Nō te rere moana Aotearoa accompanies te manaia – the guardian – in our logo.

Together, they reflect our role as the caretaker of New Zealand’s flowing waters. They underpin our mandate to make life at sea safer; to protect the maritime environment from pollution and safeguard it for future generations; to ensure New Zealand’s ports and ships are safe and secure; and to provide a search and rescue response service in one of the largest search and rescue areas in the world.

National Marine Oil Spill Contingency Plan October 2020

Controlled document: The National Marine Oil Spill Contingency Plan is a controlled document. The Director of Maritime New Zealand must approve all reviews and significant amendments to this plan. The Director will consult the National On-Scene Commanders about such reviews and amendments.

Feedback: If you have feedback about this document, send it to MPRSPlanning@mnz.govt.nz, so it can be considered at the next review.

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This document is also available on our website: maritimenz.govt.nz
## Glossary

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Glossary

**Action Plan**
Action Plans are developed during an emergency (or immediately before an emergency) and describe response objectives, tasks, and measures and resources needed to coordinate the response. They are proactive, seeking to pre-empt hazard impacts where possible and to resolve the situation as quickly as possible.

**chemical dispersant**
See dispersant

**CIMS**
See Coordinated Incident Management System

**clean-up**
Actions taken to confirm the presence of an oil spill, stop the oil’s flow from the source, contain the oil, collect it, protect areas from damage by it, mitigate its effects on the environment, and clean up wildlife and areas contaminated by it.

**coastal waters**
All sea from the high-water mark out to the 12-nautical mile limit of the territorial sea of New Zealand.

**Contingency Plan**
A plan prepared in anticipation of an oil spill. The Contingency Plan prepared for a site or region usually consists of guidelines and operating instructions intended to increase the efficiency and effectiveness of clean-up operations and to protect areas of biological, social, and economic importance.

**Coordinated Incident Management System (CIMS)**
New Zealand’s framework for systematically managing an incident, particularly one involving multiple responding agencies.

**Coordination Centre**
A Coordination Centre is the location from which a Controller/National On-Scene Commander and the Incident Management Team manages a response.

**Director (of Maritime New Zealand)**
The Director is the Chief Executive of the Authority (Maritime NZ), with statutory powers to take action in response to pollution incidents under Part 20 MTA, and responsibility to prepare and review the National Marine Oil Spill Contingency Plan under Part 23 MTA.

**dispersant**
A chemical formulation containing non-ionic surface active agents that lower the surface tension between oil and water and enable oil film to break up more easily and disperse within the water with natural or mechanical agitation.

**Exclusive Economic Zone**
All marine waters from the outer edge of the territorial sea (12 nautical miles) seaward for 188 nautical miles until the 200 nautical mile limit.

**Hazardous Substances Technical Liaison Committee**
A committee established by Fire and Emergency New Zealand that includes the regional council, territorial local authority dangerous goods officers, New Zealand Police, and health care representatives. This committee advises and supports Fire and Emergency New Zealand when it is dealing with hazardous chemical incidents.

**incident**
An event that needs a response from one or more agencies. It may or may not be an emergency.

**Incident Management Team**
The group of incident management personnel that supports the National On-Scene Commander (NOSC). It includes the NOSC, and the managers of Planning, Intelligence, Operations, PIM (Public Information Management) and Logistics. It also may include the Response Manager and other advisors and technical experts.

**Incident Response Team**
The group of oil spill responders to a specific incident, largely drawn from the National Response Team.

**Integrated Maritime Incident Response Plan**
The plan outlining Maritime NZ’s approach to all maritime incidents, but with a particular focus on the response to major incidents (including, but also beyond, a major oil spill). The plan outlines what needs to be done to manage all aspects of these incidents – whatever their scale, duration, and level of complexity. The National Marine Oil Spill Contingency Plan is a separate, legally mandated plan that sits alongside the integrated plan.

**Integrated Maritime Incident Response Strategy**
The strategy articulating Maritime NZ’s approach to all maritime incidents, but with a particular focus on the response to major incidents (whether involving oil or not). The New Zealand Marine Oil Spill Response Strategy is a separate, legally mandated strategy that sits alongside the broader integrated strategy.

**interested parties**
The citizens of the local area (including iwi), environmental advisory groups from government and the community, and oil user/industry groups of the region.

**internal waters**
The internal waters are all those areas of the sea that are on the inside of New Zealand including any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand. It includes waterways such as rivers and canals, and sometimes the water within small bays.
International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
A convention the International Maritime Organization developed that sets out the principles for establishing national oil spill readiness and response capabilities. This convention is a key driver for setting up the New Zealand readiness and response system. It establishes measures for dealing with marine oil pollution incidents nationally and in cooperation with other countries.

**marine oil spill**
An actual or probable release, discharge, or escape of oil into the internal or marine waters of New Zealand. *(See section 281 of the Maritime Transport Act 1994.)*

**Marine Protection Rules**
The technical standards (which the Minister of Transport sets), containing comprehensive provisions in New Zealand maritime law to protect the marine environment from pollution by ships, oil transfer sites and offshore installations. *(See Part 27 of the Maritime Transport Act 1994.)*

**Maritime Incident Response Team (MIRT)**
The Wellington-based team of advisors that is mobilised at the onset of a major maritime incident to provide strategic advice and support to the Director of Maritime NZ and to the Coordination Centre and to monitor, oversee, and intervene, as appropriate, on the Director’s behalf. The team may be mobilised on Maritime NZ premises or at the National Crisis Management Centre.

**Maritime New Zealand (Maritime NZ)**
A Crown entity that is the national regulatory, compliance, and response agency responsible for ensuring the safety, security, and environmental protection of New Zealand waters, including providing effective marine pollution prevention and an effective marine oil pollution response system. An independent board appointed under the maritime Transport Act 1994 governs Maritime NZ.

