



**OFFICE OF ASSISTANT COMMISSIONER
TRAFFIC & EMERGENCY SERVICES**

WESTERN AUSTRALIA POLICE
POLICE HEADQUARTERS
6TH FLOOR
2 ADELAIDE TERRACE, EAST PERTH
WESTERN AUSTRALIA 6004

Your Ref: A480701
Our Ref: eA1099836
Inquiries: Superintendent John Lindley

Mr Ian Blayney MLA
Chairman
Economic and Industry Standing Committee
Legislative Assembly
Parliament House
Perth WA 6000

Dear Mr Blayney,

**INQUIRY INTO SAFETY-RELATED MATTERS RELATING TO FLNG PROJECTS:
REQUEST FOR A SUBMISSION FROM WA POLICE**

I refer to your letter of 12 January 2015 providing the clarification on the points requested to assist WA Police in providing the appropriate information to the Economics and Industry Standing Committee.

I am now in a position to provide you advice as to WA Police's emergency preparedness to respond to a safety or environmental incident involving FLNG facilities off the coast of Western Australia.

The Committee's response was received on 8 January 2015. Whilst each FLNG project and associated facility would be unique, based on the particular composition of the oil and gas resources being developed, commonalities can be identified, particularly in relation to physical size. Details were provided of Shell's Prelude facility (the only one so far approved for development) as a case study.

The Committee emphasised its interest in how the location of planned and proposed FLNG projects will impact on the State's emergency preparedness for the operation of this new technology. WA Police were asked to include in the submission a summary of WA Police resources required for its HMA role for existing projects with significant offshore infrastructure, such as the North West shelf and Pluto projects located off the Pilbara coast, and the difference between these requirements and those anticipated for WA Police's HMA role as it relates to FLNG projects.

Overview of maritime jurisdictions

The territorial sea, over which Australia proclaims its sovereignty, extends up to 12nm from the territorial sea baseline (TSB), whereby full executive and legislative powers apply to regulate activities. Sovereign rights are also applicable for specific circumstances to the

contiguous zone up to 24nm from the TSB, the exclusive economic zone (up to 200nm from the TSB) and the continental shelf (200nm from the TSB).

Under Sections 4 and 5 of the Coastal Waters (State Powers) Act 1980 (Cth), coastal waters are defined as 3nm from the TSB whereby title is vested in the State to which they are adjacent. For emergency management and other non-criminal legislation, the jurisdiction of WA Police is limited to these coastal waters. This boundary follows the coastline of the mainland and surrounding islands. Under the Crime at Sea Act (CSA) WA Police's jurisdiction extends out to 200nm in certain circumstances.

WA Police's Legislated Responsibilities

With regard to emergency management in the maritime environment, WA Police are responsible for the following hazards which might initiate the need for an emergency response:

- 1) Persons lost or in distress on inland waterways within the limits of a port or in a fishing vessel or pleasure craft within the limits of a port or at sea
- 2) Air Crash within coastal waters (within 3nm of the TSB)
- 3) Radiation escape from nuclear powered warship (within 3nm of the TSB)
- 4) Terrorist Act (landward of the TSB)

These are included in the hazards for which the Commissioner of Police has been prescribed as Hazard Management Agency (HMA) under the Emergency Management Regulations 2006 and has responsibilities for emergency management in accordance with the Emergency Management (EM) Act 2005.

For a terrorist act, under the national counter terrorism arrangements, the Commonwealth's Border Protection Command (BPC) is responsible for terrorism response seaward of the TSB and the Australian Government is responsible for emergency response beyond the 3nm coastal waters boundary.

For each of these hazards, WA Police have developed and maintain a State Emergency Management Plan (Westplan) and coordinate regular exercising of its arrangements. An example of a recent Westplan exercise organised by WA Police as HMA is a multi-agency discussion exercise of Westplan Terrorist Act held on 2 April 2014 (40 participants) which focussed on the legislative and procedural requirements for consideration during a terrorist act emergency within an oil and gas industry environment, including interoperability between Australian Government and WA government.

