



DPC16/1297

26 October 2016

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Mr Dan Monceaux
3/15 Myall Avenue
KENSINGTON GARDENS SA 5068

Sent by email: foi+request-2280-113b094c@righttoknow.org.au

Dear Mr Monceaux

I refer to your application for internal review of a determination made under the *Freedom of Information Act 1991* (the Act) by the Department of the Premier and Cabinet (DPC), received on 22 September 2016. The purpose of this letter is to advise you of the outcome of my review.

Your initial application

Your initial application to DPC sought access under DPC Circular PC031, 'Freedom of Information Release of Cabinet Documents under the Ten Year Rule', to:

Date	Departmental Docket Number	Cabinet Submission Title	Minister
30/11/1992	DMH1594/92TC3	Port Bonython Oil Spill	Ms Barbara Wiese

Determination under review

DPC did not make a determination on your initial application within the 30-day time period required by the Act. Accordingly, DPC was deemed to have refused access in full to all documents relevant to your application.

Outcome of internal review

One document was identified as answering the terms of your application. I have determined to refuse access to this document in part.

This document contains information relating to the personal affairs of third parties. Under clause 6(1) of Schedule 1 to the Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. In my view, it would be unreasonable to disclose the information contained within this document which would identify these third parties, and I have therefore determined to remove this information pursuant to clause 6(1).

Under clause 10(1) of Schedule 1 to the Act, information is exempt from disclosure if it would be privileged from production on the ground of legal professional privilege. A section of this document contains legal advice provided to the government by its legal advisor, the Crown Solicitor, information which is subject to legal professional privilege. I have therefore determined to remove this section pursuant to clause 10(1).

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

Clause 10 – Legal Professional Privilege

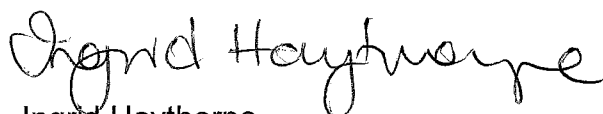
- (1) *A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.*

If you have any questions in relation to this matter, please contact Fiona Braendler, Manager, Freedom of Information, on telephone (08) 8226 2768 or via email fiona.braendler@sa.gov.au .

External review

If you remain dissatisfied with this determination, you have the right to apply to the Ombudsman for external review under section 39 of the Act. You have 30 days from the date on which you receive this letter to apply for an external review. If you have any questions about an application to the Ombudsman, please contact his office on (08) 8226 8699.

Yours sincerely



Ingrid Haythorpe
A/PRINCIPAL FOI OFFICER

Deferred
30/11/92

FOR ENQUIRIES REFER

M

Phone:

TO: THE PREMIER FOR CABINET

RE: PORT BONYTHON OIL SPILL OF 30TH AUGUST, 1992

1. PROPOSAL

That Cabinet note the findings of formal investigations of the incident by the Crown Solicitor and the State Committee of the National Plan.

2. BACKGROUND

2.1 On August 30th 1992 an incident involving the tanker 'Era' and the tug 'Turmoil' at Port Bonython resulted in a spill of 296 tonnes of bunker fuel oil. Although small by world standards this was the biggest oil spill in South Australian waters. The quantity of oil that impacted on the mangrove and creek system is not precisely known but has been estimated to be about 10 tonnes.

2.2 In a statement to the House of Assembly on September 8th, 1992, the former Minister of Marine announced two investigations into the incident.

Under the provisions of the Pollution of Waters by Oil and Noxious Substances Act 1987, officers from the Department of Marine and Harbors and the Attorney-General's Department were appointed to investigate the cause of the spill, and to determine whether or not there had been a breach of that Act or the Harbors Act 1936, and whether or not the conduct of the Masters involved warranted a Court of Marine Inquiry under the Marine Act 1936.

The second investigation was carried out by members of the South Australian State Committee of the National Plan to review and assess the effectiveness of the response to the spill. The State Committee has the responsibility for co-ordinating South Australia's response to oil spill incidents as part of agreed national arrangements.

2.3 Both of these reports are now completed.

3. DISCUSSION

3.1 The investigation into the cause of the spill was undertaken solely by officers from the Crown Solicitor's office with technical assistance when requested provided by officers of the Department of Marine and Harbors and the Australian Maritime Safety Authority, Canberra.

3.2 The Crown Solicitor has found the Port Bonython oil spill was an accident.

It was caused when the Turmoil came into 'forcible contact' with the Era in inclement sea and weather conditions. Just before berthing a metal lug was exposed on the tug's bow when a chain broke and a tyre fender came loose. The lug pierced the tanker's heavy fuel oil storage tank.

3.3 The Crown Solicitor has concluded the incident was not 'foreseeable', and neither the master or owners of the tanker, the tug master or Department of Marine and Harbors could be found liable. Consequently there will be no legal action but tug fenders and procedures and equipment to handle such spillages may or have been modified.

3.4 The report dealing with the clean-up concludes that the response could not have been handled differently in the circumstances. This view has been endorsed by the Australian Maritime Safety Authority and an international oil spill expert Ted Wayment.

