# Contents

## Abbreviations and Acronyms

### Introduction
1. The need for a guide to Australian maritime security arrangements
2. Prevention, preparedness, response and recovery
3. Current national maritime security arrangements
4. Physical aspect to Australia’s maritime jurisdiction
5. Security threat aspect to Australia’s maritime jurisdiction
6. Responsibilities under the Security Forces Authority
7. International engagement
8. Australian arrangements

### Stakeholders and Roles
1. Key Commonwealth Government agency roles
2. State and territory government agency roles
3. Non-government stakeholder roles and responsibilities

### Legal and Administrative Aspects to Australia’s Maritime Jurisdiction
1. International obligations and responsibilities
2. Australia’s maritime zones
3. Maritime legislation
4. Australian maritime jurisdiction
5. Regional arrangements
6. Current Commonwealth specific regional arrangements
7. Criminal jurisdiction
8. Coronial investigation and inquests
9. Joint Petroleum Development Area
10. Geographic and other arrangements

### Illegal Activity in Protected Areas
1. Illegal activity in protected areas
2. Prevention, preparedness, response and recovery
3. Description
4. Potential consequences for Australia
5. Potential judicial consequences for individuals undertaking illegal or criminal acts
6. Stakeholder coordination
<table>
<thead>
<tr>
<th>Section Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ILLEGAL EXPLOITATION OF NATURAL RESOURCES</strong></td>
<td>53</td>
</tr>
<tr>
<td>Illegal exploitation of natural resources</td>
<td>55</td>
</tr>
<tr>
<td>Description</td>
<td>55</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>55</td>
</tr>
<tr>
<td>Potential judicial consequences for individuals undertaking illegal or criminal acts</td>
<td>56</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>56</td>
</tr>
<tr>
<td><strong>MARINE POLLUTION</strong></td>
<td>61</td>
</tr>
<tr>
<td>Marine pollution</td>
<td>63</td>
</tr>
<tr>
<td>Description</td>
<td>63</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>63</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>64</td>
</tr>
<tr>
<td><strong>PROHIBITED IMPORTS AND EXPORTS</strong></td>
<td>67</td>
</tr>
<tr>
<td>Prohibited imports and exports</td>
<td>69</td>
</tr>
<tr>
<td>Description</td>
<td>69</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>69</td>
</tr>
<tr>
<td>Potential judicial consequences for individuals undertaking illegal or criminal acts</td>
<td>69</td>
</tr>
<tr>
<td>Defence and strategic goods</td>
<td>70</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>71</td>
</tr>
<tr>
<td><strong>IRREGULAR MARITIME ARRIVALS</strong></td>
<td>73</td>
</tr>
<tr>
<td>Irregular maritime arrivals</td>
<td>75</td>
</tr>
<tr>
<td>Description</td>
<td>75</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>75</td>
</tr>
<tr>
<td>Potential judicial consequences for individuals undertaking illegal or criminal acts</td>
<td>75</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>76</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>77</td>
</tr>
<tr>
<td>Public information management</td>
<td>77</td>
</tr>
<tr>
<td>International arrangements</td>
<td>77</td>
</tr>
<tr>
<td><strong>COMPROMISE TO BIOSECURITY</strong></td>
<td>79</td>
</tr>
<tr>
<td>Compromise to biosecurity</td>
<td>81</td>
</tr>
<tr>
<td>Description</td>
<td>81</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>81</td>
</tr>
<tr>
<td>Potential judicial consequences for individuals undertaking illegal or criminal acts</td>
<td>81</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>81</td>
</tr>
<tr>
<td>Public information management</td>
<td>83</td>
</tr>
<tr>
<td>International arrangements</td>
<td>83</td>
</tr>
</tbody>
</table>
# Contents

## PIRACY, ROBBERY OR VIOLENCE AT SEA

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piracy, robbery or violence at sea</td>
<td>87</td>
</tr>
<tr>
<td>Key points</td>
<td>87</td>
</tr>
<tr>
<td>Description</td>
<td>87</td>
</tr>
<tr>
<td>Definitions</td>
<td>87</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>88</td>
</tr>
<tr>
<td>Response framework</td>
<td>88</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>88</td>
</tr>
<tr>
<td>Public information management</td>
<td>89</td>
</tr>
</tbody>
</table>

## MARITIME TERRORISM

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maritime terrorism</td>
<td>93</td>
</tr>
<tr>
<td>Description</td>
<td>93</td>
</tr>
<tr>
<td>Potential consequences for Australia</td>
<td>93</td>
</tr>
<tr>
<td>Potential judicial consequences for individuals undertaking illegal or criminal acts</td>
<td>94</td>
</tr>
<tr>
<td>Stakeholder coordination</td>
<td>96</td>
</tr>
<tr>
<td>Public information management</td>
<td>96</td>
</tr>
</tbody>
</table>

## ANNEXES

<table>
<thead>
<tr>
<th>Annex</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex A – International arrangements</td>
<td>99</td>
</tr>
<tr>
<td>Annex B – Australian Government legislation and working arrangements</td>
<td>111</td>
</tr>
<tr>
<td>Annex C – Queensland</td>
<td>125</td>
</tr>
<tr>
<td>Annex D – New South Wales</td>
<td>133</td>
</tr>
<tr>
<td>Annex E – Victoria</td>
<td>137</td>
</tr>
<tr>
<td>Annex F – Tasmania</td>
<td>143</td>
</tr>
<tr>
<td>Annex G – South Australia</td>
<td>147</td>
</tr>
<tr>
<td>Annex H – Western Australia</td>
<td>151</td>
</tr>
<tr>
<td>Annex I – Northern Territory</td>
<td>157</td>
</tr>
</tbody>
</table>

## GLOSSARY

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glossary</td>
<td>162</td>
</tr>
</tbody>
</table>

## INDEX

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index</td>
<td>165</td>
</tr>
</tbody>
</table>
LIST OF FIGURES

Figure 1 Hierarchy of national security committees 5
Figure 2 Australia's maritime jurisdiction 7
Figure 3 Shipping movements to and from Australia 8
Figure 4 Australia’s maritime zones—conceptual 30
Figure 5 Antarctica and Southern Ocean—the CCAMLR area and the Australian Antarctic Territory 35
Figure 6 Boundaries of the Southern Ocean and Indian Ocean sanctuaries 36
Figure 7 Crimes at Sea Act Cooperative Scheme Adjacent Areas 38
Figure 8 Commonwealth marine reserves 46
Figure 9 Australian historic shipwreck protected zones 46
Figure 10 Safety zones associated with oil and gas installations 47
Figure 11 Protected zones associated with Submarine Telecommunications Cables—located off Perth (top) and Sydney (bottom) 48
Figure 12 Commonwealth managed commercial fisheries within Australian waters 58
Figure 13 Great Barrier Reef Marine Park 130
Figure 14 Torres Strait maritime zones 131
Figure 15 Joint Petroleum Development Area and surrounding waters 156

LIST OF TABLES

Table 1 Stakeholder roles and responsibilities: Illegal activity in protected areas 49
Table 2 Stakeholders and responsibilities: Illegal exploitation of natural resources 60
Table 3 Stakeholders and responsibilities: Marine pollution 65
Table 4 Stakeholders and responsibilities: Prohibited imports and exports 71
Table 5 Stakeholders and responsibilities: Irregular maritime arrivals 76
Table 6 Stakeholders and responsibilities: Compromise to biosecurity 84
Table 7 Stakeholders and responsibilities: Piracy, robbery or violence at sea 90
Table 8 Stakeholders and responsibilities: Maritime terrorism 95
Table 9 Generic delineation of government responsibilities 122
### Abbreviations and acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAD</td>
<td>Australian Antarctic Division</td>
</tr>
<tr>
<td>ACBPS</td>
<td>Australian Customs and Border Protection Service</td>
</tr>
<tr>
<td>ACMA</td>
<td>Australian Communications and Media Authority</td>
</tr>
<tr>
<td>ACT</td>
<td>Australian Capital Territory</td>
</tr>
<tr>
<td>ADF</td>
<td>Australian Defence Force</td>
</tr>
<tr>
<td>AFMA</td>
<td>Australian Fisheries Management Authority</td>
</tr>
<tr>
<td>AFP</td>
<td>Australian Federal Police</td>
</tr>
<tr>
<td>AFZ</td>
<td>Australian Fishing Zone</td>
</tr>
<tr>
<td>AGD</td>
<td>Attorney-General's Department</td>
</tr>
<tr>
<td>AHS</td>
<td>Australian Hydrographic Service</td>
</tr>
<tr>
<td>AMSA</td>
<td>Australian Maritime Safety Authority</td>
</tr>
<tr>
<td>ARPANSA</td>
<td>Australian Radiation Protection and Nuclear Safety Agency</td>
</tr>
<tr>
<td>ASIO</td>
<td>Australian Security Intelligence Organisation</td>
</tr>
<tr>
<td>ASIS</td>
<td>Australian Secret Intelligence Service</td>
</tr>
<tr>
<td>BPC</td>
<td>Border Protection Command</td>
</tr>
<tr>
<td>BPT</td>
<td>Border Protection Taskforce</td>
</tr>
<tr>
<td>CAMLR Convention</td>
<td>Convention on the Conservation of Antarctic Marine Living Resources</td>
</tr>
<tr>
<td>CCAMLR</td>
<td>Commission for the Conservation of Antarctic Marine Living Resources</td>
</tr>
<tr>
<td>CCC</td>
<td>Crisis Coordination Centre</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>CITES</td>
<td>Convention on International Trade in Endangered Species of Wild Fauna and Flora</td>
</tr>
<tr>
<td>CMATS</td>
<td>Treaty on Certain Maritime Arrangements in the Timor Sea</td>
</tr>
<tr>
<td>DAFF</td>
<td>Department of Agriculture, Fisheries and Forestry</td>
</tr>
<tr>
<td>DBCDE</td>
<td>Department of Broadband, Communications and the Digital Economy</td>
</tr>
<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade</td>
</tr>
<tr>
<td>DIAC</td>
<td>Department of Immigration and Citizenship</td>
</tr>
<tr>
<td>DIGO</td>
<td>Defence Imagery and Geospatial Organisation</td>
</tr>
<tr>
<td>DIO</td>
<td>Defence Intelligence Organisation</td>
</tr>
<tr>
<td>DoHA</td>
<td>Department of Health and Ageing</td>
</tr>
<tr>
<td>DSD</td>
<td>Defence Signals Directorate</td>
</tr>
<tr>
<td>EEZ</td>
<td>Exclusive economic zone</td>
</tr>
<tr>
<td>EMA</td>
<td>Emergency Management Australia</td>
</tr>
<tr>
<td>EPBC Act</td>
<td><em>Environment Protection and Biodiversity Conservation Act 1999</em></td>
</tr>
<tr>
<td>GAMSA</td>
<td>Guide to Australian maritime security arrangements</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>Great Barrier Reef Marine Park Authority</td>
</tr>
<tr>
<td>HIMI</td>
<td>Heard Island and McDonald Islands</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
</tr>
<tr>
<td>IMO</td>
<td>International Maritime Organization</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>The Department of Infrastructure and Transport</td>
</tr>
<tr>
<td>IUCN</td>
<td>International Union for Conservation of Nature</td>
</tr>
<tr>
<td>IUU</td>
<td>Illegal, unreported and unregulated</td>
</tr>
<tr>
<td>JAMAG</td>
<td>Joint Agencies Maritime Advisory Group</td>
</tr>
<tr>
<td>JPDA</td>
<td>Joint Petroleum Development Area</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of understanding</td>
</tr>
<tr>
<td>MTOFSA</td>
<td><em>Maritime Transport and Offshore Facilities Security Act 2003</em></td>
</tr>
<tr>
<td>NOPSEMA</td>
<td>National Offshore Petroleum Safety and Environmental Management Authority</td>
</tr>
<tr>
<td>NSC</td>
<td>National Security Committee</td>
</tr>
<tr>
<td>NSCDD</td>
<td>National Security Capability Development Division</td>
</tr>
<tr>
<td>NSLPD</td>
<td>National Security Law and Policy Division</td>
</tr>
<tr>
<td>NSPCG</td>
<td>National Security Policy Coordination Group</td>
</tr>
<tr>
<td>NSU</td>
<td>National Security Unit</td>
</tr>
<tr>
<td>NT</td>
<td>Northern Territory</td>
</tr>
<tr>
<td>NTAC</td>
<td>National Threat Assessment Centre</td>
</tr>
<tr>
<td>OCS</td>
<td>Offshore Constitutional Settlement</td>
</tr>
<tr>
<td>OGI</td>
<td>Oil and gas industry</td>
</tr>
<tr>
<td>ONA</td>
<td>Office of National Assessments</td>
</tr>
<tr>
<td>OPGGSA</td>
<td><em>Offshore Petroleum and Greenhouse Gas Storage Act 2006</em></td>
</tr>
<tr>
<td>OTS</td>
<td>Office of Transport Security</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>Department of the Prime Minister and Cabinet</td>
</tr>
<tr>
<td>RAN</td>
<td>Royal Australian Navy</td>
</tr>
<tr>
<td>RCC</td>
<td>Rescue Coordination Centre</td>
</tr>
<tr>
<td>RET</td>
<td>Department of Resources, Energy and Tourism</td>
</tr>
<tr>
<td>SEWPaC</td>
<td>Department of Sustainability, Environment, Water, Population and Communities</td>
</tr>
<tr>
<td>SFA</td>
<td>Security Forces Authority</td>
</tr>
<tr>
<td>SFAA</td>
<td>Security Forces Authority Area</td>
</tr>
<tr>
<td>SIEV</td>
<td>Suspected irregular entry vessel</td>
</tr>
<tr>
<td>SOLAS</td>
<td>Safety of Life at Sea</td>
</tr>
<tr>
<td>SPCG</td>
<td>Strategic Policy Coordination Group</td>
</tr>
<tr>
<td>TSB</td>
<td>Territorial Sea Baseline</td>
</tr>
<tr>
<td>TST</td>
<td>Timor Sea Treaty</td>
</tr>
<tr>
<td>WA</td>
<td>Western Australia</td>
</tr>
<tr>
<td>WMD</td>
<td>Weapons of mass destruction</td>
</tr>
</tbody>
</table>
This chapter discusses the basic roles of all government and non-government stakeholders, including stakeholder involvement related to specific threats in Australia’s maritime jurisdiction.
In terms of tonnes of cargo shipped and kilometres travelled, Australia is the world’s fifth largest shipping nation.
The need for a guide to Australian maritime security arrangements

Australia’s national objective for maritime security is to deter or prevent illegal activity from occurring in Australia’s maritime jurisdiction1 and where necessary to interdict and enforce Australian laws. In terms of tonnes of cargo shipped and kilometres travelled, Australia is the world’s fifth largest shipping nation. Australian and foreign ships carry Australian passengers, crew and cargo within and beyond Australian waters. Australia therefore has strong economic and national interests in maintaining security within and beyond Australian waters. It is understood that agencies have finite resources and, therefore, that it is necessary to work together in an effective way to manage those threats that pose the highest risk. The Australian government recognises, however, that not all illegal activity can be deterred or prevented and that appropriate response and recovery measures are required to manage the risks posed by security threats.

Legitimate maritime activity is a significant contributor to the Australian economy. Interruption of or interference with international shipping operating in Australia’s maritime jurisdiction would have an immediate and detrimental effect on Australia’s economy and its export competitiveness, and other consequences for lawful activity within Australia’s maritime jurisdiction. Substantial environmental impact to an ecosystem may have flow-on consequences in another area. For example, significant environmental damage to the Great Barrier Reef, through marine pollution, would have a detrimental effect on tourism and fisheries.

There is a clear requirement for a common reference point on the existing maritime security management arrangements. Such arrangements are complex and involve relationships between overseas partners and a broad range of domestic organisations at the federal, state and territory levels, as well as relationships with industry and the public. The Guide to Australian Maritime Security Arrangements (GAMSA) is a multiagency document designed to reinforce the endorsed civil maritime security framework and arrangements by facilitating awareness of those arrangements and of existing stakeholder arrangements relating to the eight civil maritime security threats.

Each chapter of the GAMSA has reference to lead, primary and secondary stakeholders for that maritime threat. Lead agencies have significant responsibility for the management of a maritime threat, including prevention, preparedness, response and recovery for a threat event. There may be several lead agencies for each specific threat. The lead agencies are responsible for an aspect of the threat, rather than for the entire prevention, preparedness, response and recovery for the threat. Primary stakeholders have some responsibility for the management of a maritime threat as a support for a lead agency or for a specific, specialised aspect to the threat. Secondary stakeholders have limited responsibility for the management of a threat and may provide aspects such as high-level policy advice for threat management. Chapters 4 to 11 describe the maritime security threats, including stakeholder responsibilities and the coordination arrangements and possible consequences of the threat.

Prevention, preparedness, response and recovery

Threat management consists of a number of broad responsibilities. These are broken into prevention, preparedness, response and recovery. Other measures which shape the environment are legislation and public information management. Legislation relevant to maritime security can be found in annexes B to I. Public information management can be found for each security threat in chapters 4 to 11.

Prevention and preparedness

Prevention and preparedness are the risk mitigation measures that government agencies and other stakeholders take to deter, disrupt, or prevent security threats in Australia’s maritime jurisdiction, or to minimise adverse consequences should prevention be unsuccessful.

---

1 See Chapter 3 for the definition of Australia’s maritime jurisdiction.
The means by which prevention and preparedness can be achieved, in the context of management of maritime security threats, are:

» situational awareness
» surveillance
» intelligence collection and analysis
» deterrence.

Response
Response is the action taken within the stakeholder’s jurisdiction to mitigate, or eliminate, the risk posed by detected maritime security threats. The functions of individual response agencies are detailed in chapters 4 to 11 for specific threats. The means by which response can be achieved, in the context of management of maritime security threats, are reconnaissance and maritime surface response.

Recovery
Recovery is the coordinated process of supporting individuals and communities affected by the consequences of the threat. Recovery involves a range of government-provided services to individuals, including health, social and financial assistance. Public works and infrastructure renewal are also components of recovery plans applied to infrastructure.

The means by which recovery can be achieved, in the context of management of maritime security threats, are:

» government recovery programs
» industry-led recovery programs
» state-of-emergency declaration
» criminal prosecution and punishment.

Scope
The GAMSA addresses stakeholder roles and responsibilities in relation to eight civil maritime security threats, including education and enforcement regarding these threats. The eight civil maritime security threats are as follows:

» illegal activity in protected areas
» illegal exploitation of natural resources
» marine pollution
» prohibited imports and exports
» irregular maritime arrivals
» compromise to biosecurity
» piracy, robbery or violence at sea
» maritime terrorism.

Chapters 1 to 3 provide an overview of Australia’s maritime security arrangements and stakeholders involved in maritime security. Chapters 4 to 11 address the specific Australian government arrangements relating to each maritime security threat. Issues outside of the eight maritime security threats are not considered in this document. The GAMSA deals solely with security in Australia’s maritime jurisdiction and does not address maritime safety issues, including the Safety of Life at Sea (SOLAS) Convention. The Australian Maritime Safety Authority (AMSA) is the lead agency for safety in Australia’s maritime jurisdiction.

The GAMSA contains a list of abbreviations and a glossary of terms used in managing maritime security. There are also a number of annexes that contain additional information relating to the international, Australian and state and territory management of the eight maritime security threats.

Stakeholders in Australian maritime security
The importance of Australia’s maritime jurisdiction to our economy and way of life means that there are many interested government, industry and public stakeholders. Australia’s multi-jurisdictional approach requires that our arrangements for the protection of Australia’s borders and approaches, offshore oil and gas platforms and the offshore interdiction of vessels in the Exclusive Economic Zone (EEZ) include mechanisms to engage state and territory governments and other stakeholders who have relevant jurisdictional responsibilities and interests. A description of government stakeholders can be found in Chapter 2.

Cooperative involvement of the state and territory government agencies, particularly law enforcement, health and correctional services authorities, is important as they frequently provide facilities and services to support the Australian government’s maritime security activities.

The significant private sector investment in oil and gas exploration and production, fishing and shipping means that industry engagement in maritime security matters is also important to the government. In recent years, the Australian public has displayed a high level of concern about threats to Australia’s sovereignty, resources and borders.
Current national maritime security arrangements

Former Prime Minister Julia Gillard launched Australia’s first national security strategy in January 2013, and committed to delivering a national security strategy approximately every five years. The strategy outlines the national security challenges facing Australia and the ‘ends’, ‘ways’ and ‘means’ required to meet these challenges. Periodic delivery ensures Australia’s national security settings are regularly reviewed and adjusted to ensure the right tools, balance of capabilities and targeted policies are available to meet future needs.

The strategy’s judgements build on the National Security Statement, which was delivered by Prime Minister Kevin Rudd in 2008. The statement articulated Australia’s national security agenda and set in motion reforms to strengthen the national security community. It also outlined a number of changes to Australia’s national security architecture, including the renaming of the Australian Customs Service to the Australian Customs and Border Protection Service (ACBPS) and the establishment of the National Security Adviser position. The 2013 strategy builds on the reforms from the 2008 statement to articulate for the Australian public, business, domestic and international partners how the government is marshalling its efforts to ensure it is well placed to address risks and take advantage of the key opportunities of the ‘Asian Century’.

The strategy sees preserving Australia’s border integrity as one of the eight key pillars of our national security activities. It emphasises the importance of enhanced regional engagement and effective partnerships with stakeholders, labelling them as two of the three key five-year priorities.
Please refer to Figure 1 for a schematic outline of the committee reporting structure.

The National Security Committee (NSC) considers matters related to Australia’s domestic and international security. Ministers who are members of the committee are:
- Prime Minister (Chair)
- Deputy Prime Minister
- Minister for Defence
- Minister for Foreign Affairs
- Minister for Immigration and Citizenship
- Attorney General
- Minister for Home Affairs.

The NSC is supported by senior officials who normally attend NSC meetings. Other senior officials may be co-opted for certain items.

The Secretaries’ Committee on National Security is the peak interagency committee which considers national security policy and operational matters of an ongoing nature in addition to all matters to be put before the NSC.

The National Security Policy Coordination Group (NSPCG) is chaired by the Deputy National Security Adviser. The NSPCG meets as required on a case by case basis to consider key policy initiatives. The membership of NSPCG is drawn from those agencies with an enduring, central interest in national security issues.

The Strategic Policy Coordination Group (SPCG) coordinates key policy issues affecting Australia’s international strategic concerns. The SPCG is also chaired by the Deputy National Security Adviser. Membership is generally at Deputy Secretary and First Assistant Secretary level and includes the Department of the Prime Minister and Cabinet (PM&C), Defence, the Department of Foreign Affairs and Trade (DFAT) and relevant intelligence agencies.

The senior officials level Border Protection Taskforce (BPT) was established in May 2009 and is responsible for providing policy advice, coordination, and aligning whole-of-government policy on people smuggling and irregular maritime arrivals. The National Security Adviser chairs the BPT. The CEO of ACBPS is the deputy chair. PM&C’s leadership of the BPT reflects its oversight role in the government’s response to people smuggling and ACBPS’s role as deputy chair reflects its position as lead agency for coordinating the operational response to maritime people smuggling in addition to the other border security duties performed by ACBPS.

The Australian Government Crisis Committee is a coordination body comprising senior officials from Australian government agencies that would be chaired by the Deputy National Security Adviser in response to a crisis where the scope and resourcing of Australian government activity requires senior level whole-of-government coordination. There are specific arrangements for action in crisis situations which are articulated in a number of manuals and guides; for example, the National Counter-Terrorism Plan is owned by the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) and provides an overview of the prevention, preparedness, response and recovery in the event of an act of terrorism. Other groups that may convene in reaction to crisis incidents include the Inter-Departmental Emergency Task Force and the National Crisis Committee.

Government agencies with a role in maritime security are members of the Joint Agencies Maritime Advisory Group (JAMAG). JAMAG is an interagency committee chaired by the Commander Border Protection Command that meets quarterly to consider civil maritime security issues, including the provision of policy advice to the Commander Border Protection Command or NSPCG on sensitive or difficult situations, as well as to support and advise on the development of national maritime surveillance and response policy. The work of JAMAG is supported by a number of permanent and temporary working groups.

Physical aspect to Australia’s maritime jurisdiction

Australia’s maritime jurisdiction is vast. The Australian Security Forces Authority Area (SFAA) (also known as the Australian Search and Rescue Region) stretches from the mid-Indian Ocean, north to near the equator, to the east of continental Australia and then south and along the Antarctic coast. Pictorial representation of Australia’s SFAA is shown at Figure 2.

Australia has a number of remote external territories, including Heard Island and McDonald Islands (HIMI) (2200 nautical miles south west of Perth), Cocos (Keeling) Islands (1600 nautical miles north west of Perth), Christmas Island (1400 nautical miles north of Perth), Ashmore and Cartier Islands (450 nautical miles west of Darwin), the Coral Sea Islands (off the Queensland
Figure 2 Australia’s maritime jurisdiction
© Commonwealth of Australia (Geoscience Australia) 2012. This product is released under the Creative Commons Attribution 3.0 Australia Licence.
<http://creativecommons.org/licenses/by/3.0/au/legalcode>
eastern coast and including Elizabeth and Middleton Reefs), and Norfolk Island (860 nautical miles east of Sydney and outside the Australian SFAA). The Australian Antarctic Territory comprises 42 per cent of the Antarctic mainland (in general those lands to the south of the Australian continent), and is considered by Australia to be an external territory. Lord Howe Island and Balls Pyramid, although not an external territory, are part of New South Wales (NSW) and are relatively remote at 300 nautical miles east of the NSW coast. Similarly, Macquarie Island and the small island groups in its vicinity (800 nautical miles south east of Tasmania) are part of Tasmania and not an external territory. Chapter 3 contains more information about regional arrangements.

The SFAA includes regions of the Southern, Indian and Pacific oceans along with the Timor, Arafura, Coral and Tasman seas. Maritime environmental conditions vary considerably. Water temperatures vary from freezing in southern latitudes, to 30 degrees Celsius in northern waters. Sea states vary from calm to dangerous conditions. Tidal conditions vary from conventional tidal variation along most of Australia’s coastline to 11 metre variations in north-western Australia.

Maritime weather conditions vary widely within Australia’s maritime jurisdiction from storm force winds and dangerous, inhospitable conditions in Antarctic regions, to much more benign conditions in tropical and subtropical regions. Northern waters are, however, affected by monsoonal conditions and tropical cyclones during the summer months, and south-east trade winds during the cooler months.

Resources are spread widely throughout Australia’s maritime jurisdiction. Commercially viable oil and gas deposits are concentrated off the Victorian coast in Bass Strait and off the coast of north-western Australia and northern Australia, and more offshore fields are expected to be identified and exploited in the future. Commercial fishing grounds can be found throughout the EEZ. Some important fisheries include the southern bluefin tuna fishery (within the Great Australian Bight and Southern Ocean), the northern prawn fishery in Australia’s tropical north, and the Patagonian toothfish fishery (surrounding HIMI).

Protected areas have been established throughout Australia’s maritime jurisdiction and are discussed in

---

**Figure 3 Shipping movements to and from Australia**

Map courtesy of the Australian Maritime Safety Authority.
Chapter 4. The protected areas have been established to protect marine life and the environment (Figure 8), historic shipwrecks (Figure 9), oil and gas infrastructure including submarine pipelines (Figure 10) and submarine telecommunications cables (Figure 11). Not shown graphically are the protected areas surrounding all oil and gas installations within the SFAA.

Shipping routes traverse the SFAA. Due to port destinations (in Australia and overseas) and Australia’s geography, the shipping routes to and from Australia are most concentrated near the south-eastern Australian coast from Bundaberg to Portland, and along the south-western coast from Carnarvon to Albany. Shipping routes are depicted in Figure 3.

Security threat aspect to Australia’s maritime jurisdiction

This guide uses the term ‘security threats’ widely. A security threat is an action that has potential to cause consequences adverse to Australia’s interests. Security threats to Australia could result in outcomes adverse to Australia’s national interests and are likely to result in criminal prosecution of the perpetrators.

Security threats to Australia’s national interests within its maritime jurisdiction are diverse. To assist in understanding and responding to these threats, they have been framed in the eight categories used in chapters 4 to 11 of the GAMSA. Of note, response to war, or state-based threats against Australia in its maritime jurisdiction, is the responsibility of the Australian Defence Force, and is not addressed this document.

Our waters will continue to attract entities that will illegally exploit natural resources, such as foreign fishers operating illegally in Australia’s waters. Irregular maritime arrivals have been driven by political unrest or poverty in other countries, the limited places available internationally in migrant-receiving countries, and the safety and economic opportunity Australia offers. Australia’s affluent society will continue to be a target for people engaged in prohibited imports and exports and activities to avoid customs revenue collection. Australia remains a target for extremist terrorist groups, including through maritime terrorism, because of our Western values, liberal society and alliance with the United States.

Illegal incursions by vessels also pose a compromise to biosecurity through the introduction of pests and diseases that can affect humans or our ecosystems. For this reason, an economic threat exists, consisting of potential losses in the resource and agricultural sectors, and costs to the health system and lost productivity. High levels of illegal fishing may reduce the productivity of fisheries, or even threaten their commercial viability. Sensitive marine habitats, such as reefs, could be under pressure if destructive fishing, trawling, or anchoring practices occur. Marine pollution, such as major oil spills, can threaten the viability of marine industries and the health of marine ecosystems. Trafficking of illegal or restricted items carries social impacts and costs. Piracy, robbery or violence at sea, including the hijacking of ships, the theft of cargo and cash, crew possessions and any other portable ship’s equipment, is prevalent in South-East Asia the Indian Ocean and the Middle East. The practice may conceivably extend to yachts and small craft in the Arafura Sea if a culture of unlawful operations becomes entrenched among maritime communities within or near Australia. Australia’s offshore oil and gas infrastructure could also be targeted by a range of threats, including terrorist groups.

Threats to security may arise from outside Australia’s maritime jurisdiction due to geopolitical, environmental, and resource issues in Australia’s region. Consequently, management of the threats to Australia’s security at times will require consideration of areas beyond the EEZ.

Security threats occurring in Australia’s maritime jurisdiction may have detrimental flow-on effects to the Australian mainland; for example, a biosecurity threat introduced through the maritime environment to the Australian mainland.

The nature and level of maritime threats are likely to change and evolve over time as threats emerge and dissipate. Consequently, maritime security arrangements must be adaptable and able to reflect changes to security threats, security threat levels and government priorities.
Responsibilities under the Security Forces Authority

In recognising the threat posed by acts of piracy and violence at sea the International Maritime Organization (IMO) established a network of Security Forces Authority (SFA) organisations to better coordinate the response to these threats. Under the framework, the SFA has responsibility for response preparedness and is the central point of contact for piracy and violence at sea reporting within an assigned SFAA.

A SFA is a national agency in charge of providing the response to maritime security incidents. In Australia this role is undertaken by Border Protection Command (BPC). The response to a maritime security incident may involve numerous agencies and/or foreign parties. It is the responsibility of the SFA to coordinate these parties.

A maritime safety framework exists that is complementary to the SFA framework under IMO. Within the Australian context of this framework, the Rescue Coordination Centre (RCC) within AMSA is responsible for the national coordination of maritime and aviation search and rescue activities within Search and Rescue Region 10. This is the area allocated to Australia under the Convention on International Aviation 1944, the International Convention for the Safety of Life at Sea 1974 and the International Convention on Maritime Search and Rescue 1979 and is the same area as the SFAA.

Under the Australian arrangements, the RCC is informed of both maritime safety and maritime security incidents. The RCC coordinates search and rescue operations with maritime users, other Commonwealth agencies and state and territory authorities. Where an incident is maritime related and of a security nature, the RCC will inform BPC as the SFA. BPC will then assume responsibility for providing the response to the incident. Chapter 10 provides more information about the piracy, robbery and violence at sea security threat and the coordination mechanisms for the response to these incidents. The roles and responsibilities of agencies for deterring, preventing, responding to and recovering from the eight maritime security threats in the Australian maritime jurisdiction, including BPC, are discussed in more detail at Chapter 2.

International engagement

DFAT is responsible for advancing the interests of Australia and Australians internationally. DFAT is involved in maritime security issues where an international aspect may exist.

Foreign states have jurisdiction over crimes committed within their own territories, including crimes committed in the territorial sea. Where criminal activity associated with maritime security threats is of a transnational nature, foreign governments should cooperate with other states that may be affected by such crime.

**KEY POINT**

Australia is a party to or supports a number of conventions, treaties and plans. Australia has undertaken obligations under a number of international treaties as well as signed a number of instruments of less than treaty status, such as memorandums of understanding (MOUs), with other nations. Australia hosts, funds, participates in or observes a number of multinational operations and exercises. All of these arrangements contribute to the management of security threats in Australia’s maritime jurisdiction, globally, regionally and domestically.

Where security threats occur on the high seas, it may be appropriate for law enforcement, or military agencies of foreign nations, to directly assist with the response to maritime security threats (in particular responding to piracy, robbery, or violence at sea, and maritime terrorism).

Some security threats may transition from Australia’s maritime jurisdiction to that of another country, or vice versa. In those cases cooperation between nations is highly desirable to achieve effective resolution of the consequences of maritime security threats (especially for prosecution of illegal activity). In the context of potential sanctions-related activity, DFAT has a key role in the whole-of-government response to maritime interdiction of suspect cargoes in support of Proliferation Security Initiatives and United Nations Security Council objectives.