**Marine Pollution Response Service (MPRS)**
A service of Maritime NZ that is New Zealand's lead national oil spill response agency. MPRS is responsible for maintaining a nationwide capability to respond to marine oil spills.

**Maritime Transport Act 1994**
The main domestic legislation for Maritime NZ and its oil spill response responsibilities. The Act's purpose is to continue Maritime NZ; enable the implementation of New Zealand's obligations under international maritime agreements; ensure participants in the maritime transport system are responsible for their actions; protect the marine environment; continue, or enable, the implementation of obligations on New Zealand under various international conventions relating to pollution of the marine environment; regulate marine activities and the marine environment in the Exclusive Economic Zone and on the continental shelf as permitted under international law. *(See the Long Title to the Maritime Transport Act 1994.)*

**MIRT**
*See Maritime Incident Response Team*

**MIRT Controller (National Controller)**
The position that leads the Maritime Incident Response Team (MIRT) in response to a significant or major incident. This position acts on the Director's behalf and has delegated powers under sections 248 and 249 of the Maritime Transport Act 1994. When the MIRT is set up in the National Crisis Management Centre, this role is titled 'National Controller' *(as per the Coordinated Incident Management System).*

**MPRS**
*See Marine Pollution Response Service*

**National Controller**
*See MIRT Controller*

**National Marine Oil Spill Contingency Plan**
The plan that the Director of Maritime NZ is required to prepare and review (under the Maritime Transport Act 1994). Its purpose is to promote a planned and nationally coordinated response to any marine oil spill that is beyond the resources of the regional council within whose region it is located, or outside the region of any regional council, but within the Exclusive Economic Zone, and is an oil spill for which Maritime NZ considers a national response is required.

**National On-Scene Commander (NOSC)**
The person appointed by the Director of Maritime NZ who has statutory authority to manage and coordinate Maritime NZ's oil spill response. *(See also On-Scene Commander.)*

**National Response Team (NRT)**
A group of oil spill responders who receive specialist training to enable them to perform essential functions during a Tier 3 response. During a response, members of the NRT make up the core Incident Response Team, supplemented by oil spill responders who have received basic training. The NRT is maintained through Tier 3 training and exercising and has more than 120 members nationwide.
net environmental benefit analysis
A process of weighing the advantages and disadvantages of taking a particular course of action (such as spraying dispersant), including recognising the likely outcomes if the course of action is not taken (the impact of doing nothing). The result will determine whether the action will have a likely net (overall) beneficial or detrimental outcome.

New Zealand continental waters
New Zealand marine waters and the waters beyond the outer limits of the Exclusive Economic Zone of New Zealand but over the continental shelf of New Zealand.

New Zealand Marine Oil Spill Response Strategy
The strategy the Director of Maritime NZ is required to prepare and review (under section 284 of the Maritime Transport Act 1994) – the purpose of which is to describe the action to be taken, and by whom, in response to a marine oil spill in New Zealand marine waters; promote a standard response to marine oil spills in New Zealand; and promote the coordination of Marine Oil Spill Contingency Plans and the action taken in response to marine oil spills under such plans.

New Zealand marine waters
The territorial sea of New Zealand and the waters of the Exclusive Economic Zone of New Zealand.

New Zealand Oil Spill Control Agent (NZOSCA)
An oil spill control agent approved by the Director in accordance with the Marine Protection Rules part 132.

OSCA
See Oil Spill Control Agent

OSDO
See Oil Spill Duty Officer

Oil Spill Control Agent (OSCA)
Oil Spill Control Agent means any product (dispersant, surface cleaner, bioremediation agent, loose sorbent, degreaser, solidifying or gelling agent, demulsifier, herding agent, wicking agent) intended to be used in an oil spill response to avoid, remedy, or mitigate the adverse effects of an oil spill. [NB: This is an operational definition. The legal definition is provided in Marine Protection Rules part 132].

Oil Spill Duty Officer (OSDO)
A rostered staff position in Maritime NZ that provides a 24-hour alert for marine oil spills within the National Marine Oil Spill Contingency Plan.

Oil Spill Trajectory Modelling
Estimation of the speed and direction of movement, weathering, and spreading characteristics of spilled oil under the influence of prevailing currents and weather conditions.

On-Scene Commander
The person responsible for controlling and managing a marine oil spill clean-up at Tier 2 or Tier 3 level. See also Regional On-Scene Commander and National On-Scene Commander.

Oil Pollution Fund
A fund Maritime NZ manages that receives its income from the oil pollution levy. It is used to provide money for New Zealand’s preparations for oil spill response and to meet the costs of clean-up where no spiller can be found to meet the costs.

Oil Pollution Levy
A differential levy imposed on all vessels that carry oil as cargo (tankers) or as fuel, according to a formula based on the risk of an oil spill from the particular operation. Some offshore installations also pay a set levy based on their risk factor.

RCCNZ
See Rescue Coordination Centre New Zealand

Regional Controller
The role that manages the Emergency Coordination Centre (often set up at the operational front line in a response to a major incident) and works closely with the MIRT Controller and NOSC.
regional councils
The 11 regional councils and 6 unitary authorities (city and district councils) that have the powers of a regional council that are responsible for harbour navigation and safety, oil spills and other marine pollution, and regional emergency management and civil defence preparedness.

regional council waters
Those internal waters and parts of the territorial sea under the jurisdiction of a regional council (generally analogous to coastal marine waters as defined under the Resource Management Act, and within limits of the territorial sea).

Regional Marine Oil Spill Contingency Plan

Regional On-Scene Commander
The person appointed by the relevant regional council who has statutory authority to manage and coordinate a Tier 2 marine oil spill response. (See also On-Scene Commander.)