A full review of all procedures will occur in coming months to ensure any improvements desirable can be made, drawing on lessons learnt.

3.5 Both reports make certain recommendations.

3.6 The Crown Solicitor questions whether there should be clearer guidelines for pilots berthing in inclement or severe conditions and suggests the design of fenders should possibly be amended.

It is international practice that pilots and masters should have the flexibility to decide whether berthing conditions are safe, and as a general rule berthing does not take place at Port Bonython when the wind is above 25 knots. On the day of the accident the wind was within this limit.

Discussions on fender design have already occurred and the protruding lug on the Turmoil has been removed and the method of securing fenders changed.

The Crown Solicitor also questions whether occupational health precautions were sufficiently adhered to during the clean-up. These issues have been referred to the Minister of Occupational Health and Safety.

- 3.7 The State Committee responsible for co-ordinating oil spill responses under the National Plan has made a number of procedural and equipment recommendations (for example: communication improvements, identification of disposal sites for recovered oil, the provision of equipment to identify the exact position of the oil).

Some of the recommendations have already been implemented. However, they would not have affected the response to the spill. The States and Commonwealth are also reviewing the National Plan to evaluate each State's response capacity and equipment levels.

This is the first time the Santos Port Bonython Contingency Plan has been tested under 'live' conditions. As might be expected some suggestions for improvements have come to light (for example: the need for fixed wing aircraft for spraying oil dispersants). Discussions on this and other improvements are underway.

- 3.8 The Port Bonython oil spill is a most regrettable incident. However, both reports conclude that appropriate action was taken once the spill occurred and steps are being taken to reduce the possibility of future occurrences.

- 3.9 In accordance with usual policy in relation to prosecution investigations, the Crown Solicitor has recommended that the full report not be made public, and has therefore provided a summary for release (refer Attachment A). The full report is provided at Attachment B.

The Review and Assessment of the Port Bonython Oil Spill on 30 August 1992 by the South Australian State Committee of the National Plan is provided at Attachment C.

4. COST

Not applicable.

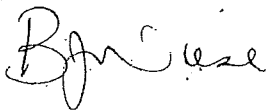
5. STAFFING

No change.

6. RECOMMENDATION

6.1 *That Cabinet note the findings of formal investigations of the Port Bonython Oil Spill by the Crown Solicitor and the State Committee of the National Plan.*

6.2 *That Cabinet endorse the release of the "Summary of the Report by the Crown Solicitor" and the "Review and Assessment of the Port Bonython Oil Spill by the SA State Committee of the National Plan" as soon as possible.*



Barbara Wiese, MLC
MINISTER OF TRANSPORT DEVELOPMENT

30/11/92

**SUMMARY OF THE REPORT BY THE CROWN SOLICITOR
ON THE PORT BONYTHON OIL SPILL
ON 30 AUGUST 1992**

Introduction

Following the incident involving the tanker "ERA" and the tug "TURMOIL" at Port Bonython on 30 August, 1992 which resulted in a spill of 296 tonnes of bunker fuel oil, the Crown Solicitor was requested to investigate and advise on the following:-

1. whether or not there has been a breach of the Pollution of Waters by Oil and Noxious Substances Act 1987 and the Harbors Act 1936

and
2. as to whether the conduct of the Masters involved, warrants a Court of Marine Inquiry under the Marine Act 1936

The investigation was undertaken solely by officers from the Crown Solicitor's office with technical assistance when requested being provided by the Department of Marine & Harbors and the Australian Maritime Safety Authority in Canberra.

The following is a summary of the Crown Solicitor's report.

MINUTES forming ENCLOSURE to

Ms A Mclean
207 1630

TO THE MINISTER OF TRANSPORT DEVELOPMENT

Re: Summary of the Report on the Port Bonython Oil Spill of 30th August 1992

This report is provided as a summary of my report of the 19th of November 1992. That report, consequent upon an investigation, sought to outline the factual events which occurred in relation to the oil spill at Port Bonython on the 30th of August 1992, clarify the applicable law, and assess whether there had been breaches of the relevant legislation. In accordance with usual policy in relation to prosecution investigations I do not believe that report should be made public, and have therefore provided this summary.

The spill appears to have occurred when the tug the Turmoil came into forceful contact with the starboard stern area of the tanker the Era piercing the heavy fuel storage tank. A tyre fender on the bow of the tug came loose when a chain securing it broke, leaving a metal lug exposed. Heavy seas and strong winds presumably contributed to friction between the tug and the ship and the loss of the fender, as well as the inability of the tug to hold her position at the push up point towards the stern of the ship, and finally to the forceful contact between the tug and the steeply concave side of the ship.

I have attempted to determine whether the Master or owner of the ship has been guilty of an offence against Section 8 of the Protection of Waters by Oil and Noxious Substances Act, 1987. My conclusion is that neither the Master or owner would be

found guilty of such an offence as it could not be proven that either acted with intention to cause the damage, or recklessly and with knowledge that damage would probably result, and it appears that all reasonable precautions were taken after the occurrence of the damage for the purpose of preventing or minimizing the escape of oil.