Where offences may have been committed on board foreign-flagged vessels, the relevant flag state may be involved in the criminal investigation. In these...
circumstances, close cooperation is desirable between flag state law enforcement agencies and Australian law enforcement agencies, in addition to communication through diplomatic channels. Foreign interests in an offshore incident need to be handled with sensitivity, noting in particular that foreign governments may wish to investigate offences that have occurred on their flagged vessels.

For transnational crime, foreign law enforcement agencies can work with the Australian authorities through cooperative programs for the investigation and prosecution of the perpetrators. In this case it is the responsibility of all relevant Australian stakeholders to assist with these cooperative arrangements. Australian input to this type of assistance is normally coordinated through the Australian Federal Police (AFP), the Attorney-General’s Department and DFAT.

Australian Government agencies have a responsibility to forge effective working relationships with similar foreign government bodies in order to combat transnational crime, and maritime security threats that affect both countries, including foreign fishing and drug smuggling. Australian Government agencies involved in such arrangements include ACBPS, BPC, the Australian Fisheries Management Authority (AFMA), the AFP, the Department of Agriculture, Fisheries and Forestry, the Department of Sustainability, Environment, Water, Population and Communities and DFAT. Of particular note is the coordinated patrols conducted with Indonesia and education fishing campaigns to combat illegal foreign fishing in Australian waters.

International engagement is important to combating people smuggling. The Ambassador for People Smuggling Issues is responsible for high-level advocacy of Australia’s interests in promoting effective and practical international cooperation to combat people smuggling and trafficking in persons, particularly in the Asia-Pacific region.

**Australian arrangements**

**Delineation of government responsibilities**

Australia has a number of national security plans and domestic operations and exercises that focus on security. A number of Australian committees and working groups focus on maritime security. A list of these can be found in Annex B. There are a number of memorandums of agreement and MOUs between various Australian Government agencies related to maritime security. These domestic arrangements assist with the ongoing management of security threats in Australia’s offshore maritime jurisdiction.

In some circumstances the responsibility for managing particular maritime security threats may be shared between the Australian Commonwealth and state governments. Furthermore, in some cases the responsibility for managing maritime security threats may rest with the state or territory governments (such as for the management of environmental protected areas that lie in state or territory waters).

**KEY POINT**

Given the complex nature of the security threats in the Australian maritime jurisdiction, a large number of stakeholders may be involved in the various phases of security threat management. This is particularly the case for unusual or complex threats, and threats with political or international implications.

Responsibility for the management of maritime security threats between the Australian Commonwealth Government and the states and territories varies in each jurisdiction due to a number of factors, such as geography, capability, maritime activity and specific regional arrangements. Specific delineation arrangements for the waters surrounding each state and territory are depicted in annexes C to I—specific state and territory arrangements.
State and territory government coordination

State and territory agencies may have a primary role in certain situations (particularly from a human health perspective) in cases of illegal activity in protected areas, illegal exploitation of natural resources, marine pollution and compromise to biosecurity. Such situations would arise when the security threat occurs within state or territory maritime jurisdiction (within the coastal or territorial internal waters of that state or territory), and the state or territory has a legislative basis on which to act (appropriate legislative instruments), sufficient resources and capability to respond.

State and territory agencies (particularly law enforcement agencies) may be called on to assist with all types of maritime security threats, under appropriate circumstances, particularly when the Australian Government has limited assets to respond, and where the state and territory agencies have the capability to respond.

Coordination with non-government stakeholders

Non-government stakeholders have a responsibility to support the actions of government agencies that manage maritime security threats. In particular, critical infrastructure owners and operators have roles and responsibilities for their own security under the Attorney-General’s Critical Infrastructure Resilience Strategy. In most cases, maritime and offshore industry participants have primary responsibility for preventative security and will be the first responders to a range of maritime security incidents. Commercial entities also have a responsibility to follow legislated requirements.

» Non-government stakeholders can provide a variety of assistance to government stakeholders in managing maritime security threats, including:
  » notification of activity that may be linked to maritime security threats
  » information on personnel affected by or involved in the maritime security threat
  » specialist advice on the local environment
  » provision of evidence to investigating agencies in the case of criminal activity.

Commercial entities, industry representative bodies, or specialist non-government organisations may be able to provide further assistance in the form of:
  » technical information regarding infrastructure, shipping, or facilities affected by the maritime security threat
  » other specialist information
  » logistical support.

Although not generally legally bound to assist, members of the public (non-commercial stakeholders) may assist with maritime security, primarily through (but not limited to) reporting of suspicious or illegal activity.

Public information management

The National Security Public Information Guidelines provide a framework for the Australian Government and state and territory agencies responsible for public information and media activities that relate to national security issues and incidents. The core principles of the guidelines are:

» Public safety is the highest priority.
» Information flow should be provided regularly to keep the public informed and should only be restricted in the interests of safety and/or operational security.
» Public information and media responses must be cleared by relevant agencies prior to release.
» Agencies must coordinate messages to ensure consistency of information being provided.
» Agencies must not make unapproved comment on, or speak on behalf of, another agency’s area of responsibility.
» All agencies have a responsibility to ensure adequate training and resources to respond to any incident.

Public information responsibilities

A summary of the protocols for public information management for specific threats are listed in the specific threat chapters (chapters 4 to 11).
This chapter discusses the basic roles of all government and non-government stakeholders, including stakeholder involvement related to specific threats in Australia’s maritime jurisdiction.
Legitimate maritime activity is a significant contributor to the Australian economy.
Key Commonwealth Government agency roles

Attorney-General’s Department

The Attorney-General’s Department (AGD) supports the government in the maintenance and improvement of Australia’s system of law and justice and its national security and emergency management systems. AGD is the central policy and coordinating element of the Attorney-General’s portfolio for which the Attorney-General and Minister for Home Affairs and Minister for Justice are responsible. AGD administers a range of legislation relevant to maritime activities.

AGD coordinates national security and crisis management arrangements and provides legal and policy advice to government on counter-terrorism, national security, telecommunications interception and critical infrastructure as well as criminal law issues. It is also the primary adviser to government on public international law.

AGD contributes to the management of all maritime security threats.

Emergency Management Australia (EMA) (a division of AGD) is the Australian Government’s central crisis coordination resource and primary source of information and situational awareness in domestic emergencies and crises. It is also responsible for administering a range of financial assistance programs and coordination of protective security arrangements (physical and personal) for Australian high office holders, visiting foreign dignitaries, at-risk foreign missions in Australia as well as security arrangements for special events in Australia or overseas.

EMA is also responsible for the operation of the National Security Hotline and receives and disseminates reports from the public on possible terrorist activity.

Crisis Coordination Centre (CCC) managed by EMA coordinates a whole-of-government approach to crisis management in support of response and recovery in accordance with the Australian Government Crisis Management Framework.

The CCC provides 24/7 monitoring and reporting of domestic and international crises, whole-of-government situational awareness for domestic crises and manages the provision of Australian Government assistance to jurisdictions.

The National Security Capability Development Division (NSCDD) is a division of AGD. NSCDD is responsible for developing national security capability, coordinating procedures, training, exercises, evaluation, procurement and research and development for all-hazards, managing the Australia-New Zealand Counter-Terrorism Committee Administered Fund, delivering training and education, administering grants to volunteer organisations and for disaster mitigation.

The Critical Infrastructure and Protective Security Policy Branch (a Branch of AGD). On 30 June 2010, the Australian Government launched its Critical Infrastructure Resilience Strategy. The Critical Infrastructure and Protective Security Policy Branch coordinates the implementation of the strategy, which is delivered by a number of Australian Government agencies.

In addition, the branch develops national policy on critical infrastructure resilience and coordinates some aspects of critical infrastructure policies between all levels of government. It also manages the Trusted Information Sharing Network for Critical Infrastructure Resilience, which facilitates cooperation between business and government on security issues relevant to the protection and resilience of our critical infrastructure and the continuity of essential services in the face of all hazards.

The branch also supports the Attorney-General in setting protective security policy for the Australian Government. This policy provides direction and guidance on the protection of people, information and assets.

The National Security Law and Policy Division (NSLPD) (a division of AGD) is responsible for the administration and development of legislation and the provision of legal and policy advice with respect to counter-terrorism, national security and telecommunications interception. With respect to national security and counter-terrorism, NSLPD is also jointly responsible with the Department of Defence for advising the government and the Governor-General on the call out of the Australian Defence Force (ADF) to resolve domestic violence such as acts of terrorism within Australia and in the offshore area. In addition, NSLPD is responsible for
assessing the eligibility of individuals who should not be eligible for a Maritime Security Identification Card, which involves conducting criminal and security checks as part of an overall background checking process.

The Office of International Law provides advice to government on matters of public international law, including aspects relevant to maritime security, such as the law of the sea and piracy.

**Australian Antarctic Division**

The Australian Antarctic Division (AAD) (a division of the Department of Sustainability, Environment, Water, Population and Communities (SEWPac)) leads the delivery of the Australian Antarctic program in accordance with the Australian Government priorities as articulated in the SEWPac Strategic Plan 2013–2017. These are to:

» lead and collaborate internationally to further Australia’s research and policy interests
» enhance Australia’s capability to deliver on Antarctic priorities, and derive optimum benefit from our assets in the region
» gain recognition as an international leader in Antarctic science and environmental management
» maintain and reinforce Australian sovereignty in the Australian Antarctic Territory.

The AAD advances Australia’s strategic, scientific, environmental and economic interests in Antarctica and the Southern Ocean by protecting, administering and researching the region. The AAD is responsible for aspects of Australia’s participation in the Antarctic Treaty system and the enhancement of Australia’s influence within it. The AAD is responsible for Australia’s involvement in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Meeting of Parties of the Agreement on the Conservation of Albatrosses and Petrels. The AAD is also responsible for the administration and management of the Australian Antarctic Territory and the Territory of Heard Island and McDonald Islands.

AAD administers the following Acts (on behalf of SEWPac):

» Antarctic Marine Living Resources Conservation Act 1981
» Antarctic Treaty (Environment Protection) Act 1980
» Australian Antarctic Territory Act 1954
» Heard Island and McDonald Islands Act 1953.

The AAD contributes to the management (through prevention, preparedness, response and recovery) of all maritime security threats that occur within its geographical area of responsibility.

**Australian Communications and Media Authority**

The Australian Communications and Media Authority (ACMA) (a statutory authority within the Commonwealth Government portfolio of Broadband, Communications and the Digital Economy) is responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications.

The ACMA has the power to declare protection zones over nationally significant submarine cables and to prohibit or restrict activities that pose a risk of damaging cables in these zones. The legislation establishes offences for damaging a cable or for breaching prohibitions and restrictions, and creates penalties for these offences.

With regard to marine communications, the ACMA regulates use of the radiofrequency spectrum through a combination of radiocommunications licences and operator certificates of proficiency. Marine radios in use in Australia must also meet certain equipment standards mandated by the ACMA.

**Australian Customs and Border Protection Service**

The Australian Customs and Border Protection Service (ACBPS) is Australia’s primary border management agency. ACBPS is responsible for protecting the safety, security and commercial interests of Australians through border protection designed to support legitimate trade and travel and ensure collection of border revenue and trade statistics. ACBPS contributes assets and personnel to Border Protection Command. A function of ACBPS is to protect Australia’s national interests by generating awareness of activity in Australia’s maritime jurisdiction and responding to mitigate, or eliminate, the risks posed by security threats.
Australian Federal Police

The Australian Federal Police (AFP) is responsible for enforcing Commonwealth criminal law and protecting Commonwealth and national interests from crime in Australia and overseas. The AFP is Australia’s international law enforcement and policing representative, and the government’s chief source of advice on policing issues.

The AFP contributes to the management of security in Australia’s maritime jurisdiction via investigation of security threats.

The AFP’s commitment to international relations, which drives interagency collaboration, enables the fight against transnational crime to be taken to its source. At a national level, the AFP continues to work successfully with the Australian Government and key agencies on a range of counter-terrorism, crime fighting and capacity building initiatives.

Of primary importance for the AFP is the fight against terrorism and transnational crime, illicit drug trafficking, serious fraud, organised people smuggling, serious and organised crime and money laundering. The AFP is given special references from the government, including providing assistance with United Nations peacekeeping roles and other forms of direct international policing and training.

The AFP works closely with a range of other law enforcement bodies at state, territory, Commonwealth and international levels, enhancing national security and contributing to a stable regional and global environment. The AFP may not be involved when threats are managed by a single agency with powers of prosecution for a particular threat (such as AFMA, DAFF, ACBPS and the Great Barrier Reef Marine Park Authority [GBRMPA]).

Australian Fisheries Management Authority

The Australian Fisheries Management Authority (AFMA) is responsible for the regulation and enforcement of Commonwealth fisheries management arrangements and the conduct of both Australian and foreign fishing vessels operating in the AFZ and on the high seas.

AFMA manages Commonwealth fisheries resources on behalf of the Australian community and key stakeholders. In conjunction with other relevant Commonwealth agencies, AFMA enforces the provisions of the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984 through the detection and investigation of illegal fishing activity by both domestic and foreign fishing boats in the AFZ and Commonwealth fisheries. AFMA provides professional observer services to domestic and foreign fishing vessels operating within the AFZ, including subantarctic territories and waters controlled under the CAMLR Convention.

Australian Maritime Safety Authority

The Australian Maritime Safety Authority (AMSA) is the lead agency for the maritime security threat ‘marine pollution’. State and territory governments also have lead agency responsibilities for marine pollution events in their waters.

AMSA has statutory responsibilities, assets and powers that enable and require it to coordinate civil maritime search and rescue, intervene in a maritime incident that could significantly pollute the sea, and coordinate environmental protection measures relevant to pollution of the sea.

AMSA’s primary role is in maritime safety, protection of the marine environment and the provision of maritime and aeronautical search and rescue services.

AMSA’s areas of responsibility include the following:

- participation in the development and implementation of national and international maritime safety and environment protection standards
- enforcing operational standards for ships in Australian waters to promote their seaworthiness, safety and pollution prevention
- managing the national plan that coordinates the national strategy for preparedness and response coordination to marine pollution incidents and protection of the marine environment from oil and chemical pollution

AMSA is responsible for the regulation and enforcement of Commonwealth fisheries management arrangements and the conduct of both Australian and foreign fishing vessels operating in the AFZ and on the high seas.

AFMA manages Commonwealth fisheries resources on behalf of the Australian community and key stakeholders. In conjunction with other relevant Commonwealth agencies, AFMA enforces the provisions of the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984 through the detection and investigation of illegal fishing activity by both domestic and foreign fishing boats in the AFZ and Commonwealth fisheries. AFMA provides professional observer services to domestic and foreign fishing vessels operating within the AFZ, including subantarctic territories and waters controlled under the CAMLR Convention.

Australian Fisheries Management Authority

The Australian Fisheries Management Authority (AFMA) is responsible for the regulation and enforcement of Commonwealth fisheries management arrangements and the conduct of both Australian and foreign fishing vessels operating in the AFZ and on the high seas.

AMSA has statutory responsibilities, assets and powers that enable and require it to coordinate civil maritime search and rescue, intervene in a maritime incident that could significantly pollute the sea, and coordinate environmental protection measures relevant to pollution of the sea.

AMSA’s primary role is in maritime safety, protection of the marine environment and the provision of maritime and aeronautical search and rescue services.

AMSA’s areas of responsibility include the following:

- participation in the development and implementation of national and international maritime safety and environment protection standards
- enforcing operational standards for ships in Australian waters to promote their seaworthiness, safety and pollution prevention
- managing the national plan that coordinates the national strategy for preparedness and response coordination to marine pollution incidents and protection of the marine environment from oil and chemical pollution
operating the Emergency Response Centre with the Australian Rescue Coordination Centre as its hub to coordinate the location and rescue of persons in maritime and aviation distress situations throughout the internationally agreed Australian Search and Rescue Region

» maintaining maritime distress and safety communications services to discharge Australia’s responsibility under the Global Maritime Distress and Safety System

» administering the Australian Ship Reporting system identifying and tracking ships at sea as a safety measure and to provide a database of ships that may be in a position to respond to an emergency.

Where any threat within Australia’s maritime jurisdiction includes a Safety of Life at Sea (SOLAS) dimension, AMSA is the agency responsible for coordinating the SOLAS response.

Australian Radiation Protection and Nuclear Safety Agency

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the Australian Government agency within the Department of Health and Ageing charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of ionising and non-ionising radiation. ARPANSA offers specialist advice with respect to the effects on the human population of radiological and nuclear exposure.

Border Protection Command

Border Protection Command (BPC) was established by the Australian Government in March 2005 to coordinate national awareness and response efforts to protect Australia’s interests in the Australian maritime jurisdiction. BPC is a multiagency taskforce which utilises assets assigned from ACBPS and ADF to conduct civil maritime operations. Assets assigned to BPC conduct law enforcement activities on behalf of other Australian Government agencies exercising powers under the Customs Act 1901, Migration Act 1958, Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984. However, the Maritime Powers Act (commencing in March 2014) will affect this legislation. Please see Chapter 3 for further information. BPC is the primary government law enforcement organisation in Australia’s maritime jurisdiction. BPC is not a search and rescue organisation but its assigned assets do respond to incidents in accordance with international obligations and in support of search and rescue agencies.

Department of Agriculture, Fisheries and Forestry

The role of the Department of Agriculture, Fisheries and Forestry (DAFF) is to develop and implement policies and programs to ensure Australia’s agricultural, fisheries, food and forestry industries remain competitive, profitable and sustainable.

DAFF contributes to maritime security through initiatives for combating illegal foreign fishing and measures to protect Australia’s biosecurity. Key areas of focus are the AFZ and work with other countries in the region to encourage sustainable management of fisheries and related ecosystems and measures to mitigate threats to Australia’s biosecurity.

DAFF provides fisheries policy and program directions in conjunction with the operations of AFMA. With regard to maritime security DAFF contributes policy and strategic direction for:

» managing Commonwealth fisheries

» legislative reforms and reviews

» representing Australia’s fisheries interests in international fisheries forums

» bilateral and multilateral engagement on fisheries issues

» promoting improved fisheries management and addressing illegal, unreported and unregulated fishing, particularly in adjacent oceans and seas.

DAFF also has primary responsibility for managing Australia’s biosecurity system. DAFF works to safeguard Australia’s animal and plant health status to maintain overseas markets and protect the economy and environment from the impact of exotic pests and diseases, through risk management, inspection and certification, and the implementation of emergency response arrangements for Australian agricultural, food and fibre industries. DAFF works:

» offshore to build the capabilities of our neighbours and the systems of the countries we import from to reduce risks reaching our border.
in partnership with importers before they bring animal and plant products to Australia to ensure they are aware of their responsibilities and can comply

» with the Australian export supply chain, including farmers, to ensure that exports are free from pests and diseases

» in partnership to manage the outbreaks of pests and diseases when they occur to prevent or reduce their spread within Australia and minimise their harm and damage.

Department of Broadband, Communications and the Digital Economy

The Department of Broadband, Communications and the Digital Economy (DBCDE) is responsible for the development of a vibrant, sustainable and internationally-competitive broadband, broadcasting and communications sector, promoting the digital economy for the benefit of all Australians. This includes facilitating investment, innovation and setting regulatory frameworks, including for communications infrastructure.

As part of these activities DBCDE oversees Schedule 3A of the Telecommunications Act 1997 which establishes a regulatory regime for the protection of submarine cables. Submarine cables carry the bulk of Australia’s international telecommunications traffic, and are of critical importance to the national economy. Schedule 3A enables the industry regulator, the ACMA, to declare protection zones around international submarine cables in which certain activities, including certain fishing, anchoring and resource exploration activities, are prohibited or restricted. DBCDE also works with AGD and other agencies on critical infrastructure resilience, cybersafety and cybersecurity.

Department of Defence

The Department of Defence (Defence) as part of a whole-of-government effort principally fulfils its role of providing for the defence of Australia and its vital national security interests through the ADF. Australia contributes defence personnel and equipment to various operations within the region and further abroad. The ADF includes the Royal Australian Navy (RAN), the Australian Army and the Royal Australian Air Force.

The ADF provides maritime surveillance; transportation; maritime surface response; intelligence collection and fusion; security; tactical response forces; and command and control. The provision of these maritime capacities contribute to the management of illegal activity in Australian protected areas; illegal exploitation of its natural resources; marine pollution; irregular maritime arrivals; compromise to biosecurity; piracy, and robbery or violence at sea and maritime terrorism. ADF capabilities assigned to assist with the management of maritime security threats in the SFA are normally under the control of BPC.

The ADF maintains capabilities to assist civilian authorities in emergencies. Additionally, the ADF has developed concept plans to deal with terrorism, consequence management, including chemical, biological, radiological and nuclear (CBRN) and for dealing with incidents involving air threats and maritime incidents.

The ADF’s traditional war-fighting and regional security role is continually evolving. This evolution encompasses its ability to deal with a wide range of domestic ‘non–traditional security threats’ such as pandemics, natural disasters and threats to national sovereignty in the form of illegal immigration and illegal fishing and other illegal activity in Australia’s maritime jurisdiction.

The Australian Hydrographic Service (AHS) as part of the RAN is the Commonwealth Government’s authority responsible for the publication of nautical charts and maritime information required for the safety of ships navigation. The AHS produces nautical products to contribute to the continued maintenance of Australian sovereignty, maritime trade, maritime safety and environmental protection.

The AHS is also responsible for the provision of military geospatial information for ADF operations. These products are carried and used by maritime surveillance agencies and assets.

Department of Finance and Deregulation

The Department of Finance and Deregulation (Finance) provides high-quality strategic policy, deregulation reform and financial advice to support government decision-making and improved Australian Government financial management. The department also delivers professional
support services to ministers, parliamentarians and their staff, and the government as a whole.

Finance contributes to the management (through policy advice on prevention, preparedness, response and recovery) of all types of security threats within Australia’s maritime jurisdiction.

Department of Foreign Affairs and Trade

The role of the Department of Foreign Affairs and Trade (DFAT) is to protect and advance the interests of Australia through management of Australia’s relationships with other countries and international organisations and Australians internationally. DFAT ensures that Australia’s international strategic, security and economic interests are protected and advanced, including through Australian Government foreign and trade policy priorities, contributions to international peace and security, promoting expansion of Australia’s international trade and economic linkages, and by assisting with the protection and welfare of Australians abroad.

DFAT contributes to the management of all types of security threats within Australia’s maritime jurisdiction where there are international aspects involved.

DFAT’s goals are:

» the advancement of Australia’s international strategic, security and economic interests, including through bilateral, regional and multilateral engagement on Australian Government foreign and trade policy priorities

» the protection and welfare of Australians abroad and access to secure international travel documentation through timely and responsive travel advice and consular and passport services

» a secure Australian Government presence overseas through the provision of security services and information and communications technology infrastructure, and the management of the Commonwealth’s overseas-owned estate.

DFAT’s contribution to Australian maritime security is primarily through the management and fostering of cooperation arrangements and agreements with foreign governments. DFAT also provides advice to government on matters of public international law, including aspects relevant to maritime security, such as the law of the sea and piracy.

Department of Health and Ageing

The Department of Health and Ageing (DoHA) is a lead agency for the maritime security threat ‘compromise to biosecurity’, in particular, threats to public health.

Australia’s health system has coordinated arrangements to respond effectively to national health emergencies, including infectious disease outbreaks, terrorism and natural disasters. DoHA also administers the Quarantine Act 1908 (in relation to human quarantine).

In any offshore, marine-based mass casualty event, DoHA will monitor the capacity of the affected state to deal with casualties. Where necessary, it will make arrangements for the supplementation of resources through transfer of personnel and equipment from other jurisdictions, or deployment of medicines and protective equipment from the National Medical Stockpile. If required, it will also coordinate the movement of the injured to other jurisdictions.

DoHA is responsible for achieving the Australian Government’s priorities (outcomes) for population health, medicines and medical services, aged care and population ageing, primary care, rural health, hearing services, Indigenous health, private health, health system capacity and quality, acute care, health and medical research, biosecurity and emergency response.

Department of Immigration and Citizenship

The Department of Immigration and Citizenship (DIAC) is a lead agency for maritime security threats involving people and their movement through Australia’s border; for example, ‘irregular maritime arrivals’ and their management and processing arrangements.

DIAC assists in combating criminal efforts through facilitating the movement of legitimate travellers to and from Australia through the maritime border whilst preventing the entry of those likely to threaten national security or of serious character concern. DIAC also provides vital intelligence to assist whole-of-government efforts to combat unlawful activity facilitated through the maritime border.
DIAC mitigates maritime security threats by working collaboratively with partner agencies to manage the entry of people through Australia's sea border. DIAC proactively supports front line agencies in preventing non-genuine travel and entry to Australia by sea and maintains a physical presence at key Australian seaports to identify possible attempts to breach entry requirements.

Maritime security is a key component of Australia’s national security arrangements and DIAC works actively with other countries and other Australian agencies to curb the capacity of people smugglers, terrorists and organised crime groups attempting to circumvent maritime security controls.

**Department of Infrastructure and Transport, Office of Transport Security**

The Office of Transport Security (OTS), a division of the Department of Infrastructure and Transport, is the preventive security regulator of the Australian transport industry, preventive security regulator for maritime transport and offshore oil and gas facility security, and primary adviser on transport security. The OTS contributes to the wellbeing of all Australians by creating a transport system that is more secure against the threat of terrorism and other acts of unlawful interference.


The *MTOFSA* establishes a regulatory framework to safeguard against unlawful interference with maritime transport, centred on the development of security plans for ships, other maritime transport operations such as ports and port facilities, and offshore oil and gas facilities.

The MTOFSA requires maritime industry participants to conduct security assessments to identify risks and vulnerabilities, and to develop security plans outlining and implementing security measures to address those risks and vulnerabilities. These security plans must demonstrably make an appropriate contribution to the achievement of the maritime security outcomes.

These plans are subject to regulatory approval and ongoing enforcement, and are supported by legislative measures such as control of zones, Maritime Security Identification Card requirements, powers of officials and private security personnel, and criminal offence provisions.

**Department of the Prime Minister and Cabinet**

The role of the Department of the Prime Minister and Cabinet (PM&C) is to provide high-quality policy and implementation advice and support to the Prime Minister, the Cabinet, Cabinet committee chairs, our PM&C’s portfolio ministers and parliamentary secretaries and the government as a whole. PM&C’s advice seeks to drive principles-based, strategic and coordinated policy solutions to Australia’s national challenges and to support the implementation of the government’s priorities.

PM&C’s role includes:

- supporting progress on the policy priorities that matter to the Prime Minister now and in the future
- supporting Cabinet processes, and providing support to the rest of the Australian Public Service in Cabinet matters, as well as helping to coordinate the government’s legislative program
- helping departments and agencies develop policy proposals that are coherent, informed and coordinated, and that take account of issues beyond their portfolio
- supporting collaborative policy development, both internally and externally
- providing central coordination when this is needed to achieve a good outcome, or when the issue is about to come to Cabinet.

**Department of Resources, Energy and Tourism**

The Department of Resources, Energy and Tourism (RET) plays an important role in assisting the government to enhance the strength and resilience of the Australian economy through the resources, energy and tourism sectors. Together, these sectors are the key drivers behind the prosperity of the Australian economy, accounting for over 15 per cent of Australia’s gross domestic product, over 60 per cent of Australia’s export earnings and over 40 per cent of Australia’s energy use.
RET advises government on policies affecting these sectors and administers a number of programs targeted to achieve and improve business outcomes for industry and for Australia. To achieve these goals, RET works closely with state and territory governments and private sector companies and businesses. RET’s aim is to enhance Australia’s economic prosperity. This is achieved by improving the strength, competitiveness and sustainability of the resources, energy and tourism industries through the provision of high-quality policy advice and program delivery services for the Australian Government. RET develops and delivers policies to increase Australia’s domestic and international competitiveness, consistent with the principles of environmental responsibility and sustainable development.

Department of Sustainability, Environment, Water, Population and Communities

The role of the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) is to advance a sustainable Australia: our environment, water, heritage and communities. It does this by developing and implementing national policy, programs and legislation to protect and conserve Australia’s environment, water and heritage, and to advance Australia’s interests in the Antarctic.

SEWPaC focuses on matters of national environmental significance by advising the Australian Government on its policies for protecting the environment and water resources, administering environment and heritage laws, through a number of acts, implementing an effective response to climate change and representing the Australian Government in international environmental agreements related to the environment and Antarctica.

In Australia’s maritime jurisdiction, SEWPaC is responsible for the management and protection of Commonwealth Marine Reserves, the Commonwealth marine environment, threatened species and ecological communities, species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, hazardous materials and ozone-depleting substances and synthetic greenhouse gases and related equipment and provisions relating to sea dumping.

Department of the Treasury

The Department of the Treasury (Treasury) is a central policy agency within the Australian Public Service. Its mission is to improve the wellbeing of the Australian people by providing sound and timely advice to the government, based on objective and thorough analysis of options, and by assisting the Treasury ministers in the administration of their responsibilities and the implementation of government decisions.

The Treasury is engaged in a wide range of issues that affect the lives of Australians, from macroeconomic policy settings to microeconomic reform, climate change to social policy, as well as tax policy and international agreements and forums.

Treasury’s work broadly covers the following areas:
- sound macroeconomic environment
- effective government spending and taxation arrangements
- effective taxation and retirement income arrangements
- well-functioning markets.

The National Security Unit (NSU) within Treasury provides advice on a broad range of national security policy issues, including maritime security. The NSU’s role includes supporting the Deputy Prime Minister and Treasurer in his role as the Deputy Chair of the NSC, and supporting the Secretary to the Treasury as a member of the Secretaries’ Committee on National Security. The Treasury does not have an operational role in maritime security.

Great Barrier Reef Marine Park Authority

The Great Barrier Reef Marine Park Authority (GBRMPA) manages the Great Barrier Reef Marine Park so it’s protected for the future. GBRMPA’s work is guided by the Great Barrier Reef Marine Park Act 1975, corporate plan, Australian Government policies, portfolio budget statements, and priorities identified in the Outlook Report. The agency uses the best available scientific information, and engages with experts and the community. Out on the water, field management and enforcement of zoning rules is carried out in partnership with Queensland and Australian Government agencies on GBRMPA’s behalf. Other services to protect and manage the reef include issuing permits and providing advice on marine management.
Stakeholder and roles

Chapter 2

Intelligence agencies

Collection of intelligence is conducted by a number of agencies such as the Australian Secret Intelligence Service (ASIS), Defence Imagery and Geospatial Organisation (DIGO) and Defence Signals Directorate (DSD). Analysis of intelligence information is conducted by the Defence Intelligence Organisation (DIO) and Office of National Assessments (ONA). The Australian Security Intelligence Organisation (ASIO) conducts both collection and analysis of intelligence information.

Intelligence agencies contribute to the management of illegal exploitation of natural resources; prohibited imports and exports; irregular maritime arrivals; compromise to biosecurity; piracy, robbery, or violence at sea; and maritime terrorism.

Australian Secret Intelligence Service (ASIS)

ASIS’s function is stated in the Intelligence Services Act 2001. Its role is to:

- collect foreign intelligence, not available by other means, which may impact on Australian interests
- distribute that intelligence to the government, including key policy departments and agencies
- undertake counter-intelligence activities which protect Australian interests and initiatives
- engage other intelligence and security services overseas in Australia’s national interests.

The government expects ASIS to be adaptable, and to be able to respond effectively to the diverse threats and opportunities confronting our nation. ASIS work can involve collection of intelligence in relation to national defence, international relations and economic issues. ASIS is also expected to contribute to Australia’s coordinated national efforts against terrorism, proliferation of weapons and other transnational concerns.

ASIS works within the Intelligence Services Act 2001.

Australian Security Intelligence Organisation

ASIO’s role is to identify and investigate threats to security, both in Australia and overseas, and to provide advice to protect Australia, its people and its interests. ASIO’s functions are defined in the Australian Security Intelligence Organisation Act 1979. ASIO operates under the control of the Director-General of Security, who is responsible to the Attorney-General.

Security is defined in the ASIO Act 1979 as protection from espionage, sabotage, politically motivated violence, the promotion of communal violence, attacks on Australia’s defence system, acts of foreign interference and serious threats to Australia’s territorial and border integrity. It also includes the carrying out of Australia’s responsibilities to any foreign country in relation to security.

ASIO is the only Australian intelligence agency which both collects and assesses security intelligence. ASIO collects information using intelligence methods (such as human sources, special powers authorised by warrant, and through its liaison relationships) as well as from published sources.

On territorial and border integrity, ASIO works closely with partner agencies through a range of interdepartmental bodies, including the Border Protection Taskforce and ACBPS-led operationally focused groups including the Joint Management Group and the People Smuggling Advisory Group.

Within ASIO, the National Threat Assessment Centre (NTAC) prepares assessments on the terrorist and violent protest threat to Australia, Australians and Australian interests, including such threats to the interests of foreign countries in Australia. NTAC assessments cover threats to people, places and events. Some threat assessments are produced in response to specific intelligence, events or issues, while others are published periodically. ASIO’s Protective Security Branch provides assessments on the threat from terrorism to Australia’s critical infrastructure sectors, including the maritime sector.

