



## Oil and Chemical Spill Wildlife Response - Cost Recovery

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VERSION 1

AUTHORISED BY A/Director Biosecurity Operations, Biosecurity NSW

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### Purpose

When an oil/chemical spill occurs in the State waters of NSW, the combat agency will call on the expertise and resources of a range of agencies to assist with combating the resulting impacts. A compensation regime exists, (see NSW Cost Recovery Guidelines for Marine Incident Response, NSW Maritime) which enables agencies involved in oil/chemical spill incidents to recoup reasonable costs incurred in providing assistance.

This policy is based on the NSW Maritime cost recovery guidelines and describes when and how agencies, involved in a wildlife response as a result of the spill, can recover the costs incurred. The policy emphasises the need for participating agencies to work through the combat agency when incurring expenditure and the need for comprehensive, accurate records to be kept from the outset in order to facilitate the processing of claims.

### Scope

This policy applies to agencies submitting claims to recover reasonable costs incurred whilst conducting a wildlife response as a result of an oil or chemical spill, from a trading ship, in NSW State waters. It does not apply to costs incurred as a result of the broader spill response.

### Policy

To qualify for compensation, costs associated with a wildlife response are required to be 'reasonable'. This is generally taken to mean that costs resulted from actions that:

- were undertaken on the basis of a technical appraisal;
- sought to enhance the natural processes of recovery; and
- were not undertaken purely for public relations reasons.

The "reasonableness" criteria will be applied to all compensation claims regardless of the source of the spill or who is responsible for payment of the claim.

Recoverable costs for agencies involved in a wildlife response will include:

- reasonable costs associated with the capture, first-aid, transporting, cleaning and rehabilitation of wildlife – this includes the provision of treatment facilities appropriate to the scale of the incident plus equipment hire, materials, medication and food supplies
- reasonable costs for cleaning, repairing or replacing property that has been contaminated by oil/chemicals
- costs of disposal of contaminated materials
- costs of reasonable aerial surveillance operations (coordinated with the response aerial operations)
- reasonable additional costs incurred by the agency, for example, expenses that would not have been incurred had the incident and related operations not taken place
- any fixed costs incurred, such as the salaries of permanent employees; such costs must correspond closely to the clean-up period in question and can include overhead costs as per the NSW Government Treasury Directions
- costs associated with hiring casual workers when agency resources are insufficient to deal with the response.

To be eligible to claim costs associated with the wildlife response, agencies must have been formally requested by the Agricultural and Animal Services Functional Area Coordinator (AASFAC), on behalf of the combat agency, to provide assistance.

The combat agency will establish a Finance and Administration Section within the Oil Spill Incident Control System (OSRICS) response structure to manage record-keeping and to track the cost of the response. A Logistics Section will also be established to coordinate the purchase and provision of labour, equipment, services and consumables for the response. Wherever possible, resources required by agencies must be requested through the Logistics Section using generic OSRICS forms (or similar such as NSW DPI task request processes) which have been developed for the purpose.

For expenditure which is of necessity incurred directly by agencies (such as refuelling vehicles), a dedicated Work Breakdown Structure (WBS) account code should be established for the incident against which all such expenditure must be charged and for which detailed supporting documentation must be kept. Wherever possible, daily updates of costs incurred against the WBS code must be provided to the combat agency's Finance and Administration Section.

Claims for compensation will be closely scrutinised. Accurate records are therefore essential and claims need to be accompanied by supporting documentation showing what was done, why, where, when, by whom, with what resources and for how much.

Records must be comprehensive and include:

- documentation of activities undertaken, including a description and justification of the work carried out together with an explanation of why the various working methods were selected
- accurate personnel records (for both permanent and casual staff and volunteers) including dates and hours worked, rates of pay and calculation methods used
- travel, accommodation and living expenses for response personnel
- records of specialists used and associated expenses
- details of equipment used and costs to hire or purchase (hire of equipment is preferred)
- records of all supplies purchased, used, lost etc
- transport costs (number and types of vehicles, vessels or aircraft used, number of hours used and methods used for calculating amounts claimed)
- any supporting photographic or video documentation
- any supporting computer files and databases of the incident
- details of the number of animals treated and the number successfully released back into the wild
- disposal of wastes associated with the wildlife response (this should be part of the overall waste disposal plan for the incident response).

The combat agency for the spill will be responsible for submitting compensation claims for their own, and supporting agencies' costs. All claims and supporting documentation must therefore be submitted to the combat agency and claims must be signed off by the Incident Controller.

The speed with which claims are processed depends largely on how soon claimants provide all of the required information to the combat agency. Good record keeping throughout the incident will ensure that paperwork which could not be provided during the course of the incident can be submitted to the combat agency as soon as possible.

### **Procedures**

- [Acquisition of goods and services](#)
- [Timesheets](#)
- [Asset records](#)
- [Managing hired equipment/plant](#)
- [Motor vehicle usage](#)
- [Task request procedure](#)

### **Roles and responsibilities**

- [Rehabilitation Division](#)
- [Rescue Division](#)
- [Wildlife Coordinator and Logistics Support](#)

### **Delegations**

Nil

**Legislation**

- [State Emergency and Rescue Management Act](#)

**Related policies**

- NSW Cost Recovery Guidelines for Marine Incident Response, NSW Maritime
- [Policy O-114 - Oil and Chemical Spill Wildlife Response - Notification and Command Structure](#)

**Other related documents**

- [Oil spills from ships - who pays? AMSA January 2010](#)

**Definitions**

- AASFA: Agriculture and Animal Services Functional Area
- AASFAC: Agriculture and Animal Services Functional Area Coordinator
- Displan: NSW State Disaster Plan
- NSW DPI: NSW Department of Primary Industries
- OEH: Office of Environment and Heritage
- OSRICS: Oil Spill Response Incident Control System

**Superseded documents**

- NSW NPWS Procedural Guidelines for the Rescue and Rehabilitation of Oiled Wildlife

**Revision history**

Version	Date issued	Notes	By
1	6 March 2012	Draft for approval	Emergency Management Officer

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May 2013

**Contact**

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