The situation required making judgments in a difficult and dynamic situation. The evidence suggests that decisions made were careful and reasonable in their context. None of the parties involved, nor the Department for Marine and Harbors had experienced a situation where a fender had come loose due to a breaking chain, resulting in the piercing of a vessel. I do not believe that such an incident was foreseeable in the circumstances.

I have noted that there appear to be no specific requirements either nationally or internationally requiring specific equipment to be carried on vessels in relation to the occurrence of spills such as the one under consideration, although equipment which is carried for other purposes may be utilised. Neither are there any particular recognised widespread practices. More modern vessels are built with a double hull, but there is no prohibition on older vessels such as the Era continuing to carry oil, at least in Australian ports. Although there are a large number of requirements which are embodied in Conventions, and Statutes in relation to the prevention of oil spills, there is nothing which specifically addresses the situation of accidental damage which could be applied to this particular situation insofar as the owner and master of the vessel were concerned. With that in mind I have concluded that the master, by

informing relevant authorities, pumping oil to another holding tank, listing the ship, and satisfying himself that the situation was too dangerous to attempt any patching of the damage, took all reasonable precautions to contain the spill.

I have also had regard to the question of whether the Pilot, an employee of the Department, has been guilty of an offence under S110 of the Harbors Act and I have reached a conclusion that he has not for similar reasons as those pertaining to the situation of the master.

Finally I have considered whether a Court of Marine Inquiry should be called to ascertain whether the master of the Turmoil was incompetent or guilty of misconduct in respect to the incident, and have concluded that it should not.

Obviously such spills are highly undesirable. The legislation appears to accept that ship masters or owners should not be made responsible except in exceptional circumstances. It seems unlikely that in similar cases of accidental spills one could succeed in a prosecution, especially since it will usually involve matters of judgment which are arguable, unless the master makes very little effort to contain the spill. There are no clear international or national guidelines or practices in respect to containment of spills in such a situation.

The weather conditions at Port Bonython are often quite severe. I do not know whether it would be possible to formulate clearer guidelines to Pilots for berthing in such conditions, with a view to avoiding such accidents in the future, for example in

relation to the number or kinds of tug used, or the desirability of avoiding contact. These are obviously matters for experts.

The Department also has the means to control the type of fendering used by tugs and regulate their inspection. Consideration could be given to the particular design of the Turmoil type of fendering, or its use in certain conditions. A protruding metal lug would seem to be inviting problems. However, I also acknowledge the situation was exceptional and previously unknown.

I was instructed that the investigation with respect to the clean up of the oil spill was to be conducted by other parties. You will see from the statements that some information was obtained from the tugs in relation to that process. I merely point out that information here as it raises some immediate concerns about occupational health issues which the Minister may wish to address with the Department of Labor.

CROWN SOLICITOR

Per: 

ADM\AVM.44a:cag
26 November, 1992

Attachment B –

To the Minister of Transport Development

**Re: Report on the Port Bonython Oil Spill 30th August
1992**

32 pages removed

Exempt clause 10(1) – legal professional privilege

**REVIEW AND ASSESSMENT OF THE
PORT BONYTHON OIL SPILL ON
30 AUGUST, 1992
BY THE SOUTH AUSTRALIAN
STATE COMMITTEE OF THE
NATIONAL PLAN**

In accordance with national oil spill response procedures, the State Committee in conjunction with other parties including the Australian Maritime Safety Authority, Canberra reviewed the response provided to the Port Bonython Oil Spill.

The following is a preliminary assessment report with a covering report to the Minister of Transport Development.

MINUTES forming ENCLOSURE to DMH 1594/92

TO: MINISTER OF TRANSPORT DEVELOPMENT

THROUGH: CHIEF EXECUTIVE OFFICER - DEPT. MARINE & HARBORS

FROM: DIRECTOR MARINE SAFETY & CHAIRMAN SA STATE COMMITTEE OF THE NATIONAL PLAN

SUBJECT: ASSESSMENT OF RESPONSE TO THE PORT BONYTHON OIL SPILL ON 30 AUGUST 1992 BY THE SA STATE COMMITTEE OF THE NATIONAL PLAN

DATE: 8 October 1992

Introduction

A meeting of the SA State Committee of the National Plan was held in Port Adelaide on 16 September, 1992 to review and assess the effectiveness of the response to the spill at Port Bonython having regard to the Port Bonython Santos Oil Spill Contingency Plan and the National Plan. On 30 August 1992, 296 tonnes of heavy bunker oil spilled from a gash in the side of a fuel oil tank on the Australian oil tanker, "ERA". The spill commenced at 1052 hours and continued until 1412 hours when the height of the oil in the tank was reduced by internal pumping to below the level of the gash.