Defence Imagery and Geospatial Organisation

DIGO is the lead imagery and geospatial intelligence organisation within the Department of Defence. DIGO’s mission is to provide geospatial intelligence, from imagery and other sources, in support of Australia’s defence and national interests. Geospatial intelligence is intelligence derived from the exploitation and analysis of imagery and geospatial information about features and events, with reference to space and time. DIGO’s geospatial information is a core enabler for the ADF’s war-fighting capability, including targeting, intelligence, surveillance
and reconnaissance and air/space/surface integration. DIGO has offices in both Canberra and Bendigo.

DIGO works within the Intelligence Services Act 2001 (on behalf of AGD and Defence).

**Defence Intelligence Organisation**

DIO is a strategic-level, all-source intelligence assessment agency that provides services and advice at the national level. Its mandate is to support Defence and government decision-making and assist with the planning and conduct of ADF operations. DIO is located in Canberra and is one of four organisations that make up the Intelligence and Security Group in the Department of Defence. DIO is responsible for independent intelligence advice, services and assessment on global security activity, terrorism, defence economics, military capabilities, and science and technology that has military applications. DIO’s intelligence product and services help inform its customers on military activities at home and abroad, defence acquisition processes, force readiness decisions, strategic policy, foreign relations and defence scientific developments.

DIO works within the Intelligence Services Act 2001 (on behalf of AGD and Defence).

**Defence Signals Directorate**

The DSD supports Australian Government decision-makers and the ADF with high-quality foreign signals intelligence products and services. DSD makes government and Defence policy more certain and more effective by providing the policy departments and assessment agencies with important information that is not available from open sources. DSD also directly contributes to the military effectiveness of the ADF, and provides a range of information security services to ensure that their sensitive electronic information systems are not susceptible to unauthorised access, compromise or disruption.

DSD works within the Intelligence Services Act 2001 (on behalf of AGD and Defence).

**Office of National Assessments**

ONA provides all-source assessments on international political, strategic and economic developments to the Prime Minister and senior ministers in the NSC. The Director-General of ONA is an independent statutory officer who is not subject to external direction on the content of ONA assessments.

The Office of National Assessments Act 1977 also charges ONA with responsibility for coordinating Australia’s foreign intelligence activities and issues of common interest among Australia’s foreign intelligence agencies. ONA is also responsible for evaluating the effectiveness of Australia’s foreign intelligence effort and the adequacy of its resources. Reporting to the Prime Minister, ONA is an agency within the PM&C portfolio.

**National Offshore Petroleum Safety and Environmental Management Authority**

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is a Commonwealth statutory agency in the RET portfolio that commenced operations on 1 January 2012. NOPSEMA has regulatory responsibility for occupational health and safety, structural integrity, environmental management and day-to-day operations of offshore petroleum activities in Commonwealth waters, and in coastal waters where state and Northern Territory (NT) powers have been conferred.

NOPSEMA’s regulatory powers are derived from the Offshore Petroleum and Greenhouse Gas Storage Act 2006. This includes powers to ensure titleholders reduce the risk of their activities to human health and safety and the environment to as low as reasonably practicable. NOPSEMA also has powers to establish and regulate safety zones.

**State and territory government agency roles**

The names and responsibilities for these agencies are generic and not specific to any particular state or territory. Further specific explanation of state and territory government agency roles is listed in each of the annexes C to I.

State and territory areas of responsibility are normally limited to within the coastal waters (out to three nautical miles from the low water mark). A major exception is fisheries where, under the Offshore Constitutional
Settlement, state and territory governments manage many agreed fisheries well beyond their state waters. Similarly, other designated fisheries are managed by the Commonwealth up to the high water mark (these arrangements were implemented to reduce complexities associated with fish stock management across jurisdictional boundaries).

Environment / environmental protection agencies

The state and territory environment departments have the responsibility for environmental protection and management. The types of threats managed include illegal activity in protected areas, illegal exploitation of natural resources, marine pollution and compromise to biosecurity.

Departments of premier and cabinet/departments of the chief minister

Each state department of premier and cabinet and territory department of the chief minister is responsible for coordinating the response to a threat to their security, including a threat within their maritime jurisdiction.

Health

The state and territory health departments have the responsibility for protection and management of disease and health threats to the human population. State and territory health agencies work closely with border agencies and DoHA to minimise human health threats caused by illegal activities in the marine environment.

Police and attorney-general or justice

The state and territory police departments have the responsibility for combating all crime types within their maritime jurisdiction and within their capability, by way of law enforcement (where within state or territory responsibility), criminal investigation and support to prosecution except for those offences that can be managed by other agencies (such as fisheries, customs and quarantine offences).

The state and territory attorney-general or justice departments will also be involved in the management of all types of maritime security threats by means of provision of policy advice to other agencies.

Primary industries and/or fisheries

The state and territory primary industries and/or fisheries departments have responsibility for the management of maritime security threats within their jurisdictions relating to commercial or recreational fisheries. The types of maritime security threats managed include illegal activity in protected areas, illegal exploitation of natural resources and compromise to biosecurity.

Selected state fisheries officers are dual accredited as AFMA officers, and therefore hold enforcement powers within the internal and coastal waters (under state legislation), or outside the state coastal waters but within the AFZ (under Commonwealth fisheries legislation).

Transport

The state and territory transport departments are responsible for the management, security and regulation of ports and transport infrastructure. Government-owned ports are all commercial business entities and are grouped with privately owned ports as non-governmental stakeholders in the GAMSA. The types of security threats managed include illegal activity in protected areas compromise to biosecurity, piracy, robbery, or violence at sea, and maritime terrorism.

Non-government stakeholder roles and responsibilities

Non-government stakeholders can be defined as either commercial or non-commercial stakeholders.

In general, non-government stakeholders have the following responsibilities:

» reporting maritime security threats
» reporting suspicious activity that may indicate potential maritime security threats
» protecting the maritime environment and resources through responsible use within the maritime jurisdiction
» complying with government imposed regulation to operate in the maritime environment
» taking reasonable, and obeying mandated, measures for safety and security of personnel, vessels and infrastructure against maritime security threats and the possible consequences of those security threats
» assisting government agencies with their efforts to manage maritime security threats (such as by means of exercises, data exchange and liaison).

Cooperative law enforcement and security obligations

Commercial operations operating outside the territorial sea are subject to international law and, to some extent, Commonwealth law and the laws of the adjacent state or territory. For example, employees working on offshore infrastructure are still subject to state law for common law offences such as theft and assault. Should crimes of this nature occur, companies that own or operate the infrastructure or vessel would make arrangements with the state or territory police to appropriately deal with the matter.

Non-commercial stakeholders

Non-commercial users within Australia’s maritime jurisdiction include the general public. In general non-commercial users within Australia’s maritime jurisdiction are recreational and include fishermen, divers, boat owners and a host of other users within Australia’s maritime jurisdiction. Non-commercial stakeholders also include special interest groups such as the Australian Volunteer Coast Guard.

Non-commercial stakeholders are required to comply with applicable legislation and have a moral obligation to assist with maritime security, primarily through (but not limited to) reporting of suspicious or illegal activity.

Commercial stakeholders

Commercial stakeholders are those entities with business interests within the Australian maritime jurisdiction.

Industry sectors

Commercial stakeholders are generally grouped into the following industry sectors:
» Australian ship owners and operators
» cargo handlers and providers
» port operators
» shipping pilots and crew associations
» commercial fishers
» tourism and cruise ship operators
» oil and gas industry
» oil and gas affiliated groups
» submarine cable owners.

Legislative operational arrangements

Commercial stakeholders are required to comply with government legislative requirements. This is particularly important for those who operate valuable and or nationally important infrastructure (such as large commercial shipping, oil and gas production facilities fuel pipeline and telecommunications cables). Government legislative requirements include:
» licensing and security vetting of employees
» seaworthiness and safety of vessels and maritime fixed infrastructure
» occupational health, safety and welfare of employees
» employment conditions for employees
» insurance and disaster response obligations
» sustainable and environmentally responsible operations.
There are a number of legal and administrative aspects to managing security threats in Australia’s maritime jurisdiction. This chapter summarises these aspects.
Maritime operations in Australian waters and beyond must be carried out consistently with international as well as domestic law.
International obligations and responsibilities

Australia is party to a range of international instruments that give rise to rights and obligations that are relevant to maritime security. In addition, Australia has various obligations under customary international law and has an obligation to fulfil its role as the Security Forces Authority for the purposes of responding to acts of violence against ships within the Australian Security Forces Authority Area (SFAA).

Australia gives effect to its international obligations through a combination of legislation and policy and practice. Maritime operations in Australian waters and beyond must be carried out consistently with international as well as domestic law.

Australia’s maritime zones

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive international legal regime for use of the sea and its resources. UNCLOS establishes a legal order of the seas that seeks to balance the rights and responsibilities of coastal states against the rights and responsibilities of other sea users in areas such as navigation, conservation and management of living resources and the study, protection and preservation of the marine environment. It also clearly establishes and delineates the various maritime zones over which states may exercise different degrees of jurisdiction. Consistent with UNCLOS and pursuant to proclamations under the Seas and Submerged Lands Act 1973 (Cth) Australia’s territorial sea extends out to a maximum of 12 nautical miles from the Australian territorial sea baseline, its contiguous zone extends from the limits of the territorial sea out to 24 nautical miles, and its exclusive economic zone (EEZ) extends from the outer limits of the territorial sea out to 200 nautical miles. These zones are subject to delimitation with neighbouring states and may therefore be narrower, for example in Australia’s northern waters. In addition, and in accordance with the Offshore Constitutional Settlement (OCS), ‘coastal waters’ extending out to three nautical miles have been declared for domestic legal purposes.

Territorial sea baseline: Territorial sea baseline (TSB) is the line from which seaward limits of Australia’s maritime zones are measured. The TSB normally corresponds with the low water line (measured from the lowest astronomical tide) along the coast and includes the coasts of islands. There are exceptions to the ‘normal baselines’, including straight baselines, used where the coastline is deeply indented or there is a fringe of islands, and bay closing lines.

Internal waters: Internal waters are those waters that lie landward of the TSB and typically comprise bays, estuaries and ports. Internal waters are also considered to be coastal waters under the OCS.

Coastal waters: Australia’s coastal waters are those waters internal to the state or territory and include a three nautical mile stretch of water extending from the TSB into the territorial sea, which by domestic arrangement is attributed to the control of the adjacent state or territory. By virtue of the OCS, which is set out in the Commonwealth, state and territory Acts which implement it, each state and territory has the same right and title in the adjacent three nautical mile band of territorial sea (including the seabed) as it would have if the waters were within the limits of the state or territory. It is noted that these rights are subject to the right of the Commonwealth to apply laws in the territorial sea in relation to navigation, quarantine, communications and defence. They are also subject to the duties of the Commonwealth in relation to ensuring the observance of international law and, in particular, the right of innocent passage of foreign ships through the territorial sea. The status of the territorial sea under international law is expressly preserved. The coastal waters regime has no effect at international law, but rather reflects a formal arrangement between the Commonwealth and states and territories on dividing management of resources and responsibilities in the territorial sea.

Territorial sea: Australia’s territorial sea extends up to 12 nautical miles from the TSB. Due to the proximity of Papua New Guinea, the territorial sea around certain Torres Strait islands is only three nautical miles wide, in accordance with the Torres Strait Treaty entered into with Papua New Guinea. Australia exercises full sovereignty over its territorial sea, its seabed and subsoil, and over the airspace above it, subject only to the international
law right of innocent passage of foreign flagged vessels through the territorial sea.

**Contiguous zone:** The contiguous zone is an area adjacent to the territorial sea, which extends up to 24 nautical miles from the TSB. Within this zone, as a matter of international law, Australia may exercise control necessary to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations within its territory or territorial sea.

**EEZ:** The EEZ extends from the outer edge of its territorial sea up to 200 nautical miles from the TSB. It should be noted that the EEZ is less than 200 nautical miles in certain areas in accordance with agreements with neighbouring countries. Within the EEZ, Australia exercises sovereign rights for the purpose of exploring and exploiting, conserving and managing all natural resources of the waters, seabed and subsoil, together with other activities such as the production of energy from water, currents and wind.

Australia’s jurisdiction also extends to the establishment and use of artificial islands, installations and structures, marine scientific research and the production and preservation of the marine environment.

**Continental shelf:** The continental shelf is the area of the seabed and subsoil which extends beyond the territorial sea throughout the natural prolongation of Australia’s land territory and up to a distance as permitted in UNCLOS. The Seas and Submerged Lands (Limits of Continental Shelf) Proclamation 2012 was made on 24 May 2012, which confirmed the outer limits of much of Australia’s continental shelf.

Within this area, Australia has sovereign rights over the continental shelf for the purposes of exploring and exploiting the mineral and other non-living resources of the seabed and subsoil, as well as to sedentary organisms. Australia also has jurisdiction with regard to marine scientific research as well as other rights and responsibilities.

Australia’s rights over the continental shelf do not affect the legal status of the water column or airspace above it.

Australia’s Maritime Zones are depicted conceptually in Figure 4 and geographically in Figure 2.

---

Figure 4  Australia’s maritime zones—conceptual
Maritime legislation

The principal Commonwealth enforcement provisions are contained in the Customs Act 1901, the Migration Act 1958, the Quarantine Act 1908, the Fisheries Management Act 1991, the Torres Strait Fisheries Act 1984 and the Environment Protection and Biodiversity Conservation Act 1999 (EBPC Act). Most of these Acts empower authorised officers to board, search, detain and move vessels and people in Australia’s maritime jurisdiction. Necessary and reasonable force may generally be used by authorised officers in the performance of their duties pursuant to these Acts. These Acts will be significantly affected by the operation of the Maritime Powers Act 2013, when it comes into force in March 2014. There is also potential for the Migration Act 1958, as amended by the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013 to affect the operation of these Acts.

Maritime Powers Act

The Maritime Powers Act 2013, which will commence on 27 March 2014, consolidates and harmonises existing Commonwealth maritime enforcement regimes, which are presently spread across numerous Acts. It contains a comprehensive set of powers and uniform procedures that will be used to enforce Australian laws, including in relation to fishing, customs and migration.

The provisions of the Maritime Powers Act are modelled on powers in existing Acts. The Maritime Powers Act also establishes a range of appropriate safeguards for the exercise of maritime powers and does not alter existing operational roles, functions or responsibilities.

The Maritime Powers Act provides for:

» An authorisation regime, which requires an authorisation to be granted before maritime powers are exercised, other than in very limited circumstances

» The purposes for which the maritime powers can be exercised, which include:
  – investigate a contravention of any Australian law
  – administer or ensure compliance with fisheries, customs and migration laws
  – administer or ensure compliance with an international agreement designated in the regulations or by the Minister

» the circumstances in which the maritime powers can be exercised outside Australia and its territorial sea

» the maritime powers available to maritime officers once an authorisation is in place, which include boarding, obtaining information, searching, detaining, seizing and retaining things; and moving and detaining persons

» the process for dealing with things seized, retained or detained and persons held.

Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013

In the report of the Expert Panel on Asylum Seekers, which was presented to the Prime Minister on 13 August 2012, the Expert Panel recommended that the Migration Act 1958 be amended so that arrival anywhere on Australia by irregular maritime means would not provide individuals with a different lawful status than those who arrive at an excised offshore place (Recommendation 14).

To give effect to this recommendation, the government passed the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013.

Other legislation

Additional to the legislation discussed in this chapter, Part IIIAAA of the Defence Act 1903 provides for the call out of the ADF to respond to a threat in the Australian offshore area\(^2\) to Commonwealth interests. The types of threats envisaged to be covered by this legislation include terrorist attacks, piracy, robbery or violence at sea.

A number of other Acts also prescribe offences, as well as deal with the enforcement, management and regulation of activities within Australia’s maritime jurisdiction.

The Maritime Transport and Offshore Facilities Security Act 2003 (MTOFSA) and associated Regulations implement Australia’s international commitments under the SOLAS Convention Chapter XI-2 and the International Ship and Port Security Code. The MTOFSA regulates maritime industry participants

\(^{2}\) ‘Australian offshore area’ is defined in the Defence Act 1903 as: (a) Australian waters; or (b) the exclusive economic zone of Australia (including its external Territories); or (c) the sea over the continental shelf of Australia (including its external Territories); or (d) an area prescribed by the regulations; and includes the airspace over an area covered by paragraph (a), (b), (c) or (d).
including ship operators, port operators, port facility operators, offshore facility operators, and others, and imposes other obligations in Australian waters, the EEZ and the sea over the continental shelf of Australia (including its external territories).

Australian maritime jurisdiction

The Commonwealth has jurisdiction offshore, pursuant to the external affairs power under the Constitution, as well as other heads of constitutional power. As a matter of international law, such jurisdiction must be exercised pursuant to UNCLOS. By virtue of the 1980 OCS, the Commonwealth granted to the states and territories responsibility for areas within their internal waters and up to three nautical miles from the TSB. The Commonwealth retains jurisdiction within these waters over matters within its constitutional competence, and also has varying elements of jurisdiction over the remainder of the territorial sea, which extends out to 12 nautical miles; the contiguous zone, which extends out to 24 nautical miles; and in the EEZ, which extends up to 200 nautical miles from the TSB.

The states, territories and the Australian Government possess jurisdiction in respect of acts occurring within their territory and territorial sea and may, subject to certain qualifications considered below, exercise that jurisdiction over foreign nationals and foreign flagged vessels.

Australia may also exercise its sovereign rights in the relevant maritime zones (beyond the territorial sea) in respect of the matters that UNCLOS sets out for each maritime zone.

Regional arrangements

Some areas within Australia’s maritime jurisdiction are not considered to be the responsibility of any of the states or the Northern Territory (NT). In these circumstances, the Commonwealth is responsible for the management of all aspects of these areas and their separate maritime zones.

The Territories and Native Title Division of the Department of Regional Australia, Local Government, Arts and Sport manages the external territories of:

- Cocos (Keeling) Islands
- Christmas Island
- Ashmore and Cartier Islands
- Coral Sea Islands
- Jervis Bay Territory
- Norfolk Island.

The Australian Antarctic Division (AAD) manages:

- the Australian Antarctic Territory
- the Territory of Heard Island and McDonald Islands (HIM)
- the primary Australian Government presence on Macquarie Island (a part of Tasmania).

Other regional-specific arrangements include:

- compulsory pilotage through the Torres Strait and for regulated ships in certain sections of the Great Barrier Reef Marine Park
- special arrangements for the movements of traditional peoples within the Torres Strait
- arrangements for traditional fishing in the Torres Strait and in a specific area of the Territory of Ashmore and Cartier Islands
- compulsory reporting of ships travelling through the Great Barrier Reef, in REEF Centre compliance with the automatic identification system
- special arrangements in the Joint Petroleum Development Area (JPDA).

---

3 Section 4 Coastal Waters (State Title) Act 1980 (Cth); section 5 Coastal Waters (State Powers) Act 1980 (Cth).
4 Section 6 Seas and Submerged Lands Act 1973 (Cth). On 20 November 1990, the territorial sea was extended to 12 nautical miles by proclamation under section 7 of that Act.
Current Commonwealth specific regional arrangements

External territories

The management of Australia’s external territories is the responsibility of the Commonwealth Government. The Local Government and Territories Division of the Department of Regional Australia, Local Government, Arts and Sport is responsible for the management of the following external territories.

Cocos (Keeling) Islands

Cocos (Keeling) Islands became an Australian territory in 1955. The Cocos (Keeling) Islands Act 1955, administered by the Minister for Regional Australia, Regional Development and Local Government, provides the legislative basis for the territory’s administrative, legislative and judicial systems. An administrator appointed by the Governor-General is the most senior Australian Government representative, and is responsible for the law, order and good governance of the territory.

Christmas Island

The Christmas Island Act 1958 provides the legislative basis for the territory’s administrative, legislative and judicial system. The Minister for Regional Australia, Regional Development and Local Government is responsible for the state-level services in the territory. An administrator appointed by the Governor-General is the most senior Australian Government representative in the territory and resides on Christmas Island. Other Australian Government agencies have responsibility for matters within their portfolios.

The provision of Australian Government services to the Indian Ocean Territories is the responsibility of the relevant Australian Government agency within their portfolios (e.g. customs, quarantine and taxation).

State agencies provide a broad range of services to the Commonwealth for Christmas Island and the Cocos (Keeling) Islands under service delivery arrangements.

Ashmore and Cartier Islands

The uninhabited external territory of Ashmore and Cartier Islands lies to the north of Western Australia (WA). The traditional fishing practices of Indonesian fishers were recognised in a memorandum of understanding (MOU) between Australia and Indonesia (see Chapter 5). This MOU allows fishing of a specified area by Indonesian fishers using traditional means (using sail powered craft, nets, hand-lines and traditional traps) for specific species.

Coral Sea Islands Territory

The laws of the Australian Capital Territory (ACT) (so far as they are applicable) apply in the territory and the Supreme Court of Norfolk Island (which consists of judges of the Federal Court) exercises criminal jurisdiction in the territory.

Commonwealth laws only apply when they are expressed to extend to the territory. Any Commonwealth or ACT Act that extends to the territory applies to the islands and the 12 nautical mile territorial sea around each island.

The Governor-General may make Coral Sea Islands Territory Ordinances for the peace, order and good government of the territory where additional legislation for the territory is specifically required.

Norfolk Island

The Regional Policy and Strategy Branch of the Department of Regional Australia, Local Government, Arts and Sport supports the Office of the Norfolk Island Administrator, in particular the Official Secretary to the Administrator.

Jervis Bay Territory

The Jervis Bay Territory is a non-self-governing territory on the Australian mainland’s east coast. It is located less than 200 kilometres south of Sydney. The territory consists of a marine area of 998 hectares (at the southern end of Jervis Bay) and approximately 6600 hectares of land area.

The marine area forms part of the Booderee National Park and contains several different zonings: special purpose, sanctuary and habitat protection.

Land in the territory is either Aboriginal-owned or crown land. The Aboriginal-owned land comprises the majority of the territory. Freehold title is held over the Wreck Bay Village. The Booderee National Park and Botanic Gardens are Aboriginal-owned and leased back to the
Australian Government, through the Director of National Parks, to be managed as a national park. Land owned by the Australian Government is either managed by the Department of Defence—Navy (HMAS Creswell), Department of Finance and Deregulation or the Department of Regional Australia, Local Government, Arts and Sport (Regional Australia).

Regional Australia is the agency responsible for the administration of the territory. Through its Territories Service Delivery Branch, Regional Australia also facilitates the provision of a range of state and local government-type services to the territory. Services are either provided directly by the department, or procured from other governments (ACT, New South Wales, Shoalhaven City Council), the Wreck Bay Aboriginal Community Council or private/commercial contractors.

Commonwealth law applies in the territory; particularly relevant are the Environment Protection and Biodiversity Conservation Act 1999 and related regulations, Jervis Bay Territory Acceptance Act 1915 and the Australian Federal Police Act 1979. For state- and local government-level legislation the territory operates under an applied law regime: the laws of the ACT apply, in so far as they are applicable and providing they are not inconsistent with an Ordinance of the territory.

Other Australian Government agencies with active operational interests in the territory include Department of Sustainability, Environment, Water, Population and Communities—Parks Australia (Booderee National Park); Department of Defence—Navy (training college); Department of Families, Housing, Community Services and Indigenous Affairs and Department of Education, Employment and Workplace Relations (Indigenous education and child care); Department of Human Services (Centrelink); Australian Federal Police (community policing); and the Department of Finance and Deregulation (property).

Territory of Heard Island and McDonald Islands

The Territory of Heard Island and McDonald Islands (HIMI) is sovereign Australian territory. Accordingly, it has an associated EEZ and extended continental shelf. Due to its remote location, surveillance and enforcement activities by the Australian Government present considerable challenges.

The HIMI and a substantial portion of its EEZ are managed as the Heard Island and McDonald Islands Marine Reserve (HIMI Marine Reserve). The territory is inscribed on the World Heritage list. The HIMI Marine Reserve is administered and managed by the AAD on behalf of the Director of National Parks. This delegation reflects the AAD’s historic administrative responsibilities for the HIMI (including the HIMI World Heritage area) on behalf of the Australian Government, and the AAD’s involvement in the conservation and research of subantarctic environments.

In 2002, the HIMI Marine Reserve was declared a Commonwealth reserve under the EPBC Act. It was designated an International Union for Conservation of Nature Category 1a Strict Nature Reserve and established for the purpose of protecting the conservation values of Heard Island and McDonald Islands and the adjacent unique and vulnerable marine ecosystems. It is part of Australia’s National Representative System of Marine Protected Areas. At the same time, four areas adjoining the marine reserve (totalling 12 000 square kilometres) which had been proposed for inclusion in the reserve were declared a conservation zone under section 390D of the EPBC Act, while further assessments were undertaken to ascertain if these areas should be included in the reserve. The AAD has completed an assessment of the HIMI Conservation Zone and concluded that some areas within the Conservation Zone should be incorporated in the Marine Reserve proper, and the remainder of the Conservation Zone revoked. The new reserve boundaries and a revised HIMI Reserve Management Plan are expected to be proclaimed and published in 2013.

To help manage the geographically isolated HIMI region, the AAD maintains close relationships with all visitors and other agencies with an operational presence and responsibilities in the HIMI region. Such entities include:

- Australian Customs and Border Protection Service (ACBPS)—border protection and security
- Australian Fisheries Management Authority—management of the Australian commercial fishery in the HIMI EEZ
- Australian Maritime Safety Authority (AMSA)—marine safety
- Department of Agriculture, Fisheries and Forestry—quarantine
- Defence—border protection and security
- tourism operators.
Antarctica

Australia has sovereignty over the Australian Antarctic Territory and corresponding maritime jurisdictions in the Southern Ocean south of 60 degrees south. The AAD is the primary Australian Government agency responsible for the administration and management of the Australian Antarctic Territory.

Australia is one of the twelve original parties to the 1959 Antarctic Treaty, which entered into force on 23 June 1961. The treaty applies to the area south of 60 degrees south latitude and ensures that Antarctica is used exclusively for peaceful purposes; promotes scientific cooperation and guarantees freedom of scientific research and the free exchange of scientific observations and results; provides for inspection of all operations and advance notification of activities; and protects the positions of parties with differing views over territorial sovereignty in Antarctica. Since entering into force, the treaty has been recognised as one of the most successful international agreements. There are 50 parties to the Antarctic Treaty, including 28 consultative parties entitled to participate in consultative meetings, and 22 non-consultative parties which are invited to attend the consultative meetings, but do not participate in decision-making.

The Antarctic Treaty system comprises the 1959 Antarctic Treaty, measures in force under that treaty, its associated separate instruments in force (including the 1972 Convention for the Conservation of Antarctic Seals, the 1980 Convention on the Conservation of Antarctic Marine Living Resources and the 1991 Protocol on Environmental Protection to the Antarctic Treaty) and the measures in force under those instruments. The Protocol on Environmental Protection to the Antarctic Treaty designates Antarctica as a natural reserve, devoted to peace and science; establishes environmental principles for the conduct of all activities; prohibits mining indefinitely; subjects all activities to prior assessment of their environmental impacts; requires the development of contingency plans to respond to environmental emergencies; and establishes the Committee for Environmental Protection. There are 35 parties to the protocol.

Figure 5 Antarctica and Southern Ocean—the CCAMLR area and the Australian Antarctic Territory
Map Courtesy of the Australian Antarctic Division.
Australia's international obligations under Antarctic Treaty system agreements are implemented domestically through legislation, including the Australian Antarctic Territory Acceptance Act 1933, the Australian Antarctic Territory Act 1954, the Antarctic Treaty Act 1960 and the Antarctic Treaty (Environment Protection) Act 1980. All Australian activities in Antarctica must be authorised and undertaken in accordance with this legislation and other relevant Acts. Because of the unique legal status of Antarctica, it is longstanding practice that each party to the treaty takes responsibility for the activities of its own nationals in Antarctica.

The Convention on the Conservation of Antarctic Marine Living Resources (the CAMLR Convention) provides for the conservation, including rational use, of Antarctic marine living resources. Unlike regional fisheries management organisations that focus only on target species, the CAMLR Convention requires that consideration be given to all species in the ecosystem and to conserving ecological relationships. The CAMLR Convention defines important principles of conservation with which any harvesting activities must accord.

The convention area under the CAMLR Convention extends north of the treaty area in parts and follows a line approximating an oceanographic boundary known as the Antarctic Convergence or Antarctic Polar Front (see Figure 5). The polar front is the zone where colder, fresher waters flowing north from the Antarctic meet the warmer, saltier waters flowing south from the Atlantic, Indian and Pacific oceans.

The CAMLR Convention recognises the prime responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment. Also, the CAMLR Convention specifically states that nothing in the convention is to derogate from the rights and obligations of parties under the 1972 Convention for the Conservation of Antarctic Seals or the 1946 International Convention for the Regulation of Whaling.

Given the CAMLR Convention’s ecosystem approach and because many marine animals (including birds) cross the northern boundary of the convention area, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) cooperates with other organisations and national institutions responsible for the management and conservation of areas adjacent to the CAMLR Convention boundaries.

The CCAMLR regulates activities associated with conservation (including rational use) and management of marine living resources in the Southern Ocean. It receives advice from its scientific committee, which in turn receives advice from its various working groups.

There are currently 25 members of CCAMLR, with ten additional states having acceded to the CAMLR Convention without full membership. At its annual
meetings the CCAMLR considers and adopts binding conservation measures on a range of issues, including fisheries management, compliance and protected areas. A key threat to CCAMLR achieving its objective is illegal, unreported and unregulated fishing in the CAMLR Convention area and adjacent waters by vessels flagged to non-contracting parties to the CAMLR Convention.

Southern Ocean Whale Sanctuary

At the 46th (1994) annual meeting, the International Whaling Commission adopted the Southern Ocean Whale Sanctuary as an area in which commercial whaling is prohibited. The northern boundary of this sanctuary follows the 40 degrees south parallel of latitude except in the Indian Ocean sector where it joins the southern boundary of that sanctuary at 55 degrees south, and around South America and into the South Pacific where the boundary is at 60 degrees south. This prohibition was reviewed ten years after its initial adoption and will be reviewed at succeeding ten-year intervals, and could be revised at such times by the commission.

Criminal jurisdiction

The **Crimes at Sea Act 2000** (Cth) establishes a cooperative scheme between the Commonwealth and states to apply the criminal law of the states extraterritorially in areas adjacent to the coast of Australia. The motivation for the legislation was to remedy the difficulties caused by the bulk of Australian criminal law being generated at a state and territory level, with limited extraterritorial application.

The **Crimes at Sea Act** provides that the criminal law of the various states and territories can be applied in the EEZ. It divides the EEZ into separate areas of jurisdiction, and mandates which state’s or territory’s criminal legislation will apply to acts taking place in those waters. These areas are shown in Figure 7 **Crimes at Sea Act Cooperative Scheme Adjacent Areas**.

This is accomplished through the use of ‘adjacent areas’, which were themselves first used in the offshore petroleum settlement in 1967. Each state, the NT and the Ashmore and Cartier Islands Territory have a large area designated as adjacent to them. Outside the adjacent area, the criminal law of the Jervis Bay Territory applies in certain situations where there is a link to Australia by virtue of section 6 of the Act. For the first 12 nautical miles, state law applies by force of the law of the relevant state, and for the distance between 12 and 200 nautical miles, or the outer limit of the continental shelf (whichever is greater), state law applies by force of the law of the Commonwealth.  

The scheme applies the criminal law in force in the Jervis Bay Territory to the area beyond the adjacent area in respect of: (i) acts connected with Australian ships (ii) acts committed by Australian citizens connected with foreign ships (other than crew members), and (iii) acts connected with foreign ships where the first country at which the ship calls, or relevant person lands, after a criminal act occurs, is in Australia.

The written consent of the Commonwealth Attorney-General is required prior to a matter proceeding to committal, or to hearing or determination in relation to certain prosecutions under the **Crimes at Sea Act**. For example, the Attorney-General’s written consent is required in relation to prosecutions under the **Crimes at Sea Act** that involve offences committed beyond the ‘adjacent area’. Where an offence occurs within the ‘adjacent area’, the Attorney-General’s written consent is required where the offence is alleged to have been committed on (or from) a foreign ship, the ship is registered under the law of a country other than Australia, and the country of registration has jurisdiction over the alleged offence under international law.

In terms of the interaction of the **Crimes at Sea Act** with other criminal legislation, it is worth stressing that the **Crimes at Sea Act** was not intended to be the sole source of applicable criminal law at sea for Australia. The Act certainly does not seek to displace other legislation. The purpose of the Act is to apply state criminal law in certain circumstances. It cannot operate to fetter the Commonwealth Parliament’s ability to make laws under the enumerated heads of power under the Constitution.