Rescue Coordination Centre New Zealand (RCCNZ)
A national service centre operated by Maritime NZ that provides a search and rescue coordination service for sea, air, and land as well as alerting for maritime incidents and accidents, including oil spills, and at-sea collisions. The RCCNZ is co-located with Maritime NZ’s Maritime Operations Centre in Avalon, Wellington, and is staffed 24 hours a day, 7 days a week. The RCCNZ is the first point of contact for maritime security alerts, oil spill reports, and maritime and aviation accident reports.

RCCNZ works closely with domestic and international search and rescue stakeholders, and providers in New Zealand, so the response to all class III search and rescue incidents and requests for assistance is timely, appropriate and professional.

response
The actions taken immediately before, during, or directly after an incident to save or protect lives and property and to bring the consequences of the incident to a point of stability to enable recovery.

risk sites
Sites where the probability of an oil spill occurring is high or where an accident might give rise to a significant oil spill.

salvage
The external assistance required for a reported maritime casualty (for example, a collision, fire, grounding, stranding, access, pollution), the response of which is beyond the physical capabilities of the crew of the vessel and/or ships’ equipment. Salvage includes the initial emergency response, subsequent salvage operations, and any wreck-removal operations.

Site Marine Oil Spill Contingency Plan
A plan prepared under the Marine Protection Rules for a land-based site or offshore installation that specifies the measures to be taken in respect of a marine oil spill.

SOP
See standard operating procedure

standard operating procedure
An established or prescribed method to be followed for the performance of specific operations or in designated situations.

territorial sea
Those areas of the sea having, as their inner limits, the baseline (as described in sections 5, 6, and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977) and, as their outer limits, a line measured seaward from that baseline – every point of which line is distant 12 nautical miles from the nearest point of the baseline.

threatened sites
Areas that interested parties of a region consider would be threatened should an oil spill occur in or near the area.

Tier 1 oil spill response
A response to a spill that is site-specific and responded to and resolved by the operator. Oil spill response capability is based on risk. The level of response is expected to consist of a timely ‘first-strike’ and includes the capacity to assist if there is an escalation to a Tier 2 or Tier 3 response.

Most shore-side industry with oil transfer sites, offshore installations, and all vessels are required to have a shipboard plan. All oil transfer sites, offshore installations, and vessels are required to have a Marine Oil Spill Contingency Plan, expected to plan for and must be able to provide a clearly identifiable first response to pollution incidents for which they are responsible.

Tier 2 oil spill response
A response to a spill that is generally beyond the capability of the operator acting alone, so the local regional council leads and resolves the spill. The council’s response capability and capacity is based on the risks within its region.

Regional councils are required to have a Marine Oil Spill Contingency Plan, and will respond to marine oil spills within their part of the territorial sea where the spills exceed the clean-up capability of the operator, or for which no responsible party can be identified.

Tier 3 oil spill response
A response to a spill that is generally more complex, of longer duration and impact, and beyond the response capability of the regional council or operator. The response is nationally-led and coordinated by Maritime NZ, which manages the National Marine Oil Spill Contingency Plan. Tier 3 spills might also be beyond the resources of the region, or may occur within the Exclusive Economic Zone but outside regional council boundaries.

WebEOC
A web-enabled information management system that provides secure real-time information sharing and is used during a Tier 3 response.
1. Context for this plan
1.1 Purpose of this plan

Maritime NZ is responsible for the preparedness and response to any national marine oil spill incident\(^1\). The National Marine Oil Spill Contingency Plan is a statutorily required document that the Director of Maritime NZ must prepare and then review at least once every three years.\(^2\)

The purpose of this plan is to promote a planned and nationally co-ordinated response to any marine oil spill that is either:
- beyond the resources of the regional council within whose region the spill is located
- outside the region of any regional council, but within the Exclusive Economic Zone of New Zealand, and is an oil spill for which the Director considers that a national response is required.\(^3\)

1.2 Intent of a response under this plan

The intent of every response is to minimise the environmental, cultural, social and economic impacts of an oil spill, promote the recovery from any adverse impacts and enhance the resilience of communities affected by the incident in a coordinated, efficient and effective manner.

1.3 Broader Maritime NZ context

This plan sits within the broader context of Maritime NZ’s overall readiness and response strategy and the organisation’s suite of response documents.

1.3.1 Role of Maritime NZ in readiness and response

Maritime NZ is the national, regulatory, compliance, and response agency responsible for ensuring the safety, security, and environmental protection of New Zealand coastal waters.

Maritime NZ is charged with maintaining New Zealand’s capability to respond to oil spills within New Zealand coastal waters in accordance with its responsibilities set out in the Maritime Transport Act 1994 and the strategy.

To achieve this, Maritime NZ ensures that Marine Oil Spill Contingency Plans are developed and maintained at national, regional, and operator levels to give effect to the strategy. This includes the development, maintenance, and implementation of a National Training Plan for oil spill responders.

Maritime NZ works with other response partners, including government agencies, regional councils, industry, non-government organisations, and overseas agencies to provide a response capability.

1.3.2 Relationship of this plan with other response documents

This plan and its associated strategy are integral to Maritime NZ’s suite of response documents.\(^4\) Figure 1 shows the interrelationship of these various documents.

1.4 Scope of this plan

This plan is applicable to New Zealand’s maritime domain (discussed below) and to spills requiring a Tier 3 response (in the three-tiered readiness and response approach). See the glossary for explanations of terms relevant to an oil spill incident and response.

1.4.1 Waters covered by this plan

This plan is relevant to only the waters comprising the New Zealand maritime domain (see Figure 2). This domain is made up of the:
- internal and marine waters of New Zealand
- continental waters, being waters beyond the 200-mile Exclusive Economic Zone over the New Zealand continental shelf.