The event and response to the Port Bonython oil spill is embraced by the following legislation, plans and requirements:-

1. The Pollution of Waters by Oil and Noxious Substances Act, 1987
2. The Report of the Select Committee of the House of Assembly on the Stony Point (Liquids Project) Ratification Bill, 1981
3. Rules Under the Stony Point (Liquids Project) Ratification Act, 1981
4. The Santos Port Bonython Oil Spill Contingency Plan
5. National Plan to Combat Pollution of the Sea by Oil
6. The Procedures of the SA State Committee of the National Plan

A review and assessment of a response by the State Committee is a normal procedure under the National Plan when a significant oil spill has occurred. Similar procedures were followed in Western Australia after the "KIRKI" and "SANKO HARVEST" incidents when considerable amounts of oil were spilled.

Also in accordance with National Plan procedures, a full and detailed report on the response will be prepared and forwarded at the earliest opportunity.

The minutes of the meeting which form the preliminary assessment report are attached for your information. The following is summary of the main issues with additional comments from myself:

Response

- . The Santos Oil Spill Contingency Plan was used as a guide to the response provided. The Plan is a requirement of the Rules Under the Stony Point (Liquids Project) Ratification Act, 1981 and is reported by Santos to be under review having commenced prior to the recent spill.
- . The spill occurred in waters under the control of the Minister for Transport Development consequently the response was a State responsibility, however, the Commonwealth through the Australian Maritime Safety Authority (AMSA) provided assistance.
- . The initial response was provided as a joint effort by the Department of Marine and Harbors and Santos.
- . The major response was provided by the SA State Committee of the National Plan which is chaired by myself and has as members Santos and DMH.
- . Assistance was also provided by the State Emergency Service, D.C. of Mount Remarkable and Port Pirie City Council and other government departments.
- . The Committee was not fully represented at the site as it was not considered necessary, however, the input provided by members from:
 - Dept of Environment and Land Management (Dept. of Environment & Planning)
 - Dept of Primary Industry (Dept. of Fisheries)

was exceptional and was up to the standard expected under the National Plan.

Recommended Improvements

- . Improvements necessary for responses provided by the State Committee in any future instances were noted. These include:-

1. the identification near the coastal areas of the State of disposal sites for recovered oil
2. the need to appoint a suitable person to handle the media on site in case of any future spill
3. the need for Global Positioning System (GPS) units to be part of State National Plan equipment in order to identify exact positions of oil
4. difficulty experienced communicating between air/sea/land - the need for appropriate equipment to be available and provided under the National Plan
5. possible industrial relations problem - the need for unions to be made aware of the necessity to co-operate by working extended hours if necessary
6. the means for determining the need for all equipment from AMOSC at Geelong. There is a need to think big early.
7. monitoring the impact of the spill and a reporting mechanism should be an integral part of the response and should be funded by insurers or the National Plan.

Improvements in the Santos Port Bonython Oil Spill Contingency Plan are also considered necessary. This is expected as it is the first occasion the Plan has been tested under "live" conditions. These are:-

1. the possible need for tugs and workboats to permanently carry spray equipment and adequate stocks of dispersant
2. the provision for fixed wing aircraft for spraying. (Santos have advised this is being arranged)
3. other issues that may result from a review of the Plan by Santos, DMH and the Stony Point Environmental Consultative Group.

Use of Dispersants

dispersants used were of approved types and were only applied in waters deeper than 5 metres clear of sea grass areas in accordance with contingency requirements. Guidance in their use was provided by the Committee's Scientific Co-ordinator from the Dept. of Environment and Land Management (Dept. Environment & Planning) with assistance from the Dept of Primary Industries (Dept. of Fisheries).

due to the inclement sea and weather conditions, Committee members recognised there were no alternatives to the use of dispersants to reduce the effect of the oil on the environment.

Results of Assessment

involved in the response was [Clause 6(1)] a reputable and experienced oil spill response expert. [Clause 6(1)] initially acted as a adviser to Santos and later acted as a representative of the insurers. He has advised of his satisfaction with the response provided and agrees with the assessment by the State Committee.

also involved, however, to a lesser degree was AMSA who have also advised of their satisfaction with the response provided and agree with the assessment by the State Committee.

as referred to in the minutes - "The Committee agreed the response to the spill taking into account the various inhibiting circumstances including the inclement sea and weather conditions could not have been differently handled".

[Clause 6(1)]

DIRECTOR MARINE SAFETY

NATIONAL PLAN TO COMBAT POLLUTION OF THE SEA BY OIL

MINUTES OF THE SPECIAL MEETING OF THE S.A. STATE COMMITTEE
HELD AT DEPARTMENT OF MARINE & HARBORS ON
WEDNESDAY 16 SEPTEMBER 1992

Present:

Chairman:

Secretary:

Capt. [redacted]

Clause 6(1)
Information concerning
personal affairs

Capt. [redacted]

Capt. [redacted]

Guests:

Capt. [redacted]

Dept. Marine & Harbors, Pt Adelaide

AMSA, Adelaide

Dept. Environment & Planning, Adel.