This is similar to the arrangements for other hazards, whereby a HMA is prescribed to have responsibility for emergency management relating to that hazard based on legislated responsibility under other legislation or other expertise (as EM Glossary). For example, the Department of Fire and Emergency Services (DFES) is prescribed as the HMA for fire and natural hazards (cyclone, flood, storm, tsunami, etc.) and the Department of Transport as HMA for Marine Transport Emergencies. Under the arrangements of Westplans for these hazards, WA Police would support an emergency response as a Combat Agency for any search and rescue (SAR) component.

Under the EM Act, the Commissioner of Police is further appointed as the State Emergency Coordinator and has appointed District and Local Emergency Coordinators across the State to assist in the provision of a coordinated response to any emergency (i.e. regardless of hazard), along with other more defined functions for any State of Emergency declared by the Minister for Emergency Services.

Under State Emergency Management Policy, WA Police will undertake initial control of an emergency arising from an un-prescribed hazard, until such time as a more appropriate agency can be identified and transfer of control coordinated, by agreement.

In relation to SAR, WA Police coordinate a State SAR Advisory Group which meets three times a year with membership comprising all relevant SAR stakeholders in WA and Commonwealth representation from AMSA and ADF. This Advisory Group provides a consultative forum which links to the National SAR Council, and responsibilities including:

- Advising on the review of WA's SAR Westplans for marine and land based SAR and the multi-agency processes that underpin them, ensuring compatibility with the National and State SAR Manuals, to ensure an efficient and effective State SAR response capability.
- Reporting on ongoing improvements and developments (best practice) for matters relating to SAR, and investigate, develop and review SAR strategies to ensure compatibility of procedures for joint SAR operations involving local, state and Commonwealth authorities.

State emergency management planning is overseen by the State Emergency Management Committee, whose activities include a State risk assessment programme and annual capability assessment across all State emergency management agencies, with the resultant State Preparedness Report available at:

[https://www.semc.wa.gov.au/Publications%20and%20Resources/35617%20SEMC%20Preparedness%20Report_Interactive\[1\]\[1\].pdf](https://www.semc.wa.gov.au/Publications%20and%20Resources/35617%20SEMC%20Preparedness%20Report_Interactive[1][1].pdf)

International Arrangements

The United Nations Convention of the Law of the Sea (UNCLOS) governs the international law of the sea, to which Australia is party. This imposes a clear duty to render assistance in emergency situations on the sea, with customary international law also recognising a duty on mariners to come to the assistance of individuals in distress at sea.

Article 98 (1) of the UNCLOS provides that every flag state shall require masters of any ship flying its flag, as far as they can without serious danger to the ship, the crew or the passengers, to render assistance in a range of circumstances. This includes rendering assistance to anyone found at sea in danger of being lost, proceeding with all possible speed to the rescue of persons in distress if informed of their need and rendering assistance after a collision.

There is also an obligation to provide assistance under the International Convention for the Safety of Lives at Sea 1974 (SOLAS), which also sets out safety standards for ships. SOLAS also requires each contracting government to ensure arrangements are made for coast watching and the rescue of persons in distress at sea around its coasts, including the establishment, operation and maintenance of such facilities and, as far as possible, afford adequate means of locating and rescuing such persons.

The International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO) coordinate SAR services on a global scale so that these services will be available if needed wherever a person is in danger. SAR services are defined as distress monitoring, communication, coordination and SAR functions, including medical advice, initial medical assistance or medical evaluation, through the use of public and private resources, including coordinating aircraft, vessels and other craft and installations (National SAR Manual 1.1.2).

Under the International Convention on Maritime SAR 1979 and the international search and rescue plan it espouses, should an accident occur, a SAR organisation will coordinate the

rescue operation, with cooperation as required from neighbouring SAR organisations. Australia, therefore, as a coastal state has the obligation to provide adequate SAR resources around the coast for persons in distress, regardless of their nationality or status.

A similar picture is seen in the area of counter terrorism, whereby the Australian Government has direct responsibility for counter terrorism response seaward of the TSB. This includes the protection of oil and gas facilities, with security of offshore oil and gas facilities (as well as Australian ports, port facilities and ships) to be regulated by the Australian Government in accordance with the Maritime Transport and Offshore Facilities Act 2003 (Cth).