---

\(^1\) Section 431(f) of the Maritime Transport Act 1994.


\(^3\) Section 296 of the Maritime Transport Act 1994.

### Strategy

**Integrates Maritime Incident Response Strategy**

**Strategic overview**
A Broader Approach to Maritime Incident Response and Oil and Other Pollution Risks

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### Plan

**Integrated Maritime Incident Response Plan**

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### Operation

**Operational Documents**

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Figure 2 New Zealand Maritime domain

Projection: NZGD 2000 New Zealand Transverse Mercator
1.5 Incident management system

The incident management system this plan implements is consistent with the New Zealand Coordinated Incident Management System (CIMS). CIMS establishes a framework of consistent principles, structures, functions, processes, and terminology that agencies can apply in any emergency response. This consistency is of particular importance when multiple agencies are working together in a response.

1.5.1 Strategic approach to incident readiness – the three tiers

Following international best practice and convention guidance, New Zealand has implemented a three-tiered approach to all aspects of marine oil spill readiness and response. This approach means an appropriate response capability is readily available to deal with oil spills proportionate to the risks. The three tiers are as follows.

**Tier 1**
- oil spill responses are managed by the operator, who must have an appropriate shipboard or Site Marine Oil Spill Contingency Plan.

**Tier 2**
- oil spill responses are generally those beyond the capability of the operator acting alone. The response is led and resolved by the Regional On-Scene Commander for the local regional council, in accordance with their Regional Marine Oil Spill Contingency Plan.

**Tier 3**
- oil spill responses are required for spills that are generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator. The response is nationally led and coordinated by the National On-Scene Commander for Maritime NZ, which will likely call on considerable resources from around the country and overseas. This Contingency Plan relates to this category of spills.

The process for determining the category of incident and the response required is summarised in Figure 3.

1.5.2 Objectives of a National (Tier 3) response

In accordance with s303 of the Maritime Transport Act the principle objective of any Tier 3 response, is to:

- prevent further pollution from the marine oil spill
- contain and clean up the marine oil spill in a manner that does not cause:
  - any unreasonable danger to human life
  - an unreasonable risk of injury to any person
  - further damage to the marine environment.

People’s safety and health are the highest priorities. Worker health and safety requirements must be comprehensively incorporated into any oil spill response.

---


7 Section 303 of the Maritime Transport Act 1994.

Figure 3 Process for determining the tier of incident and appropriate response

Spill sighting notified to RCCNZ or Oil Spill Duty Officer

Is an identified spiller associated with the spill? NO

YES

Is the spiller willing and able to respond adequately to the spill? NO

YES

Is the spill within 12 nautical miles? NO

YES

Is the regional council able to respond adequately to the spill? NO

YES

Are the response costs prohibitive for the council? YES

NO

TIER 1

TIER 2

TIER 3

Is the spill within 200 nautical miles? NO

Monitor progress and possibly take action
1.6 Management of this plan

1.6.1 Audience for this plan
The main users of this plan are Maritime NZ's response system managers and others with response functions. In particular these are National On-Scene Commanders (who lead the oil spill response), the Incident Management Team, and the Regional Controller (who leads and manages the wider Coordination Centre).

This plan also serves to build and maintain public confidence in the ability of Maritime NZ and the NZ government to effectively manage a response to a major marine oil spill.

1.6.2 Structure of this plan
This plan is structured to reflect the process of a tier 3 response:
- response preparation (section 2)
- response initiation (section 3)
- response operations (section 4)
- response termination and demobilisation (section 5)
- post-response (section 6).

1.6.3 National Plan Supporting Documents
This plan is supported by a variety of other documents, some of which are identified throughout the plan. Refer to Section 7 for further information on these supporting documents.

A list of all Supporting Documents and the documents are stored in WebEOC.

1.6.4 Director's responsibilities with respect to this plan
The Director is responsible for preparing, managing, and reviewing this plan. This is implemented through the Marine Pollution Response Service. The functions of MPRS in this regard are:
- maintaining the plan (and the Supporting Documents) so it is current and effective
- monitoring Regional Marine Oil Spill Contingency Plans
- providing the national response equipment capability
- developing, managing and training the National Response Team (from which the Incident Response Team is drawn)
- coordinating the national training programme
- maintaining uniform standards and testing protocols for oil spill dispersants and other chemical response agents
- managing response contracts, for example, the trajectory modelling, oiled wildlife, waste and aviation capability contracts
- undertaking international liaison.

1.6.5 Plan review
This plan must be reviewed at least every three years. A review maybe called for at an earlier interval, for example because the:
- plan has been used in a nationally significant Tier 3 spill response.
- the Director of Maritime NZ or a National On-Scene Commander determines that a review is necessary (for example, to incorporate lessons from training exercises).

In reviewing the plan, the Director must consider:
- New Zealand's obligations under international conventions and agreements in relation to responses to marine oil spills in the internal waters of New Zealand or New Zealand marine waters
- the New Zealand Marine Oil Spill Readiness and Response Strategy
- any other matters the Director considers appropriate.

2. Response preparation
2.1 Purpose of this section

This section outlines Maritime NZ’s response arrangements and policies that are in place in preparation for a Tier 3 oil spill response.

2.2 Capability – development, maintenance and enhancement

In preparation for a response, Maritime NZ has developed internal capability across the techniques, personnel, and equipment needed for an effective Tier 3 response. Maritime NZ has also externally sourced capability via providers of specialised services such as oiled wildlife response, waste management, trajectory modelling, and aerial capability.

2.2.1 Response techniques

It is Maritime NZ policy that no recognised marine oil spill response option should be ruled out or limited in advance with the exception of the use of non-approved oil spill control agents.