AMSA, Adelaide

Dept. Marine & Harbors, Pt Adelaide

Petroleum Refineries, Pt Stanvac

Dept. Fisheries, Adelaide

DAS Distribution, Adelaide

Dept. Marine & Harbors, Pt Pirie

SANTOS, Adelaide

SA Police, Pt Adelaide

AMSA, Canberra

Dept. Marine & Harbors, Whyalla

Oil Spill Consultant, Adelaide

Meeting opened at 10.07am

1. Chairman's Opening Remarks

The Chairman advised that the purpose of the meeting was to assess and report on the effectiveness of the response to the oil spill which occurred at Port Bonython at about 1052 hours on 30 August 1992.

A copy of the minutes of this meeting would be provided to the Minister of Marine.

2. Apologies - Nil

3. Port Bonython Incident Description

The cause of the spill is the subject of a separate investigation, however, the oil did originate from the oil tanker "ERA" owned by R W Miller Tanker Co Pty Ltd of Sydney when contact was made with a Whyalla based tug "TURMOIL".

The contact caused a gash of about 300mm in length and about 3 metres above the waterline in the starboard heavy fuel oil storage tank. The tank was full at the time and from the occurrence of the incident at about 1052 hours to when the outflow of oil ceased at about 1412 hours, approximately 296 tonnes of IFO 180 heavy bunker oil escaped into the surrounding sea.

The DMH pilot aboard the "ERA" at the time was Capt. [6(1)] based at Whyalla. He with [6(1)] the Santos Loading Supervisor on duty at the time implemented the initial response.

4. Initial On Scene Response Sunday 30 August 1992 - 1052 to 1910 hours

The Chairman invited Capt. [6(1)], DMH Port Manager, Whyalla and Port Bonython who was On-Scene Co-Ordinator (OSC) to present an outline of the events.

Capt. [6(1)] advised that the pilot Capt. [6(1)] and the Loading Supervisor [6(1)] considered the state of the sea inappropriate for booms or recovery equipment to be deployed. The weather and the state of the sea also prevented dispersants being loaded aboard the tug "TURMOIL" at the jetty. Consequently the tug was ordered to proceed to Whyalla where dispersant transported by road from Port Bonython would be loaded.

The Santos owned Shark Cat "TREGALANA" loaded dispersant and spraying equipment in the Port Bonython boat harbor.

The line launch "WANILLA" was unable to assist due to a ship's line fouling its propeller. The tug "TAMINGA" also was prevented from assisting due to a need for it to tow and protect the "WANILLA".

Capt. [6(1)] was informed of the spill at about 1100 hours and shortly after advised DMH in Adelaide. He proceeded directly to the Port Bonython jetty arriving at about 1145 hours. At the time the wind was blowing from the West at 20/25 knots with about 1.5 metre high waves.

The slick was observed as a moderate sheen with streaks of heavy dark oil moving round the stern of the vessel in a NW direction then arching under the jetty in an easterly direction.

Following directions given by [6(1)] "TREGALANA" commenced spraying dispersants at about 1245 hours whilst the "TURMOIL" commenced at about 1400 hours. The Whyalla pilot boat "GILLESPIE" steamed through the oil in an attempt to hasten the dispersal.

At about 1330 hours following discussions between [6(1)] and [6(1)] it was agreed a helicopter should be ordered from Adelaide. [6(1)] requested [6(1)] sign the MOSAP THIRD PARTY REQUEST form, however, this request was refused.

At approximately 1345 hours [6(1)] contacted [6(1)] at Port Pirie to request 5 x 200lt. drums of Corexit. This dispersant was dispatched from Port Pirie at 1515 hours and arrived at Whyalla at 1800 hours.

[6(1)] advised Port Pirie Police, SES and District Councils of the situation and requested these organisations be on standby from 1400 hours.

The spraying continued during the afternoon with the oil being noticed to break down and disperse.

The helicopter arrived at about 1710 hours when [6(1)] and [6(1)] went aloft to observe the effects of the dispersant and check on any remaining oil. A slick was observed to be about 3 nautical miles NE of Point Lowly, breaking up due to wave action.

Shortly before dark the helicopter attempted a dispersant drop but was prevented by an equipment failure in the helicopter bucket.

At about 1825 hours due to a lack of light work boats and workers were stood down.

The Command Centre was initially established at the head of the Port Bonython jetty but was later in the day transferred to the Santos Port Bonython conference room.

Comments

- [6(1)] - advised that outflow of oil could not be stopped due to:-

1. tank was full
2. outflow was strong
3. rough seas prevented crew effecting temporary repairs
4. position of gash made access extremely difficult.

- [6(1)] advised that transfer of bunker oil from the damaged tank on "ERA" could not have been achieved in a shorter time.