Offshore Australian registered platforms that are situated off the coast of Western Australia, beyond coastal waters but within 200nm are covered by the CSA (Cth), wherein the definition of a ship includes a floating platform. The distinction between a ship and a fixed platform becomes more relevant should its location be beyond these boundaries, i.e. on the high sea.

Australian Government Arrangements for SAR

Article 98(2) of the UNCLOS places a duty on Australia to have an adequate and effective SAR service in place. Australia is obliged by SOLAS, the International Convention on Maritime SAR and the Convention on Civil Aviation to provide aeronautical and maritime SAR coordination and services for its territories, territorial seas, and the high seas within its SAR region (SRR).

The National SAR (NatSAR) Manual sets out the arrangements in the Australian SRR for SAR services. Australia's national SAR service comprises Commonwealth, State and Territory authorities and organisations, including the Australian Maritime Safety Authority (AMSA) and the Australian Defence Force (ADF), with the relevant police service/force for the State or Territory appointed as the SAR Authority for that jurisdiction. AMSA undertakes its coordinating function for maritime SAR through the Joint Rescue Coordination Centre (JRCC) Australia. AMSA is also the regulatory authority for maritime safety standards and manages the national plan for marine pollution response.

The Inter-Governmental Agreement (IGA) on National SAR Response Arrangements establishes that Commonwealth and SAR Authorities shall each provide such assistance or facilities as may reasonably be requested by the SAR Authority with overall coordination of a SAR operation.

These arrangements are well practised, with Commonwealth and SAR Authorities participating in regular NatSAR Council meetings and training. The key principles of the SAR system include:

- Initial response - to be undertaken by the first SAR Authority aware of the incident until coordination can be transferred to the best placed SAR Authority. This might be WA Police (e.g. through a 000 call or radio) or AMSA through an EPIRB activation.
- Best placed SAR Authority to coordinate - relates to type of target and location and is set out in Appendix B of the NatSAR Manual. For persons on or from a vessel at sea, this is JRCC Australia, with police supporting with the provision and coordination of land units.
- Effective consultation and coordination - across participating SAR Authorities and others with the potential to assist.
- Coordination of land search – remains a police responsibility.

EMERGENCY RESPONSE FOR FLNG FACILITIES

The safety of personnel and visitors to a FLNG facility is the responsibility of the title holder. In most instances, the FLNG facility would, in effect, assume the role of Controlling Agency for an emergency, having immediate responsibility for the response, supported by the relevant Port Authority. This is where emergency response planning, including emergency evacuation and man overboard procedures that they have in place are critical. If these local arrangements are well thought out, as would appear to be the case from the information provided to us by the EISC, the demands for external assistance are likely to be limited to where a significant emergency has occurred, for example where this has impacted on these resources to the extent that they are inoperable.

WA Police's Critical Infrastructure Unit (CIU) assists such organisations in an advisory capacity and report that in all discussions with oil and gas operators and contractors, they have been acutely aware of a strong safety culture at all levels. CIU has witnessed and participated in a number of EM exercises with oils and gas owner/operators and have found these exercises to be of a uniform high quality. While outcomes varied, even those with outcomes which were substandard, were used as a basis to improve in the future, with lessons identified communicated to those who needed to know to ensure better outcomes in the future. The safety culture and a need to very regularly exercise emergency management are "business as usual" to oil and gas operators.

In addition, a number of major oil and gas operators have actively and routinely sought information from CIU about specific legal requirements and law enforcement/ EM capabilities. Where gaps exist with Government capabilities, operators have been quick to volunteer cooperation and assistance to achieve EM/law enforcement goals.

For emergencies affecting FLNG facilities which require a coordinated response to provide assistance, despite their location currently being further from the coast to other offshore oil and gas facilities (such as those operating on the North West Shelf), they are similarly located beyond coastal waters; hence the State EM arrangements set out in Westplans do not apply. The scale of any response to an emergency in relation to a FLNG facility from WA Police as a response agency/SAR Authority, as with any police operation, will be determined by the specific incident and location.