Oil spill control agents

Only New Zealand oil spill control agents (including dispersants) can be considered for use. Dispersants approved for use in New Zealand are listed in the Register of New Zealand Oil Spill Control Agents.

Maritime NZ has developed Guidelines for the Use of Oil Dispersants in New Zealand. The guidelines provide the decision-making framework to reach and document dispersant use decisions. Any consideration of dispersant use must follow the procedures described in the guidelines.

Dispersant use is permitted in all New Zealand marine waters during a Tier 3 spill response. However, a pre-spill analysis of net environmental benefit may find it is preferable not to use dispersant in some areas. These areas are identified in the relevant Regional Plans. Although a Regional Plan may designate areas where dispersant is not recommended to be used, the National On-Scene Commander is permitted to direct that dispersants be used in those areas if the NOSC considers a net environmental benefit will accrue.

2.2.2 Response personnel

Personnel involved in an oil spill response (the Incident Response Team) may come from:

- the National Response Team
- regional response teams
- National Oiled Wildlife Response Team
- organisations with which Maritime NZ has memorandum of understanding, including other government agencies
- the local iwi and community (as volunteers).
- Personnel (and services) may also be contracted – see section 2.2.4.

- the Australian Maritime Safety Authority with which Maritime NZ has a memorandum of understanding for cooperation with exercises, training, response equipment, and expertise (see section 2.2.7)
- industry
- other oil spill response organisations.

Appointed National On-Scene Commanders

The Director appoints appropriate people to fulfil the role of National On-Scene Commander and issues a roster of on-call NOSCs. The details of the current pool of NOSCs are in the National Plan Supporting Documents.

The (rostered) on-call National On-Scene Commander will lead the initial incident response.

National Response Team

The National Response Team (NRT) comprises highly qualified, trained, and experienced personnel from Maritime NZ, regional councils, and the maritime industry. These people are ready and able to support oil spill responses anywhere in NZ.

Members of the NRT are mobilised in the first instance when a Tier 3 response is initiated. NRT members initially form the core of the Incident Response Team.

Regional response teams

Regional councils have response teams to implement their regional marine oil spill contingency plans for undertaking a Tier 2 oil spill response. Regional responders may be called on to supplement the NRT during a Tier 3 response.

National Oiled Wildlife Response Team

The National Oiled Wildlife Response Team is made up of members trained in oiled wildlife response and is led by Massey University’s Wildbase under contract to Maritime NZ.

Personnel available under memoranda of understanding

Memoranda of Understanding are in place with other government organisations (for example, the Department of Conservation and New Zealand Defence Force) that will provide personnel to assist as required during a Tier 3 oil spill response.

Volunteers

Maritime NZ supports the use of volunteers during an oil spill response only when it is safe (that is, the health, safety, and welfare of volunteers can be managed effectively), effective (that is, the programme will add value to the response), and appropriate (to the location, size, and scale of the incident).

The Maritime NZ Integrated Response Plan contains a plan for undertaking a volunteers programme during any maritime incident response.

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10 Annex 4: Sensitive Areas and Coastal Information.
Response personnel health and safety
Maritime NZ has developed a health and safety program to ensure the health and safety of all participants in oil spill preparedness and response activities, and to ensure compliance with the Health and Safety at Work Act 2015.

2.2.3 Response equipment
Response equipment is stored throughout the country in either national or regional equipment stockpiles, predominantly located at the major ports. The amount and type of equipment available in a location is based on the assessed risk and potential size of a spill.

National equipment stockpiles
Large and specialised equipment is stored in the national equipment stockpiles. Maritime NZ maintains strategic national equipment stockpiles around the country. Figure 4 shows where these stockpiles are maintained.

Regional equipment stockpiles
Maritime NZ supplies all regional councils with oil spill response equipment to manage Tier 2 responses within their regions and to assist with a Tier 3 response.

Oil dispersant stockpiles
Maritime NZ maintains dispersant stockpiles around New Zealand as shown in Figure 4.

2.2.4 Contracted services

Aerial capability
Maritime NZ has an Aerial Response Capability Plan that outlines contracts with aviation companies throughout NZ to provide aerial surveillance, transport, and dispersant spraying capabilities. These contracts set out the agreed costs for service. They require the companies to exercise their best endeavours to ensure the contracted capability is preferentially available to Maritime NZ on an ‘on-demand’ basis (that is, that they do not commit aircraft capability to other organisations before first ensuring the Maritime NZ response capability).

Marine capability
Maritime NZ has an On-Water Response Capability Plan that outlines the current arrangements in place with vessel operators to assist with on-water response operations throughout New Zealand required during an oil spill response. These are known as Oil Spill Contracted Vessels (OSCV) and are involved in training and exercise activities with the NRT.

Oil spill trajectory modelling
Maritime NZ has a contract with a service provider to provide an on-call oil spill trajectory modelling service. Oil Spill Trajectory Modelling is used to identify or estimate the speed and direction of the movement, weathering, and spreading characteristics of oil under the influence of prevailing currents and weather conditions. The contract also provides for representation in the Incident Management Team if required.

Oiled wildlife response
Maritime NZ has contracted Massey University’s Wildbase to maintain and provide a wildlife response capability consisting of a national wildlife treatment facility, personnel, and equipment for use during an oil spill response.

2.2.5 International support arrangements
New Zealand’s primary international relationship is with Australia through a Memorandum of Understanding with the Australian Maritime Safety Authority. The memorandum provides access to equipment and personnel during a Tier 3 response.

Maritime NZ also has an associate membership with Oil Spill Response Limited which provides further access to equipment and personnel if required and appropriate.