- Dispersants used:-

Santos	-	COREXIT 7764	2 x 200lt. DMS
		COREXIT 9527	21 x 200lt. DMS
AMSA	-	ARDROX 6120	16 x 200lt. DMS (used in aerial spraying on Monday 31.8.92)

(TOTAL approx 8 tonnes)

5. Report to State Chairman of Incident & Response

The State Chairman [6(1)] was advised of the incident at about noon when he informed [6(1)] he would be on site at the earliest opportunity. The recent storms and then strong winds did not encourage the use of a small charter plane and consequently arrangements were made for a scheduled Kendall flight at 1755 hours. The Scientific Adviser, [6(1)] was advised of the spill and his attendance was requested. Dept. of Fisheries members were at the time in transit to Port Lincoln and after being contacted by mobile phone proceeded to the Port Bonython jetty to inspect the spill. After a brief discussion with [6(1)] and Santos they agreed with the dispersant application that was taking place.

During the afternoon a number of discussions took place between [6(1)] and [6(1)] providing updates of the situation. Observations by [6(1)] indicated the oil was breaking up and dispersing, however, it was not until about 1530 hours that it was known about 200 tonnes of oil had escaped. The ordering of the helicopter from Adelaide was referred to [6(1)].

[6(1)] of Santos (a State Committee member) was advised by Santos of the Spill. [6(1)] contacted [6(1)] and requested his presence on site.

The Kendall flight to Whyalla departed 1755 hours and had on board a number of people concerned with the spill.

Clause 6(1)
Information
concerning
personal affairs

DMH
E&P
Santos
Oil Spill Consultant
BP Oil
Howard Smith - Sydney
Finlayson

6. Response Sunday 30.9.92, 1910-2300 hours

The Kendall flight group arrived Port Bonython at about 1910 hours when a meeting of a number of people associated with the spill was conducted.

[6(1)], General Manager Production, Santos who arrived early that afternoon on a charter flight initially chaired the meeting, however, the chair was passed to [6(1)] when his role as State Chairman was explained. [6(1)] was identified as being On Scene Co-ordinator. [6(1)] requested [6(1)] sign the MOSAP THIRD PARTY REQUEST form. [6(1)] advised, that the Crown Solicitor's Office would need to first grant approval.

Several Santos officials wished to clarify their legal liability for costs as the spill was not from Santos operated equipment or facilities. Discussions also took place to clarify their obligations and responsibilities under the Santos Ltd, Oil Spill Contingency Plan, Port Bonython and the MOSAP agreement.

[6(1)] of Santos stated their computer model predicted the oil would impact the shore on the eastern side of the Gulf between Ward Spit and Yatala Harbor at about 2200 hours that evening.

As a result it was agreed preparations should be made for a shore clean up at first light next morning with the Port Manager Port Pirie, [6(1)] arranging labour and equipment from district councils and the SES.

Santos agreed to transport by road 1000 metres of shore line barrier and VIKOVAC equipment. This to standby at Mambray Creek with Santos labour to await further orders.

Should free oil still be on the water next morning it was agreed a fixed wing aircraft be ordered from Adelaide and made available at first light for spraying. The total DMH stock of 48 x 200 litre drums of ARDROX 6120 to be also transported from Adelaide to Whyalla airport.

As advised at the time that oil would go ashore and there may be need to protect sensitive areas it was agreed additional equipment should be requested from the Australian Marine Oil Spill Centre (AMOSC) at Geelong.

This comprised:-

- 800 metres shoreline barrier
- 1000 metres Versotech Zoom Boom
- GT186 Skimmer and Power Pack
- Zodiac Inflatable and Outboard Motor
- 3 Pallets securing anchors

This equipment was ordered at about 2200 hours with ETA Port Pirie about noon Monday 31 August. The AMOSC Engineering Officer, [6(1)] would accompany the equipment.

[6(1)] arranged with CAA for an aircraft prohibition zone in the spill area for the next 24 hours.

Comments

- [6(1)] quoted for the benefit of Santos, extract from MOSAP indicating that initial response to spills does not assume or indicate liability.

7. Response Monday 31.8.92

At about 0630 hours [6(1)] departed by helicopter to observe the effects of the spill. Oil was not sighted on the shore to the north of Ward Spit, however, a patch of about 2 kilometres in length and 200 metres wide was noticed to the west of the shallow water over Ward Spit.

On return to Port Bonython the possibility of spraying was discussed and it was agreed it should be trialled in deep water (5 metres or more in depth). At about 0830 [6(1)] accompanied by [6(1)] departed by helicopter to direct the fixed wing aircraft in the spraying operation. At this stage the oil patch had been moved by the tide to the south of Ward Spit into deep water.

Immediately spraying commenced instant dispersment of about 90% of oil sprayed occurred. This was partially the herding effect of the dispersant. Spraying under the guidance of [6(1)] continued during the morning when after three spray runs by the aircraft it was noticed the oil was reforming into solid patches.

It was agreed agitation by the Port Pirie based tugs of the oil patches should be implemented which was undertaken early in the afternoon. This process was observed by [6(1)] and [6(1)] and was quickly determined to be unsuccessful.

During the day the wind was Northerly 20-25 knots with a change to the SW predicted to occur during the afternoon.

During the afternoon discussions occurred on options to be considered for the next day.

- recovery was not considered possible due to state of the sea and the unavailability of collection vessels to store the recovered oil. It was not considered essential that dracones stored at Port Bonython be used.

