

PACPLAN

A case study on an incident

Incident

6 June 2018
 Captain has made contact and provided the following incident description:
*"The vessel MV Demeter is approaching the port of Soteria and has struck a rock 1.5km from the port entrance.....
 The vessel suspects hull damage, but is proceeding to Soteria at reduced speed."*
 The Captain states that due to darkness, they cannot see if anything is spilling from the ship. Tanks are being sounded to determine if hull has been breached.

*"The vessel MV Demeter is approaching the port of Soteria and has struck a rock 1.5km from the port entrance.....
 The vessel suspects hull damage, but is proceeding to Soteria at reduced speed."*




Keto Island Grounding location Port of Soteria

Time: 0330 LT
 Date: 23 December 2018
 Wind: 10-15kts NE'y
 Swell: 1.5 m SW'y
 Phase of Moon: Full
 Tide: Springs & flooding




Handysize bulk carrier
 35,000 DWT

1. Who is the first responder?



2. How do you find out about the vessel?

- Vital statistics; size, capacity, flag, age etc
- What it is carrying?
- Who owns it?
- Who are the hull and P&I insurers?
- Who are the local P&I correspondents?



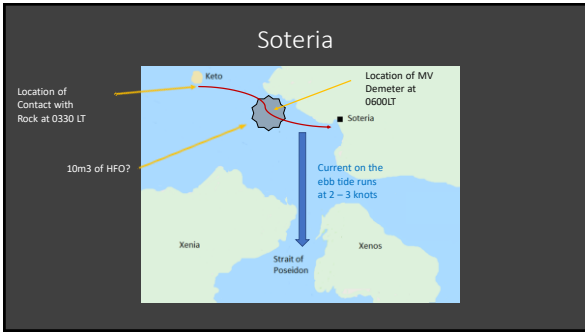
First Responder

Time: 0600 LT
 Date: 23 December 2018
 Wind: 10-15kts NE'y
 Swell: 1.5 m SW'y
 Tide: Beginning to ebb

MV Demeter:

- *Type:* handy size geared General cargo
- *Size:* 160m length, 35,000 DWT
- *Flag:* Hayman Islands
- *Owners:* Greek
- *Insurer:* The Scanda Club for both hull and P&I.
- *Carrying:* Bulk cargo of Rice

- Ship reports oil observed in the water on the port side of the vessel. Damage below waterline. Unable to discern the extent of the spill, but initial tank soundings indicate it is looking to be minimal, not more than 10 cubic meters by volume.
- There is a notoriously strong and fast moving current existing through the Strait of Poseidon.
- The current will transport this pollutant straight through to the neighboring nations of Xenia and Xenos.



Tier 3 Event

- The spill threatens to impact surrounding nations and requires the response support of SPREP members.
- The spill is escalated to a tier three event.
- The occurrence of a tier three event invokes PACPLAN.

SPREP Members

American Samoa	New Zealand
Australia	Blue Islands
Cook Islands	Northern Mariana Islands
Federated States of Micronesia	Palau
Fiji	Papua New Guinea
France	Samoa
French Polynesia	Solomon Islands
Guam	Tokelau
Kiribati	Tonga
Marshall Islands	Tuvalu
Nauru	United States of America
New Caledonia	Vanuatu

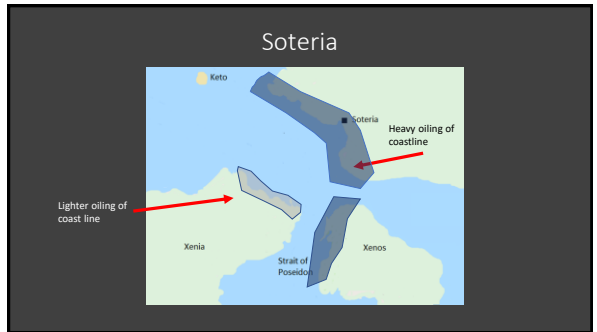
POLREP Status

Reports of extensive oil on coastline. Over many kilometers. Appears that in excess of **300 tonnes** of oil was released in the first 24 hours.

In total, **300 tonnes** spilled into the surrounding waters before it was contained.

New Intel...

POLREP Complete
POLREP Diagram



Request for Assistance Questions:

1. What do you do now?
2. How do you invoke PACPLAN?

PACPLAN Request
IMO Request

Request for Assistance Questions:

1. What role does industry play and who/how do you get industry assistance?
2. AMOSC has expert personnel and the largest Tier 3 stockpile of equipment in Australia. How do you seek assistance from AMOSC?
3. Who has capacity to ask for assistance? Whose input is obtained in making this decision?