2.2.6 Information management system – WebEOC
Maritime NZ has a customised information management system called WebEOC to assist with managing and sharing the information required by and generated during an incident response. For example, WebEOC contains:
- a database of NRT and regional responders
- an equipment database
- oil spill response standard operating procedures (SOPs)
- role descriptions
- systems for developing Action Plans
- systems for cost tracking
- systems for managing assets.

2.2.7 Regional Marine Oil Spill Contingency Plans
Every regional council (and unitary authority) must have a Regional Marine Oil Spill Contingency Plan. These Regional Plans contain region-specific information, including environmental information that will assist responders during a Tier 3 response in any region.

2.3 Training
Maritime NZ trains those who will likely be involved in Tier 3 responses by way of regional and national response team training, and oiled wildlife response team training programmes.

2.4 Exercising
To maintain a national response capability, Maritime NZ conducts national exercises regularly.

2.5 Plan and Supporting Documents review
The review process for this plan is discussed in section 1.5. By reviewing the plan at least every three years and more often if deemed necessary, the plan is maintained in a state of readiness.

National Plan Supporting Documents will also be reviewed and updated on an as required basis.
Figure 4: Location of response equipment stockpiles

- Combined Regional and National Equipment Stockpile
- National Dispersant Stockpile
- National Equipment and Dispersant Stockpile
- Regional Equipment Stockpile
3. Response initiation
3.1 Purpose of this section

This section describes when and how a Tier 3 response might be initiated.

3.2 Spills inside regional council waters

If a spill occurs within the waters of a regional council (generally the 12 nautical mile limit of the territorial sea), regional councils may either:
- take responsibility for the spill response and undertake a regional (Tier 2) oil spill response in accordance with the Regional Marine Oil Spill Contingency Plan (with advice or support from Maritime NZ if required)
- seek to transfer responsibility for response control to a NOSC (that is, have the incident escalated to Tier 3).

If a regional council takes responsibility for the spill, but is inadequately managing the response, the NOSC may decide it is appropriate for Maritime NZ to take action in response to the oil spill. With Maritime NZ's involvement, the spill would become a Tier 3 response.

3.3 Spills outside of regional council waters

If a spill occurs outside of regional council waters but within New Zealand's Exclusive Economic Zone, the NOSC is responsible for deciding if Maritime NZ should take any action in response to the spill.

3.4 Spills outside New Zealand's Exclusive Economic Zone

If an oil spill originates from or moves outside of the 200-mile limit the NOSC will determine whether any further response action is required.

3.5 Decision to initiate a national (tier 3) response

If the NOSC decides it is appropriate for Maritime NZ to take action in response to an oil spill it becomes a Tier 3 oil spill response. It will then be responded to in accordance with the National Plan. A Tier 3 response may be appropriate, for example where:
- an un-sourced spill outside regional council waters requires a response
- an operator led response (outside regional council waters) is unable to, or is inadequately managing, the response
- The required spill response is beyond the capability of a regional council.

Where appropriate, the NOSC will advise the operator or Regional On-Scene Commander of the decision to initiate a national (Tier 3) response.

3.6 Tier 3 response initiated

Once a Tier 3 response is initiated:
- the NOSC assumes full responsibility for the oil spill response operation
- the NOSC activates the response operation
- the NOSC instructs the mobilisation of response personnel.

3.6.1 Legal authority of the National On-Scene Commander

The functions, objectives and powers of an On-Scene Commander are set out in the Maritime Transport Act 1994. Sections 305 and 311 in particular set out specific powers of the NOSC, subject to the limitations set out in section 312.

3.6.2 Response costs

The OSDO has the delegated authority from the Director Maritime NZ to commit expenditure of up to $5,000 for spill assessment and evaluation, and up to $150,000 in a response operation.

The NOSC has approval from the Director for financial expenditure up to $500,000, inclusive of the $150,000 expenditure authorisation granted to the Oil Spill Duty Officer.

Approval for expenditure above this limit is required from the Director. If required, the Director will be responsible for obtaining approval from the Officials Committee for Domestic and External Security Co-ordination (ODESC) system to expend additional funds under the emergency provisions of its powers and the Public Finance Act 1989.

All costs incurred must be separately accounted for.
4. Response operations
4.1 Purpose of this section
This section explains the response operations framework for a Tier 3 incident that may be utilised to undertake a response in an effective, efficient and coordinated manner.

4.2 Establishing the Incident Management Team

4.2.1 Establishing the Coordination Centre
Most Tier 3 oil spill responses will be a component of a major incident in accordance with the Maritime Incident Response Plan and a Coordination Centre will be established by the Regional Controller. The Coordination Centre is the centre of operations during the oil spill response and should be based as close as practicable to the oil spill. This may either:

- augment an existing Tier 1 or regional council coordination centre if the national spill response has escalated from a Tier 1 or regional response
- be the full establishment of a Coordination Centre at the designated regional Emergency Operations Centre or at any other suitable location designated by the Regional Controller.

In the event of a stand-alone Tier 3 response, the NOSC will establish a Coordination Centre at a suitable location.

4.2.2 Mobilising the Incident Management Team
The NOSC will designate response personnel who will be mobilised for the response. Contact details for potential responders are located in the personnel section of WebEOC. The Incident Command Team works from the Coordination Centre.

4.2.3 Incident Management Team structure
The structure of the Incident Management Team is based on the CIMS structure, so incorporates Intelligence, Planning, Operations, and Logistics functions to help manage and coordinate activities. The structure will be flexible in terms of the numbers of people and roles, depending on the nature of the incident and the phase of the response. The NOSC can determine the number of required positions and personnel.

WebEOC hold details of the roles and responsibilities of all IMT and wider Incident Response Team positions, as well as an indicative response structure.