---

5 Clause 2, Schedule 1 of the **Crimes at Sea Act 2000** (Cth).
6 Section 6 of the **Crimes at Sea Act**.
7 Subsection 6(4) and Clause 7, Schedule 1 of the **Crimes at Sea Act**.
8 Subsection 6(4) of the **Crimes at Sea Act**.
9 Clause 7, Schedule 1 of the **Crimes at Sea Act 2000** (Cth).
Crimes at Sea Act 2000

- Sea boundary of the Adjacent Area for each State and Territory as set out in clause 14 of Schedule 1 of the Crimes at Sea Act 2000
- Joint Petroleum Development Area under Timor Sea Treaty 2002 - the criminal laws of the Northern Territory apply in certain circumstances, set out in Part 3A of the Crimes at Sea Act 2000
- Inner Adjacent Area - State or Territory criminal laws apply of their own force
- Coastal Sea of an External Territory including the Territorial Waters of Norfolk Island. The Crimes at Sea Act 2000 does not apply to acts that take place within this area
- Outer Adjacent Area - State or Territory criminal law applies by force of Commonwealth Law

QUALIFICATIONS RELATING TO THIS MAP

* The term ‘Adjacent Area’ in the Crimes at Sea Act 2000 comprises the Inner Adjacent Area and the Outer Adjacent Area
* Outside the Adjacent Area, the criminal law of Jervis Bay Territory may apply in circumstances where there is an appropriate Australian nexus as set out in section 6 of the Crimes at Sea Act 2000

Figure 7 Crimes at Sea Act Cooperative Scheme Adjacent Areas

Map courtesy of Geoscience Australia © Commonwealth of Australia (Geoscience Australia) 2012.

With the exception of the Commonwealth Coat of Arms and where otherwise noted, this product is provided under a Creative Commons Attribution 3.0 Australia Licence. <http://creativecommons.org/licenses/by/3.0/au/legalcode>
Law enforcement agencies and criminal investigation

Criminal investigation of maritime offences is the responsibility of relevant law enforcement agencies. Such investigations will often be undertaken cooperatively, including through joint taskforces where appropriate. Law enforcement agencies will determine the investigative arrangements, while keeping relevant stakeholders informed. These arrangements will consider the contributions other Australian Government and state or territory law enforcement bodies may be able to make. The responding Australian agency will work closely with the investigators to ensure that the investigative requirements are identified early and met as far as operational circumstances permit when responding to incidents in the Australia’s maritime jurisdiction. A significant component of criminal investigation is the gathering and utilisation of intelligence, which requires the cooperation of all agencies.

Many government stakeholder agencies (Australian Government, state and territory) have roles and responsibilities in relation to investigating criminal and illegal activity surrounding the security threats within Australia’s maritime jurisdiction.

Coronial investigation and inquests

The conduct of coronial investigations and inquests is governed by state and territory legislation. However, the laws governing which deaths are reportable to, and examinable by, a coroner are similar throughout Australia. While extraterritorial jurisdiction is conferred on almost all state and territory coroners in relation to people normally resident within that state or territory or if the body of the person is in that state or territory (irrespective of where the person died), some jurisdictions also confer extraterritorial jurisdiction where a person was on a journey to or from the state or territory. Some states and territories also give their coroners jurisdiction to investigate the cause of fires and explosions.

There is also legislation covering coronial investigations and inquests relevant to Australia’s external territories. If a death occurs at, or a body is taken to, Christmas Island or within the coastal sea, the Western Australia (WA) Coroner has jurisdiction. For example, in relation to the suspected irregular entry vessel (SIEV) 221 tragedy, given the deaths in that tragedy occurred at or close to the shore of Christmas Island, and resulted from injury or drowning, they were reportable deaths for the purposes of the Coroners Act 1996 (WA) (Cth). On 23 February 2012 the WA Coroner handed down his report on the inquest into the SIEV 221 tragedy.

If a death occurs at, or a body is taken to, the Ashmore and Cartier Islands, the NT Coroner has jurisdiction. Following the SIEV 36 explosion incident near Ashmore Reef on 16 April 2009 after its interception by a Royal Australian Navy patrol vessel, investigations into the cause of the explosion were conducted by the NT Police. The NT Coroner then conducted an inquest into the incident and concluded the inquest on 17 March 2010.

In relation to deaths in the other territories:
- the Norfolk Island Coroner has jurisdiction in relation to deaths in and around Norfolk Island;
- the WA Coroner has jurisdiction in relation to deaths in and around the Cocos (Keeling) Islands;
- the ACT Coroner has jurisdiction in relation to deaths in the Jervis Bay Territory;
- the ACT Coroner has jurisdiction in relation to deaths in and around the Coral Sea Islands Territory.

In cases of foreign flagged vessels this may include foreign law enforcement agencies.

10 Coroner Acts 2008 (Vic); Coroners Act 2003 (Qld); Coroners Act 1996 (WA); Coroners Act 2003 (SA); Coroners Act 1995 (Tas); Coroners Act 1997 (ACT); Coroners Act (NT).

11 Section 18, Coroners Act 2009 (NSW); section 30 and 31, Coroners Act 2008 (Vic) (fires only); section 21, Coroners Act 2003 (SA) (fire or accidents that causes injury to a person or property); section 40, Coroners Act 1995 (Tas); and section 18, Coroners Act 1997 (ACT) (fires only).

12 See the Coroners Act 1996 (WA) (Cth), which comprises the Coroners Act 1996 (WA) in its application to the Territory as amended and in force under section 8A of the Christmas Island Act 1958 (Cth). The NT Coroner was granted jurisdiction pursuant to the 19 September 2005 Deed of Agreement between the Commonwealth and NT, made under section 11A of the Ashmore and Cartier Islands Acceptance Act 1933 (Cth). See the Coroners Act 1993 (NT). See the Coroners Act 1996 (WA) (Cth), which comprises the Coroners Act 1996 (WA) in its application to the Territory as amended and in force under section 8A of the Christmas Island Act 1958 (Cth). See the Coroners Act 1997 (ACT).

13 Section 30, Coroners Act 2009 (NSW); section 30 and 31, Coroners Act 2008 (Vic) (fires only); section 21, Coroners Act 2003 (SA) (fire or accidents that causes injury to a person or property); section 40, Coroners Act 1995 (Tas); and section 18, Coroners Act 1997 (ACT) (fires only).

14 See the Coroners Act 1996 (WA) (Cth), which comprises the Coroners Act 1996 (WA) in its application to the Territory as amended and in force under section 8A of the Christmas Island Act 1958 (Cth).

15 The NT Coroner was granted jurisdiction pursuant to the 19 September 2005 Deed of Agreement between the Commonwealth and NT, made under section 11A of the Ashmore and Cartier Islands Acceptance Act 1933 (Cth).

16 The Coroners Act 1993 (NT).

17 See the Coroners Act 1996 (WA) (Cth), which comprises the Coroners Act 1996 (WA) in its application to the Territory as amended and under section 8A of the Christmas Island Act 1958 (Cth).

18 See section 4A of the Jervis Bay Territory Acceptance Act 1915 (Cth), which states that the laws of the ACT apply to the Jervis Bay Territory. This would include the Coroners Act 1997 (ACT).

19 See item 3 of the Application of Laws Ordinance 1973 (Coral Sea Islands Territory) made under the Coral Sea Islands Act 1969 (Cth), which states that the laws of the ACT apply to the Coral Sea Territory. This would include the Coroners Act 1997 (ACT).
The flag state of a vessel may also have jurisdiction for deaths that occur on board vessels flagged to their state. Coroners from the flag state can negotiate access to Australia through diplomatic channels.

**Joint Petroleum Development Area**

The development and management of petroleum resources in the Joint Petroleum Development Area (JPDA) is governed by the Timor Sea Treaty (TST) of 20 May 2002. Development of the Greater Sunrise fields, which extend beyond the JPDA into an area of exclusive Australian jurisdiction, is governed by the *Agreement between the Government of Australia and the Government of the Democratic Republic of Timor-Leste relating to the Unitisation of the Sunrise and Troubadour Fields* of 6 March 2003, and the *Treaty on Certain Maritime Arrangements in the Timor Sea* of 12 January 2006. Under the TST, Australia and Timor-Leste jointly control, manage and facilitate the exploration, development and exploitation of the petroleum resources of the JPDA for the benefit of the peoples of both countries.

Article 14 of the TST provides that Australian criminal law applies to Australian nationals and permanent residents in the JPDA; Timor-Leste law applies to Timorese nationals and permanent residents; and nationals of other states may be subject to either Australian or Timor-Leste jurisdiction. Article 14 also provides that the criminal law of the flag state of a vessel in the JPDA shall apply. Article 18 of the TST provides for both Australia and Timor-Leste to conduct surveillance activities in the JPDA. Article 19 provides for Australia and Timor-Leste to make arrangements for responding to security incidents in the JPDA. Annex C(d) of the TST also provides that the JPDA Designated Authority can request assistance from Australian and Timor-Leste authorities in the event of a terrorist threat to vessels and structures engaged in petroleum activities in the JPDA.

---

20 Where a person is the national of either Australia or Timor-Leste and a permanent resident of the other, the person shall be subject to the law of their nationality. Section 6A of the *Crimes at Sea Act 2000* provides that the criminal law of the Northern Territory applies in the JPDA.
4

ILLEGAL ACTIVITY IN PROTECTED AREAS
Australia’s national interests are threatened by illegal activity in protected areas within the Australian maritime jurisdiction.
Illegal activity in protected areas

KEY POINTS

Protected areas include Commonwealth marine reserves; historic protected areas; oil and gas industry (OGI) safety zones; and submerged cable protected zones.

There are a number of Australian Government and state and territory stakeholders that are required to respond to illegal activity in protected areas. Response requires coordination between these stakeholders to provide an effective detection and deterrent presence in protected areas.

Prevention, preparedness, response and recovery

- The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) is the lead agency responsible for the regulation and deterrence of illegal activity involving Commonwealth marine reserves, sea installations and historical protected areas.
- The Great Barrier Reef Marine Park Authority (GBRMPA) is the lead agency for regulation of activity within the Great Barrier Reef Marine Park and deterrence of illegal activity within the Great Barrier Reef Marine Park.
- State and territory governments provide local involvement as required, including regulation and deterrence of activity involving environmental and historical protected areas.

Prevention and preparedness

- The Australian Communications and Media Authority (ACMA) is the lead agency for the prohibition and restriction of activities in protected zones surrounding submarine telecommunications cables.
- The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is the lead agency for regulation of activity in safety zones adjacent to oil and gas platforms and near submerged pipelines and for deterrence of illegal activity in those zones.

- The Department of Resources, Energy and Tourism (RET) is the lead agency for provision of policy advice in relation to the safety zones established around oil and gas platforms and near submerged pipelines.

Description

Australia's national interests are threatened by illegal activity in protected areas within the Australian maritime jurisdiction. There are several different areas considered protected under Australian law. They include protected areas within designated marine reserves, the Great Barrier Reef Marine Park, designated historic wreck sites, safety zones declared around Australia's offshore oil and gas infrastructure, and protected zones declared around submerged pipelines/cables.

Potential security threat events in this category include:

- **Illegal activity in Commonwealth marine reserves:** This encompasses illegal activities such as taking, killing, or damaging animal and plant species, along with damage to, or theft from protected man-made, or natural structures within protected areas. Commonwealth marine reserves are shown in Figure 8. Please see the case study for an example of this security threat event.

- **Illegal activity in historic protected areas:** This encompasses any activity conducted without a permit within a protected area declared to protect sites of historical significance. Australian historic shipwreck protected zones are shown in Figure 9. Examples include unauthorised research or personal diving in Australian historic shipwreck protected zones and dredging or trawling in these zones that may lead to damage to the shipwreck.

- **Unauthorised presence in OGI safety zones:** This encompasses any unauthorised incursion into the 500 metres safety zones declared around oil and gas infrastructure (see Figure 10).

- **Illegal or restricted activities in a submarine cable protection zone:** This encompasses the following actions that are prohibited within the declared protection zone, including fishing, lowering, raising, or suspending an anchor from a ship, sand mining, exploring for, or exploiting natural resources, mining, and any activity that involves a serious risk that an object will connect with the seabed. Certain activities such as using nets and other fishing apparatus are
also restricted in certain areas of these protection zones. Protection zones associated with submarine telecommunications cables located off Perth and Sydney are shown in Figure 11.

Potential consequences for Australia

The potential consequences of illegal activity in protected areas may include environmental damage and economic or business downturn. There may also be detrimental impact to government business reputation and damage to Australian icons (such as the Great Barrier Reef). Telecommunications submarine cables that are laid in protection zones (declared under the Telecommunications Act 1997) are considered nationally significant critical infrastructure. Damage to these cables by illegal fishing or shipping activities (e.g. dragging an anchor) may have a significant impact on the Australian economy.

Illegal foreign fishers operating in Australia’s waters also pose a significant threat in terms of illegal exploitation of natural resources (Chapter 5) and compromise to biosecurity (Chapter 9).

Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences to an individual related to illegal activity in protected areas include:

- fine and/or imprisonment for the owner or master of the vessel involved
- fine and/or imprisonment for other personnel involved in the illegal or criminal activity
- confiscation of fishing catch and/or fishing equipment (in the case of illegal fishing)
- seizure, confiscation, or destruction of the vessel involved.

Stakeholder coordination

Generic arrangements

Transportation of response teams may be a key component of response to illegal activity in protected areas. Agencies that may be able to provide air and maritime surface transportation and air surveillance are Border Protection Command, the Australian Maritime Safety Authority and some state and territory police.

The Australian Federal Police (AFP) or state and territory police are responsible for the criminal investigation and provide briefs of evidence for prosecution within their respective jurisdictions. However, SEWPaC may carry out investigations for criminal prosecution and civil action in relation to illegal activity in Commonwealth marine reserves. GBRMPA (for illegal fishing activities in the Great Barrier Reef Marine Park) may conduct investigations into suspected illegal fishing offences and provide a brief of evidence to the Commonwealth Director of Public Prosecutions for consideration. However, most domestic fisheries matters in the Great Barrier Reef Marine Park are managed through the Queensland Government and legislation.

Lead agencies are responsible for conducting investigations and prosecutions in relation to their respective legislation. Agencies such as the Australian Fisheries Management Authority, the AFP, or state or territory police may provide operational support, and on a case-by-case basis, the lead for criminal prosecutions.

The Australian Customs and Border Protection Service, AFP, ADF personnel, or other persons appointed under the Fisheries Management Act may act as fisheries officers for the purpose of apprehension and preparation of evidence for prosecution in fisheries related matters. Customs and AFP officers are ex officio authorised officers under the EPBC Act for operations within Commonwealth marine reserves. Other government officers, including AFMA, ADF personnel and state fisheries officers, are authorised as Wardens under the EPBC Act by agreement.
**THREAT SNAPSHOT**

**ILLEGAL FISHING IN ASHMORE REEF NATIONAL NATURE RESERVE**

Ashmore Reef National Nature Reserve is a Commonwealth marine reserve located on Australia’s North-West Shelf, about 840 km west of Darwin, 610 km north of Broome and 110 km south of the Indonesian island of Roti.

The reserve was established to protect outstanding and representative marine ecosystems and to facilitate scientific research. SEWPaC manages the reserve consistent with management principles set out in the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* to conserve habitats, ecosystems and native species in as undisturbed state as possible. The reserve is a designated a Ramsar Wetland of International Importance because of its importance in providing a resting place for migratory shorebirds and in supporting large seabird breeding colonies.

The majority of the reserve is managed as a nature reserve and fishing is strictly prohibited except for a small part where access for non-commercial purposes is permitted. Taking of fish within this part is permitted for subsistence purposes only. Indonesian fishing vessels are also permitted in this part of the reserve under an MOU between Indonesia and Australia.

Pressures on the reserve are high and include illegal foreign fishing for shark, finfish, trepang and trochus. The reserve is also vulnerable to potential marine and terrestrial pollution, and introduced pests and diseases, being a destination of high numbers of suspected irregular entry vessels and for vessels transiting the region.

The Australian Customs and Border Protection Service (ACBPS) has had a long history of providing support to SEWPaC and AFMA for compliance and enforcement activities relating to illegal foreign fishing in the Ashmore Reef National Nature Reserves and surrounding waters. These services have been provided in recent years by ACBPS officers working on the *ACV Ashmore Guardian*, which has been very effective in maintaining a local surveillance and enforcement presence and as a platform for collaborative compliance and environmental protection.

As an example, on 24 August 2011 an illegal type III (motorised) Indonesian fishing vessel was sighted by a Border Protection Command – assigned aerial asset within the reserve. The vessel was pursued and apprehended within the exclusive economic zone by HMAS *Pirie* with 250 kg of fresh trepang on board. Six crew members were transferred to Darwin, detained and charged with offences under the *EPBC Act* and the *Fisheries Management Act 1991*. Cooperative investigation by SEWPaC and Australian Fisheries Management Authority officers led to the successful prosecution and conviction of each crew member for each offence, with penalties ranging from three to nine months imprisonment.
Figure 8 Commonwealth marine reserves
Map courtesy of the Department of Sustainability, Environment, Water, Population and Communities.

Figure 9 Australian historic shipwreck protected zones
Map courtesy of the Department of Sustainability, Environment, Water, Population and Communities.
Figure 10 Safety zones associated with oil and gas installations

Map: courtesy of Geoscience Australia © Commonwealth of Australia (Geoscience Australia) 2012.

With the exception of the Commonwealth Coat of Arms and where otherwise noted, this product is provided under a Creative Commons Attribution 3.0 Australia Licence. <http://creativecommons.org/licenses/by/3.0/au/legalcode>
Figure 11  Protected zones associated with Submarine Telecommunications Cables—located off Perth (top) and Sydney (bottom)

Maps courtesy of the Australian Communications and Media Authority.
<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACMA</td>
<td>LA</td>
<td>Regulation including the prohibition and restriction of activities in protected zones surrounding submarine telecommunications cables.</td>
</tr>
<tr>
<td>NOPSEMA</td>
<td>LA</td>
<td>Regulation of activity in protected zones such as adjacent to oil and gas platforms and near submerged pipelines and for deterrence of illegal activity in those zones.</td>
</tr>
<tr>
<td>RET</td>
<td>LA</td>
<td>Provision of policy advice in relation to the protected zones adjacent to oil and gas platforms and near submerged pipelines.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>LA</td>
<td>Regulation and deterrence of illegal activity involving Commonwealth marine reserves, sea installations and historical protected areas.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>LA</td>
<td>Enforcement of oil and gas or submarine telecommunications cable protected zones. Provides local involvement as required, including regulation and deterrence of activity involving environmental and historical protected areas.</td>
</tr>
<tr>
<td>AAD</td>
<td>PS</td>
<td>Regulation of the subantarctic islands’ Commonwealth marine reserves.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>PS</td>
<td>Provides enforcement or transportation as required.</td>
</tr>
<tr>
<td>AFMA</td>
<td>PS</td>
<td>Regulation of Commonwealth fishing activities and deterrence of illegal foreign fishing within the EEZ and the disposal of illegal foreign fishing vessels and SEVs.</td>
</tr>
<tr>
<td>AFP</td>
<td>PS</td>
<td>Provides armed law enforcement and assistance with prosecution as required. Responsible for the enforcement of the prohibitions and restrictions in the protection zones declared under the Telecommunications Act 1997.</td>
</tr>
<tr>
<td>BPC</td>
<td>PS</td>
<td>Where transportation to or surveillance of these zones is required.</td>
</tr>
<tr>
<td>DEFENCE (includes ADF and AHS)</td>
<td>PS</td>
<td>Provides enforcement, transportation or surveillance as required. The AHS (part of ADF) are a secondary stakeholder for the provision of specialist charts and publication for awareness of these protected areas.</td>
</tr>
<tr>
<td>STATE/TERRITORY POLICE</td>
<td>PS</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
<tr>
<td>AGD</td>
<td>SS</td>
<td>Provides government legal direction as required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>SS</td>
<td>Provides surveillance as required.</td>
</tr>
<tr>
<td>DAFF</td>
<td>SS</td>
<td>Provides high-level policy advice regarding threats to primary industry, including fisheries. Also has a lead role in supporting international efforts to address illegal, unreported and unregulated fishing and regulates and responds to quarantine matters.</td>
</tr>
<tr>
<td>DFAT</td>
<td>SS</td>
<td>Involvement when the issue involves any international aspect.</td>
</tr>
<tr>
<td>FINANCE/TREASURY</td>
<td>SS</td>
<td>Involvement when specific financial arrangements are required.</td>
</tr>
<tr>
<td>INDUSTRY</td>
<td>SS</td>
<td>Businesses that own, or operate OGI, or submerged cable/pipelines provide specialist support regarding that infrastructure as required.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>SS</td>
<td>Provides intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>SS</td>
<td>Provides high-level policy advice as required.</td>
</tr>
</tbody>
</table>

**Legend:**
- **LA** Lead Agency
- **PS** Primary Stakeholder
- **SS** Secondary Stakeholder
Commonwealth marine reserves

Both the Australian Government (SEWPaC) and the state and territory governments separately declare and manage marine reserves. The delineation between the Australian and the state and territory governments is generally the outer limit of the coastal waters (3 nautical miles from the territorial sea baseline).

Compliance and enforcement in marine reserves is the responsibility of the government that declared that zone. In the case of Commonwealth marine reserves, enforcement is the responsibility of SEWPaC. It should be noted that at a regional level Australian Government and state and territory government officers utilise cooperative arrangements to facilitate enforcement of respective zones. Some officers are cross-authorised (for enforcement purposes) under both Commonwealth and state and territory legislation.

Historic shipwreck protected zones

SEWPaC administers the Commonwealth Historic Shipwrecks Act 1976, which protects all shipwrecks that are at least 75 years old and others that are specifically declared. Some historic shipwrecks sites of particular sensitivity have also been provided with protected zones under the Historic Shipwrecks Act (see Figure 9).

Enforcement of illegal activity within these protected zones is conducted by the Commonwealth in close cooperation with state and territory government agencies through arrangements established under the Historic Shipwrecks Program, delegations made by the Minister and the appointment of historic shipwreck inspectors authorised under the Historic Shipwrecks Act.

COMMONWEALTH MARINE RESERVE ZONING

The EPBC Act 1999 requires a Commonwealth marine reserve to be assigned an International Union for Conservation of Nature (IUCN) category and allows a management plan to divide a reserve into zones and to assign an IUCN category to each zone.

Zoning is a fundamental planning tool in managing marine reserves and defines activities that may be carried out and in which locations to protect the marine environment and to provide for ecologically sustainable use where appropriate.

Commonwealth marine reserve zoning schemes take into account the purposes for which the reserves were declared, reserve management principles, and management plan objectives. IUCN categories and management principles are applied in Commonwealth marine reserves in the following way:

- **Category Ia — Strict nature reserve (sanctuary zones):** These areas are managed to minimise disturbance to the environment from human activities. Consequently, extractive activities, such as mining or fishing, are not allowed in these zones.
- **Category II — National park (marine national park):** These areas are managed mainly for ecosystem protection and passive recreation. Consequently, mining and commercial fishing are not allowed in these zones. Recreational fishing and other activities may be permitted in some reserves of this category.
- **Category IV — Habitat/species management area (habitat protection zones):** These areas are managed to ensure that activities do not have an impact on the habitat or species protected by the zones.
- **Category VI — Managed resource protected area:** A wide range of activities are allowed or may be authorised in these zones provided they are consistent with the IUCN principles and do not have an unacceptable impact on the values of the area. In Commonwealth marine reserves this category applies to multiple use zones, special purpose zones and recreational use zones.
Oil and gas infrastructure safety zones

The declaration and management of oil and gas safety zones is the responsibility of the NOPSEMA in Commonwealth waters, and for designated coastal waters where powers have been conferred by the states and territories.

Part 6.6 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA) provides for the establishment of safety zones around a petroleum and greenhouse gas well, structure or an item of equipment, to a maximum distance of 500 metres. It also prohibits entry to vessels into the ‘area to be avoided’, an area with a significant number of petroleum facilities in the Bass Strait, lying across a major shipping track. The ‘area to be avoided’ is described in Schedule 2, section 618 of the OPGGSA.

Enforcement of oil and gas safety zones is the responsibility of the respective state or territory governments for coastal waters. The Australian Government is responsible for the enforcement of these zones in Commonwealth waters, with BPC-assigned assets undertaking surface and aerial security patrols around offshore facilities throughout the EEZ and in the Joint Petroleum Development Area.

Submarine telecommunications cables

The Australian Government (ACMA) is responsible for the declaration and supervision of the protected zones for submarine telecommunications cables. These zones are in place when the cables are less than 2000 metres below the surface of the ocean (beyond this depth there is considered to be no appreciable threat). In Australia this means they extend up to 50 nautical miles from shore.

Enforcement of maritime security zones is the responsibility of state and territory government agencies (normally water police) within coastal waters.

Outside coastal waters (within the territorial sea, contiguous zone and EEZ) enforcement responsibility rests with the Australian Government (BPC).

Great Barrier Reef Marine Park arrangements

Within the Great Barrier Reef Marine Park, GBRMPA officers, and other authorised inspectors from other Commonwealth and Queensland agencies conduct enforcement activities to ensure compliance with the Great Barrier Reef Marine Park Zoning Plan, Act and regulations.

For illegal activities breaching the *Great Barrier Reef Marine Park Act 1975*, the GBRMPA will conduct the criminal investigation and, if necessary, provide a brief of evidence for prosecution. If necessary, some matters may be referred to the AFP, states, or territories for assistance. Policing and prosecution arrangements of illegal foreign fishing vessels committing fisheries offences within the Great Barrier Reef Marine Park, however, are more effectively dealt with under the *Fisheries Management Act* rather than the *Great Barrier Reef Marine Park Act*.

Public information management

For this maritime security threat, public information management responsibilities lie with the lead agency for the specific aspect of this threat. For example, specific issues relating to the environment, compromise to biosecurity and illegal activity in protected areas are to be coordinated by SEWPaC, the Department of Agriculture, Fisheries and Forestry, ACBPS, AFP, ADF, or other agencies as appropriate.
5

ILLEGAL EXPLOITATION OF NATURAL RESOURCES
Potential consequences of illegal exploitation of natural resources include impacts on food security, environmental damage and economic or business downturn.
Illegal exploitation of natural resources

KEY POINTS

Illegal exploitation of natural resources includes illegal exploitation of fish stocks within the water column, harvesting sedentary organisms from the seabed and illegal commercial and recreational activities in Commonwealth marine areas, including Commonwealth marine reserves.

There are a number of Australian Government and state and territory stakeholders that are required to respond to illegal exploitation of natural resources.

Prevention, preparedness, response and recovery

» The Australian Fisheries Management Authority (AFMA) is the lead agency for all illegal foreign and domestic fishing activities within the AFZ.

» The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) is the lead agency for illegal activities that may have a significant impact on the environment in Commonwealth marine areas, including Commonwealth marine reserves.

» The Great Barrier Reef Marine Park Authority (GBRMPA) is the lead agency for regulation of activity within the Great Barrier Reef Marine Park and the deterrence of illegal activity in the Great Barrier Reef Marine Park.

» State and territory bodies are the lead agencies in areas under their jurisdiction.

Description

Australia’s national interests are threatened by the illegal exploitation of natural resources within the Australian maritime jurisdiction. Encompassed within this threat is the illegal exploitation of marine life, oil, gas and mineral resources. Potential security threat events in this category include:

» Illegal exploitation of living natural resources: This encompasses illegal exploitation by both foreign and Australian flagged vessels of fish stocks within the exclusive economic zone (EEZ) (water column and seabed) as defined in United Nations Convention on the Law of the Sea (UNCLOS), as well as harvesting sedentary organisms from the seabed of the EEZ and the extended continental shelf. Commercial activities, including mining and fishing, carried out within Commonwealth marine reserves as declared under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) without a permit may constitute illegal exploitation of the natural resources within the reserve. Actions resulting in the death, injury, removal or trade of certain listed species and actions that are not permitted that affect matters of national environmental significance as defined in the EPBC Act or actions that may result in a significant impact on the environment in a Commonwealth marine area are also illegal.

» Illegal exploitation of mineral and non-Living natural resources: This includes non-permitted activities that involve non-living resources, including illegally exploiting oil, gas, mineral and other non-living resources of the seabed and subsoil within the EEZ and continental shelf as defined in UNCLOS. This security threat is not discussed in any detail in the GAMSA.

Potential consequences for Australia

Potential consequences of illegal exploitation of natural resources include impacts on food security, environmental damage and economic or business downturn. There may also be detrimental impact to government business reputation and detrimental effect on external relationships and sovereignty.

Illegal foreign fishers operating in Australia’s waters also pose a significant threat of compromise to biosecurity (see Chapter 9). Introduced pests and diseases have the potential to cause harm to the Australian economy and human health.
Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences for an individual who illegally exploits natural resources include:

- fine and/or imprisonment for the owner or master of the vessel involved
- fine and/or imprisonment for other personnel involved in the illegal, or criminal activity
- confiscation of fishing catch and/or fishing equipment (in the case of illegal fishing)
- seizure, confiscation, or destruction of the vessel involved.

Stakeholder coordination

Generic arrangements

Four agencies are responsible for deterrence of activities for the security threat ‘illegal exploitation of natural resources’. These agencies are: SEWPaC, for deterrence of illegal activities in Commonwealth marine reserves, activities that affect certain listed species, activities that may result in a significant impact on the environment in a Commonwealth marine area, and activities that affect matters of national environmental significance; AFMA, for deterrence of illegal fishing in the Australian Fishing Zone and harvesting sedentary organisms from the seabed north of the Provisional Fisheries Surveillance and Enforcement line and south of the seabed delimitation;
Illegal exploitation of natural resources

GBRMPA for deterrence of illegal activity in the Great Barrier Reef Marine Park; and state and territory governments for regulation of state and territory managed fisheries.

Transportation of response teams may be a key component of response to illegal exploitation of natural resources. Agencies able to provide air and maritime surface transportation are BPC, the Australian Antarctic Division (AAD), the Australian Maritime Safety Authority and the Australian Federal Police (AFP) and state and territory police.

AFP or state or territory police are generally responsible for criminal investigation and providing briefs of evidence for prosecution. However, AFMA as the lead agency for fisheries matters will conduct the investigations into suspected illegal fishing offences and provide a brief of evidence directly to the Commonwealth Director of Public Prosecutions for consideration. SEWPaC may institute criminal prosecution or civil proceedings for offences under the EPBC Act and the Historic Shipwrecks Act 1976. GBRMPA also conducts investigations into illegal fishing and a variety of other types of illegal activity that contravene the Great Barrier Reef Marine Park Act 1975.

ACBPS, AFP and Australian Defence Force (ADF) personnel, or other persons appointed under the Fisheries Management Act, may act as fisheries officers for the purpose of apprehension and collection of evidence for prosecution in fisheries related matters. ACBPS and AFP officers are ex officio authorised officers under the EPBC Act with all the powers conferred by that Act. Other government officers, including ADF personnel and state fisheries officers, are authorised as wardens under the EPBC Act by agreement.

The Department of Agriculture, Fisheries and Forestry (DAFF) would only become involved if these vessels, persons, or goods were landed in Australia.

AFMA and SEWPaC have an arrangement whereby AFMA, in circumstances where fisheries offences are also under investigation and following apprehension by ACBPS, or ADF, refers evidence of possible offences against the EPBC Act to SEWPaC. AFMA conducts the investigation jointly with SEWPaC.

Delineation of responsibilities

The delineation of responsibilities for the management of commercial fish stocks are set out in a series of gazetted Offshore Constitutional Settlement (OCS) arrangements and MOUs that exist between the Australian Government (AFMA) and the state and territory governments. These OCS arrangements manage fish stocks on the basis of species, method of catch and by specific maritime boundaries or zones.

However, illegal foreign fishing activity (including of state or territory managed commercial fish stocks) is solely managed by the Commonwealth Government (AFMA) and prosecuted in the Commonwealth judicial system according to the Fisheries Management Act 1991 and Torres Strait Fisheries Act 1984, unless the activity occurs in coastal waters.

Great Barrier Reef Marine Park arrangements

Within the Great Barrier Reef Marine Park, GBRMPA officers, and other authorised inspectors from other Commonwealth and Queensland agencies conduct enforcement activities to ensure compliance with the Great Barrier Reef Marine Park Zoning Plan and associated Act and regulations.

Torres Strait arrangements

Specific arrangements are in place with the Torres Strait Protected Zone to recognise traditional fishing practices of the traditional peoples of the Torres Strait (both Australian and Papua New Guinea nationals, who live in the protected zone and maintain traditional customary associations). For example, turtles and dugong are managed as fisheries stock by AFMA and state fisheries rather than protected species by SEWPaC or state environmental agencies.
Joint Petroleum Development Area arrangements

The management of fish stocks in the Joint Petroleum Development Area (JPDA) between the Northern Territory and Timor-Leste is shared between Australia and Timor-Leste. The Australian Government (AFMA) manages sedentary species whilst the Timor-Leste Government is responsible for the management of non-sedentary species.

Public information management

For this maritime security threat, public information management responsibilities are coordinated by BPC, in consultation with AFMA and DAFF, and with the GBRMPA for incidents within the Great Barrier Reef Marine Park.

Figure 12 Commonwealth managed commercial fisheries within Australian waters

Map Courtesy of the Australian Fisheries Management Authority.
MOU OVERVIEW

The MOU Box, located off north west Australia, is approximately 50,000 square kilometres, contains five main reefs/islands, and has significant conservation values. Indonesian nationals have undertaken fishing in the area using traditional methods for some 300 years. Due to its location on the maritime boundary it is a focal point of interest for Australia and Indonesia on matters including fishing, conservation, national security and illegal immigration.