Request for Assistance

- [PACPLAN provided request for assistance form](#)
- [IMO provided request for assistance form](#)

Equipment Required

[IMO Appendix 2](#)

- Aircraft – passenger transport, cargo transport, observation of operations
- Booms
- Communication equipment
- Dispersants
- Oily Water Separators
- Pumps
- Remote sensing / surveillance / tracking / detection
- Shoreline cleaners
- Skimmers
- Sorbent types
- Specialist vehicles
- Subsea equipment
- Temporary storage
- Vehicles
- Vessels (non-skimming)
- Vessels (skimming)
- Personnel

Borrowing equipment: Questions

1. Who is responsible for ensuring that equipment and personnel can enter the State immediately? Customs, quarantine, logistics etc.
2. Overflight monitoring is needed, will coordination with the civil aviation authority be required?



Borrowing equipment: Questions

3. Who is responsible for accommodation for personnel, security for equipment, etc?
4. What process is put in place at this stage for monitoring the use of this equipment and costing?



Closing out the response

Equipment:
Equipment was used for varying times from 1 month to 12 months. Some equipment is still in use.

1. Who is responsible for cleaning, inspecting and returning borrowed equipment?
2. Who is responsible for organising oil waste management, including from equipment cleaning, and disposal?

Closing out the response

Personnel:
Wages have been paid for the period of employment. Some personnel are still retained. Some are working their usual jobs and continuing pollution management after hours.

1. Who has accounted for the personnel hours?
2. Who is responsible for paying for and organising their transport home?

Closing out the response


Waste disposal:
 Temporary disposal sites were used initially.
 There is now 4000 – 8000 mt of contaminated waste product to be disposed.

1. Who is responsible for organising oil waste management, including from equipment cleaning, and disposal?
2. Who is responsible for returning temporary disposal sites to their previous condition and use?

Closing out the response

Wildlife:
 Costs of returning ecosystems as close as possible to their original state.
 Cost of monitoring ecosystem health.
 Cost of ongoing maintenance.

1. Who is responsible for these processes?
2. Who will pay for the environmental costs?



Miscellaneous No.8 (2005)

Conventions

- **Bunker Convention**
 - International Convention on Civil Liability for Bunker Oil Pollution
 - Compulsory Insurance
 - Direct action to insurance company
- **LLMC Convention**
 - Convention on Limitation of Liability for Maritime Claims
 - Provides limits for monetary liability for claims for loss of life or [personal injury, and property claims.
 - These limits are strict unless it is proved that the loss resulted from conduct intended to cause loss.

International Convention
 Civil Liability for Bunker Oil Pollution Damage, 2001
 London, 23 March 2001
[The Convention has not been ratified by the United Kingdom]


LLMC Convention

The response has cost **55,453,126 AUD**

Shipowners Liability is limited to **38,781,314 AUD**


This is a difference of **16,671,812 AUD**

Who will pay this?



Recovery of costs Questions:

1. Who pays these costs?
2. How do you identify the relevant liable party?
3. Who is responsible for maintaining cost information for use in cost recovery?



Recovery of costs Questions:

3. Are there any monetary penalties under local legislation that must be paid?
4. How do you enforce payment?

Private economic loss claims

Hotels are suffering with a quiet tourist season as tourists do not want to visit the site of oil pollution.

Local people have had their boats damaged due to the oil and the clean up processes.

Fisherman have suffered losses because they haven't been able to fish their local reefs for the past year due to the oil and clean up.

Tourism services have suffered losses due to lack of tourism and not being able to access their dive locations.

All of these people are making private claims for the losses they have suffered.

Reasonable Costs

In order for insurance to recompense the costs outlaid all costs must be "reasonable".

- Some items are easily deemed reasonable;
 - Skimmers
 - Booms
 - Vessels
 - Dispersants
- Some need to be justified;
 - The number of observational flights undertaken
 - The number of personnel
 - The number of four wheel drives

Step 5 Equipment and Personnel

Reasonable Costs

Some will, in hindsight appear just confusing

- Mars bars
- 12 pallets of bird feed
- The Australian provided administrators and accountants that are still employed to the very final days recording every expense?

Pacific Maritime Lawyers



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