4.2.4 Maritime Incident Response Team (MIRT) responsibilities in a Tier 3 incident
The MIRT is responsible for:

- liaising with stakeholders so marine incidents are managed effectively and successful outcomes are achieved
- providing assistance and specialist advice, including planning, logistical, and documentation support
- providing a strategic overview of the response in terms of identifying possible problems and bottlenecks that might arise, as required by the Director and NOSC
- providing specialist advice to the Director, including nautical, engineering, salvage, ship design, environmental, media, human resources, financial, and legal advice
- facilitating the provision of adequate financial resources to underwrite the response
- mobilisation of international support requested by the NOSC and on-going liaison
- assisting the Director to manage the facilitation or control of salvage operations relating to the maritime casualty
- keeping the Director, Authority members, and the Minister of Transport appraised of the incident and response.

4.3 Developing an Oil Spill Response Action Plan
Each spill response requires a specific Action Plan tailored to the incident. The Action Plan details:

- the desired outcome and key tasks for the management of the spill response
- the measures that will be taken to achieve the outcome.

An Action Plan template is provided in WebEOC.

The Planning section is responsible for facilitating and coordinating the preparation of this Action Plan. The NOSC is responsible for approving the Action Plan.

4.4 Supporting protocols and procedures
The oil spill response is supported by established policies, plans, guidelines and procedures.

4.4.1 Health and safety
The health, safety, and wellness of people is paramount in responding to any oil spill incident, including the health and safety of the public, industry personnel, and responders. The safety of people will supersede all other considerations during an oil spill clean-up.

Health and safety procedures and protocols for the response will be outlined in the Health and Safety Plan, a component of the Action Plan.

4.4.2 WebEOC
Maritime NZ’s WebEOC system will be used whenever possible to manage the information obtained and generated during the response. The system will keep a record of communications, financial transactions and total expenditure, equipment and personnel deployment, and the Action Plan.

The WebEOC user manual sets out general procedures and guidelines for using WebEOC.

4.4.3 Engaging Iwi/Māori
During an oil spill response, Maritime NZ, including the NOSC as appropriate, will:

- establish a partnership that is built on mutual respect and shared values, and that follows the Treaty Principles of participation, protection and partnership;
- recognise the capability and capacity of iwi/Māori and marae to support the response and involve iwi/Māori in response activities.

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collaborate with iwi/Māori to address Māori interests identified during the response

Maritime NZ’s level of engagement with Māori/iwi may vary depending on the circumstances of the incident and the desired outcomes of a particular response activity.

4.4.4 Media and community relations
During an oil spill response, Maritime NZ, including the NOSC as appropriate, will:
- engage early and effectively with the community
- keep the community informed about what is happening operationally and at a national policy level
- involve the community in the response (for example, as volunteers) when it is safe, effective, and appropriate to do so.

Maritime NZ’s level of engagement with the community will vary depending on the circumstances of the incident and the desired outcomes of a particular response activity. Community engagement procedures are outlined in the Public Information Management ‘Grab and Go Kit’.

4.4.5 Wildlife response

Note: Oiled wildlife response is undertaken at the NOSC’s discretion.

4.4.6 Oily waste management
Oily waste will be managed in accordance with the Oiled Waste Plan.

Maritime NZ contracts a provider to provide waste management services.

4.4.7 Aviation requirements
Aviation requirements will be provided in the first instance through the Maritime NZ Aerial Response Capability Plan described in section 2.2.4. This plan provides aerial surveillance, transport, and dispersant spraying capabilities throughout the country.

4.4.8 Vessel requirements
Vessel requirements will be provided in the first instance through the Maritime NZ On-water Response Capability Plan described in section 2.2.4. This plan provides details of vessels identified to support on-water response operations.

4.4.9 Oil Spill Trajectory Modelling
The modelling capability is activated on the direct request of the Oil Spill Duty Officer, NOSC, Planning or Intelligence Manager in accordance with the Guide to Activate the Modelling Contract.

4.4.10 International assistance
The Director may call on international assistance to assist in the response to a spill beyond the capacity of Maritime NZ.\(^{15}\) If international assistance is required the NOSC must request this of the Director through the MIRT.

Details of the international assistance available are in the National Plan Supporting Documents.

15 Section 301(2) of the Maritime Transport Act 1994.
4.4.11 Use of volunteers
The NOSC will decide whether to use volunteers for oil-related response activities on a case-by-case basis. Maritime NZ’s Integrated Maritime Incident Response Plan includes a Volunteers Plan, to be followed when volunteers are considered for use during a response. The Volunteers Plan:
- details the criteria Maritime NZ will use to decide whether to initiate the volunteers programme
- describes how the volunteers programme will function as part of the response.
Regional and local government and Iwi will be important partners in the mobilisation and management of a volunteers programme.

4.4.12 Finance
Maritime NZ corporate finance is responsible for meeting the financial requirements during and after a response and will establish a finance unit within the Coordination Centre.
Financial procedures are outlined in the Finance Supporting Document.

4.4.13 Fund, and Protection and Indemnity (P&I) – Club representatives
- For the purposes of a potential claim under the International Convention on Civil Liability for Oil Pollution Damage 1992 (Civil Liability Convention), and/or the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (Fund Convention), claims against the spiller must be supported by certain specific details.
- As a consequence, the following matters need to be considered during the set-up and operation of any response.
- Provision for representatives from the Fund and the Protection and Indemnity (P&I) Club to be located in the Coordination Centre.
- The representatives may wish to provide expert advice on the spill, and may request access to the NOSC and the decision-making process to monitor events for the purpose of facilitating the handling of later claims for compensation.
- Fund and P&I Club representatives are likely to want information on any affected industry (for example, background on the fishing industry).
- Fund and P&I Club representatives are likely to want to meet with industry representatives to establish the type of claims that will be submitted. They would then develop a claim form and distribute it around the affected community. They may need to arrange publicity for this.