Traditional fishing is permitted under a 1974 MOU and updated (1989) guidelines agreed between Australia and Indonesia. Under these arrangements Australia refrains from applying its fisheries laws to traditional fishers (i.e. those using non-motorised vessels and fishing equipment) provided they conform to the conditions set out in the MOU and Guidelines. The traditional fishers typically target either shark or sedentary species such as sea cucumber and trochus, but invariably also take some finfish species either for bait, consumption or sale as dried fish.

The Ashmore and Cartier reefs are Commonwealth marine reserves. Indonesian fishers are allowed to access the West Island Lagoon of Ashmore Reef for shelter, fresh water and to fish for immediate consumption but are otherwise excluded from the reserves except in instances of force majeure.

Compliance with the MOU and Guidelines is generally good; however, it is not universal and the most common breaches of the MOU and Guidelines include:
- access by motorised foreign fishing vessels
- the use of mechanised fishing gear such as hookah by traditional fishers
- fishing by traditional fishers in waters beyond the boundaries of the MOU Box
- the use of destructive fishing practices such as blast fishing
- access to Commonwealth marine reserve restricted areas
- the take of protected species.

AFMA is the lead agency in relation to fishing offences while SEWPaC takes the lead for other environmental offences and the management regulations applying to Ashmore and Cartier marine reserves. Surveillance and compliance operations are usually undertaken by ACBPS and ADF, through BPC. When offences are detected BPC liaises directly with AFMA and/or SEWPaC to coordinate the appropriate response. Possible responses include intercepting, boarding, education, forfeiture of catch or equipment, and apprehension of vessels and crew.

Australia and Indonesia continue to be engaged in discussions to address concerns about overfishing and stock depletion through the Australia–Indonesia Working Group on Marine Affairs and Fisheries. Proposed measures include improved management, research and monitoring, information and education, capacity building and alternative livelihoods.
Table 2 Stakeholders and responsibilities: Illegal exploitation of natural resources

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>AFMA</td>
<td>L</td>
<td>Regulation of Commonwealth fishing activities and deterrence of illegal foreign fishing within the EEZ and the disposal of illegal foreign fishing vessels and SIEVs.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>L</td>
<td>Regulation of activity in Commonwealth marine reserves; activities that affect certain listed species; activities that may result in a significant impact on the environment in a Commonwealth marine area; and activities that affect matters of national environmental significance.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>L</td>
<td>Regulation of state and territory managed fisheries. Provides local involvement as required.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>P</td>
<td>Provides enforcement, (including the temporary holding and initial processing of illegal foreign fishers) transportation and surveillance as required.</td>
</tr>
<tr>
<td>AFP</td>
<td>P</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
<tr>
<td>BPC</td>
<td>P</td>
<td>Provides enforcement, transportation and surveillance as required.</td>
</tr>
<tr>
<td>AAD</td>
<td>S</td>
<td>Provides assistance within the Antarctic region as required.</td>
</tr>
<tr>
<td>AGD</td>
<td>S</td>
<td>Provides government legal direction as required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>S</td>
<td>Provides surveillance as required.</td>
</tr>
<tr>
<td>DAFF</td>
<td>S</td>
<td>Provides high-level policy advice regarding threats to primary industry, including fisheries. Also have a lead role in supporting international efforts to address IUU fishing and regulates and responds to quarantine matters.</td>
</tr>
<tr>
<td>DEFENCE (includes ADF and AHS)</td>
<td>S</td>
<td>Provides enforcement, transportation and surveillance if required.</td>
</tr>
<tr>
<td>DIAC</td>
<td>S</td>
<td>Provides assistance when illegal entry into Australia is a consideration.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S</td>
<td>Involvement where the issue involves any international aspect.</td>
</tr>
<tr>
<td>DOHA</td>
<td>S</td>
<td>Involvement when there is a health threat from foreign nationals.</td>
</tr>
<tr>
<td>FINANCE/TREASURY</td>
<td>S</td>
<td>Involvement if specific financial arrangements are required.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>S</td>
<td>Provides intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>S</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>STATE OR TERRITORY POLICE</td>
<td>S</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
</tbody>
</table>

**Legend:**
- **L**: Lead Agency
- **P**: Primary Stakeholder
- **S**: Secondary Stakeholder
6

MARINE POLLUTION
Australia’s national interests are threatened by marine pollution, which may be manifested through inadvertent, reckless, or deliberate actions and affect the environment, shipping, or coastal developments.
Marine pollution

KEY POINTS

Types of marine pollution include marine spills and discharges, illegal sea-dumping, marine debris, and marine obstruction.

Prevention, preparedness, response and recovery

» The Australian Maritime Safety Authority (AMSA) is the lead Australian Government agency for the response to marine pollution in Australia’s maritime jurisdiction.

» The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is the lead agency and national regulator for offshore petroleum activities in the Commonwealth offshore area, and in state and territory waters where powers have been conferred (NOPSEMA came into existence on 1 January 2012).

» Industry are the lead stakeholders for the risks presented and the implementation of response strategies within privately owned facilities.

» The Department of Resources, Energy and Tourism (RET) is the lead agency for providing information to the public in the event of an offshore petroleum incident.

» Port authorities are responsible for managing the threat if the vessel is in port, and state and territory governments are responsible if the vessel is in internal or coastal waters.

Description

Australia’s national interests are threatened by marine pollution, which may be manifested through inadvertent, reckless, or deliberate actions and affect the environment, shipping, or coastal developments. Potential security threat events in this category include:

» Marine spills and discharges: This encompasses the introduction of ship or offshore petroleum facility-generated spills, waste and pollutants that may cause damage to the offshore ecosystem or, if washed ashore, damage to the animal and plant life on coastal fringes.

» Illegal sea-dumping: This encompasses the deliberate disposal of wastes at sea.

» Marine debris: This encompasses the release of debris, including floating, or semi-submerged cargo, waste, discarded and lost fishing equipment (e.g. ghost nets), or remnant structure that may cause damage to the offshore ecosystem and present a navigation hazard or, if washed ashore, damage to the animal and plant life on coastal fringes.

» Marine obstruction: This encompasses a disabled, stranded, or derelict vessel, or wreck, that may present an ongoing pollution, or navigation hazard, or block a waterway of significance to Australia’s trading interests.

Potential consequences for Australia

The potential consequences of marine pollution include human health and social impacts, environmental damage, and economic or business downturn.

Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences for an individual who causes marine pollution include:

» fine and/or imprisonment for the owner or master of the vessel involved

» fine and/or imprisonment for other personnel involved in the illegal or criminal activity

» civil or criminal action for activities that kill or harm native species or have a significant impact on the Commonwealth marine environment

» seizure, or confiscation, of the vessel involved.
Stakeholder coordination

Generic arrangements

AMSA is responsible for managing the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances and the National Maritime Emergency Response Arrangements.

Transportation of pollution response teams and equipment is a key component of response and recovery of marine pollution. The following agencies can provide air and surface transportation: Border Protection Command (BPC), the Australian Antarctic Division (AAD), AMSA, and the Australian Federal Police (AFP) and state and territory police.

Maritime air reconnaissance of marine pollution may be required and would normally be conducted using AMSA-contracted aircraft. However, BPC may be required to provide aircraft for maritime air reconnaissance.

The Department of Agriculture, Fisheries and Forestry (DAFF) would be involved if international marine debris landed in Australia.

While AMSA officers do not have powers of arrest, they can detain vessels under investigation (pursuant to the Protection of the Sea [Prevention of Pollution from Ships] Act 1983). AFP or state police are responsible for the physical arrest of personnel if required. AMSA, with the assistance of police, conducts the criminal investigation and provides a brief of evidence for prosecution.

The OPGGSA and associated Regulations provide NOPSEMA with the authority to perform regulatory functions in relation to offshore petroleum environmental management.

As the regulator, NOPSEMA has authority to direct a titleholder of an offshore petroleum facility to respond to an offshore petroleum incident. The titleholder must comply with the directions of NOPSEMA. Assessment and acceptance of environment plans (EPs) and associated oil spill contingency plans (OSCPs) is a regulatory function of NOPSEMA. These plans must include response strategies as part of their activity description.

Marine spills and discharges

National maritime pollution arrangements (for maritime spills and discharges) are described in the Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances.

Arrangements for responding to a marine pollution event are described as a layered approach. Responsibility for clean-up first rests with the polluting vessel or titleholder.

THREAT SNAPSHOT

MONTARA WELLHEAD PLATFORM

In August 2009, the Montara wellhead mobile drilling unit located 140 nautical miles offshore from the north west Australian coast, had an uncontrolled release of hydrocarbons from one of the platform wells.

Immediate response actions included deploying aircraft, AMSA personnel and additional dispersant to supplement stocks at the AMSA Darwin equipment stockpile. Response personnel were provided by the oil industry and AMSA as well as through national response team arrangements.

SEWPaC reported one confirmed report of an oil-affected sea snake and 29 oil-affected birds found in the region affected by the oil spill (22 birds died as a consequence of their exposure).
Table 3 Stakeholders and responsibilities: Marine pollution

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMSA</td>
<td>LA</td>
<td>Coordination of Commonwealth Government management responses to oil and chemical marine pollution.</td>
</tr>
<tr>
<td>INDUSTRY</td>
<td>LA</td>
<td>The petroleum titleholder and their operators remain responsible for the risks presented and the implementation of response strategies within privately owned facilities.</td>
</tr>
<tr>
<td>NOPSEMA</td>
<td>LA</td>
<td>Regulation of offshore petroleum activities in the Commonwealth offshore area and state and territory waters where this responsibility is conferred.</td>
</tr>
<tr>
<td>RET</td>
<td>LA</td>
<td>Provides information to the public in the event of an offshore petroleum incident. RET provides policy to NOPSEMA.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>LA</td>
<td>Responds to marine pollution events in state or territory waters. Provides local involvement as required.</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>P5</td>
<td>Provides assistance to Maritime Safety Queensland (MSQ) for incidents within the Great Barrier Reef Marine Park.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>P5</td>
<td>Regulation of activity involving the Commonwealth marine environment, including Commonwealth marine reserves; threatened species and ecosystems; and deterrence of associated illegal activity. Regulation of dumping at sea. Also provides advice on environmental matters during incident response.</td>
</tr>
<tr>
<td>AAD</td>
<td>S5</td>
<td>Provides assistance within the Antarctic region as required.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>S5</td>
<td>Provides transportation or surveillance as required.</td>
</tr>
<tr>
<td>AGD</td>
<td>S5</td>
<td>Provides government legal direction as required, or large scale recovery (EMA) as required.</td>
</tr>
<tr>
<td>AFP</td>
<td>S5</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
<tr>
<td>BPC</td>
<td>S5</td>
<td>Provides transportation, surveillance or command and control as required and evidence collection and sampling as required.</td>
</tr>
<tr>
<td>DAFF</td>
<td>S5</td>
<td>Regulation and response to quarantine matters.</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>S5</td>
<td>Provides transportation or surveillance as required.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S5</td>
<td>Involvement when the issue involves any international aspect.</td>
</tr>
<tr>
<td>FINANCE/TREASURY</td>
<td>S5</td>
<td>Involvement when specific financial arrangements are required.</td>
</tr>
<tr>
<td>INFRASTRUCTURE (INCLUDING OTS)</td>
<td>S5</td>
<td>Provides security regulation and policy advice as required.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>S7</td>
<td>Provides intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>S7</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>STATE AND TERRITORY POLICE</td>
<td>S5</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
</tbody>
</table>

LA Lead Agency
P5 Primary Stakeholder
S5 Secondary Stakeholder
of an offshore petroleum facility in the Commonwealth offshore area. If that vessel or the titleholder of an offshore petroleum facility cannot manage the spill, then assistance is provided by the appropriate authority. Which authority is responsible depends on the location of the spill:

» port authority if the vessel is in port
» state or territory government (normally maritime or transport portfolio) if the vessel is in internal or coastal waters
» Commonwealth (AMSA) if the vessel or offshore petroleum facility is outside 3 nautical miles from the territorial seas baseline.

Under the national plan, NOPSEMA is the Australian Government statutory agency for oil spill incidents from offshore petroleum facilities in Commonwealth waters. NOPSEMA can provide advice to titleholders and their operators and can issue directions during an offshore petroleum incident, supporting a whole-of-government approach to incident coordination. NOPSEMA does not have the legislative functions to perform combat agency functions. The petroleum titleholder and their operator remain responsible for the risks presented and the implementation of response strategies.

Petroleum titleholders and their operators must comply with the accepted EP/OSCP and directions given by NOPSEMA. NOPSEMA provide for expedited assessment of revisions during an incident, where necessary. NOPSEMA verify compliance with response arrangements described in the EP/OSCP.

Public information management

For this threat, public information management responsibilities lie with AMSA. For an offshore petroleum incident, the lead agency for the provision of information to the public is RET, in conjunction with NOPSEMA.
7

PROHIBITED IMPORTS AND EXPORTS
Australia’s national interests can be threatened by the prohibited importation, exportation, or transfer of high-risk goods.
Prohibited imports and exports

KEY POINTS

» Commodities such as border-controlled drugs, border-controlled precursors, weapons, strategic/dual use goods, animals, biological material and goods subject to sanctions may be prohibited under Australian law for import, export or transfer in Australian waters.

» This security threat includes the prohibited movement of items and the transfer of prohibited items at sea.

» The security threats relating to these goods are:
  - that they may be destined for uses that are contrary to Australia’s national security (e.g. terrorist groups or countries with illicit weapons programs)
  - that they are border-controlled drugs or substances or other prohibited items contrary to Australia’s national security or interest.

Prevention, preparedness, response and recovery

» The Department of Agriculture, Fisheries and Forestry (DAFF), the Australian Customs and Border Protection Service (ACBPS) and Defence are the initial lead stakeholders for management of this threat; however, depending on circumstances, this may change to the Australian Federal Police (AFP).

Description

Australia’s national interests can be threatened by the prohibited importation, exportation, or transfer of high-risk goods. This involves both the import and export of prohibited goods, or transhipment, transit or transfer of goods of security and biosecurity concern. This threat is broad and encompasses the trafficking of a wide range of goods, including, but not limited to, narcotics, precursor chemicals, weapons, live animals, biological material and items identified as controlled exports to meet Australia’s non-proliferation commitments.

Potential security threat events in this category include:

» Prohibited movement of items. This encompasses the prohibited movement, by any means, of certain items through Australia’s maritime jurisdiction.

» Transfer of prohibited items at sea. This encompasses illegal activities in which items are transferred from or to vessels in order to avoid regulated ACBPS scrutiny.

Potential consequences for Australia

The potential consequences of the prohibited movement or transfer of prohibited goods at sea include agricultural and environmental damage, economic downturn, non-compliance with international treaties and obligations and threats to international safety and security and to the life and wellbeing of people.

Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences for an individual undertaking illegal acts relating to prohibited goods include:

» fine and/or imprisonment for the master or owner of the vessel involved

» fine and/or imprisonment for other personnel involved in the illegal, or criminal, activity

» seizure or confiscation of the proceeds of the illegal, or criminal, activity

» seizure, confiscation, or destruction, of the vessel involved

» seizure and destruction of the prohibited goods.

21 High-risk goods can be defined as goods of national security concern and/or contrary to Australia’s national interest (e.g. drugs, weapons, goods of proliferation concern, goods subject to UN sanctions).
Defence and strategic goods

Regulation 13E of the Customs (Prohibited Exports) Regulations 1958 (the PE Regulations) states that the export of any item contained within Australia’s control list, the Defence and Strategic Goods List (DSGL), is prohibited unless permission has been granted prior to export. The DSGL covers a range of defence and dual-use goods applicable for use in military or weapons of mass destruction programs. It is based on all the export control regime control lists and is made up of the European Union Dual-Use List, the Wassenaar Arrangement Munitions List and additional specific Australian entries. The Defence Export Control Office within the Department of Defence is responsible for administering and updating the DSGL, and has delegated authority from the Minister for Defence to grant permission to export for DSGL controlled goods.

ACBPS is responsible for the enforcement of the DSGL through Regulation 13E. Exporters of DSGL goods are required to present their permit to ACBPS at the time of export. If a valid permit is not produced, the goods may be seized as a prohibited export, and penalties apply, including fines of up to $425 000 or three times the value of the goods, whichever is greater, and imprisonment for up to ten years.
Stakeholder coordination

### Table 4 Stakeholders and responsibilities: Prohibited imports and exports

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACBPS</td>
<td>L</td>
<td>Detect, deter and disrupt the illegal movement of prohibited goods across the border. Investigate and prosecute border offences (other than narcotics).</td>
</tr>
<tr>
<td>AFP</td>
<td>P</td>
<td>Provides armed law enforcement and a lead investigative and prosecution role as required.</td>
</tr>
<tr>
<td>DAFF</td>
<td>P</td>
<td>Regulation and respond to quarantine matters.</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>P</td>
<td>Possible interventions of goods at sea (including interception of anti-proliferation goods). Regulation of issuing permits for certain goods.</td>
</tr>
<tr>
<td>INDUSTRY</td>
<td>P</td>
<td>Businesses that import or export are required to comply with import and export requirements, including having appropriate permissions for goods being supplied or traded.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>P</td>
<td>Responsible for issuing permits and regulating imports and exports of items that may affect the environment, including wildlife (CITES and native plants and animals), hazardous materials and ozone-depleting substances and synthetic greenhouse gases and related equipment.</td>
</tr>
<tr>
<td>AAD</td>
<td>S</td>
<td>Provides assistance within the Antarctic region as required.</td>
</tr>
<tr>
<td>AGD</td>
<td>S</td>
<td>Provides government legal direction as required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>S</td>
<td>Provides surveillance as required.</td>
</tr>
<tr>
<td>BPC</td>
<td>S</td>
<td>Provides enforcement, transportation and surveillance as required.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S</td>
<td>Involvement when the issue involves any international aspect.</td>
</tr>
<tr>
<td>FINANCE/ TREASURY</td>
<td>S</td>
<td>Involvement when specific financial arrangements are required.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>S</td>
<td>Responsible for intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>S</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>S</td>
<td>Provides local involvement as required.</td>
</tr>
<tr>
<td>STATE AND TERRITORY POLICE</td>
<td>S</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
</tbody>
</table>

**Legend:**
- **L** Lead Agency
- **P** Primary Stakeholder
- **S** Secondary Stakeholder
ACBPS is the lead agency responsible for deterrence and interception of prohibited imports and exports, including prevention and awareness relating to this threat. It works closely with other agencies such as Defence and AFP to address these issues.

In most cases ACBPS will conduct the criminal investigation and provide a brief of evidence for prosecution. However, if the specific threat relates to the movement of significant quantities of border-controlled drugs, or is of a wide-ranging, or transnational nature then the AFP become responsible for the criminal investigation, and for providing briefs of evidence for prosecution. These arrangements are detailed in an MOU between ACBPS and the AFP.

When there is a quarantine or compromise to biosecurity threat, DAFF (and state equivalents) will become involved, and the severity of the biosecurity threat may dictate that this threat may take primacy (with DAFF or the Department of Health and Ageing lead) over the prohibited imports and exports threat.

Public information management

For this maritime security threat, public information management responsibilities are placed with ACBPS media and communications, in consultation with other agencies as appropriate.
8

IRREGULAR MARITIME ARRIVALS
The primary risk is the potential for entry into Australia without having been screened by border authorities.
Irregular maritime arrivals

KEY POINTS
Irregular maritime arrivals include both arrivals with migration intent and arrivals without migration intent.

Prevention and preparedness
- The Australian Customs and Border Protection Service (ACBPS) is the lead stakeholder for the provision of intelligence-driven preventative measures both within Australia and overseas.

Response
- Border Protection Command (BPC) is the lead stakeholder for on-water response, including surveillance and interdiction measures.

Recovery
- The Department of Immigration and Citizenship (DIAC) is the lead stakeholder for the management and processing of irregular maritime arrivals to Australia.

Description
Australia’s national interests are threatened by any irregular arrival of people. The Australian Government has responsibility for the lawful and orderly entry of people into Australia, along with ensuring that only those foreign nationals who are appropriately authorised are allowed to stay.

Potential consequences for Australia
The potential consequences of irregular maritime arrivals include threat of death or injury to the potential irregular immigrants, detrimental impact to government, and threat to Australian sovereignty and external relations with foreign states. The primary risk is the potential for entry into Australia without having been screened by border authorities.

Irregular maritime arrivals also pose a significant threat in relation to illegal activity in protected areas (Chapter 4), marine pollution (Chapter 6) and compromise to biosecurity (Chapter 9).

Potential judicial consequences for individuals undertaking illegal or criminal acts
The potential consequences to an individual involved in irregular maritime arrival activity include:
- fine and/or imprisonment for the owner or master of the vessel involved
- fine and/or imprisonment for other personnel involved in the illegal or criminal activity
- seizure or confiscation of the proceeds of the illegal or criminal activity
- seizure, confiscation or destruction of the vessel involved.

Arrivals without migration intent
This encompasses the irregular arrival by sea of people, for any reason, whose intent is to leave Australian territory once their activity is complete.

The GAMSA focuses on maritime security issues and does not take into consideration maritime safety issues. Maritime safety issues, including SOLAS, are the domain of the Australian Maritime Safety Authority (AMSA) and are out of scope for this document.
# Stakeholder coordination

## Table 5 Stakeholders and responsibilities: Irregular maritime arrivals

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACBPS</td>
<td>LA</td>
<td>Provides intelligence-driven preventative measures both within Australia and overseas. Manage initial arrival of potential irregular immigrants to Christmas Island, Cocos (Keeling) Islands and the mainland, prior to transfer to DIAC. Undertake inshore surveillance as required.</td>
</tr>
<tr>
<td>BPC</td>
<td>LA</td>
<td>Provides on-water response, including surveillance and interdiction measures.</td>
</tr>
<tr>
<td>DIAC</td>
<td>LA</td>
<td>Provides the management and processing of irregular maritime arrivals in Australia.</td>
</tr>
<tr>
<td>AGD</td>
<td>PS</td>
<td>Provides government legal direction as required.</td>
</tr>
<tr>
<td>AFP</td>
<td>PS</td>
<td>Provides law enforcement and prosecution of facilitators and crew as required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>PS</td>
<td>Provides coordination of response in a SOLAS event</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>PS</td>
<td>Provides transport and surveillance as required.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>PS</td>
<td>Provides intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>PS</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>STATE/TERRITORY POLICE</td>
<td>PS</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
<tr>
<td>AFMA</td>
<td>SS</td>
<td>Provides assistance when arrivals relate to illegal foreign fishing activity.</td>
</tr>
<tr>
<td>DAFF</td>
<td>SS</td>
<td>Regulation and response to quarantine matters.</td>
</tr>
<tr>
<td>DFAT</td>
<td>SS</td>
<td>Oversees relations with governments in source and transit countries with the aim of securing their cooperation in efforts to deter the departure of maritime people-smuggling ventures bound for Australia.</td>
</tr>
<tr>
<td>DOHA</td>
<td>SS</td>
<td>Involvement when there is a health threat from foreign nationals.</td>
</tr>
<tr>
<td>FINANCE/ TREASURY</td>
<td>SS</td>
<td>Involvement when specific financial arrangements are required.</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>SS</td>
<td>Provides assistance in the Great Barrier Reef Marine Park as required.</td>
</tr>
<tr>
<td>SEWPA</td>
<td>SS</td>
<td>Provides advice on protection of Commonwealth marine reserves and coordinates protection of wildlife from exotic pests as required.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>SS</td>
<td>Provides local involvement as required, including health facilities and resources where required.</td>
</tr>
</tbody>
</table>

**Legend:**
- **LA** Lead Agency
- **PS** Primary Stakeholder
- **SS** Secondary Stakeholder
Stakeholder coordination

ACBPS is responsible for the intelligence-driven preventative measures for this security threat, both within Australia and overseas. DIAC and BPC are the lead agencies for response to this threat. The Border Protection Taskforce is the peak senior officials-level committee for irregular maritime arrivals issues (see Chapter 1 for more information on the taskforce).

Transportation of immigration response and containment teams is a key component of response to irregular maritime arrivals. Agencies may have to transport suspected irregular maritime arrivals to distant immigration processing centres or repatriate them.

When there is a risk related to quarantine, Commonwealth marine reserves or compromise to biosecurity, the Department of Agriculture, Fisheries and Forestry (DAFF), the Department of Sustainability, Environment, Water, Population and Communities, and the Department of Health and Ageing (DoHA) (and relevant state agencies) will become involved. The severity of the biosecurity risk may dictate that this threat takes primacy (with DAFF or DoHA lead) over the irregular maritime arrivals threat until such time as the biosecurity or human health threat is resolved.

The Australian Federal Police (AFP) or state and territory police are responsible for the criminal investigation and to provide a brief of evidence for prosecution.

International arrangements

Several of Australia’s neighbouring regional countries are used as the final departure points for maritime ventures organised by either people smuggling syndicates or groups of friends and close associates, with the objective of moving people to Australia. Australian Government agencies, in particular DFAT, DIAC and AFP, have close working arrangements with government agencies in those countries and aim to disrupt the departure of maritime people-smuggling ventures bound for Australia.

The Ambassador for People Smuggling Issues is responsible for high-level advocacy of Australia’s interests in promoting effective and practical international cooperation to combat people smuggling and trafficking in persons, particularly in the Asia-Pacific region.

Public information management

For this maritime security threat ACBPS and the Australian Defence Force are responsible for coordinating public comment on the response to specific people-smuggling interceptions in Australian waters.
9

COMPROMISE TO BIOSECURITY
The potential consequences of compromise to biosecurity include environmental damage, impacts on human health and economic or business downturn for the Australian agriculture and aquaculture industries.
Compromise to biosecurity

KEY POINTS

Compromise to biosecurity in Australia’s maritime jurisdiction can come from inadvertent or deliberate introduction of pests, diseases and viruses.

Introduced pests, diseases and viruses have the potential to cause harm to the Australian economy and human health.

Prevention, preparedness, response and recovery

» The Department of Agriculture, Fisheries and Forestry (DAFF) and the Department of Health and Ageing (DoHA) are the lead agencies for this maritime security threat.

» The Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) provides environmental advice on threats to biosecurity in the marine environment to DAFF.

Description

Australia’s national interests are threatened by any compromise to its biosecurity introduced through the maritime environment. This includes the introduction of marine or land pests, diseases, and viruses, regardless of whether they affect agriculture, livestock, human health, or are harmful to Australia’s natural flora and fauna.

Potential security threat events in this category include:

» Inadvertent introduction. The primary risk of compromise to biosecurity comes through inadvertent introduction through illegal or commercial activity. This encompasses the threat posed by the inadvertent introduction of pests, diseases or viruses into Australia. One avenue of inadvertent introduction is through interaction with irregular maritime arrivals or foreign fishing vessels.

» Deliberate introduction. This encompasses any deliberate act to introduce a pest, disease, or virus into Australia’s territory or population. Such deliberate actions could be politically motivated to harm Australia’s population or agricultural industries or may be motivated by profit and target specific industries or markets.

Potential consequences for Australia

The potential consequences of compromise to biosecurity include environmental damage, impacts on human health and economic or business downturn for the Australian agriculture and aquaculture industries. A detrimental social impact may occur, along with detrimental impact to government reputation or threat to Australian sovereignty and detrimental effects on food security, agriculture and aquaculture.

Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences for an individual who compromises biosecurity include:

» fine and/or imprisonment for the owner or master of the vessel involved

» fine and/or imprisonment for other personnel involved in the illegal, or criminal activity

» seizure, confiscation, or destruction of the vessel involved.

Stakeholder coordination

Lead agencies for biosecurity threats (DoHA for compromises to public health or DAFF for quarantine threats) manage prevention of and awareness about threats, as well as managing any response to threats.
The lead agencies coordinate a national response to biosecurity threats where needed. SEWPac provides environmental advice to DAFF on marine biosecurity issues.

Response to a threat may be organised cooperatively between lead agencies and involve stakeholder agencies, depending on the nature of the threat. This coordination will include establishment of incident response plans and direct liaison with state or territory agencies responsible for implementing on-ground actions.

In the case of a compromise to biosecurity, biosecurity zones may need to be established around the event. The scope of these zones will be established by the lead agencies in cooperation with the appropriate jurisdictional agencies. Maintenance of biosecurity zones may be allocated to containment forces such as the Australian Federal Police (AFP), state and territory police and the Australian Defence Force (ADF).

Transportation of response, recovery and containment forces is a key component to the management of the compromise to biosecurity threat. The following agencies can provide air and maritime surface transportation: Border Protection Command (BPC), the Australian Antarctic Division (AAD), ADF, the Australian Maritime Safety Authority (AMSA) and the AFP, state and territory police.

DAFF will conduct the criminal investigation and provide a brief of evidence for prosecution. However, if the threat is wide-ranging or transnational in nature, then the AFP may become responsible for the criminal investigation, and for providing a brief of evidence for prosecution.

THREAT SNAPSHOT

PANDEMIC H1N1 2009 AND CRUISE SHIPS

During the ‘swine flu’ pandemic (H1N1) in 2009, a cruise ship arrived in Sydney carrying 172 travellers exhibiting symptoms of influenza-like illness (ILI). The passengers were assessed by NSW Health, released to home isolation and provided with antivirals to treat the disease and to reduce secondary transmission to close contacts. During the isolation period, telephone support was provided to the passengers. 77 passengers were subsequently confirmed as having pandemic (H1N1) 2009. On the ship’s next voyage, departing Sydney 26 May 2009, seven crew members had ILL symptoms. They were treated with antiviral medication and placed in isolation. Three were confirmed as having pandemic (H1N1) 2009. NSW Health provided a doctor and 25 public health nurses to travel to Brisbane to join the ship and screen all passengers, none of whom tested positive to the virus.

The National Protocol for Pandemic (H1N1) 2009 on Cruise Ships was rapidly developed in consultation with cruise ship operators, state and territory chief human quarantine officers and Commonwealth border agencies. The protocol’s aim was to ensure clarity of intent, responsibility and action in responding to the presence of pandemic (H1N1) 2009 on cruise ships. The protocol drew on the normal practice of cruise ship operators, to minimise infectious disease outbreaks on board, and clarified the responsibilities of border agencies and states and territories in responding to pandemic influenza on cruise ships.
International arrangements

The Australian Government is a signatory to international treaties that require the notification to international bodies of serious pest and disease incidents or threats. Under the International Health Regulations, Australia (through DoHA) will notify the World Health Organization of any incident of international public health concern.

Public information management

For this maritime security threat, public information management responsibilities lie with DAFF for quarantine threats, or DoHA’s media centre for compromise to human health.

THREAT SNAPSHOT

THE BLACK STRIPED MUSSEL

The black striped mussel was discovered in Darwin Harbour during a resurvey of the Port of Darwin in 1999. Its presence in Cullen Bay Marina, and subsequently two other marinas, was the first recorded sighting of the species in Australia. Its establishment in Northern Territory (NT) waters had the potential to seriously affect marine biodiversity and threaten the social and economic benefits derived from aquaculture, recreational and commercial fishing, domestic and international tourism, and the shipping industry.

All vessels known to have been in any of Darwin’s three marinas were contacted and checked through the coordinated efforts of AFMA and DAFF. The Quarantine Act 1908 and the NT Fisheries Regulations were used in tandem to control vessel movements and order the inspection and cleaning of vessels.

The NT Department of Primary Industries acted as the lead agency for the eradication of the black striped mussels. Further assistance was provided by the Commonwealth Scientific and Industrial Research Organisation’s Centre for Research on Introduced Marine Pests, the Museum and Art Gallery of the Northern Territory, the Northern Territory University and the ADF. Private business operators supplied supplementary divers, equipment and chemicals.

Cullen Bay Marina, which was the worst affected, was dosed with hypochlorite and copper sulfate over a three-week period, resulting in a complete kill of the black striped mussel. Eradication of the black striped mussel was successful.
### Table 6 Stakeholders and responsibilities: Compromise to biosecurity

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAFF</td>
<td>L1</td>
<td>Regulation and response to quarantine matters.</td>
</tr>
<tr>
<td>DOHA</td>
<td>L1</td>
<td>Regulation to manage threats to public health and coordination of response for threats to public health.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>L1</td>
<td>Regulation to manage threats to commercial marine life.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>P3</td>
<td>Provides advice to lead agency DAFF Biosecurity on threats to marine biosecurity.</td>
</tr>
<tr>
<td>AFMA</td>
<td>P3</td>
<td>Regulation of fishing activities and deterrence of illegal fishing activity within the AFZ, including the disposal of illegal foreign fishing vessels. Also responsible for disposal of SIEVs on land.</td>
</tr>
<tr>
<td>BPC</td>
<td>P3</td>
<td>Provides enforcement or transportation when required.</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>P3</td>
<td>Deterrence and interception of prohibited imports and exports.</td>
</tr>
<tr>
<td>AAD</td>
<td>S3</td>
<td>Regulation to manage threats to the environment or native species in the waters or islands of the Great Barrier Reef Marine Park.</td>
</tr>
<tr>
<td>AFP</td>
<td>S3</td>
<td>Provides assistance in the Antarctic region as required.</td>
</tr>
<tr>
<td>AGD</td>
<td>S3</td>
<td>Provides armed law enforcement and prosecution as required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>S3</td>
<td>Provides government legal direction, or large-scale recovery in the case of threat to public health as required (EMA).</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>S3</td>
<td>Provides surveillance as required.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S3</td>
<td>Transport, area security or surveillance as required.</td>
</tr>
<tr>
<td>FINANCE/TREASURY</td>
<td>S3</td>
<td>If the issue has an international aspect</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>S3</td>
<td>Provides specific financial arrangements as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>S3</td>
<td>Provides intelligence collection and analysis as required.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>S3</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>STATE/TERRITORY POLICE</td>
<td>S3</td>
<td>Provides armed law enforcement and assistance with prosecution as required.</td>
</tr>
</tbody>
</table>

**Legend:**
- **L1** Lead Agency
- **P3** Primary Stakeholder
- **S3** Secondary Stakeholder
10

PIRACY, ROBBERY OR VIOLENCE AT SEA
Incidents classed as piracy and robbery at sea include profit-motivated illegal activities undertaken against vessels, infrastructure, or individuals at sea, in either an organised or an opportunistic manner.
Piracy, robbery or violence at sea

Key points

» Australia’s national interests may be threatened by acts of piracy, robbery or violence at sea.
» The Australian Government response to acts of piracy, robbery or violence at sea will be influenced by the location or nature of the incident, the flag state of the vessel and nationality of those involved.
» The legal issues surrounding the response and recovery for this maritime security threat are numerous.

