

8 February 2024

Mr. Kim Wann

By Email:

## TUG “DENISON” – S.40 C DIRECTION

Dear Kim,

We refer to the tug *Denison* (Vessel) that is currently moored on a barge mooring in Blessers Creek within the Port of Darwin after it was relocated by Darwin Port in accordance with a section 40 A direction issued by a Port Management Officer in accordance with the Ports Management Act 2015 (NT) (PMA).

### 1. Background

- On 2 January 2024 at approximately 14:30 Darwin Port became aware that the vessel was unoccupied and aground in Blessers Creek.
- Several 200 litre drums of oil were leaking oil on deck.
- A shipping container and other miscellaneous cargos were also located on deck.
- On 3 January 2024, a Port Management Officer issued you a Direction under section 40A of the *Ports Management Act 2015 (NT) (PMA)* setting out concerns regarding the deteriorating condition of the vessel and the immediate threat it posed to people, the Vessel and the environment. You were directed to take action to rectify the situation. No action was taken in response to this direction.
- On 3 January 2024, the Regional Harbourmaster notified the NT Environmental Protection Authority (NTEPA) of the concerns the leaking oil drums pose to the environment. Darwin Port took the necessary action to recover the Vessel from the mangroves and clean up the leaking oil.
- On 3 January 2024, the Vessel was secured to a mooring in Blessers Creek until sufficient tide became available to remove the vessel from Blessers Creek.
- On 4 January 2024, the Darwin Port contracted oil spill response crew attended the Vessel to clean up the leaking oil.
- On 25 January 2024 the Vessel remains on the mooring in Blessers Creek accumulating mooring charges.

## 2. Outstanding Debt

In accordance with section 40C(2)(a) of the PMA Darwin Port is seeking payment for the reasonable costs associated with the prior action taken under section 40A (8)(a) to recover the vessel from the mangroves and relocate it to a safe mooring from 3 January through to 25 January 2024 within Blessers Creek and to clean up the leaking oil that was imposing an immediate threat to the environment.

The following costs have been incurred by Darwin Port to date in relation to the Vessel:

- Hire of contracted oil spill clean-up vessel - **\$1,320.00**
- Clean-up vessel fuel usage - **\$61.55**
- 10% administration costs on fuel usage - **\$6.15**
- 10% GST on the clean-up costs - **\$138.77**
- Refloating and refloating of the vessel - **\$5,589.46**
- 10% GST on the refloating cost - **\$558.95**
- Blessers Creek Mooring Hire – **\$7,440.00**
- Management Fee - **\$110.00**
- 10% GST for mooring hire - **\$755.00**
- Darwin Port Operations response costs from 2 to 26 January 2024 - **\$3,697.80**
- Darwin Port Operations administration fee - **\$647.12**

**TOTAL AUD incl. GST: \$20,324.80**

## 3. Section 40 C (5) Direction

In accordance with sections 40 C (3) and 40 C (5) of the PMA Darwin Port is seeking payment within 14 days of issuing this direction in the total amount of **\$20,324.80** payable by you to Darwin Port.

If Darwin Port does not receive payment of the outstanding debt within 14 days of the date of this direction Darwin Port will look to commence action under 40 C (5) of the PMA to either:

- move the Vessel to a place outside the port or a specified place inside the port; or
- sell the Vessel; or
- dispose of, other than by sale, or destroy the Vessel, hull if Darwin Port considers that the Vessel is unseaworthy; and the cost of repairing it to make it seaworthy, or the cost of its storage and sale, exceeds its value.

In addition to the costs detailed above, you will be liable to pay the reasonable costs incurred with any action taken under section 40C(5) of the PMA.

If you would like to discuss this letter further please contact the Port Management Officer on (08) 8919 0801.

Sincerely,



David Power

Senior Manager Marine Operations & Port Management Officer

---

Darwin Port Operations Pty Ltd.