Under Article 98 of the UNCLOS, WA Police on board a police vessel have a duty to assist in the SAR of a missing person. Obviously how effective this assistance will be will depend on how urgent the situation is and how long it will take the police vessel to get to their location. Currently, only one Water Police vessel, Delphinus, is located in northern Regional WA (Dampier). Other vessels in or closer to the vicinity of the FLNG at the time of an emergency would also be required to assist under international law.

Emergency assistance to a FLNG facility would be coordinated at a national level, due to its location in Commonwealth waters, with WA Police and/or other response agencies, such as DoT and/or DFES, providing assistance in relation to the nature of the emergency and that agency's field of expertise, as far as practicable. This does not preclude State agencies undertaking the initial response to a call for assistance prior to a more appropriate structure being implemented.

For example, for a SAR operation this would be JRCC Australia as, in accordance with section 1.2.11 of the NatSAR Manual, they are best placed to coordinate wide air searches and SAR operations at sea at long range. WA Police would support the JRCC in its SAR Authority role, although support to AMSA is not limited to WA Police and may be requested from other suitable air operators, such as DFES, Surf Life Saving WA, and commercial operators in the

vicinity, as well as the SAR Authority for other jurisdictions (e.g. Northern Territory Police). Appendix A demonstrates the factors that would be considered by AMSA and WA Police for an emergency incident and are taken from the NatSAR Manual.

WA Police's Water Police would more than likely be first point of contact for the FLNG facility through our radio monitoring network of Coast Radio Hedland, which is manned at the WPCC in Fremantle. Water Police would start appropriate action as a SAR Authority and be coordinating any nearby assets that maybe in a position to assist.

A likely role after the JRCC takes over coordination would be for the WPCC to coordinate surface assets (i.e. vessels). The Water Police vessel Delphinus would be tasked to the area dependant of its location at that time; it has the response capability and able to travel that distance off shore, The Volunteer Marine Rescue (VMR) volunteers would more than likely not be used in this instance due to the remoteness of the location; but, if they were able to get to the area and return they can be used.

Water Police and the JRCC would work together to source assets to be used in the operation. The WPCC would play a significant part in the operation and would be the conduit between the JRCC and WA Police.

An overview of relevant WA Police resources is provided in Appendix B. Note – with the exception of the Water Police vessel Delphinus and one of the Police Air Wing Polatus DC-12s, all resources are located in the Metro area.

Appendix A: Considerations for the Prelude FLNG Facility (Case Study)

The location of the FLNG in relation to the shore:	<p>The first SAR Authority to become aware of a SAR incident is obliged to respond until overall coordination can be transferred to the SAR authority best placed to coordinate (NatSAR Manual 1.2.6).</p> <p>Where the resources required to respond to a SAR incident exceed those available to any SAR Authority, or where the circumstances require significant coordination across Party agencies, a SAR incident may develop into an emergency management response. Where a SAR incident results in State, Territory or national emergency plans or arrangements being activated, they are to be activated in support of national SAR response arrangements established through the IGA (NatSAR Manual 1.1.11).</p> <p>For example, JRCC Australia is normally best placed to coordinate wide area air searches and coordinate search and rescue operations at sea at long range. These operations may also involve requests for ADF assistance. Police forces are normally best placed to coordinate local ground searches or inshore boat searches (NatSAR Manual 1.2.11).</p> <p>Overall coordination responsibility may be transferred from one SAR authority to another within Australia's SRR in the following circumstances:</p> <p>Where a SAR authority has activated a SAR operation in response to a distress or other emergency situation that is found to be outside their responsibility.</p> <p>Whenever more accurate knowledge of the distressed craft's position or movements comes to hand.</p> <p>When it becomes apparent that a SAR authority other than the one initiating the action is more favourably placed to assume responsibility.</p> <p>Where a SAR operation is beyond the State/Territory's capabilities. This might include situations where vessels are well to sea or along a remote part of the Australian coastline and beyond the capabilities of the SAR facilities available to the State/Territory agencies (NatSAR Manual 1.2.29).</p>
Whether or not the vessel is a ship or designated as a platform:	<p>Appendix B identifies the responsibilities and functions to a SAR Authority based on the type of target that requires assistance from the SAR service and then additionally, in some circumstances, by the location of the SAR incident (NatSAR Manual 1.2.8).</p> <p>Appendix B also identifies the type of support the various Authorities are expected to provide in a SAR operation. However in certain circumstances, when it becomes apparent, following consultation between the authorities involved in the incident, that a SAR authority other than the one specified in Appendix B is more favourably placed to assume responsibility, then by mutual agreement the best placed SAR Authority will assume or maintain overall coordination responsibility (NatSAR Manual 1.2.9).</p>
What the working population is on board the vessel:	<p>The fundamental aim of a SAR system is to provide assistance to persons in distress. To achieve this aim the SAR system has to locate, support and rescue persons in distress in the shortest possible time. The success of the SAR response therefore depends on the speed with which the SAR situation is evaluated and the SAR operation is planned and carried out (NatSAR Manual 1.2.4).</p>
What capabilities of the vessel are:	<p>Identification and deployment of rescue units shall commence at the time of the initial SAR response and a review of requirements shall continue through the action. Assistance with selection of search units is given in Section 5.8. (NatSAR Manual 1.2.6).</p>