Prevention and preparedness

» The Office of Transport Security (OTS) has a preventative security regulatory role in safeguarding against unlawful interference with security regulated ports, ships and offshore facilities, but is not a lead agency.

Response and recovery

» Border Protection Command (BPC) is the lead agency for the response and recovery aspects of piracy, robbery and violence at sea, including law enforcement response, command and control, transportation and surveillance. BPC as the Security Forces Authority (SFA) is responsible for the coordinated whole-of-government response.

Definitions

The United Nations Convention on the Law of the Sea (UNCLOS) is the principal piece of international law on the subject of piracy and provides universal jurisdiction for all states to act to suppress piracy on the high seas and in areas outside the jurisdiction of any state. UNCLOS also provides the definition of piracy upon which Australian domestic law is based. Australia implements the piracy provisions of UNCLOS through the Crimes Act 1914 (Crimes Act), making piracy a criminal offence under Australian law. The Crimes Act also covers acts of piracy within the territorial sea of Australia.

Definition of Piracy: In accordance with the Crimes Act 1914, an act of piracy means an act of violence, detention or depredation committed for private ends by the crew or passengers of a private ship or aircraft and directed:
» if the act is done on the high seas or in the coastal sea of Australia—against another ship or aircraft or against persons or property on board another ship or aircraft
» if the act is done in a place beyond the jurisdiction of any country—against a ship, aircraft, persons or property.

The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA Convention), and the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf 1998, deal with the broader concept of violence at sea. The main purpose of the SUA Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force, acts of violence against persons on board ships, and the placing of devices on board a ship which are likely to destroy or damage it. The SUA is given effect through the Crimes (Ships and Fixed Platforms) Act 1992.

The Act makes unlawful the seizure of ships and fixed platforms, various acts of violence endangering safe navigation of private ships and acts of violence endangering the safety of fixed platforms occurring within specific maritime zones where the Australian Government has jurisdiction. It does not describe processes relevant to activity outside the Security Forces Authority Area (SFAA).
Definition of robbery at sea: Robbery is an offence under Australian domestic law, with the central elements being the unlawful taking of property with intent to permanently deprive the owner of the property, accompanied by the use, and/or threatened use of immediate force or violence. ‘Armed robbery against ships’, in accordance with the International Maritime Organization’s (IMO’s) Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships, is defined as:

(a) any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea;

(b) any act of inciting or of intentionally facilitating an act described above.

Potential consequences for Australia

The potential consequences of piracy, robbery, or violence at sea are the threat of death, or injury to humans, disruption of commercial shipping activity, damage to and destruction of property and damage to Commonwealth marine reserves and other protected areas. The security of shipping lanes throughout Asia and of the maritime approaches to Australia is essential for international trade. The threat towards Australian cargo transported via international shipping is as high as it is for any other international shipping country or ship owner or operator.

Potential judicial consequences for individuals undertaking illegal or criminal acts

The potential consequences to an individual who undertakes an act of piracy, robbery, or violence at sea include:

- fine and/or imprisonment for those individuals involved
- seizure or confiscation of the proceeds of the illegal, or criminal activity
- seizure, confiscation, or destruction of the vessel involved.

Response framework

The Australian Government’s framework for responding to acts of piracy within the SFAA is outlined in the AUSPIRACYPLAN. This plan is jointly managed by the Attorney-General’s Department (Emergency Management Australia) and Border Protection Command (BPC). AUSPIRACYPLAN distinguishes between incidents on the high seas and incidents within the territorial sea; it provides the framework for coordinating a response to an incident on the high seas and specifies that incidents occurring within the territorial sea would usually be managed by state or territory police (where the state or territory has the capacity to manage the incident).

Numerous Commonwealth agencies have responsibilities in relation to this maritime security threat. BPC as the SFA is responsible for the coordinated whole-of-government response to acts of violence against ships occurring within the SFAA. Various other agencies have primary and secondary stakeholder responsibilities.

Stakeholder coordination

Acts of piracy, robbery or violence at sea occurring in the territorial sea, state or territory ports or internal waters that are within the capacity of the state or territory to manage, would normally be responded to by state or territory law enforcement agencies. Outside of these waters (seaward of the outer edge of the territorial sea) the Australian Government, through BPC, is responsible for coordinating the response to the incident. The maritime zones where state or territory laws apply are shown in Figure 7. Examples of offences that fall under state or territory jurisdiction include matters arising under the applied laws, including matters such as murder, theft or assault. The National Protocol for Receiving Reports of Crimes At Sea (the protocol) provides a framework to ensure that reports of crimes at sea receive an appropriate response regardless of who they are reported to.

Under this maritime security threat, where an offence has occurred, numerous authorities may be involved in the subsequent investigation. The protocol provides for law enforcement agencies (Commonwealth, state and territory) to decide on the most appropriate agency to

Incidents of piracy, robbery or violence at sea are rare in the Australian Security Forces Authority Area. For that reason, this case study relates to an incident that occurred on a merchant vessel bound for Mombasa, Kenya. The merchant vessel *Maersk Alabama* was loaded with aid cargo bound for Africa when four Somali pirates attacked the ship. The crew deployed anti-piracy measures, including the use of a secure room to provide shelter for the crew during the course of the attack. During the incursion the pirates captured the ship’s captain and departed the ship using the ship’s lifeboat. The United States destroyer *USS Bainbridge* was dispatched and reached the *Maersk Alabama*, with the intention of rescuing the *Maersk Alabama*’s captain. A stand-off occurred with the lifeboat holding the pirates and captain, which was resolved when US Navy SEAL snipers shot and killed the three pirates and rescued the captain from the lifeboat.

If this situation occurred in the Australian territorial sea the state or territory responsible for those waters would be required to respond to that incident. Within the SFAA (but not the territorial sea) the responsibility falls on the Australian Government to respond to the incident. Should the Australian Government need to respond to an incident relating to the security threat ‘piracy, robbery or violence at sea’, Border Protection Command, as the Security Forces Authority, would coordinate the whole-of-government response.

In general terms, it could be expected that the AFP would usually lead the investigation into an incident under this threat, in coordination with other relevant agencies, including those from foreign governments. Where a prosecution is to be mounted into an alleged offence, this would usually be led by the Commonwealth Director of Public Prosecutions. Further, some Australian states have their own piracy offences, separate from those in the *Crimes Act 1914* and may elect to investigate and prosecute offences under their legislation.

**Public information management**

Public information management responsibilities lie with ACBPS media and communications in consultation with the Attorney-General’s Department and other agencies as appropriate.
## Table 7 Stakeholders and responsibilities: Piracy, robbery or violence at sea

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>BPC</td>
<td>La</td>
<td>Lead agency for the response and recovery aspect of the threat. Provides law enforcement response, command and control, transportation or surveillance. BPC as the SPA is responsible for the coordinated whole-of-government response on the high seas.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>P5</td>
<td>Provides transport and surveillance as required.</td>
</tr>
<tr>
<td>AFP</td>
<td>P5</td>
<td>Responsible for investigation of criminal activity that may be appropriately dealt with under Commonwealth legislation.</td>
</tr>
<tr>
<td>AGD</td>
<td>P5</td>
<td>If government legal direction, including on matters of international law (Office of International Law), crisis coordination or large scale recovery (EMA) is required.</td>
</tr>
<tr>
<td>AMSA</td>
<td>P5</td>
<td>Regulation of maritime safety activities, surveillance and response for SOLAS events.</td>
</tr>
<tr>
<td>DEPARTMENT OF INFRASTRUCTURE AND TRANSPORT (THROUGH OFFICE OF TRANSPORT SECURITY)</td>
<td>P5</td>
<td>Has a preventative security regulatory role in safeguarding against unlawful interference with security regulated ports, ships and offshore facilities.</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>P5</td>
<td>Provides intelligence collection and analysis where necessary.</td>
</tr>
<tr>
<td>STATE AND TERRITORY POLICE</td>
<td>P5</td>
<td>Responsible for investigation of criminal activity (in the case of robbery and violence at sea) that may be more appropriately dealt with under state or territory legislation rather than Commonwealth legislation. Acts of robbery or violence occurring in the territorial sea, ports or internal waters that are within the capacity of the state or territory to manage would normally be dealt with by state or territory law enforcement agencies.</td>
</tr>
<tr>
<td>AAD</td>
<td>S5</td>
<td>Provides assistance within the Antarctic region as required.</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>S5</td>
<td>Provides transport, surveillance and area security as required.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S5</td>
<td>Provides advice if the issue has an international aspect.</td>
</tr>
<tr>
<td>DIAC</td>
<td>S5</td>
<td>Provides assistance when illegal entry into Australia is a consideration.</td>
</tr>
<tr>
<td>FINANCE/ TREASURY</td>
<td>S5</td>
<td>Responsible for specific financial arrangements as required.</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>S5</td>
<td>Provides assistance within the Great Barrier Reef Marine Park as required.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>S5</td>
<td>Provides high-level policy advice as required.</td>
</tr>
<tr>
<td>RET</td>
<td>S5</td>
<td>Responsible for safety and security of oil and gas platforms.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>S5</td>
<td>Provides assistance and environmental advice in relation to recovery of impacts within Commonwealth marine reserves.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>S5</td>
<td>Provides local involvement as required.</td>
</tr>
</tbody>
</table>

La Lead Agency  P5 Primary Stakeholder  S5 Secondary Stakeholder
11

MARITIME TERRORISM
Border Protection Command (BPC) is the lead for the response and recovery aspects of this security threat.
Maritime terrorism

**KEY POINTS**

The arrangements for maritime terrorism are drawn from the National Counter-Terrorism Plan; with numerous agencies working together with significant roles to counter this threat. Security threats in this category include attacks on fixed infrastructure, including attacks against vessels; attacks on commercial interests; and incidents mounted from, or through, the maritime environment.

**Prevention and preparedness**

- Infrastructure, through the Office of Transport Security (OTS), has a preventative security regulatory role in safeguarding against unlawful interference with security regulated ports, ships and offshore facilities (including reducing vulnerability to terrorist attack). However, OTS is not a lead agency for this security threat.

**Response and recovery**

- Border Protection Command (BPC) is the lead for the response and recovery aspects of this security threat. Acts of maritime terrorism occurring in state or territory ports or internal waters that are within the capacity of the state or territory to manage would normally be dealt with by state or territory law enforcement agencies. Outside of these waters (including the territorial sea baseline to the territorial sea) the Commonwealth (BPC) is responsible under the National Counter-Terrorism Plan. BPC would assume responsibility for coordinating the whole-of-government response.

**Description**

Australia’s national interests are threatened by any act of terrorism. Terrorism is a criminal activity intended to coerce or intimidate governments or societies to meet political, religious, or ideological objectives. The scope of actions that could conceivably constitute maritime terrorism is vast. However, of primary concern, are incidents considered to be of terrorist intent that manifest either in, or through, Australia’s maritime jurisdiction.

Potential security threat events in this category include:

- Attacks on fixed infrastructure: This encompasses infrastructure associated with ports, maritime navigation, the offshore oil and gas industry, submerged pipelines and communications cables.
- Attacks against vessels: This encompasses both publicly and privately owned vessels, whether Australian, or foreign flagged, within Australia’s Security Forces Authority, including merchant shipping, cruise ships, pleasure craft, ferries and government vessels such as those operated by the Royal Australian Navy and the Australian Customs and Border Protection Service.
- Attacks on commercial interests: This encompasses commercial enterprises that derive income through access to the exclusive economic zone (EEZ), such as the tourist and fishing industries.
- Incidents mounted from, or through, the maritime environment: This encompasses terrorist actions, facilitation of terrorist actions and support against any target, including those on land, which seek access through Australia’s maritime approaches.

**Potential consequences for Australia**

The potential consequences of maritime terrorism include economic or business downturn, the threat of death or injury to humans and damage to Commonwealth marine reserves and other protected areas.
Potential judicial consequences for individuals undertaking illegal or criminal acts

It is important to note that, while all acts of terrorism are criminal, not all criminal acts constitute terrorism. Differing motivations for criminals and terrorists exist, with organised criminal activity generally being based on a desire for financial gain, as opposed to terrorism where an ideological or political purpose is required.

The potential consequences for an individual who is involved in maritime criminality include, but are not limited to:

» fine and/or imprisonment for the owner or master of the vessel involved
» fine and/or imprisonment for other personnel involved in the illegal, or criminal activity
» seizure, confiscation, or destruction of the vessel involved.

Australia’s terrorism offences are contained in Part 5.3 of the *Criminal Code Act 1995*. In particular, divisions 101–103 outline offences for terrorist acts, terrorist organisations, and the financing of terrorism.

The National Counter-Terrorism Plan outlines the responsibilities, authorities and the mechanisms to prevent, or if they occur, manage acts of terrorism and their consequences within Australia and offshore. The Australia-New Zealand Counter-Terrorism Committee oversees these national arrangements.

Commonwealth, state and territory agencies have responsibilities in relation to countering the threat of terrorism. Combating the threat of terrorism is a collaborative effort involving all Australian jurisdictions.

---

**THREAT SNAPSHOT**

**LIMBURG TERRORIST ATTACK**

To date there have been no notable incidents of terrorism in Australia’s maritime jurisdiction. Therefore, this case study is of an event that occurred in Yemen in October 2002. The crude oil carrier *Limburg* was hit by a boat carrying explosives in an attack near a Yemen port. The subsequent explosions killed one crew member and injured 12 more. This event disrupted Yemen’s oil exports and affected oil supply around the world.

The logistics for responding to a maritime terrorism incident, such as the *Limburg* terrorist attack, in Australia’s maritime jurisdiction would be complex. As with any terrorism incident, there would need to be a whole-of-government response. An incident in the vicinity of a major city or the coast could be expected to attract greater media attention than an incident in more remote waters. The response timeframes for an incident near a major city are likely to be less than for one that is more isolated, and it is likely that state or territory police will be the first officials to the site in this scenario. As on land, there are jurisdictional boundaries on the water, and responsibility for the response may transfer accordingly between state jurisdictions and the Commonwealth.
Table 8 Stakeholders and responsibilities: Maritime terrorism

<table>
<thead>
<tr>
<th>STAKEHOLDER</th>
<th>ROLES</th>
<th>RESPONSIBILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>BPC</td>
<td>L4</td>
<td>Lead Commonwealth agency for whole-of-government coordination of response and recovery. Acts of maritime terrorism occurring in state or territory ports or internal waters that are within the capacity of the state of territory to manage would normally be dealt with by state or territory law enforcement agencies. Outside of these waters (seaward of the TSB) the Commonwealth (BPC) is responsible. BPC would assume responsibility for coordinating the whole-of-government response.</td>
</tr>
<tr>
<td>ACBPS</td>
<td>P5</td>
<td>Provides transport and surveillance as required. Assist with maritime terrorism response inshore and at the waterfront, including ship and container searches, and assist with the Australian contribution to Proliferation Security Initiative operational exercises.</td>
</tr>
<tr>
<td>AFP</td>
<td>P5</td>
<td>The AFP enforces Commonwealth criminal law and protects Commonwealth and national interests from crime. The AFP is the Commonwealth Government’s primary law enforcement body.</td>
</tr>
<tr>
<td>AGD</td>
<td>P5</td>
<td>Provides legislative advice and Australian Government crisis coordination (EMA).</td>
</tr>
<tr>
<td>AMSA</td>
<td>P5</td>
<td>Provides surveillance and response to SOLAS events and pollution as required.</td>
</tr>
<tr>
<td>DEFENCE (INCLUDING ADF)</td>
<td>P5</td>
<td>The ADF maintains capabilities to assist civil authorities in emergencies under Defence Force Aid to Civilian Authorities through Part IIIAAA of the Defence Act.</td>
</tr>
<tr>
<td>DIAC</td>
<td>P5</td>
<td>Responsible for visa vetting and processing people in post-response situations.</td>
</tr>
<tr>
<td>INFRASTRUCTURE (THROUGH THE OFFICE OF TRANSPORT SECURITY)</td>
<td>P5</td>
<td>Has a preventative security regulatory role in safeguarding against unlawful interference with security regulated ports, ships and offshore facilities (including reducing vulnerability to terrorist attack).</td>
</tr>
<tr>
<td>INTELLIGENCE AGENCIES</td>
<td>P5</td>
<td>Responsible for intelligence collection and analysis.</td>
</tr>
<tr>
<td>PM&amp;C</td>
<td>P5</td>
<td>Coordinates Commonwealth policy responses to terrorism.</td>
</tr>
<tr>
<td>STATE OR TERRITORY POLICE</td>
<td>P5</td>
<td>Contributes as part of inter-jurisdictional coordination arrangements under the National Counter-Terrorism Plan. Police have operational responsibility for preventing and responding to terrorism and will investigate possible terrorist activity.</td>
</tr>
<tr>
<td>AAD</td>
<td>S5</td>
<td>Provides assistance within the Antarctic region as required.</td>
</tr>
<tr>
<td>ARPANSA</td>
<td>S5</td>
<td>Responsible for specialist advice regarding radiation effects.</td>
</tr>
<tr>
<td>DFAT</td>
<td>S5</td>
<td>Responsible if the issue has an international aspect.</td>
</tr>
<tr>
<td>DOHA</td>
<td>S5</td>
<td>Provides health assistance as required.</td>
</tr>
<tr>
<td>FINANCE/TREASURY</td>
<td>S5</td>
<td>Provides specific financial arrangements as required.</td>
</tr>
<tr>
<td>GBRMPA</td>
<td>S5</td>
<td>Provides response and recovery of environmental impacts within the Great Barrier Reef Marine Park.</td>
</tr>
<tr>
<td>RET</td>
<td>S5</td>
<td>Provides policy advice in relation to the safety and security of offshore oil and gas platforms.</td>
</tr>
<tr>
<td>SEWPAC</td>
<td>S5</td>
<td>Responsible for assistance and response for recovery of impacts within Commonwealth marine reserves and for environmental advice on response to attacks on sea installations.</td>
</tr>
<tr>
<td>STATE AND TERRITORY GOVERNMENTS</td>
<td>S5</td>
<td>Provides local involvement as necessary.</td>
</tr>
</tbody>
</table>

**Note:**
- **L4** Lead Agency
- **P5** Primary Stakeholder
- **S5** Secondary Stakeholder
Stakeholder coordination

Terrorism is a criminal act. Where acts of terrorism occur within the jurisdiction of a state or territory, that jurisdiction has primary responsibility for resolving the incident. If an incident is beyond the capacity of the state or territory to respond, Commonwealth agencies, including the Australian Defence Force, may provide assistance.

In accordance with the National Counter-Terrorism Plan, the Australian Government has direct responsibility for counter-terrorism prevention and response in the Australian offshore area (the area seaward of the Territorial Sea Baseline to the limitations of the EEZ or continental shelf), including the protection of oil and gas facilities within this area and the interdiction of ships. The states and territories have direct responsibility for prevention and response within their territories, internal waters and port limits.

The Australian Federal Police (AFP) or state and territory police are responsible for the criminal investigation and for providing a brief of evidence for prosecution.

Public information management

For this maritime security threat, public information management responsibilities lie with the Attorney-General’s Department. Coordination and consultation on public information is in accordance with the National Security Public Information Guidelines.
ANNEXES
Annex A – International arrangements

As the lead agency responsible for managing Australia’s international affairs, the Department of Foreign Affairs and Trade (DFAT) is involved in maritime security issues of an international nature.

Organisations

Australia is a member of a number of multilateral international bodies that have links to maritime security.

The International Maritime Organisation (IMO) is responsible for developing and maintaining a comprehensive regulatory framework for shipping. Its remit includes safety, environmental concerns, legal matters, technical cooperation, maritime security and the efficiency of shipping. A specialised agency of the UN with 167 member states and three associate members, IMO is based in the United Kingdom and has around 300 international staff.

The United Nations (UN) is central to global efforts to solve problems that challenge humanity. Cooperating in this effort are more than 15 specialised agencies (including the IMO) and several programs and bodies, known together as the UN system. The UN and its family of organisations work to keep peace throughout the world, develop friendly relations among nations, promote respect for human rights, protect the environment, fight disease and reduce poverty. UN agencies define the standards for safe and efficient air travel and help improve telecommunications and enhance consumer protection. The UN leads the international campaigns against drug trafficking and terrorism.

The World Health Organization (WHO) is the directing and coordinating authority for health within the UN system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries, and monitoring and assessing health trends.

The International Atomic Energy Agency (IAEA), the UN’s ‘nuclear watchdog’, works for the safe, secure and peaceful uses of nuclear science and technology. Its key roles in application of nuclear safeguards contribute to international peace and security.

The Organisation for the Prohibition of Nuclear Weapons works to prevent proliferation of chemical weapons, through the application of the verification and implementation measures provided for in the Chemical Weapons Convention, which also serve to build confidence between state parties.

Plans and initiatives

Australia participates in the following international plans and initiatives, which contribute to managing security threats in the global maritime domain.

The Proliferation Security Initiative (PSI) is an integral part of the response to combat the proliferation of weapons of mass destruction (WMD), which is a threat to international peace and security. The PSI aims to help prevent the proliferation of WMD, their delivery systems and related materials through enhanced interdiction efforts. The PSI builds on existing multilateral non-proliferation efforts, and makes clear that any action under the PSI will be consistent with national authorities and relevant international law. A number of UN Security Council resolutions have been passed in support of PSI arrangements including 1540 (2004), 1673 (2006), 1696 (2006), 1737 (2007), 1747 (2007), 1803 (2008) and 1810 (2008).

The International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing was produced by the United Nations Food and Agriculture Organization (FAO) in 2001. DAFF represents the Australian Government in the FAO. The objective of this plan is to prevent, deter and eliminate IUU fishing by providing all states with comprehensive, effective and transparent measures by which to act, including through appropriate regional fisheries management organisations established in accordance with international law.

The International Ship and Port Facility Code, adopted by the IMO in 2004, contains detailed security-related requirements for governments, port authorities and shipping companies in a mandatory section (Part A), and a series of guidelines about how to meet these requirements in a second, non-mandatory section (Part B).
The United Nations Global Counter-Terrorism Strategy was adopted by the UN General Assembly in 2006. The strategy is a unique instrument to enhance national, regional and international efforts to counter terrorism. Member states have agreed to a common strategic and operational approach to fight terrorism and have resolved to take practical steps individually and collectively to prevent and combat terrorism. A number of UN Security Council resolutions were issued prior to this strategy being adopted, including 1373 (2001) and 1535 (2004). Additional UN Security Council resolutions have been issued in support of this strategy and follow on arrangements, including 1787 (2007) and 1805 (2008).

WHO Global Influenza Preparedness Plan has been prepared to assist WHO member states and those responsible for public health, medical and emergency preparedness to respond to threats and occurrences of pandemic influenza.

Legally binding instruments (conventions, treaties and agreements)

Australia is signatory or party to the following international conventions and agreements, which contribute to the management of security threats in the global maritime domain:

The United Nations Convention on the Law of the Sea (UNCLOS) entered into force generally and for Australia in 1994 and provides a comprehensive regime dealing with all matters relating to the law of the sea. UNCLOS establishes a legal order of the seas and helps ensure an equitable and efficient utilisation of marine resources; conservation of living resources; and the study, protection and preservation of the marine environment. Consistent with UNCLOS and pursuant to proclamations under the Seas and Submerged Lands Act 1973 Australia has a 12 nautical mile territorial sea, a 24 nautical mile contiguous zone and a 200 nautical mile exclusive economic zone (EEZ). More recently, Australia’s sovereign rights and jurisdiction with respect to around 2.5 million square kilometres of extended continental shelf beyond the EEZ have been confirmed under UNCLOS. In addition, in accordance with the Offshore Constitutional Settlement, a 3 nautical mile coastal waters zone has been declared.

Antarctic Treaty system

The 1959 Antarctic Treaty entered into force in 1961 and applies to the area south of 60 degrees south latitude. The treaty and a number of other related agreements including the Protocol on Environmental Protection to the Antarctic Treaty 1991 (the protocol) are known collectively as the Antarctic Treaty System (ATS). The Antarctic Treaty stipulates, among other things, that Antarctica should be used exclusively for peaceful purposes and promotes international scientific cooperation. Australia is one of 12 original signatories to the treaty. The protocol was ratified by Australia in 1994 and entered into force generally in 1998. The protocol designates Antarctica as a ‘natural reserve, dedicated to peace and science’ and establishes a Committee for Environmental Protection which advises the Antarctic Treaty Consultative Party meetings annually.

The Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention) entered into force on 7 April 1982 and applies to the Southern Ocean (within the Antarctic Convergence). Its objective is the “conservation of Antarctic marine living resources” where, for the purposes of the convention, the definition of conservation includes rational use. The CAMLR Convention is a part of the Antarctic Treaty system. Its work also complements the Agreement on the Conservation of Albatrosses and Petrels.

The Convention for the Conservation of Antarctic Seals entered into force generally in 1978 and for Australia in 1987. This Convention establishes a system of protection, scientific study and rational use of Antarctic seals. The Seals Convention is part of the Antarctic Treaty System.

Conservation

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) seeks to conserve albatrosses and petrels by coordinating international activity to mitigate known threats to their populations. ACAP came into force in February 2004 and currently has 13 member countries (including Australia) and over 30 species of albatrosses, petrels and shearwaters.
The Convention on Biological Diversity entered into force generally and for Australia in 1993. Its aim is the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the use of genetic resources, including by appropriate access to genetic resources.

The Convention for the Protection of the Natural Resources and Environment of the South Pacific Region entered into force generally and for Australia in 1990. This convention has the objective of protecting and managing the natural resources and environment of the South Pacific region.

The Convention on International Trade in Endangered Species entered into force generally in 1975 and for Australia in 1976. This convention aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

The Convention on International Trade in Endangered Species entered into force generally in 1975 and for Australia in 1976. This convention aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

The Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention) entered into force generally and for Australia in 1975. Each state party to this convention recognises that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage situated on its territory belongs primarily to that state.

The International Convention for the Regulation of Whaling entered into force generally and for Australia in 1948 to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry. It governs the commercial, scientific, and aboriginal subsistence whaling practices of 89 member nations.

Fisheries, including fisheries surveillance and law enforcement

The Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region entered into force generally and for Australia in 1993. The Treaty is the overarching framework under which member states can develop subsidiary agreements to permit cooperative surveillance and law enforcement in relation to illegal fishing. The Pacific Islands Forum Fisheries Agency provides assistance with the development of subsidiary agreements under the Niue Treaty.

The Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands, entered into force in 2005. The treaty's aim is to enhance cooperative surveillance efforts to combat illegal, unreported and unregulated (IUU) fishing in the Southern Ocean in the region of the Territory of Heard Island and McDonald Islands.


The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas entered into force generally in 2003 and for Australia in 2004. This agreement applies to all fishing vessels that are used or intended for fishing on the high seas, and outlines the responsibilities of operators of those vessels and the flag state.

The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement) entered into force in 2001. This agreement aims to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks by improving cooperation between states for the more effective enforcement by flag states, port states and coastal states of the conservation and management measures adopted for such fish stocks.
The **Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Western and Central Pacific Fisheries Convention)** entered into force generally and for Australia in 2004. The aim of this convention is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean. This convention established the **Western and Central Pacific Fisheries Commission**, the purpose of which is to implement the convention.

The **Convention for the Conservation of Southern Bluefin Tuna** entered into force generally and for Australia in 1994. This convention ensures, through appropriate management, the conservation and optimum use of southern bluefin tuna.

The **Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific (Wellington Convention)** entered into force generally in 1991 and for Australia in 1992. This convention seeks to have the practice of longline driftnet fishing in the South Pacific region prohibited where possible and otherwise discouraged.

The **Agreement for the Establishment of the Indian Ocean Tuna Commission** entered into force in 1996 and aims to promote cooperation among its members to ensure, through appropriate management, the conservation and optimal use of tuna and tuna-like fishes and encourage sustainable development of fisheries based on such stocks.

The **Southern Indian Ocean Fisheries Agreement** entered into force in 2012. The Agreement aims to manage the demersal fish species in the high seas areas of the south Indian Ocean. The objectives of the agreement are to ensure the long-term conservation and sustainable use of the fishery resources in this area and to promote sustainable development of fisheries, taking into account the needs of developing states that border the region and that are party to the agreement.

The **Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (SPRFMO)** entered into force in 2012. Its objective is to ensure the long-term conservation and sustainable use of fishery resources in the South Pacific Ocean and, in so doing, to safeguard the marine ecosystems in which these resources occur.

The **Exchange of Notes Constituting an Agreement between the Australia and the United States of America on Access to the Australian Fishing Zone** entered into force in 1987. Under this agreement, Australia opens all or parts of the waters surrounding Christmas Island, and Cocos (Keeling) Islands to fishing by United States vessels pursuant to the Treaty on Fisheries between the governments of Certain Pacific Island States, and the Government of the United States of America.

The **Agreement between Australia and the Republic of Indonesia relating to Cooperation in Fisheries** entered into force in 1993. The agreement aims to facilitate cooperation in fisheries research relevant to the conservation and optimum use of marine living resources.

### Safety at sea

The **International Convention for the Safety of Life at Sea** entered into force generally in 1965 and for Australia in 1968. This convention specifies the minimum standards for the construction, equipment and operation of ships, compatible with their safety.

The **Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)** entered into force generally in 1992 and for Australia in 1993. The main purpose of this convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. These include the seizure of ships by force; acts of violence against persons on board ships; and the placing of devices on board a ship which are likely to destroy or damage it. **The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf** is a protocol to the SUA Convention. The Agreement entered into force in 1993. This protocol includes the fixed platforms operating on the continental shelf within the provisions of the SUA Convention. **The 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf** were further updates to the SUA Convention.

The **Customs Convention on Containers** entered into force generally in 1975 and for Australia in 1976 to develop and facilitate international carriage by container.
Hazardous materials

The **International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWS Convention)**, was adopted in February 2004 and was signed by Australia in May 2005 but is not yet generally in force. Parties to this convention will undertake to prevent, minimise and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships’ ballast water and sediments.

The **International Convention on the Control of Harmful Anti-fouling Systems on Ships, (AFS Convention)** entered into force generally and for Australia in 2003. It prohibits the use of harmful organotins in anti-fouling paints used on ships and will establish a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.

The **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention)** entered into force generally and for Australia in 1992. This convention is the most comprehensive global environmental agreement on hazardous and other wastes. The convention has 179 parties and aims to protect human health and the environment against the adverse effects resulting from the generation, management, transboundary movements and disposal of hazardous and other wastes.

The **International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)** entered into force in 1983. Annex IV of MARPOL 73/78 entered into force for Australia in May 2004 in accordance with Article 15(2) of the convention (MARPOL 73/78). MARPOL is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The convention includes regulations aimed at preventing and minimising pollution from ships—both accidental pollution and that from routine operations.

The **International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)** entered into force generally in 1975 and for Australia in 1985. This convention contributes to the international control and prevention of marine pollution. It prohibits the dumping of certain hazardous materials, requires a prior special permit for the dumping of a number of other identified materials and a prior general permit for other wastes or matter.

Oil pollution

The **International Convention on Oil Pollution Preparedness, Response and Co-operation** entered into force generally in 1995. This convention requires parties to establish measures for dealing with pollution incidents, either nationally or in cooperation with other countries. Ships are required to carry a shipboard oil pollution emergency plan, to be developed by the IMO. Operators of offshore units under the jurisdiction of parties are also required to have oil pollution emergency plans or similar arrangements, which must be coordinated with national systems for responding promptly and effectively to oil pollution incidents.

The **International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties** entered into force generally in 1975 and for Australia in 1984. This convention affirms the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate, or eliminate danger to its coastline or related interests from pollution by oil, or the threat thereof, following upon a maritime casualty. The convention applies to all seagoing vessels except warships or other vessels owned or operated by a state and used on government non-commercial service.

The **International Convention on Civil Liability for Oil Pollution Damage** entered into force generally in 1975 and for Australia in 1984 to ensure that adequate compensation is available to people who suffer damage from oil pollution that results from maritime casualties involving oil-carrying ships. The convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged.

