring in responding to the Marine Pollution Incident. 3. Patrick Stevedoring must forward the Situation Report to the following agencies via email: <ol style="list-style-type: none"> a) DTPLI; b) AMSA; and c) EPA.
L. Escalation	<ol style="list-style-type: none"> 1. Immediately escalate: <ol style="list-style-type: none"> a) a Tier 2 Incident; or b) a Tier 3 Incident; to DTPLI to undertake incident control without delay. 2. Initial escalation of a Marine Pollution Incident to DTPLI must be by phone to the Emergency Risk and Resilience duty watch officer, DTPLI. 3. Patrick Stevedoring may escalate a complex Tier 1 Incident to DTPLI if Patrick Stevedoring: <ol style="list-style-type: none"> a) does not have the incident management capability to respond to that specific complex Tier 1 Incident; and b) has consulted with the Manager Marine Pollution. 4. In relation to a Marine Pollution Incident escalated to the Department under Item 1 or Item 3 of Section L, Patrick Stevedoring must, while the incident control is being handed to the Department: <ol style="list-style-type: none"> a) Continue to assess and monitor the escalated Marine Pollution Incident; and b) Deploy first strike response. c) Provide a full briefing to the relieving Incident Controller. d) Continue to provide assistance to DTPLI as a Support Agency, consistent with the principles of the EMMV for: <ol style="list-style-type: none"> i. Tier 2 Incidents; ii. Tier 3 Incidents; and iii. Tier 1 Incidents to which Item 3 of Section L of Schedule 1 applies. 5. Participate in a response to a Marine Pollution Incident as part of the State Response Team, if requested by DTPLI.

SCHEDULE 2 – DEFINITIONS

The following definitions apply to this Direction and its Schedules.

AMSA means the Australian Maritime Safety Authority, established under the **Australian Maritime Safety Authority Act 1990** (Cth).

Control Agency has the meaning given under Section 3.5 of the EMMV.

DTPLI means the Victorian Department of Transport, Planning and Local Infrastructure.

EMMV means the Emergency Management Manual of Victoria, prepared by the Office of the Emergency Services Commissioner under the **Emergency Management Act 1986**.

EPA means the Environment Protection Authority Victoria, established under the **Environment Protection Act 1970** (Vic.).

Harbour Master means a harbour master engaged by Patrick Stevedoring in respect of the port of Hastings who holds a current harbour master's licence as required under the **Marine Safety Act 2010**.

Incident Controller has the same meaning as in the EMMV, and refers to the person or persons nominated to act in that role by Patrick Stevedoring of Item 1 of Section F of Schedule 1.

Incident Management Team means the group of people that responds to, in this context, a marine pollution emergency.

Incident Reports means the Situation Reports, Pollution Reports and Agency Reports required to be delivered by Patrick Stevedoring under Schedule 1 to this Direction.

Manager Marine Pollution means the DTPLI officer with responsibility for the day-to-day management of marine pollution preparedness and response.

MDACPA means the **Marine (Drug, Alcohol and Pollution Control) Act 1988** (Vic.).

Marine Pollution Incident means discharge of a Pollutant into waters of the Western Port Region and includes a Tier 1 Incident, Tier 2 Incident or Tier 3 Incident.

Patrick Stevedoring means Patrick Stevedoring Pty Ltd (ACN 007 427 652), a port manager of the port of Hastings within the meaning of the **Port Management Act 1995**.

Patrick Stevedoring Quality Assurance System refers to those administrative and procedural activities implemented in the Patrick Stevedoring quality system, to enable the requirements and goals for goods, services or activities to be realised.

Pollutant means:

- (a) oil; or
- (b) an oily mixture; or
- (c) an undesirable substance.

Pollution Report means the report described in Section J of Schedule 1 to this Direction.

Port of Hastings has the same meaning as in the **Port Management Act 1995**.

Regional Control Agency has the same meaning as in VICPLAN.

Situation Report means the report described in Section J of Schedule 1 to this Direction.

State Response Team or SRT means a group of individuals trained in various marine pollution roles under the Oil Spill Response Incident Control System, who are able to be deployed to a Tier 2 Incident or Tier 3 Incident in State Waters.

State Waters means all waters adjacent to the Victorian coastline and extending three nautical miles seaward from the low tide point.

Support Agency has the meaning given under the EMMV.

Tier 1 Incident has the same meaning as 'Tier 1' in Section 3.3.1 of VICPLAN.

Tier 2 Incident has the same meaning as 'Tier 2' in Section 3.3.1 of VICPLAN.

Tier 3 Incident has the same meaning as 'Tier 3' in Section 3.3.1 of VICPLAN.

The Department means the Victorian Department of Transport, Planning and Local Infrastructure.

Undesirable substance means –

- (a) any solid ballast, rubbish, gravel, earth, stone or wreck; or
- (b) any dangerous, flammable, corrosive or offensive substance, whether solid, liquid or gaseous; or
- (c) any article or thing or any substance (whether solid, liquid or gaseous) which is capable of constituting a hazard to navigation or of preventing or hindering the proper use of State waters –

but does not include oil or an oily mixture.

VICPLAN means the Victorian Marine Pollution Contingency Plan, as defined in section 3 of the MDACPA.

VICPLAN Operations Group has the same meaning as is described in Section 2.4 of VICPLAN.

Western Port Region means all State Waters bounded geographically by Cape Schank on the west to the South East Point on Wilson’s Promontory on the east, including Western Port Bay and enclosed waters, but does not include the Port of Andersons Inlet.

Western Port Region Marine Pollution Committee Meeting means the committee formed in accordance with Section 2.6.3 of VICPLAN for the Western Port Region.

Western Port Region Marine Pollution Contingency Plan means the sub-plan of VICPLAN entitled ‘Western Port Region Marine Pollution Contingency Plan’.

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