It was agreed provisions should be made to

1. protect mangroves near Port Germein jetty with booms and shoreline barrier
2. clean up beaches
3. recover oil

An AMSA OSSM prediction indicated the oil would go ashore at 0300 hours next morning to the NW of Port Pirie. The slick was observed moving continuously toward the east and by the end of daylight was near the entrance to the Port Pirie channel. A landing near Port Germein jetty was judged to be the most likely outcome.

The need for shallow draft vessels next morning was obvious and those suitable and available were requisitioned for first light.

The AMOSC equipment from Geelong and the Santos equipment standing by at Mambray Creek was ordered to proceed to Port Germein Jetty for deployment at first light. District Councils, SES, DMH and Santos labour were also organised to be available.

The OSC to be [6(1)] assisted by [6(1)] and [6(1)] (AMOSC).

[6(1)] arranged for National Parks and Wildlife Service (NP&WLS) to provide a communications centre and personnel which would be on site noon Tuesday. NP&WLS was also monitoring the area for oiled wildlife (which they had been attending to since Monday 31.8.92).

[6(1)] also contacted SA Waste Management Commission regarding disposal of recovered oil. They nominated a particular contractor to provide VAC trucks (on 2 hours notice) and undertook to examine further disposal sites.

Comments

The committee agreed to further consider the following six points:-

1. the identification near the coastal areas of the State of disposal sites for recovered oil
2. the need to appoint a suitable person to handle the media on site in case of any future spill
3. the need for GPS units to be part of State National Plan equipment in order to identify exact positions of oil
4. difficulty experienced communicating between air/sea/land - the need for appropriate equipment to be available and provided under the National Plan
5. possible industrial relations problem - the need for unions to be made aware of the necessity to co-operate by working extended hours if necessary
6. the means for determining the need for all equipment from AMOSC at Geelong. There is a need to think big early.

[6(1)] questioned why [6(1)] did not convene a meeting of the full committee at Port Bonython as this was deemed to be a significant spill and the experience would have benefited all members.

[6(1)] replied this did not occur due to:-

1. initially unable to identify amount of oil spilled
2. indications from OSC at Port Bonython that oil appeared to be dissipating readily
3. it would have resulted in members being taken away from their permanent employment which did not appear necessary

[6(1)] - communications with helicopter a problem, however, all other Lloyds helicopters are reported to be fitted with maritime VHF radios.

8. Response Tuesday 1.9.92

At first light several boats on standby at Cockle Spit in Germein Bay advised the oil was not ashore but in a slick in an East/West direction in that area. Seas were calm with light northerly winds. A helicopter observation by []
[6(1)] confirmed this.

The helicopter was landed at Port Germein to brief the beach clean-up team of the situation and [6(1)] remained to arrange subsequent boom deployment. The beach clean-up team was stood down with some members mobilised to assist in boom transport and deployment.

AMSA was requested to arrange for Technical Advisor, [6(1)] to proceed to Port Bonython/Port Pirie should additional assistance be required. AMSA was also requested to provide an additional prediction on the movement of the oil. This calculated oil reaching the shore in the mangroves to the NW of Port Pirie at about 2400 hours that day.

An early morning meeting determined an oil recovery operation should be implemented as the weather had sufficiently moderated. The storage of the recovered oil was discussed with Santos agreeing to the use of the dracones as other suitable reception vessels were unavailable.

It was also agreed the operations control centre should be immediately transferred from Port Bonython to the Port Pirie DMH office. Following discussions with [6(1)] Santos offered the services of a number of their skilled employees which was accepted. A DMH bottom dump dredge was identified in Port Pirie as a possible oil reception vessel and the crew were transferred from Port Adelaide to Port Pirie.

The booming of the oil and its possible subsequent recovery was underway before noon with the dracone being towed from Port Bonython by boat. At about 1400 hours local squalls caused the wind from the north to increase and gust to over 30 knots. As the safety of those on board the recovery craft was under threat due to the state of the seas and strong winds, the operation was called off with all craft being ordered to seek shelter in the port river. It was not possible to recover any oil.

Shortly after a helicopter observation by [6(1)] and [6(1)] caused the latter to advise [6(1)] that due to the patchy nature of the slick a major threat to the mangrove system was not anticipated. However, a count of about 100 oiled birds had been made and a bird rescue effort was being arranged through NP&WLS and local volunteers.

At about 1600 hours a helicopter observation by [6(1)] [6(1)] indicated a broken oil slick reaching the edge of the mangroves between creeks 3 and 5. It was agreed defence of the mangroves by booms would not be possible.

At about 1800 hours all workers were stood down for the day with an assessment to be made at first light next morning.

[6(1)] advised BHAS to inspect and protect their water intakes if needed as oil was observed to be in the port river.

Comments

[6(1)] questioned whether the use of sorbent booms along the edge of the mangroves would have been beneficial as it was later referred to as an option.

[6(1)] advised they considered it would not have been of assistance due to the weather conditions and the size of the slick. Weather condition could have threatened the safety of those deploying the booms.