Weapons and nuclear materials

The **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction** entered into force generally and for Australia in 1997. This convention prohibits all development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons. It requires each state party to destroy chemical weapons and chemical weapons production facilities it possesses, as well as any chemical weapons
it may have abandoned on the territory of another state party.

The Convention on the Physical Protection of Nuclear Material entered into force generally and for Australia in 1987. This convention makes it legally binding for parties to protect nuclear facilities and material used for peaceful purposes while in domestic use, storage and transport. It also provides for expanded cooperation between and among states on rapid measures to locate and recover stolen or smuggled nuclear material and requires states to criminalise particular offences under its national laws. Each state party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory or on board a ship or aircraft under its jurisdiction, insofar as such ship or aircraft is engaged in the transport to or from that state, is protected at the levels described in this convention.

The South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) entered into force generally and for Australia in 1986. It is a regional nuclear non-proliferation treaty, by which Australia and a number of Pacific island states agree to ban the use, testing, possession of nuclear weapons within a defined zone within the South Pacific and to ensure that the provision of nuclear material is for peaceful purposes and subject to appropriate safeguards.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction entered into force generally in 1975 and for Australia in 1977. This convention requires states to never in any circumstances develop, produce, stockpile, acquire or retain biological agents or toxins and weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes in armed conflict. States are required to destroy or divert to peaceful purposes all such agents, toxins and related equipment.

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof entered into force generally in 1972 and for Australia in 1973 as a step toward disarmament, the reduction of international tensions and the maintenance of world peace. The treaty prohibits the placement of nuclear weapons, or other weapons of mass destruction, or structures for launching, storing, testing, or using such weapons on or under the seabed and the ocean floor.

The Treaty on the Non-Proliferation of Nuclear Weapons entered into force generally in 1970 and for Australia in 1973. The treaty seeks to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament.

The Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water entered into force generally and for Australia in 1963. The treaty requires states to prohibit, prevent and to refrain from carrying out any nuclear weapon test explosion or any other nuclear explosion at any place under its jurisdiction or control.

Other

The International Telecommunications Convention, Final Protocol, Additional Protocols I- VII and Optional Additional Protocol, entered into force generally and for Australia in 2008. It maintains and extends international cooperation between all International Telecommunications Union member states for the improvement and rational use of telecommunications of all kinds, as well as to promote and to offer technical assistance to developing countries in the field of telecommunications.

The Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation (Lombok Agreement) entered into force in 2008. The treaty provides a framework for expanding bilateral cooperation between Australia and Indonesia on matters affecting their common security and their respective national security. The treaty endorses ongoing work by the governments of both countries to strengthen bilateral security cooperation, such as high-level dialogue and consultation, and institutional exchanges and activities.

The Timor Sea Treaty Between the Government of East Timor and the Government of Australia (TST) entered into force in 2003. The TST provides the framework for Australia and Timor-Leste to jointly control, manage and facilitate the exploration, development and exploitation of petroleum resources in an area of seabed between Australia and Timor-Leste (the Joint Petroleum Development Area, JPDA), for the benefit of the peoples of both countries. The TST provides that the petroleum
produced in the JPDA, 90 per cent shall belong to Timor-Leste and 10 per cent shall belong to Australia. It also includes provisions governing surveillance, security, search and rescue and a range of other matters.

The TST provides for a three-tiered joint administrative structure consisting of: a Designated Authority (DA) responsible for regulation of day-to-day operations within the JPDA; the Joint Commission (composed of Timorese and Australian Commissioners) that establishes policies and regulations relating to petroleum activities in the JPDA; and the Ministerial Council that will consider any matter relating to the operation of the TST referred by Commissioners, or by Australia or Timor-Leste. The DA role is undertaken by the Autoridade Nacional do Petroleo (National Petroleum Authority), an agency of the Timor-Leste Government. The DA is responsible to the Joint Commission.

The Agreement between Australia and the Government of the Democratic Republic of Timor-Leste Relating to the Unitisation of the Sunrise and Troubadour Fields entered into force in 2007. This agreement specifies arrangements between the two nations for the exploitation of these petroleum fields (known collectively as the Greater Sunrise field) located within and adjacent to the JPDA. The ANP, in its role as DA under the TST, regulates 20.1 per cent of the fields, which are within the JPDA; while the Department of Resources, Energy and Tourism, regulates the other 79.9 per cent of the fields, which are within the EEZ.

The Treaty Between Australia and the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea (CMATS Treaty) entered into force in 2007. The treaty states that ‘neither Australia nor Timor-Leste shall assert, pursue or further… its claims to sovereign rights and jurisdiction and maritime boundaries for the period of the treaty’ (50 years). It provides that all upstream petroleum revenues from the Greater Sunrise Unit Area will be shared equally between the two countries. It also established a provisional water column boundary.

The United Nations Convention against Transnational Organised Crime was adopted in November 2000 and aims to promote cooperation to prevent and combat transnational organised crime more effectively. The subsequent Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplements this convention and aims to prevent and combat trafficking in persons, paying particular attention to women and children; protect and assist the victims of such trafficking, with full respect for their human rights; and promote cooperation among states in order to meet those objectives. The Protocol Against the Smuggling of Migrants by Land, Sea and Air further supplements this convention and aims to prevent and combat the smuggling of migrants and to promote cooperation among states to that end, while protecting the rights of smuggled migrants.

The United Nations Convention against Illicit Traffic of Narcotic Drugs and Psychotropic Substances 1988 entered into force generally in 1990 and for Australia in 1993. It promotes cooperation among the parties so that they may address more effectively the various aspects of illicit traffic in narcotic drugs and psychotropic substances.

The United Nations Convention relating to the Status of Refugees entered into force in 1954 and was followed by the Protocol relating to the Status of Refugees, which entered into force in 1967. This convention defines refugees and the obligations of signatory countries towards them.

The Treaty between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters (Torres Strait Treaty) entered into force in 1985. The treaty sets down an agreed position on sovereignty over certain islands, establishes maritime boundaries and provides for certain other related matters, including traditional fishing rights and movement in the area between the two countries, including the Torres Strait.

The Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia establishing Certain Seabed Boundaries and the Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Indonesia Establishing Certain Seabed Boundaries In the Area of the Timor and Arafura Seas, Supplementary to the Agreement of 18 May 1971, both of which entered into force in 1973, established the seabed boundaries between Australia and Indonesia in the Arafura and Timor Seas, to the east and west of the area of seabed now covered by the TST.
The Treaty between the Government of Australia and the Government of the Republic of Indonesia Establishing an Exclusive Economic Zone Boundary and Certain Seabed Boundaries (Perth Treaty) signed in 1997 is yet to enter into force. The treaty finalises the maritime (water column and seabed) boundaries between Australia and Indonesia where not established by previous agreements.

The Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks, which entered into force in 1972, provides for the transfer to Australia of rights, titles and interest in and to wrecked vessels of the Vereenigde Oostindische Compagnie (the Dutch East India Company) lying on or off the coast of Western Australia.

Non-legally binding instruments (arrangements, declarations, MOAs, MOUs and codes of conduct)

The following arrangements, declarations, MOAs and MOUs directly involve Australia.

Fisheries

The MOU between Australia and Indonesia Concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Arrangement signed in 1982. The MOU established the Provisional Fisheries Surveillance and Enforcement Line to delineate areas of responsibility for surveillance and enforcement of fisheries activities in the zone between Australia and Indonesia.

The MOU between Australia and Indonesia Regarding the Operations of Indonesian Traditional Fishermen in the Areas of the Australian Exclusive Fishing Zone and Continental Shelf (Indonesian Traditional Fishing MOU) was signed in 1974. The MOU allows for traditional Indonesian fishing in a specified area within the AFZ adjacent to and surrounding Ashmore Reef. Guidelines and procedures for implementing the operation of this MOU were agreed in 1989.

The Letter of Intent Between the Government of the Republic of Indonesia and the Government of Australia Concerning Cooperation and Assistance Relating to Fisheries Surveillance and Law Enforcement Measures, signed in 2009, confirms cooperation to implement measures to address illegal fishing along the maritime boundaries of the parties in the Arafura Sea and Timor Sea.

The Arrangement between the Government of Australia and the Government of New Zealand for the Conservation and Management of Orange Roughy on the South Tasman Rise (Orange Roughy Arrangement), signed in 2000, is an arrangement for the conservation and management of orange roughy on the Southern Tasman Rise. The arrangement stipulates total catch and quota for this fish stock between the two nations.

The Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security 1995 entered into force in 1995. Parties to the declaration affirm that effective and integrated fisheries management and conservation policies will result in long-term and significant gains in food supply, income and wealth, and in economic growth.

The Code of Conduct for Responsible Fisheries produced by the FAO describes the principles and standards applicable to the conservation, management and development of all fisheries. It also covers the capture, processing and trade of fish and fishery products, fishing operations, aquaculture, fisheries research and the integration of fisheries into coastal area management.

Other

Counter-terrorism MOUs: Australia has signed seventeen bilateral counter-terrorism MOUs (including a document of intent and a declaration of intent) with Indonesia, Malaysia, Thailand, the Philippines, Fiji, Cambodia, Timor-Leste, India, Papua New Guinea, Brunei, Pakistan, Afghanistan, Turkey, Bangladesh, the United Arab Emirates, Saudi Arabia and France. The MOUs are umbrella arrangements between governments. They set out a framework for bilateral cooperation between law enforcement, intelligence and defence officials and other relevant agencies, such as customs
and immigration. They can be complemented by other MOUs at an agency level, such as the many MOUs which have been established between police forces and financial investigation units.

**People Smuggling MOUs:** Australia has signed immigration-related MOUs to address people smuggling and associated border security issues with fifteen countries. These countries include those used by people smugglers to source potential clients; for example, from refugee communities and people displaced by conflict or environmental issues such as long-term drought; transit countries used by people smugglers to gather and hold clients; and maritime departure countries in the region where people smuggling ventures can target Australia. In some of these countries, multiple MOUs are in place to cooperate on mutual border security arrangements to counter people smugglers and people moving in an irregular manner, and to facilitate the return of people who have moved towards or to Australia without proper authorisation and are found not to be owed protection from their countries of origin.

The **Directives for Maritime Rescue Coordination Centres on Acts of Violence Against Ships** were issued by the IMO under the SFA arrangements. AMSA is the agency that provides notification when piracy, robbery, violence at sea or terrorism occurs. In Australia, under SFA arrangements BPC is obliged to be notified when any act of piracy, robbery, violence at sea or terrorism occurs with the Australian SFAA.

The **MOU between Australia and East Timor Relating to Security in the Joint Petroleum Development Area** was signed in 2001. The MOU commits both nations to cooperate to conduct surveillance and enforcement of the JPDA.

**Forums, committees and groups**

The **Association of Southeast Asian Nations Regional Forum** was established in 1994 with the objectives of fostering constructive dialogue and consultation on political and security issues of common interest and concern; and making significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region. Members of the forum are Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, Timor-Leste, the European Union, India, Indonesia, Japan, the Republic of Korea, Laos, Malaysia, Myanmar, Mongolia, New Zealand, Pakistan, Papua New Guinea, the Philippines, the Russian Federation, Singapore, Thailand, the United States and Vietnam.

Relevant working groups, forums or exercises run under the forum include:

- Maritime Security Shore Exercise
- Round Table Discussion on Stocktaking of Maritime Security Issues
- Seminar on the Law of the Sea
- Workshops on Prevention of Terrorism and Counter-Terrorism
- Expert Group Meeting on Transnational Crime
- Workshop on Anti-Piracy
- Workshop on Maritime Security Challenges
- Seminar on Regional Maritime Security
- Regional Cooperation in Maritime Security.

The **Australia Group**, formed in 1985, is an informal forum of countries that, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. By coordinating national export control measures, Australia Group participants are better able to fulfil their obligations under the Chemical Weapons Convention and the Biological and Toxin Weapons Convention to the fullest extent possible.

The **Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies** became fully functional in December 1996. The arrangement was established to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. Participating states (which include Australia) seek, through their national policies, to ensure that transfers of these items do not contribute to the development, or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.

The **Nuclear Suppliers Group (NSG)** is a group of nuclear supplier countries which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of guidelines for nuclear exports and nuclear-related exports. The NSG guidelines are
implemented by each participating government in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements.

The Missile Technology Control Regime is an informal and voluntary association of countries which share the goals of non-proliferation of unmanned delivery systems capable of delivering weapons of mass destruction, and which seek to coordinate national export licensing efforts aimed at preventing their proliferation. The regime was originally established in 1987 by Canada, France, Germany, Italy, Japan, the United Kingdom and the United States. Since that time, the number of regime partners has increased to 34 countries, all of which have equal standing within the regime.

The plan to establish the Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre (RAPPICC) in the Seychelles was announced by the United Kingdom at the time of the London Conference on Somalia in February 2012. RAPPICC is being established to fill a hole in the international counter-piracy effort, specifically designed to collect and analyse intelligence with a view to prosecuting pirate leaders, financiers and enablers.

The Contact Group on Piracy off the Coast of Somalia (CGPCS) was convened by the United States in January 2009. The CGPCS coordinates international efforts to suppress piracy off the coast of Somalia and provides an important avenue of communication between contributing states, regional organisations and commercial maritime organisations. Australia participates in the CGPCS together with other states, including China, France, India, Kenya, Somalia, Saudi Arabia, Egypt and the United Kingdom. The CGPCS is made up of five working groups covering (1) operational coordination and regional capability development (chaired by the United Kingdom); (2) legal issues (chaired by Denmark); (3) industry self-protection (chaired by the Republic of Korea); (4) public information (chaired by Egypt); and (5) the financial aspects of Somali piracy (chaired by Italy).

The Shared Awareness and De-confliction (SHADE) group formed in 2008 helps to coordinate Combined Maritime Forces, the North Atlantic Treaty Organisation, European Union, independent naval operators and industry representatives’ counter-piracy efforts off the coast of Somalia. The goal of SHADE is to improve coordination of counter-piracy operations through information exchanges.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery in Asia (ReCAAP) entered into force in September 2006. It is the first government-to-government agreement designed to enhance the security of regional waters. The agreement sets out the obligations of member countries and provides a framework for the exchange of information. The obligations of member countries include prevention and suppression of piracy and armed robbery, the arrest of perpetrators and seizure of vessels or craft used to carry out attacks, and the rescue of victims of attacks. Singapore is the host country for the Information Sharing Centre, which was established in November 2006 to facilitate the sharing of piracy-related information. Member countries are Bangladesh, Brunei Darussalam, Cambodia, China, Denmark, India, Japan, Korea, Laos, Myanmar, Netherlands, Norway, Philippines, Singapore, Sri Lanka, Thailand, the United Kingdom and Vietnam. Australia values and supports the work of ReCAAP and is currently in preparation to finalise membership to ReCAAP.

The Western and Central Pacific Fisheries Commission was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean which entered into force on 19 June 2004. It was set up to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the western and central Pacific Ocean. Member states are Australia, Canada, China, the Cook Islands, the European Community, the Federated States of Micronesia, Fiji, France, Japan, Kiribati, Korea, the Republic of Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Philippines, Samoa, Solomon Islands, Chinese Taipei (Taiwan), Tonga, Tuvalu, the United States of America and Vanuatu. Participating territories include American Samoa, Commonwealth of the Northern Mariana Islands, French Polynesia, Guam, New Caledonia, Tokelau, Wallis and Futuna. Cooperating non-members include Belize, Ecuador, El Salvador, Indonesia, Mexico, Panama, Senegal, Thailand and Vietnam.

The Indian Ocean Tuna Commission was established in 1993 to promote cooperation among its members to ensure, through appropriate management, the conservation and optimal use of tuna and tuna-like
species and to encourage sustainable development of fisheries based on such stocks. Members include Australia (since 13 November 1996), Belize, China, Comoros, Eritrea, the European Community, France, Guinea, India, Indonesia, Islamic Republic of Iran, Japan, Kenya, Republic of Korea, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Sultanate of Oman, Pakistan, Philippines, Seychelles, Sierra Leone, Sri Lanka, Sudan, Tanzania, Thailand, the United Kingdom and Vanuatu. Cooperating non-contracting parties include Senegal and South Africa.

The South Pacific Forum Fisheries Agency, established in 1981, was set up to provide expert fisheries management and development advice and services to member countries to assist with the sustainable management and protection of fish stocks within their EEZs. As an example of this advice and services, the agency can provide assistance with the development of subsidiary agreements under the Niue Treaty. Member states are Australia, Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The Asia-Pacific Fishery Commission was established under an agreement as the Indo-Pacific Fisheries Council in 1948 by the FAO. The Commission is an Article XIV FAO Regional Fishery Body established by FAO at the request of its members, which include Australia, Bangladesh, Cambodia, China, France, India, Indonesia, Japan, Korea, Malaysia, Myanmar, Nepal, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, the United Kingdom, the United States of America and Vietnam. The Secretariat is provided and supported by FAO. A number of international plans of action (IPOAs) have been developed that align within the framework of the Code of Conduct for Responsible Fisheries issued by the FAO:

- IPOA for the Conservation & Management of Sharks
- IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
- IPOA for the Management of Fishing Capacity
- IPOA Reducing Incidental Catch of Seabirds in Longline Fisheries
- IPOA to Promote Responsible Fishing Practices.

The Working Group on Marine Affairs and Fisheries, under the auspices of the Australia–Indonesia Ministerial Forum, was established in June 2001. The working group’s primary focus is on issues related to the fisheries, environment and scientific research portfolios. DAFF takes the lead along with the Ministry of Marine Affairs and Fisheries in Indonesia.

**Operations and exercises**

Defence hosts, funds, participates in, or observes numerous multinational operations and exercises that contribute to managing maritime security threats inside and outside Australia’s maritime jurisdiction. These operations and exercises assist developing cooperative maritime surveillance procedures, search and survivor standards, regulation enforcement, illegal fishing detection and reporting, contraband smuggling (drugs, weapons etc), people trafficking and other illegal activity, including customs duty evasion. These multinational activities foster interoperability and help develop a common process approach to managing maritime security threats throughout the region.

Countries participating in these multinational exercises and operations include American Samoa, Cook Islands, the Federated States of Micronesia, Indonesia, Kiribati, Malaysia, Marshall Islands, New Zealand, Palau, Papua New Guinea, the Philippines, Samoa, Singapore, Solomon Islands, Tonga, Tuvalu, the United States of America and Vanuatu. They are conducted inside and outside Australia’s maritime jurisdiction, including the South Pacific, the Indian Ocean, Malacca Strait and South China Sea.

**Programs**

Australia has a number of international programs to support maritime security regionally.

The *Inter-Agency Border Strengthening Project* is a tri-agency initiative of ACBPS, DIAC and Infrastructure. ACBPS is the lead agency for interagency border strengthening, which aims to foster interagency communication and cooperation between border control agencies with a customs, immigration, transport security or border integrity function, in Southeast Asian countries.
through the conduct of workshops, including desktop exercises. To date, six workshops have been conducted: four in the Philippines, one in Indonesia, and one in Thailand.

The Pacific Patrol Boat Program was established in 1987 to provide 22 suitable patrol vessels and associated training and infrastructure to 12 Pacific nations in the region. The Pacific Patrol Boat Systems Program Office was created within the Minor War Vessels Branch of the Navy. The patrol vessels are involved in a number of multilateral and bilateral maritime security operations on a regular basis.
Annex B – Australian Government legislation and working arrangements

Commonwealth legislation

Generic legislation

The **Admiralty Act 1988** governs the exercise of admiralty jurisdiction by Australian courts. It is possible to arrest a ship, including foreign ships, within the jurisdiction of a state and to use that ship as security for a maritime claim. The Act also provides for admiralty jurisdiction to be exercised in relation to claims directed against a specific person in relation to maritime claims or claims for damage to a ship.

The **Australian Maritime Safety Authority Act 1990** established AMSA. AMSA’s primary responsibilities include providing strategic advice and operational oversight on maritime safety matters and associated environmental and navigational issues; monitoring ship, crew and coastal pilot compliance with maritime safety standards; delivering national search and rescue coordination and marine pollution response services; and managing the Australian Register of Ships.

The **Autonomous Sanctions Regulations 2011** empower the Minister for Foreign Affairs to designate ‘sanctioned vessels’ which the Minister is able to then direct to, either, leave Australia, including by a particular route, or not enter a particular port or place, or any port or place, in Australia, subject to Australia’s obligations under international law.

The **Coastal Waters (State Powers) Act 1980** enables the states to make laws which apply within their coastal waters (out to 3 nautical miles) and in certain circumstances within the adjacent areas. Provisions covered in the Act include the extent of the territorial sea and coastal waters, state legislative powers over certain matters and the international status of the territorial sea.

The **Coastal Waters (State Title) Act 1980** provides the states with proprietary rights and title in the seabed and subsoil of the coastal waters between 0 and 3 nautical miles, and establishes the right of the Commonwealth, or an authority of the Commonwealth, to use the seabed and space up to the 3 nautical mile limit for government purposes, including for communications and defence.

The **Control of Naval Waters Act 1918** provides that proclaimed waters around naval facilities and establishments may be placed under the control of a superintendent of naval waters, who can control the movement in those waters and adjacent foreshore of vessels, vehicles and aircraft.

The **Crimes Act 1914** contains search, information gathering, and arrest powers. The **Crimes Act** also has general provisions that govern the interpretation of Commonwealth criminal offences and how Commonwealth criminal proceedings are conducted. This includes provisions relating to the commencement of prosecutions for offences against Commonwealth law and the sentencing of federal offenders. The **Crimes Act** also contains piracy offences. The Act provides the Australian legal definition of piracy and provides powers for the AFP and the ADF to enforce the Act.

The **Crimes at Sea Act 2000** and relevant state Acts (such as the **Crimes at Sea Act 2001** [Qld]) provide for a cooperative scheme to give greater certainty to the application of Australian criminal law to Australian ships, Australian nationals, and foreign-registered ships in certain instances. It further provides that the criminal law of the various states and territories can be applied in the oceans around Australia. It divides those oceans into separate areas of jurisdiction, and allocates criminal legislation to acts taking place in those waters. The areas of jurisdiction were first used in the offshore petroleum settlement in 1967. For the first 12 nautical miles, state law applies by force of the law of the relevant state; and for the waters from 12 nautical miles to 200 nautical miles or the outer limit of the continental shelf (whichever is greater), state law applies by force of the law of the Commonwealth.

The **Criminal Code Act 1995** codifies the general principles of criminal responsibility that apply to Commonwealth offences. The Criminal Code also contains a number of offences, including offences relating to...
to Commonwealth administration, people smuggling, drug importation, terrorism and trafficking.

The **Customs Administration Act 1985** establishes the Australian Customs and Border Protection Service and all related purposes.

The **Defence Act 1903** provides the ADF with the authority to exercise powers that may be necessary to respond to certain threats against Commonwealth interests. In particular, Part IIIAAA of the **Defence Act** authorises the Governor-General to make an order calling out the ADF to respond to domestic violence that is occurring or likely to occur. In a sudden and extraordinary emergency, a call out order can be made by the Authorising Ministers. Call-out in the offshore area can only occur to protect Commonwealth interests. The offshore area includes Australia's maritime zones seaward of Australia’s TSB and the adjacent airspace. This extends to the outer edge of the EEZ or the extended continental shelf.

The **Evidence Act 1995** sets out the general rules of evidence that apply in federal court proceedings, particularly in relation to the adducing of evidence, admissibility of evidence and issues of proof. The Act is based on model uniform evidence laws, which have also been enacted in NSW, Victoria, Tasmania, the ACT and the NT.

The **Navigation Act 1912** provides for merchant shipping where the Act has established the standards for protecting safety and competency in the shipping industry and regulating shipboard aspects of preventing marine environment pollution. Provisions covered in the **Navigation Act** include manning of ships, qualifications of crew members, compulsory pilotage in certain circumstances, issue of safety certificates, provision of life-saving and emergency equipment and carrying of dangerous goods and livestock. The Minister announced in June 2009 that the **Navigation Act** would be rewritten. In December 2011, the government released an Exposure Draft of the Navigation Bill 2012 for public consultation.

The **Seas and Submerged Lands Act 1973** provides for establishing the baseline and breadth of the territorial sea and the declaration of the continental shelf in accordance with the provisions of UNCLOS. It also asserts Australia’s sovereignty over the territorial sea and sovereign rights over the continental shelf and the EEZ.

---

### Region-specific legislation

The **Antarctic Marine Living Resources Conservation Act 1981** (the AMLRC Act) implements Australia’s obligations under the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR Convention). The Act is administered by the AAD and provides for a system of permits and inspectors, and allows for the implementation of conservation measures adopted by the CCAMLR. The CCAMLR Convention area is defined in the convention as south of a series of coordinates which approximate the Antarctic Convergence where cold polar water to the south meets the warmer subantarctic water to the north and includes the Territory of Heard Island and McDonald Islands and the surrounding Australian EEZ. AFMA has responsibility for regulating Australian commercial harvesting of marine organisms in the CCAMLR Convention area.

The **Antarctic Treaty Act 1960** implements Australia’s international obligations under the 1959 Antarctic Treaty.

The **Antarctic Treaty (Environment Protection) Act 1980** (the ATEP Act) applies to the area south of 60 degrees south, and is administered by the AAD. The Act and supporting regulations implement Australia’s obligations under the 1991 Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol) and the 1972 Convention for the Conservation of Antarctic Seals (the Seals Convention). The ATEP Act requires all activities being undertaken in the Antarctic to be assessed for environmental impacts, and establishes a permit system.

The **Ashmore and Cartier Islands Acceptance Act 1933** provides for the acceptance of Ashmore Islands and Cartier Island as a territory under the authority of the Commonwealth.

The **Australian Antarctic Territory Acceptance Act 1933** provides for the acceptance of the Australian Antarctic Territory as a territory under the authority of the Commonwealth.

The **Australian Antarctic Territory Act 1954** provides a legal regime for the territory, being:

- Commonwealth laws that expressly apply to the territory and Commonwealth laws specific to the territory
- Ordinances made specifically for the territory
the laws, other than criminal laws, in force from time to time in the ACT in so far as they are applicable and not inconsistent with an Ordinance in force in the territory
» the criminal laws in force from time to time in the Jervis Bay Territory and not inconsistent with an Ordinance in force in the territory.

The Christmas Island Act 1958 provides for the acceptance of Christmas Island as a territory under the authority of the Commonwealth and for the government of that territory.

The Cocos (Keeling) Islands Act 1955 transferred the islands to Australian control (23 November 1955).

The Coral Sea Islands Act 1969 established the Coral Sea Islands as a territory of the Commonwealth. The laws of the ACT (so far as they are applicable) apply in the territory and the Supreme Court of Norfolk Island (which consists of judges of the Federal Court) exercises criminal jurisdiction in the territory. Commonwealth laws only apply when they are expressed to extend to the territory. Any Commonwealth or ACT Act that extends to the territory applies to the islands and the 12 nautical mile territorial sea around each island.


The Heard Island and McDonald Islands Act 1953 ratifies Australia’s acceptance from the United Kingdom of sovereignty over the HIMI Territory and provides for the legal regime, including the application to the territory of:
» Commonwealth laws that expressly apply to the territory and Commonwealth laws specific to the territory
» Ordinances made specifically for the territory
» the laws, other than criminal laws, in force from time to time in the ACT in so far as they are applicable and not inconsistent with an Ordinance in force in the territory
» the criminal laws in force from time to time in the Jervis Bay Territory and not inconsistent with an Ordinance in force in the territory.

The Norfolk Island Act 1979 establishes the mechanisms of government for Norfolk Island.

The Torres Strait Fisheries Act 1984 includes provisions to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing; to protect and preserve the marine environment and indigenous fauna and flora in the vicinity of the Torres Strait Protected Zone; to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty; and to adopt conservation measures necessary for the conserving a species in such a way as to minimise any restrictive effects of the measures on traditional fishing.

Legislation relating to illegal activity in protected areas

The Environment Protection and Biodiversity Conservation Act 1990 (the EPBC Act) provides for the protection of the environment and the conservation of biodiversity. In relation to the offshore maritime environment, the EPBC Act provides protection for matters of national environmental significance, including listed threatened species and communities, listed migratory species, World Heritage properties, national heritage places and the Commonwealth marine environment generally. The Act also provides for the establishment and management of Commonwealth marine reserves, the protection of listed marine species, whales and other cetaceans and creates a number of civil and criminal offences. Authorised officers are empowered to stop, search and seize vessels and catch, arrest and facilitate prosecution of the perpetrators of certain environmental offences. The EPBC Act is administered by SEWPAC.

The Fishing Levy Act 1991 prescribes the imposition of a levy for the holders of domestic Australian fishing concessions.

The Submarine Cables and Pipelines Protection Act 1963 relates to the protection of submarine cables and pipelines beneath the high seas. The Act provides that it is an offence to wilfully damage a cable or to damage a cable through culpable negligence.

The Historic Shipwrecks Act 1976 provides for the protection of all shipwrecks, whether in Commonwealth or state and territory waters, and more recent wrecks declared under that Act. Exclusion zones have been proclaimed around wreck sites, and certain activities are controlled and/or restricted. The Act prevents the trafficking of historic shipwreck relics being removed from...
Australian waters. Authorised officers are empowered to stop, search and seize vessels, arrest and facilitate prosecution of the perpetrators. It is administered by SEWPac who maintain a 24 hour phone number for reporting incidents 1800 110 395.

The Telecommunications Act 1997 (Schedule 3A) provides a regulatory regime under which submarine cables are installed and protected in Australian waters. The Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005 repealed some aspects of the Submarine Cables and Pipelines Protection Act 1963 and included Schedule 3A in the Telecommunications Act 1997. Under Schedule 3A, the ACMA has the power to declare protection zones over telecommunications submarine cables in Australian waters. Three protection zones have been declared.

Legislation relating to illegal exploitation of natural resources

The Environment Protection and Biodiversity Conservation Act 1990 (the EPBC Act) establishes an assessment and approval process for actions that are likely to have a significant impact on matters of national environmental significance, which include Commonwealth marine areas. The EPBC Act also makes it an offence to kill, injure, take, trade, keep or move a member of a listed threatened species, ecological community, migratory species and marine species in a Commonwealth area, which includes the coastal sea of Australia or an external territory, the waters of the continental shelf and the EEZ. There are also offences relating to whales and other cetaceans.

The Fisheries Management Act 1991 and Fisheries Administration Act 1991 include provisions prohibiting certain fishing methods, granting fishing concessions, collecting levies and charges, and undertaking surveillance, and enforcement provisions that include powers to stop, search, seize and dispose of vessels, gear and catch. Additional powers relating to foreign boats and offences, such as the boat being equipped for fishing, include automatic forfeiture provisions. DAFF administers these acts and AFMA has responsibility to enforce the provisions of Commonwealth legislation by detecting and investigating illegal activities by domestic and foreign fishing boats in the AFZ and Commonwealth managed fisheries.

The Offshore Minerals Act 1994 sets up a licensing system for mining and exploration for mineral resources, other than petroleum, in particular offshore areas. The Act applies state laws to those offshore areas so far as those laws concern mining and exploration activities, with some exceptions, including criminal laws, tax laws, and laws that are inconsistent with Commonwealth laws. Decisions relating to the grant of titles under this legislation in relation to an offshore area of a state or the NT are the responsibility of the Joint Authority for the state or NT, which is constituted by the Commonwealth minister and state/NT minister with relevant portfolio responsibility. The Designated Authority is the relevant state/NT minister for each offshore area. An important feature of the licensing system is that the Joint Authority always acts through the corresponding Designated Authority. The Joint Authority's decisions are carried out by the Designated Authority. Applicants and licence holders always deal with the Designated Authority and do not deal directly with the Joint Authority, although the Joint Authority is the ultimate decision-maker. There are also external territory areas administered by the Joint Authority and Designated Authority, both of whom are the Commonwealth minister. The Department of Resources, Energy and Tourism has responsibility for this Act.

The Offshore Petroleum and Greenhouse Gas Storage Act 2006 sets up a system for regulating petroleum exploration and recovery, and the injection and storage of greenhouse gas substances, in offshore areas under Commonwealth jurisdiction. The Act provides for the grant of petroleum exploration permits, petroleum retention leases, petroleum production licences, infrastructure licences, pipeline licences, petroleum special prospecting authorities, petroleum access authorities, greenhouse gas assessment permits, greenhouse gas holding leases, greenhouse gas injection licences, greenhouse gas search authorities, and greenhouse gas special authorities. The administration of this legislation in relation to an offshore area of a state or the NT is the responsibility of the Joint Authority for the state or NT, which is constituted by the Commonwealth minister and state/NT minister with portfolio responsibility for petroleum matters. Administration of the legislation in relation to the Eastern Greater Sunrise offshore area and...
external territories is the responsibility of a Joint Authority comprising the responsible Commonwealth minister. The responsible Commonwealth minister is solely responsible for the decisions relating to the granting of greenhouse gas injection and storage titles in the Act. The Act also provides for the establishment and operation of the National Offshore Petroleum Safety and Environmental Management Authority to administer occupational health and safety, structural integrity and environmental management provisions, and the National Offshore Petroleum Titles Administrator, which is responsible for assisting and advising the Joint Authority and responsible Commonwealth minister, and has titles administration, data and information management functions. The Department of Resources, Energy and Tourism has responsibility for this Act.