4.4.14 Investigation
The Investigation Plan in the Integrated Maritime Incident Response Plan outlines how the investigation element of the response will be undertaken. The MIRT will mobilise the Investigation Unit for this purpose.

4.4.15 Documentation
Records must be kept of:
- all communications (telephone conversations, emails and file notes)
- all financial transactions and expenditure
- a chronological account of the incident.
WebEOC is used to assist with the documentation process.

4.5 Places of refuge
The responsibility for managing an incident requiring a place of refuge lies with the MIRT. This will be done in accordance with the place of refuge SOP.

4.6 Supporting documents – area-specific and scenario-specific plans

Offshore petroleum production and exploration
In 2020, New Zealand has six offshore installations (operating on four fields) producing crude oil, gas, and condensate. Various operators undertake intermittent explorations and well-drilling programmes.

Information to assist with a Tier 3 response to a spill from one of New Zealand’s producing offshore oil fields, or from a current offshore exploration well-drilling programme, is located in the National Plan Supporting Documents.

Offshore islands
Maritime NZ is responsible for conducting any response to a marine oil spill in and around New Zealand’s offshore islands that are not located within the boundaries of a regional council. These islands are:
- Subantarctic Islands (Snares, Auckland Islands, Campbell Island, Bounty Islands, Antipodes Island)
- Kermadec Islands
- Three Kings Islands.

Information to assist with the development of an Action Plan for any marine oil spill response required in these locations is located in the National Plan Supporting Documents.

Antarctica
Maritime NZ is not responsible for conducting any response to a marine oil spill in the New Zealand Antarctic waters. Antarctica New Zealand is responsible for an oil spill response in the New Zealand claim and has developed the Scott Base Fuel and Hazardous Substance Spill Prevention and Response Plan, which is available online.

For guidance, should Maritime NZ be called on to assist with a marine oil spill response in New Zealand’s Antarctic waters, see the National Plan Supporting Documents and the RCCNZ Antarctica SAR Response Plan.

National Emergencies
National Emergencies can affect NZ’s oil spill response capability. In the event of a national emergency a National Plan Supporting Document has been developed which outlines procedures to be followed to identify and address any implications.
5. Response termination and demobilisation
5.1 Purpose of this section

The purpose of this section is to outline the procedure for terminating a Tier 3 response, and outline the activities that will be undertaken during the response demobilisation.

5.2 Response termination decision

The NOSC, with the consent of the Director, can terminate the marine oil spill response by Maritime NZ.16 This decision will be made after considering whether the objectives of the response have been achieved based on expert, incident controller, cultural and environmental advice.

Before seeking the termination of the response, the NOSC will hold a meeting of all Incident Management Team managers and senior response staff. The purpose of this meeting is to determine whether the Action Plan’s objectives have been achieved and the incident response has been adequately completed.

5.3 Response termination activities

Response termination involves the:

- recovery, cleaning, and maintenance of all equipment used during the clean up
- demobilisation of all personnel involved in the response
- collation and completion of all documentation associated with the spill response, including expenditure reports.

Before response personnel depart their stations, they should attend a hot debrief with their section supervisor.

Each section supervisors will then attend a hot debrief with their managers and/or the NOSC.

As part of the termination process, all section managers in the IMT (and in the MIRT) must compile their detailed events log, which is passed to the Deputy Director Safety and Response Services.

5.4 Debriefing

A debrief of senior response staff and managers, externally facilitated and chaired, will be held following termination of the response. This will enable a review of the appropriate operator or Regional and National Oil Spill Contingency Plans and will highlight areas where the response (and planning) could be improved.

The Deputy Director General Manager Safety and Response Services is responsible for:

- arranging the debrief time and venue
- informing senior response staff and managers, including representatives of supporting organisations, of these arrangements.

The informed senior response staff and managers are all expected to attend the debrief.

Costs associated with attending the debriefing or completing debrief reports are considered to be part of overall incident response costs.

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6. Post-response activities
6.1 Purpose of this section

This purpose of this section is to outline aspects of the two main post-response activities: cost-recovery and post-response reviews.

6.2 Cost recovery: clean-up costs recovered from the spiller

Maritime NZ is responsible for post-response financial requirements associated with any Tier 3 oil spill response, including assessment of total expenditure, documentation of response costs to support cost recovery, and engaging with government and external parties as appropriate in any associated claims process.

Note: costs incurred include those associated with activities after the termination of the incident’s clean-up phase.

6.3 Post-response reviews

In accordance with Section 325 of the MTA the Director may review any oil spill response with a view to improving future responses. Post response reviews will usually be conducted for all Tier 3 responses.

If a review is called for after an incident, the Director will advise the Minister of Transport of his or her desire to establish an independent review panel and the panel’s intended membership and terms of reference. The terms of reference should cover at least:

- the role of the NOSC
- the effectiveness of the response and its management
- any necessary or recommended improvements to the Tier 3 response system
- any necessary or recommended improvements to this National Plan.

As part of the review process, the Director shall consult with whomever he or she considers appropriate such as the National On-Scene Commanders.
7. National Plan Supporting Documents
A variety of other documents (collectively referred to as ‘Supporting Documents’) aid the implementation of this plan. The Supporting Documents include:

- policies – implementing documents for the strategic management of this plan
- guidelines – documents providing guidance for the application of specific response arrangements detailed within the plan
- scientific, technical, and operational advisories – advisory documents on specific technical issues
- standard operating procedures – explanations of how to undertake specific activities in a response
- special area plans – plans relevant to areas inside the territorial sea but outside regional council boundaries.

All Supporting Documents are located in WebEOC.