9. Response Wednesday 2.9.92

Helicopter flight at 0615 hours with [6(1)] aboard established oil had penetrated the mangrove edge and creek system between creeks 3 and 6.

A flight in a fixed wing plane of the surrounding waters was undertaken with [6(1)] on board. Waters as far south as Port Broughton and up to Port Bonython were inspected with only slight streaks of oil being sighted off Jarrold Point.

NP&WLS officers inspected the area by helicopter to assist with the bird rescue operations.

AMSA media officer [6(1)] provided a media liaison role.

10. Response Thursday 3.9.92

An early morning helicopter inspection by [6(1)] indicated the oil was firmly stranded and unlikely to move. The amount of free slick on the creeks was reduced.

A subsequent meeting agreed to wind down the maritime response. The tidal flushing effect was expected to reduce the presence of the oil.

A limited clean up of the mangrove water ways was planned with the use of sorbents and shallow draft vessels. This would proceed on an "as needs" basis.

[6(1)] assisted with the planning for oiled bird clean up.

[6(1)] was to remain until Friday with the DMH local office and NP&WLS being the contact points for any possible future concerns.

11. Follow-up Monitoring

On Saturday 5 September oil was located in some creeks. In response to a request from the Mayor, Santos & DMH implemented a mop up program which took place on the following Sunday and Monday.

Tuesday 8 September the affected mangrove area was inspected by [6(1)] in shallow draft vessels. The worst affected areas were identified. The Mayor was advised by the group that no medium to long term damage was anticipated.

Wednesday 9 September a helicopter flight by [6(1)] confirmed by air the worst affected areas.

Following complaints from SAFIC on Friday 11 September of the presence of oil seaward of the mangroves a helicopter flight with [6(1)] on board was arranged for the next day. Observations indicated oil sheen was being flushed from the mangroves by the ebb tide in the heavier affected areas. This was considered to be highly beneficial to the mangroves.

A helicopter flight on Tuesday 15 September by [6(1)] indicated an absence of free oil with only a light sheen on one or two creeks. Oil was not sighted to seaward of the mangroves.

12. Use of Dispersants

Dispersants were only applied to oil in waters deeper than 4-5 metres and clear of sea grass areas in accordance with contingency requirements.

Comments

[6(1)] - the availability of a fixed wing aircraft for spraying at the outset may have increased the amount of oil dispersed.

[6(1)] advised Santos at Port Bonython are arranging a contract for the availability of a suitable fixed wing aircraft.

13. AMOSC Response

The equipment provided was ordered by BP at 2140 on Sunday 30 August, departed Geelong 0410 Monday arriving Port Pirie 2130 Monday 31 August. The truck delivering the equipment had been delayed by water on the road caused by recent storms.

The assistance provided by AMOSC representative [6(1)] was highly commended by members who participated in the response. He worked tirelessly rigging the equipment and organising its deployment.

14. Santos - Port Bonython Contingency Plan

The plan has been updated twice since its inception in 1983 and is again in need of a review by all involved parties.

The plan clearly sets out Santos responsibilities for handling all oil spills which may occur within the Port limits of Port Bonython. This is further supported by the Port Rules.

[6(1)] advised consultants AGC Woodward-Clyde had been retained to review and update the Plan (commenced late 1991) which was underway. [6(1)] had already undertaken an audit of the Santos-Port Bonython equipment and his report is being prepared. This includes investigating the need for the use of a barge in a spill.

15. Other Business - Assessment

[6(1)] - The need for Whyalla/Port Pirie tugs to permanently carry dispersants and spraying equipment was not considered desirable due to the likelihood of the equipment becoming damaged and consequently unworkable.

[6(1)] - Use of fixed wing aircraft considered to be the best option for applying dispersants effectively over open water. Helibuckets are best used for windrows, confined waters or restricted areas close to the coast. Santos/Port Bonython have already provided for this should it be required in the future.

[6(1)] - Should a spill occur in a remote area, communication could be a problem which should be addressed under the National Plan.

[6(1)] - monitoring the impact of the spill and a reporting mechanism should be an integral part of the response and consequently should be funded by either insurers or National Plan. It should be given a high priority in the review of the National Plan that is now underway. It is essential to have media liaison on site as soon as possible.

[6(1)] - Santos to provide limited funds for fisheries/environment monitoring and research on a "no liability" basis.

[6(1)] suggested the State Committee formally identify members responsible for various tasks. [6(1)] advised this was already catered for, however, it could be considered further by the Committee.

[6(1)] requested letters of appreciation be forwarded to Port Pirie SES, Police and Mount Remarkable District Council thanking them for their efforts.

The Committee agreed the response to the spill taking into account the various inhibiting circumstances including the inclement sea and weather conditions could not have been differently handled.

The State Chairman thanked participants for their assistance and relayed the appreciation expressed by the Minister of Marine in what has proven to be a difficult assignment.

Costs

[6(1)] advised insurers have given favourable indications that all claims for reasonable costs incurred will be met.

Meeting closed 1545 hours.