

Maritime Security in Australia

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John has been with DOTARS since 1997 and in the Australian Public Service for 10 years. Prior to this he served in the Australian Army, predominantly in area of logistics.

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Overview

1. Update on progress
2. History of implementation
3. Lessons learned
4. Next steps



Update on progress

Current situation

- ❖ Australia achieved compliance by the international deadline of 1 July 2004
- ❖ Security plans are in force at our ports, port facilities and on our ships.
 - 248 security plans
 - 55 Australian vessels
 - 400 regulated maritime industry participants
- ❖ Worldwide compliance (as at 6 August 2004)
 - ❑ 89.5% of 9,000 port facilities
 - ❑ 90% of ships



Update on progress

OTS Operations Centre

- ❖ OTS Operations Centre working 24/7
 - ❑ Maritime transport security incidents
 - ❑ Events/ security breaches.
- ❖ Undertaking risk profiling of ships
 - ❑ 3,396 first port arrivals
 - ❑ 120 expected arrivals (arriving 48 hrs out), 265 in port and 104 on coastal trading
- ❖ Issuing instruments
 - 6 Control directions on foreign ships)
 - 2 Security directions to Australian ships



Risk Profiling & Compliance

❖ US Coast Guard Advisory

☐ 21 countries with deficient port security

- To receive extra security screening
 - Kiribati, Nauru, Solomon Islands, Tuvalu
- USCG Port Inspection Program
 - Singapore, Honduras, South Korea, Chile
 - Visiting Australia 8 to 15 October

☐ 13 Flag States with deficient vessel security

- To receive extra attention (boarding at sea)
 - Cook Islands, Thailand,
- Additional weighting on risk profile matrix
 - Hong Kong, Singapore, Panama



History of implementation

IMO maritime security regime

- ❖ International Maritime Organization (IMO) adopts the International Ship and Port Facility Security (ISPS) Code in December 2002.
 - ☐ sets out the framework for the maritime security regime, including enforcement for foreign flag ships.
 - ☐ ISPS Code Part A is mandatory
 - ☐ Part B provides guidance.
 - ☐ based on International Civil Aviation Organization's (ICAO) aviation security regime
- ❖ International deadline for compliance: 1 July 2004

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History of implementation Gaps


- ❖ fishing vessels,
- ❖ fixed oil and gas offshore facilities
- ❖ navy warships,
- ❖ government vessels on non-commercial voyages,
and
- ❖ cargo ships below 500 gross tonnage.

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History of implementation

Maritime Transport Security Bill – issues


- ❖ Adopting Chapter XI-2 and the ISPS Code into Australian law
 - Constitutional division of responsibilities
 - Alignment with existing legislation
 - Existing maritime regulatory environment,
- ❖ Seeking a balance between mandatory compliance and outcomes focus
 - Safeguard against unlawful interference with maritime transport
 - Recognising that cost of compliance to be borne by industry
- ❖ Maintaining the rights, freedoms and welfare of seafarers.
- ❖ Ensuring implementation and industry compliant by 1 July 2004.

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History of implementation

Drafting challenges


- ❖ Adapting the SOLAS term 'port facility' to Australian context
- ❖ Covering Australian ships on inter-state voyages.
- ❖ Enabling control over non-compliant foreign flag ships
- ❖ Having nationally consistent law enforcement officer powers
- ❖ Providing security guards with adequate powers
- ❖ Creating a penalty regime to deter non-compliance.
- ❖ Creating Commonwealth law offences in State/ Territory owned assets

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History of implementation

Consultation with stakeholders


- ❖ 2002 - "road show" on SOLAS and the ISPS Code.
- ❖ March 2003 - Cabinet policy approval to circulate exposure draft
- ❖ April 2003: comprehensive policy framework paper
- ❖ Consultation mechanisms:
 - Australian Transport Council.
 - Standing Committee on Transport.
 - Australian Maritime Group
 - Industry workshops
 - Maritime Security Working Group
 - Ad hoc briefings - unions, judges, sheriffs, police etc.

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History of implementation

Parliamentary scrutiny


- ❖ Joint Standing Committee on Treaties (JSCOT).
 - enquiry into treaty action May 2003
 - 3 public hearings (June, September, October).
 - 2 port visits (Fremantle, Newcastle).
 - JSCOT Report 57 tabled 4 December 2003
 - Two recommendations:
 - 1. review of the Act 12 months' after it comes into force (1 July 2005);
 - 2. brief JSCOT after 1 July 2004.

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History of implementation

Parliamentary scrutiny (cont.)


- ❖ Introduction of Bill: Legislation Approval Process (LAP).
 - approval from Backbench Committee and Joint Party Room.
- ❖ House of Representatives: House of Representatives Standing Committee on Transport and Regional Services.
 - one public hearing.
- ❖ Senate: Senate Standing Committee for the Scrutiny of Bills.
 - listed in Scrutiny of Bills Alert.
 - Committee requests response from Minister on concerns

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History of implementation

Parliamentary scrutiny (cont.)


- ❖ Senate: Senate Selection of Bills Committee.
- ❖ Senate: Senate Standing Committee on Transport and Regional and Rural Affairs Legal Committee.
 - one public hearing
 - Report tabled 27 November 2003.
 - Committee's concerns addressed in government amendments in November 2003
- ❖ *Maritime Transport Security Act 2003.*
 - Passed both Houses of Parliament on 1 December 2003 and received Royal Assent on 12 December 2003.

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History of implementation


Regulations

- ❖ *Drafting Instructions for Parliamentary Committees*
 - ☐ *Four industry workshops*
- ❖ *Maritime Transport Security Regulations 2003.*
 - Principal Regulations gazetted 23 December 2003.
 - 3 sets of amendments to the Regulations made to date.

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Lessons learned

1. Commence consultation early and often
2. Obtain Cabinet approval early to circulate exposure draft
3. Understand parliamentary processes and stay in touch
4. Workshop drafting instructions extensively
5. Don't underestimate the need for information sessions
6. Liaise with relevant union(s).

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Next steps

- ❖ Implement outcomes from Secretaries' Committee on National Security's Review of Maritime Security.
 - maritime security guards limited "move on" powers
 - Maritime Security Identification Card (MSIC) scheme
 - Introduce amendments in February 2005.
- ❖ Amendments to Regulations
 - Ship polling
 - Infringement notices
 - Maritime services providers operating outside of security regulated port
 - Regulations for the MSIC scheme.

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Next steps

- ❖ Government decision pending on oil and gas offshore facilities
- ❖ IMO Legal Committee meeting in October
 - ❑ proposed amendments to the SUA Convention

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Conclusion

- ❖ Australia is compliant and relatively secure
- ❖ More work is needed to broaden and deepen the maritime security regime
- ❖ Industry cooperation is vital
- ❖ Capability development is needed in our region to reduce the risk to Australia

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