Appendix B: Overview of WA Police Resources Relevant to SAR

Water Police

Water Police Coordination Centre (WPCC):

Coordination for SAR operations in the Western Australian maritime environment takes place at the WPCC in North Fremantle, which is staffed 24/7 by civilian radio/call takers and police officers who are nationally trained SAR Mission Controllers.

Water Police vessels:

- Delphinus – 22 metres, based in Dampier, accommodates skipper, engineer and 6 crew, 12000 litre fuel tank, maximum speed 26 knots.
- Cygnet V – 18 metres, based in North Fremantle, accommodates 4 crew, 6000 litre tank, maximum speed 30 knots.
- TW152 – 10 metres, based in North Fremantle, accommodates 8 crew, 700 litre fuel tank, maximum speed 46 knots.
- TW154 – 8.5 metres, based in North Fremantle, accommodates 8 crew, 500 litre fuel tank, maximum speed 46 knots.

Police Diving Squad:

The squad undertakes SAR of deceased persons, missing persons believed to be in or in the vicinity of water, search for and recovery of evidence in water relating to the commission of offences, recovery of and examination of equipment used/preparation of reports to the Coroner (WA) in diving related deaths and underwater security clearances in response to actual or possible terrorist activity.

Police Air Wing

Offices and hangars are located at Jandakot Airport, with another office at Karratha Airport. Staff consists of 28 sworn officers and 10 unsworn officers.

- Polair 61 - Rotary Air Wing Helicopter VH-WAH, 7 seat, with facilities including 250kg winch, night vision goggles, thermal imaging (FLIR), range of 230nm (425km) and speed 120 knots (222km/hr).
- Polair 62 – Rotary Air Wing Helicopter VH-WPX, 9 seats; facilities including 250kg winch, night vision goggles, FLIR, range of 350nm (648km) and speed of 120 knots (222km/hr).
- Pilatus PC-12 (x2) – Fixed Wing Aircraft VH-WPE (at Jandakot hangar, 8 passengers) & WH-WPY (at Karratha hangar, 9 passengers), can fly up to 35,000ft so avoiding all weather activity, range 2000nm (3704km), speed 250knots (463km/hr). Estimated travel time Jandakot to Karratha 3 hrs.
- Gippsland Aeronautics GA8 Airvan - Fixed Air Wing Aircraft (VH-WPF), range 575nm (1064km), speed 115 knots (212km/hr).

TRG

TRG can provide a Tactical Response capability to resolve a high risk situation; however the capability to transport TRG operators that far out to sea would require support from Police Air Wing and may not be feasible for an urgent situation.

EOU

The EOU provides 24/7 operational support and specialist advice across the agency regarding emergency management and delivers specialised training for land search operations.

There are currently 414 qualified Land Search Controllers (22 based in the Pilbara Police District and 32 in the Kimberly Police District).

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'N' followed by a horizontal line.

N ANTICICH APM
ASSISTANT COMMISSIONER
TRAFFIC & EMERGENCY SERVICES

2 February 2015

