

ANNEX 6 - MEMORANDA OF UNDERSTANDINGS



Chatham Islands Council

Memoranda of Understandings

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1.1.1 Chatham Islands Enterprise Trust / Chatham Fuels

Chatham Islands Enterprise Trust is responsible for the commercial operation of the Waitangi Port. Chatham Fuels is responsible for bulk transfer operations. It is to be expected that the Ports Stevedore or one of Chatham Fuels bulk transfer contractors will be on hand should a spill occur.

Chatham Islands Enterprise Trust have agreed to supply the Chatham Islands Council with labour and / or equipment in the Council's endeavour to respond to a spill.

Chatham Islands Enterprise Trust will, within the company's abilities:
Supply equipment and facilities for the cleaning up operations relating to a pollution incident;
Store specialist equipment and dispersant owned by the Maritime Safety Authority;
Assist the Chatham Islands Council, in every possible way to discharge its responsibilities under the provisions of the Maritime Transport Act 1994;
Report to the Chatham Islands Council every pollution incident that comes to the attention of any employee of the company.

1.1.2 Department of Conservation

Members of the Chatham Islands Conservancy will act both as the On Shore Coordinator, Wildlife Advisor and Environmental Advisor. They may also assist as Field Team Supervisors. Note that Massey University will act as the wildlife response coordinator.

The Department of Conservation's level of involvement will depend upon the stage of the response (i.e. early in the response or late in the response). There should always be an advisory capacity into the Incident Command Team. It is likely that DOC will be heavily involved in any wildlife search and pickup, through the provision of equipment such as boats and trained personnel.

Any contact with the Department with respect to an oil spill response should be through the Regional Conservator or Area Manager in the first instance. Further details of the role and responsibility of the Department of Conservation is contained in Annex 11.

1.1.3 Ministry of Fisheries: Fisheries Enforcement Officer

The Fisheries Enforcement Officer has agreed to fill the role of Offshore Coordinator and to provide other assistance in the event of an oil spill which is affecting the Chatham Islands. There are several areas in which the Officer's skills, resources and expertise might be best utilised. These are:

Assisting with advice on the possible immediate and long term effects that pollutants and dispersants may have on fish and shellfish stocks;
Identification of polluted shellfish and fish specimens;
Identification of areas where dispersant use will impact on crayfish and shellfish resources.

1.1.4 Fire Service

The Fire Service has a responsibility under the Fire Service Act 1975 to handle any type of incident, within the Fire District, where it is considered that lives or properties are in imminent danger at an emergency irrespective of whether there is a risk of fire or not (Fire Service Act 1975, Section 28]. The Fire Service role stops at the waters edge.

If the Fire Service is called to a non-fire incident and the circumstances are of such a nature that no danger to life and/or property, then the Fire Service should not become involved in tasks which the occupier (the ship in this case), their agent (shipping agent) or other authority (Regional Council) are capable of carrying out.

1.1.5 Maritime New Zealand

The Maritime Safety Authority is responsible for conducting a Tier 3 or national response to an oil spill. The Maritime Safety Authority recognise the limited oil" spill response capacity of the Chatham Islands and is prepared to assist the Chatham Islands Council wherever possible.

A tier 2 response conducted by Chatham Islands Council will escalate to a Tier 3 or national response under the direction of the Maritime Safety Authority when expenditure on the Tier 2 response is anticipated to reach \$250,000 or the On Scene Commander considers that the containing and cleaning up of the spill is beyond the capacity of the Incident Command Team.

Declaration of a Tier 3 response will enable the Maritime Safety Authority to mobilise oil spill equipment and trained oil spill response personnel in accordance with the procedures outlined in the National Oil Spill Contingency Plan.

1.1.6 Police

The Police are responsible for co-ordination of non-fire emergencies but the Fire Service usually continue to handle and stabilise the incident under the overall guidance of the Hazardous Substances Technical Liaison Committee (HSTLC).

1.1.7 Indemnity authorisation and costs

If the Fire Service or any other organisation becomes involved in a Tier 2 response, then as soon as is practicable, a contract to assist in the response and claim costs is to be signed by the On Scene Commander or the Chief Executive Chatham Islands Council.