



LEGISLATIVE COUNCIL

GENERAL PURPOSE STANDING COMMITTEE NO 5

Inquiry into Oil Spills in Sydney Harbour

Interim Report

Ordered to be printed 4 April 2000

According to Resolution of the House

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Oil Spills in Sydney Harbour**

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How to contact the Committee

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ISBN 0-7347-6454-5

Terms of Reference

1. That General Purpose Standing Committee No. 5 inquire into and report upon the occurrence of oil spills in Sydney Harbour, and in particular:
 - (a) the tourism and environmental values of the harbour and the level of threat posed to them by future oil spills,
 - (b) how future oil spills could be prevented,
 - (c) the necessity for a safety audit of the harbour, in view of the number of spills which have occurred in it over the last five years, and what such an audit should consist of, and
 - (d) the appropriateness of the port operator also being a key environmental regulator.
2. That the Committee provide an interim report on the first sitting day in 2000.
3. That any documents presented to the Committee or evidence taken by the Committee which, in the opinion of the Committee, may prejudice any prosecution for the oil spill from the Laura D'Amato at Gore Cove on 3 August 1999, must be considered in camera and not form part of any report to the House until the legal proceedings have been concluded. The Committee is to have regard to any submission from the Government in relation to a prosecution and may seek its own legal advice.

These terms of reference were referred to General Purpose Standing Committee No 5 by the Legislative Council, on the motion of the Hon Richard Jones MLC, on 30 November 1999.

Committee Membership

The Hon Richard Jones MLC, *Chair*

Independent

The Hon Ron Dyer MLC, *Deputy Chair*

Australian Labor Party

The Hon Richard Bull MLC

National Party

Jan Burnswoods MLC

Australian Labor Party

The Hon John Jobling MLC

Liberal Party

The Hon John Johnson MLC

Australian Labor Party

The Hon Malcolm Jones MLC

Outdoor Recreation Party

Table of Contents

1	Terms of reference	1
2	Submissions received	1
3	<i>Laura D'Amato</i> judgement	2
4	Committee intentions about the progress of the inquiry	2
Appendix 1	List of Submissions	3

1 Terms of Reference

The Legislative Council referred the following terms of reference to the Committee, on the motion of the Hon Richard Jones MLC, on 30 November 1999:

1. That General Purpose Standing Committee No. 5 inquire into and report upon the occurrence of oil spills in Sydney Harbour, and in particular:
 - (e) the tourism and environmental values of the harbour and the level of threat posed to them by future oil spills,
 - (f) how future oil spills could be prevented,
 - (g) the necessity for a safety audit of the harbour, in view of the number of spills which have occurred in it over the last five years, and what such an audit should consist of, and
 - (h) the appropriateness of the port operator also being a key environmental regulator.
4. That the Committee provide an interim report on the first sitting day in 2000.
5. That any documents presented to the Committee or evidence taken by the Committee which, in the opinion of the Committee, may prejudice any prosecution for the oil spill from the Laura D'Amato at Gore Cove on 3 August 1999, must be considered in camera and not form part of any report to the House until the legal proceedings have been concluded. The Committee is to have regard to any submission from the Government in relation to a prosecution and may seek its own legal advice.

2 Submissions received

An advertisement calling for public submissions was placed in the Sydney Morning Herald on 11 December 1999, with a closing date for submissions of 28 February 2000. As at the date of this report, a total of 13 submissions had been received by the Committee. A list of submissions received is included at Appendix 1 to this report.

3 Laura D'Amato judgement

One of the catalysts for the current inquiry was the oil spill that occurred from the vessel *Laura D'Amato* at the Shell Terminal at Gore Cove, Sydney on 3 August 1999.

On 2 March 2000, the matter of *Filipowski v Fratelli D'Amato S.r.l. and Ors* was heard before Justice Talbot of the Land Environment Court of New South Wales.¹

Justice Talbot handed down a decision on the matter on 16 March 2000.

The Committee has been advised by the Minister that a 28 day appeal period applies to the judgement, and that details relating to the case remain sub judice until that period has expired.

4 Committee intentions about the progress of the inquiry

Given the legal proceedings associated with the *Laura D'Amato* oil spill, the Committee considers it is prudent to wait for the appeal period for the *Laura D'Amato* judgement to expire before commencing public hearings in relation to the inquiry.

The Committee has focussed its recent activities on its inquiry into the NSW Rural Fire Service. The Committee intends to table its report on that inquiry in the Legislative Council in May 2000.

By May 2000 the appeal period for the *Laura D'Amato* judgement will have expired, and the Committee should have a clear indication of whether the judgement is to be appealed. The Committee will then be in a position to commence public hearings for this inquiry into oil spills in Sydney Harbour.

The Hon Richard Jones MLC
Chair

¹ *Filipowski v Fratelli D'Amato S.r.l. and Ors* [2000] NSWLEC50 (Matter No.s 50088 to 50090 of 1999)

APPENDIX 1

SUBMISSIONS RECEIVED

- No 1 Leichhardt Council
- No 2 Barry S Leithhead & Associates Pty Ltd
- No 3 The Vacluse Progress Association
- No 4 Anonymous
- No 5 Sydney Harbour and Foreshores Committee
- No 6 David Barr MP, Member for Manly
- No 7 Peta Seaton MP, Member for the Southern Highlands, Shadow Minister for the Environment
- No 8 NSW National Parks and Wildlife Service
- No 9 Friends of the Earth – Sydney
- No 10 The Hon Bob Debus MP, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services and Minister Assisting the Premier on the Arts
- No 11 The Hon Carl Scully MP, Minister for Transport and Minister for Roads (Joint submission prepared by Sydney Ports Corporation and Waterways Authority)
- No 12 Total Environment Centre Inc
- No 13 Shell Refining (Australia) Pty Ltd