The Petroleum (Timor Sea Treaty) Act 2003 gives effect to the Timor Sea Treaty between Australia and Timor-Leste. The Act provides a framework for the exploration, development and exploitation of the petroleum resources in the Joint Petroleum Development Area (JPDA) in accordance with the Treaty. The Timor Sea Treaty Designated Authority (Privileges & Immunities) Regulations 2003 gives effect to Australia’s obligations under the Timor Sea Treaty in respect of the privileges and immunities of the Designated Authority to administer, on behalf of Australia and Timor-Leste, the exploration for and exploitation of petroleum resources of the JPDA. The Department of Resources, Energy and Tourism has responsibility for this Act.

The Sea Installations Act 1987 regulates the placement, use and maintenance of seabed installations in Australian waters and facilitates the application of a variety of Commonwealth laws to sea installations. A sea installation refers to any man-made structure that is in contact with the seabed and used for an environment-related activity (e.g. tourism, recreation).

The Torres Strait Fisheries Act 1984 provides a framework legislating the rights and obligations conferred on Australia by the Timor Sea Treaty. Seven management priorities have been articulated in support of this Act, including to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing; to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Torres Strait Protected Zone; and to share the allowable catch of relevant protected zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty.

**Legislation relating to marine pollution**

The Environment Protection and Biodiversity Conservation Act 1990 (EPBC Act) provides for criminal offences for activities that result, are likely to result, or will result, in a significant impact on the environment in a Commonwealth Marine Area.

The Environment Protection (Sea Dumping) Act 1981 aims to minimise marine pollution threats by prohibiting ocean disposal of waste considered too harmful to be released in the marine environment and regulating permitted waste disposal to ensure environmental impacts are minimised. The Act also fulfils Australia’s obligations under the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

The Protection of the Sea (Civil Liability) Act 1981 implements the International Convention on Civil Liability for Oil Pollution Damage 1969, in that the owner of a ship is liable for any pollution damage caused by oil that escapes or is discharged from that ship.

The Protection of the Sea (Harmful Anti-fouling Systems) Act 2006 implements the International Convention on the Control of Harmful Anti-fouling Systems on Ships which prohibits the use of harmful organotins in anti-fouling paints used on ships. It also establishes a mechanism to prevent the potential future use of other harmful substances in anti-fouling systems.

The Protection of the Sea (Powers of Intervention) Act 1981 provides that the Commonwealth is authorised to take measures to protect the sea from pollution by oil and other noxious substances discharged from ships. It ensures that AMSA takes the necessary measures to prevent, mitigate or eliminate the danger. The Act includes provisions for taking measures to prevent pollution of the sea by oil and other substances, liability and prosecution for acts and omissions and penalties for the contravention of directions under the Act.

The Protection of the Sea (Prevention of Pollution from Ships) Act 1983 provides for the protection of the sea from pollution by oil and other harmful substances
discharged from ships. Provisions covered in the Act include prohibitions on the discharge of oil, oily mixtures\textsuperscript{24} and oily residues, as well as other substances, into the sea.\textsuperscript{25}

**Legislation relating to prohibited imports and exports**

The *Customs Act 1901* provides for the customs control of goods related to importation, exportation, examination and detention of goods and payment of various duties. There are also provisions that cover forfeiture of goods, powers of arrest and detention of people, and penalty provisions that cover narcotics and other banned substances. The Act also contains provisions dealing with the power to board and chase vessels and aircraft, powers to detain and move the vessels, and the search, detention, questioning and moving of people on board. ACBPS is responsible for the security and integrity of Australia’s borders.

The *EPBC Act 1990* regulates the international movement of animals and plants and animal and plant products. It implements Australia’s obligations under CITES by establishing a permitting system for importing or exporting CITES listed species. Permits are also required for exporting regulated native specimens and for importing some live animals and plants. Authorised officers may seize specimens if a person imports or exports them without the relevant permit.

The *Quarantine Act 1908* makes provisions for vessels and people that are liable to quarantine; notification of any outbreaks in disease; performance of quarantine duties; enforcement powers available to stop, search and seize vessels or vehicles; and various penalty provisions.

**Legislation relating to irregular maritime arrivals**

The *Migration Act 1958* includes provisions for controlling the arrival and presence in Australia of non-citizens; the power the agency has to obtain information and documents about unlawful non-citizens; the types of visas available for non-citizens and the application process for visas for various people; and cancellation of a visa and revocation of cancellation in certain circumstances. The Act provides for detention, removal and deportation of unlawful non-citizens and various offences that apply in relation to bringing a non-citizen to Australia when they will be an unlawful non-citizen on arrival. The Act also contains provisions for the power to board and chase vessels and aircraft, to detain and move the vessels and for searching, detention and the power to deal with those people on board.

From 22 July 2005 the *Migration Regulations 1994* were amended to excise certain islands that form part of Queensland, WA, NT and the Coral Sea Islands Territory from the Australian migration zone. This had the effect that these islands are considered ‘excised offshore places’ that ensures that non-citizens who arrive in such places without authority cannot make a valid visa application.

**Legislation relating to compromise to biosecurity**

The *National Health Security Act 2007* provides a national system of public health surveillance to enhance the capacity of the Commonwealth and the states and territories to identify and respond to public health events of national significance, including the occurrence of certain communicable diseases; the release of certain chemical, biological or radiological agents; the occurrence of public health risks; and the occurrence of overseas mass casualties.

The government introduced the Biosecurity Bill and Inspector General of Biosecurity Bill in 2012. The Bills were designed to replace the *Quarantine Act 1908* (Cth), and implement reforms to Australia’s quarantine and biosecurity systems. They will establish roles, functions and powers to manage biosecurity at the border and onshore, and establish an Inspector-General of Biosecurity as an independent statutory agency.

The *Quarantine Act 1908* makes provisions for vessels and persons that are liable to quarantine; notification of any outbreaks in disease; performance of quarantine duties; enforcement powers available to stop, search and seize vessels or vehicles; and various penalty provisions.

**Legislation relating to piracy, robbery or violence at sea and legislation relating to maritime terrorism**

The *Crimes Act 1914* contains Australia’s piracy offences and implements the relevant obligations under UNCLOS. The Act provides the Australian legal definition of piracy.

\textsuperscript{24} Section 9 Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth).

\textsuperscript{25} Section 10 Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (Cth).
and provides powers for the AFP and the ADF to enforce the Act.

The **Criminal Code Act 1995** contains Australia’s terrorism offences.

The **Crimes (Ships and Fixed Platforms) Act 1992** implements the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Although this act focuses on terrorism, it is possible for this legislation to also apply to an act of piracy if certain conditions exist.

The **Maritime Transport and Offshore Facilities Security Act 2003** regulates the security arrangements of Australian ports, port facilities, ships, and offshore oil and gas facilities and provides for the protection of waters and land around designated ports. The Act also assists in protecting Australian trade by safeguarding against unlawful interference with maritime transport and offshore facilities. The Act applies to Australian and foreign registered cargo ships (generally only above 500 gross tonnage) and passenger ships travelling to Australian ports but does not apply to ADF vessels, Commonwealth or foreign government vessels, or fishing or recreational vessels. Provisions covered in the Act include the powers of law enforcement in relation to stop and search\(^{26}\) generally, as well as searching vessels\(^{27}\) and removing people from ships or zones\(^{28}\), security regulated ports and facilities, offence provisions and enforcement action in relation to non-regulated foreign ships and powers of officers where state or territory police are authorised officers under the Act.

The **Intergovernmental Agreement on National Search and Rescue Response Arrangements (2012)** puts in place arrangements between the Commonwealth and state/territory SAR authorities on the coordination of search and rescue in the Australian region. The **National Search and Rescue Manual** is the standard reference document for use by all Australian Search and Rescue authorities and promulgates the agreed methods of coordination through which search and rescue operations are conducted within Australia. The manual is consistent with the relevant international conventions to which Australia is a party.

The **Australian Emergency Management Arrangements** provide a high-level overview of how Australia addresses the risks and impacts of hazards through a collaborative approach to the prevention of, preparedness for, response to and recovery from emergencies.

The **Australian Health Management Plan for Pandemic Influenza**, developed by DoHA, outlines (from a health perspective) what the Australian Government is doing and what the health sector, key stakeholder groups, organisations, the community and individuals can do to prepare for a pandemic.

The **Commonwealth Government Action Plan (CGAP) for Influenza Pandemic**, produced by PM&C, sets out how Australian Government agencies are working together to protect Australia against the threat of an influenza pandemic and preparing to respond quickly and decisively should one occur. CGAP complements the work already completed on the health response presented in the **Australian Health Management Plan for Pandemic Influenza** and also forms a major part of the **National Action Plan for Human Influenza Pandemic**.

The **National Action Plan for Human Influenza Pandemic**, produced by PM&C, outlines how Commonwealth, state, territory and local governments will work together to protect Australia against the threat of an influenza pandemic and support the Australian community should one occur. Supporting this plan are plans that cover in more detail how individual agencies and state and territory governments are working together to prepare for, and respond to, an influenza pandemic.

The **Model Arrangements for Leadership during Emergencies of National Consequence**, endorsed by the Council of Australian Governments in 2008, set out how Australian governments would work together.

---

\(^{26}\) Section 153, Maritime Transport and Offshore Facilities Security Act 2003 (Cth).

\(^{27}\) Section 155, Maritime Transport and Offshore Facilities Security Act.

\(^{28}\) Section 157, Maritime Transport and Offshore Facilities Security Act.
to coordinate the response to and recovery from emergencies of national consequence.

The National Counter-Terrorism Plan, produced by the Australia-New Zealand Counter-Terrorism Committee (ANZCTC—formerly the National Counter-Terrorism Committee), outlines responsibilities, authorities and the mechanisms to prevent or, if they occur, manage acts of terrorism and their consequences within Australia. The plan is supported by the classified National Counter-Terrorism Handbook, which contains nationally agreed policies for commanders, controllers and other senior decision-makers involved in counter-terrorism activities, and guidance on the broad coordination arrangements for preparedness for, prevention of, response to, and recovery from a terrorist incident. The handbook can be obtained from the AGD.

The National Guidelines for Protecting Critical Infrastructure from Terrorism were developed by the National Counter-Terrorism Committee (now ANZCTC) in close consultation with industry and with security agencies in each jurisdiction. The guidelines provide a framework for national consistency in providing advice on the protection of critical infrastructure from terrorism. The guidelines suggest actions that critical infrastructure owners need to consider in consultation with law enforcement agencies as they respond to the security environment.

The National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing is produced by DAFF. It is Australia’s implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and is a compilation of measures already in place in Australian to combat IUU fishing and additional measures, the implementation of which will strengthen measures to combat IUU fishing activities.

The National Plan to Combat Pollution of the Sea by Oil and other Hazardous and Noxious Substances is a national integrated government and industry organisational framework enabling effective responses to marine pollution incidents. AMSA manages the plan, working with state and NT governments, the shipping, oil, exploration and chemical industries, and emergency services to maximise Australia’s capability to respond to marine pollution.

The National Chemical, Biological, Radiological and Nuclear (CBRN) Security Strategy outlines responsibilities, authorities and mechanisms to prevent, or if they occur, to respond to and recover from acts of terrorism and their consequences within Australia.

Operation MARITIME PROTECTOR is the overarching name given to maritime security operations conducted by BPC and includes Operation RESOLUTE.

The National Marine Oil Spill Contingency Plan outlines combined stakeholder arrangements designed to allow a rapid and cooperative response to marine oil spills occurring within the area defined by the plan. It is complemented by other government and industry contingency plans prepared at Commonwealth, state and territory, regional, and port and facility levels. Local site-specific contingency plans contain matters of detail. The plan coordinates the provision of national and international support.

Domestic operations and exercises

A number of Australian operations and exercises contribute to the management of maritime security within Australia’s maritime jurisdiction:

Operation RESOLUTE: Operation RESOLUTE is the ADF’s contribution to the whole-of-government effort to protect Australia’s borders and offshore maritime interests. The operation consolidates previous ADF operations, including Operation RELEX II (focusing on unauthorised arrivals), Operation CRANBERRY (illegal fishing and smuggling), Operations CELESTA and MISTRAL (patrols of Australia’s Southern Ocean EEZ), and patrols protecting Australia’s gas and oil infrastructure. ADF resources regularly allocated to Operation RESOLUTE include:
- RAAF AP-3C Orion maritime patrol aircraft to provide aerial surveillance
- Navy Armidale Class Patrol Boats (ACPBs)
- Australian Army Regional Force Surveillance Unit patrols which conduct land-based security operations
- a transit security element who embark in the ACPBs
- a standby Navy Major Fleet Unit for northern waters response
- embarked linguists and medical personnel (including doctors).
Southern Ocean Operations: ACBPS and AFMA conduct regular patrols to deter and respond to IUU fishing activity in the Southern Ocean inside the Australian Fishing Zone and adjacent CAMLR Convention waters. The Customs and Border Protection patrol vessel ACV Ocean Protector responds in this region. The Southern Ocean Operational Advisory Group (chaired by BPC) meets prior to each Southern Ocean patrol to resolve client requirements and operational issues.

Joint authorities

Joint authorities coordinate operations between the Australian Government and state governments, and have been established for the following areas.

Fisheries

The Queensland Fisheries Joint Authority comprises the Australian Minister for Agriculture, Fisheries and Forestry and the Queensland Minister for Agriculture, Fisheries and Forestry and was established under Fisheries Management Act 1991 (Cth) and the Fisheries Act 1994 (Qld) on 7 February 1995. The Queensland Fisheries Joint Authority is responsible for managing certain fish stocks in the Gulf of Carpentaria under the Fisheries Act 1994 and associated subordinate legislation, the Fisheries Regulation 2008. The activities of the joint authority are limited to commercial fisheries, in which the main fish stocks it manages include mackerels, snapper, shark and demersal finfish.

The Western Australia Fisheries Joint Authority was established under provisions of the Commonwealth Fisheries Act 1952 (now replaced by the Fisheries Management Act 1991) and the Western Australian Fisheries Act 1905 (now replaced by the Fish Resources Management Act 1994). Since 1988, the joint authority has been responsible for managing the Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery in waters south of latitude 33 degrees south (near Bunbury) to the South Australian border. Following the 1995 OCS agreement the joint authority was also given responsibility for the management of the Joint Authority Northern Shark Fishery in waters east of longitude 123 degrees 45 minutes east (Derby) and north of latitude 17 degrees. No further access has been granted since the OCS arrangements came into effect (four operators are permitted to fish within the fishery), and there has been no further development of formal management arrangements. Routine administration of fisheries under the joint authority jurisdiction is carried out by the Department of Fisheries (WA) in accordance with the laws of WA.

The Northern Territory Fisheries Joint Authority is a joint authority between the NT and the Commonwealth established in 1983 under the then Commonwealth legislation. In 1995, the joint authority, subject to provisions in the Fisheries Management Act 1991 (Cth) and the Fisheries Act 1988 (NT), assumed responsibility for the Demersal, Timor Reef, Offshore Net and Line and Finfish Trawl Fisheries. The joint authority comprises the Commonwealth Minister for Agriculture, Fisheries and Forestry and the NT Minister for Primary Industry and Fisheries. The territory manages the day-to-day operations of the fishery on behalf of the joint authority. Current arrangements recognise the historical management zones.

The Torres Strait Protected Zone Joint Authority consists of the Minister for Agriculture, Fisheries and Forestry (Chair), the Queensland Minister for Agriculture, Fisheries and Forestry and the Chairperson of the Torres Strait Regional Authority. It is responsible for monitoring the condition of commercial and traditional fisheries within the Torres Strait Protected Zone and for formulating policies and plans to manage them. The joint authority has regard to the rights and obligations conferred on Australia by the Torres Strait Treaty, in particular the traditional way of life and livelihood of the traditional inhabitants, including their traditional fishing. The Queensland Department of Agriculture, Fisheries and Forestry acts as an agent for the joint authority, undertaking licensing and domestic enforcement responsibilities, and AFMA acts as an agent for the joint authority in the day-to-day management of fisheries and the international enforcement responsibilities.

National working groups and committees

Where appropriate, subcommittees and subordinate working groups are shown below their parent committees or working groups in this section. The following committees, including interdepartmental committees, and working groups assist with the ongoing management of maritime security threats:
The **Australian Government Counter-Disaster Task Force**, chaired by PM&C, comprises representatives of Australian Government departments and agencies and has a significant role in providing disaster and emergency relief or rehabilitation assistance.

The **Australia-New Zealand Emergency Management Committee (ANZEMC)** works to strengthen disaster resilience by providing strategic leadership on emergency management policy and through supporting related capability and capacity development activities. The ANZEMC is the senior officials’ body supporting the Standing Council on Police and Emergency Management (SCPEM) on issues relating to emergency management.

The **Australian Maritime Defence Council** fosters the partnership between Defence and the maritime industry to develop maritime support capability, and to facilitate effective interaction and cooperation between government and industry.

The **Australian Transport Council** was established in 1993. Infrastructure provides secretariat support for the council, which provides a forum for Commonwealth, state, territory and New Zealand ministers to consult and advise governments on coordinating and integrating all transport and road policy issues.

The **Business-Government Advisory Group**, chaired by the Attorney-General, gives business leaders the opportunity to advise the government on a broad range of national security issues. It also gives the government a forum to discuss proposed new security initiatives and developments with the business community.

The **Illegal, Unregulated and Unreported Fishing Interdepartmental Committee**, established by DAFF, provides strategic analysis and advice on IUU fishing. The committee also provides a forum for information exchange between Australian Government agencies involved in activities to combat illegal foreign fishing.

The **Joint Agencies Maritime Advisory Group (JAMAG)** is the lead forum for managing collective issues in relation to the eight civil maritime security threats in Australian’s maritime jurisdiction. This status was agreed by the Homeland and Border Security Policy Coordination Group, now the NSPCG, during its meeting of 14 October 2010. The role of the JAMAG is to provide Commander Border Protection Command, and other relevant senior government officials, with whole-of-government policy advice on maritime security threats, projects and issues, to provide direction on current and emerging strategic maritime risks that may impact broadly across government, to review and advise on the national civil maritime surveillance plan, to review and, where appropriate, advise on government directed civil maritime security projects and to ensure timely and appropriate sharing of information relevant to maritime security projects and issues between relevant agencies.

The **Law Enforcement Advisory Committee** provides advice and recommendations to the ACMA on law enforcement and national security issues relating to telecommunications.

The **Maritime Industry Security Consultative Forum** was established by the Office of Transport Security (Infrastructure) to facilitate the constructive exchange of views on high-level maritime security issues of an operational, legal, policy or regulatory nature, such as the implementation of the maritime security regime and changes to the regime.

The **National Committee on Critical Infrastructure Protection** is the formal standing committee coordinating critical infrastructure policy development across all levels of government. The committee comprises the Australian and state and territory government representatives on the Critical Infrastructure Advisory Council, as well as representatives from the Australian Local Government Association, ASIO, the Department of Defence, the Australian Government Information Management Office and any other agencies wishing to participate. Matters to be considered by the committee include intergovernmental issues related to critical infrastructure policy.

The **ANZCTC**, chaired by the Deputy National Security Adviser, contributes to the security of the Australian community by coordinating a nationwide cooperative framework for counter-terrorism matters. The ANZCTC produces and maintains the National Counter-Terrorism Plan.

The **National Plan Management Committee**, chaired by AMSA, manages the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances.
The NSC considers matters related to Australia’s domestic and international security. This committee is supported by the SCNS. SCNS is the peak interagency committee which considers national security policy and operational matters of an ongoing nature in addition to all matters to be put before the NSC.

The National Security Policy Coordination Group (NSPCG) is chaired by the Deputy National Security Adviser. The NSPCG meets as required on a case by case basis to consider key policy initiatives.

The Non-Proliferation Coordination Group, chaired by DFAT, aims to tighten domestic arrangements and inform participation in international efforts to curb the proliferation of weapons of mass destruction.

The Regional Maritime Security Cooperation Interdepartmental Committee, led by DFAT, aims to strengthen maritime security cooperation and capacity-building in the Asia-Pacific region.

The Sub-Antarctic Management Advisory Committee is chaired by AFMA. The committee is concerned with managing subantarctic fisheries stocks.

The Trusted Information Sharing Network (TISN) is a forum in which the owners and operators of critical infrastructure work together by sharing information on security issues that affect critical infrastructure. It is made up of a number of infrastructure assurance advisory groups. Those relevant to maritime security include transport, energy, health, food chain, emergency services and communications.

The Critical Infrastructure Advisory Council is a joint government and industry advisory body chaired by the Attorney-General's Department which provides oversight to the TISN for critical infrastructure resilience. It considers issues raised by sector groups, expert advisory groups and communities of interest within the TISN, particularly where they touch on cross-sector dependencies. The CIAC also provides policy advice to the Federal Attorney-General on the national approach to critical infrastructure resilience.

National guides and handbooks

Some plans listed above have their own associated handbooks, which are not listed in this section. The following standalone handbooks exist.

The Australian Emergency Manuals series, produced by EMA, has been developed to assist in the management and delivery of support services in a disaster context. The series of manuals (29 in total) comprises principles, strategies and actions compiled by practitioners with experience in management and service delivery in a range of disaster events.

The Australian Seafarers Handbook is an official nautical publication, produced by the AHS, providing mariners with a description of the Australian physical and jurisdictional maritime environment. It combines information from various government agencies under the cover of one official nautical publication updated by Notices to Mariners.
### Table 9: Generic delineation of government responsibilities

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State or NT government</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Australian Government</strong></td>
<td>(see note 8)</td>
<td></td>
</tr>
<tr>
<td><strong>Shared between State / NT and Australian Governments</strong></td>
<td>(notes 1–7)</td>
<td></td>
</tr>
<tr>
<td><strong>Shared between Australia and neighbouring nation or flagged state</strong></td>
<td>(notes 9, 11)</td>
<td></td>
</tr>
<tr>
<td><strong>No Government or N/A</strong></td>
<td>(note 8)</td>
<td></td>
</tr>
<tr>
<td><strong>Neighbouring Nation</strong></td>
<td>(note 10)</td>
<td></td>
</tr>
</tbody>
</table>

#### MARITIME THREAT

**ILLEGAL ACTIVITY IN PROTECTED AREAS**

| Environmental | 1 1 1 1 |
| Historic Shipwrecks | 1 1 1 1 |
| Oil & Gas | 2 2 2 2 |
| Telecommunications | 2 2 2 2 |

**ILLEGAL EXPLOITATION OF NATURAL RESOURCES**

| Living Resources (note 4) | 3 3 3 3 |
| Commonwealth-managed pelagic fish | 3 3 3 3 |
| Commonwealth-managed sedentary marine life | 3 3 3 3 |

**NON-LIVING RESOURCES**

| Marine Pollution | |
| Spills and Discharges | |
| Illegal Sea Dumping | |
| Marine Debris | |
| Marine Obstruction | |

**PROHIBITED IMPORTS & EXPORTS**

| Prohibited Imports & Exports | |
| Smuggling of Prohibited Items | |
| Transfer of Prohibited Items at Sea | |

**IRREGULAR MARITIME ARRIVALS**

| Irregular Maritime Arrivals | |
| Arrivals with Migration Intent | |
| Arrivals Without Migration Intent | |

**COMPROMISE TO BIOSECURITY**

| Compromise to Biosecurity | |
| Deliberate Introduction and Inadvertent Introduction | |
| Effect on Humans | 5 5 5 5 5 |
| Effect on Marine Life | 5 5 5 5 5 |
| Effect on Terrestrial Animal Life | 5 5 5 5 5 |

**PIRACY, ROBBERY OR VIOLENCE AT SEA**

| Piracy | 6 6 6 |
| Robbery | 6 6 6 6 7 7 7 7 |
| Violence at Sea | 6 6 6 6 7 7 7 7 |

**MARITIME TERRORISM**

| Maritime Terrorism | |
| Attacks on Fixed Infrastructure | |
| Attacks Against Vessels | 6 6 6 |
NOTES

1. The Commonwealth manages historic shipwrecks nationally under the Historic Shipwrecks Act. Day-to-day enforcement in protected areas surrounding historic shipwrecks is managed by the states and NT.

2. The Commonwealth is responsible for the set-up and ongoing management of the protected zones associated with submarine telecommunications cables. State and NT governments are responsible for enforcing the protected zones within state waters (ports, internal waters and coastal waters).

3. Outside ports the Commonwealth responds to all illegal foreign fishing (related to these species of fish). The states or NT (perhaps with Commonwealth assistance) manage domestic illegal fishing in these maritime zones.

4. The division of responsibility for managing fish stocks is based on species rather than zones.

5. The Quarantine Act (Cth) applies and DAFF is the agency responsible for managing this threat in these zones. Some state-based agencies would be involved with managing the consequences, including health, environment protection and agriculture, depending on the nature of the biosecurity risk.

6. In these zones the responsibility for security regulation (Prevention and Preparedness) lies with the Commonwealth (through OTS within the Department of Infrastructure). The states and NT would normally be expected to respond to and recover from these security threats, including terrorism, within these maritime zones.

7. Some acts of a criminal nature may be most appropriately dealt with under state law when they occur within an adjacent area of the state (see Figure 2), possibly with Commonwealth assistance.

8. Although Australia has no direct responsibility in these areas, the Australian Government does take an active interest in activity in these zones and in certain situations would respond should the situation dictate.

9. Response to pollution events outside a nation’s EEZ would not normally occur. However, if the pollution were likely to affect Australian waters or territory, or those of a neighbouring nation, then the Commonwealth or a nation best placed to do so would respond.

10. Even though activity in these zones is the responsibility of the government of another nation, Australia may respond in certain situations. Such situations could include when a vessel involved is Australian-flagged or has a significant number of Australians on board; when it is in Australia’s interests to respond; or when Australia is the best-placed nation to respond.

11. Although the Australian Government may respond to these threats in these maritime zones, this does not prevent other nations from responding if their security agencies are better placed to do so.
Annex C – Queensland

Queensland legislation

Generic legislation

The **Acts Interpretation Act 1954** is an Act which assists in the interpretation of Queensland Acts. Part 12 clarifies that Queensland laws, with the exception of the laws provided in the **Crimes at Sea Act 2001** and **Crimes At Sea Act 2000** (Cth), have extraterritorial application in the waters adjacent to the state which are waters of the sea on the landward side of the TSB which are not part of Queensland and out to 3 nautical miles seaward of the TSB.

The **Crime and Misconduct Act 2001** is an Act to combat and reduce the incidence of major crime and to continuously improve the integrity of, and to reduce the incidence of misconduct in, the public sector.

The **Criminal Code** is the primary Act for the Criminal law of Queensland and sets out the relevant practice and procedural requirements.

The **Crimes at Sea Act 2001** is an Act that provides for the extraterritorial application of Queensland’s ‘substantive criminal law’ and the ‘law of criminal investigation, procedure and evidence’ to the waters adjacent to the state on the landward side of the TSB which are not part of Queensland and out to 12 nautical miles seaward of the TSB.

The **Disaster Management Act 2003** is an Act to provide for disaster management in the state. The main objects of this Act are to mitigate the potential adverse effects of an event, effectively respond to and recover from a disaster or an emergency situation.

The **Public Safety Preservation Act 1986** is an Act to provide protection for members of the public in chemical, biological, radiological or other emergencies, including terrorism emergencies, which create or may create danger of death, injury or distress to any person, loss of or damage to any property or pollution of the environment.

The **Off-shore Facilities Act 1986** is an Act to confer jurisdiction on the courts of Queensland to hear and determine all matters that arise by reason of the application of the provisions, rules and doctrines of the laws of the state at the site where an offshore facility is, or is to be, moored or fixed.

The **Transport Infrastructure Act 1994** establishes a regime under which a ports system is provided and can be managed within an overall strategic framework of government-owned corporations in accordance with the principles specified in the **Government Owned Corporations Act 1993**. The **Transport Infrastructure (Ports) Regulation 2005** and **Government Owned Corporations Regulation 2004** also apply.

Legislation relating to illegal activity in protected areas

The **Marine Parks Act 2004** is an Act to provide for marine parks and the conservation of the marine environment. The **Marine Parks Regulation 2006** and **Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004** also apply.

The **Offshore Minerals Act 1998** is an Act to provide for the declaration of a safety zone around a structure or equipment in coastal waters and may extend not more than 500 metres from the outer edge of the structure or equipment. The Act also provides for penalties if a vessel enters or remains in a safety zone in contravention of the Act.

The **Queensland Heritage Act 1992** is an Act that provides for the conservation of Queensland’s cultural heritage. It contains broad protection provisions for shipwrecks (older than 75 years) in Queensland waters that do not otherwise come under the jurisdiction of the **Historic Shipwreck Act 1975** (Cth). The **Queensland Heritage Act** also contains compulsory reporting provisions for the discovery of all other forms of historic archaeological artefacts within Queensland waters, such as aircraft, maritime infrastructure and submerged relics.

The **Nature Conservation Act 1992** is an Act which provides for the conservation of nature through a range of measures, including the dedication, declaration and management of protected areas that are representative of the biological diversity, natural features and wilderness of the state. The subordinate legislation, including the

Legislation relating to illegal exploitation of natural resources

The Fisheries Act 1994 is an Act to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to apply and balance the principles of ecologically sustainable development and promote ecologically sustainable development. The Fisheries Regulation 2008 also applies.

The Mineral Resources Act 1989 is an Act to provide for the assessment, development and utilisation of mineral resources to the maximum extent practicable consistent with sound economic and land use management. The Mineral Resources Regulation 2003 also applies.


The Petroleum and Gas (Production and Safety) Act 2004 is an Act about exploring for, recovering and transporting by pipeline, petroleum and fuel gas and ensuring the safe and efficient carrying out of those activities.

The Torres Strait Fisheries Act 1984 is an Act to promote the good order, management, development and welfare of the fishing industry, to provide for the protection, conservation and management of the fisheries resources and to implement the provisions of the Torres Strait Treaty in the Torres Strait area.

Legislation relating to marine pollution

The Coastal Protection and Management Act 1995 is an Act about the protection and management of the coast through the protection, conservation, rehabilitation and management of the coast. The Coastal Protection and Management Regulation 2003 also applies.

The Dangerous Goods Safety Management Act 2001 is an Act about the safe management of the storage and handling of hazardous materials, particularly dangerous goods and combustible liquids, and the management of major hazard facilities and emergencies involving hazardous materials. The Environmental Protection Regulation 1998 also applies.

The Environmental Protection Act 1994 protects Queensland’s environment while allowing for development that improves the total quality of life, both now and in the future. The Nature Conservation (Wildlife) Regulation 2006 and Transport Operations (Marine Pollution) Act 1995 also apply.

The Maritime Safety Queensland Act 2002 provides for the establishment of MSQ. MSQ has a safety role in relation to licensing and registration of vessels, particularly in relation to the temporary registration of foreign-flagged vessels wishing to undertake intra-state voyages between Queensland ports.

The Transport Operations (Marine Pollution) Act 1994 is an Act to provide for the regulation of vessels and their operations and the safety of vessel movements in Queensland waters and to enable the effectiveness and efficiency of the Queensland maritime industry to be developed.

Legislation relating to prohibited imports and exports

No applicable state legislation.
Legislation relating to irregular maritime arrivals
No applicable state legislation.

Legislation relating to compromise to biosecurity
The *Exotic Diseases in Animals Act 1981* provides for the control, eradication and prevention of exotic diseases in animals, and the compensation of owners for loss or destruction of animals and property during outbreaks of exotic diseases.

The *Public Health Act 2005* protects and promotes the health of the Queensland public through responding to public health emergencies, inquiring into serious public health matters and providing for the identification of, and response to, notifiable conditions.

Legislation relating to piracy, robbery or violence at sea
Chapter 11 of the *Criminal Code* provides for the offence and punishment of crimes of piracy.

Legislation relating to maritime terrorism
The *Terrorism (Preventative Detention) Act 2005* authorises preventative detention in connection with terrorist acts. The object of this Act is to allow a person to be taken into custody and detained for a short period of time in order to prevent a terrorist act occurring in the near future; or preserve evidence of, or relating to, a recent terrorist act.

Roles of government agencies related to maritime security—Queensland Government

**Department of Justice and Attorney-General**
The department delivers a diverse range of services that help to build a safe, just and supportive society. As the name implies, the department has two broad functions: justice administration, with the court system as its focus; and the Attorney-General’s role as the state’s chief law officer and the legal representative for the community at large. The department’s mission is to deliver a fair, open and accessible justice system for all Queenslanders. The DPP which resides within the department is an independent body responsible for instituting, conducting and supervising criminal and related proceedings within courts.

**Department of Employment, Economic Development and Innovation**
The Department of Employment, Economic Development and Innovation assists Queensland food and fibre industries to increase productivity, sustainability, market growth and adaptability. The department’s mission is to maximise the economic potential for Queensland’s primary industries on a sustainable basis which it delivers through the outputs Biosecurity Queensland, industry development business group, delivery business group, fisheries business group and corporate capability business group. The department includes Fisheries Queensland (responsible for fisheries management) and Biosecurity Queensland (responsible for biosecurity).

29 Correct as at time of writing.
Department of the Premier and Cabinet

The Department of the Premier and Cabinet supports and advises the Premier and Cabinet, provides leadership across government and advances government policy priorities. The department supports the Premier in administering legislative duties as well as managing policy and executive governance in Queensland.

The department’s key functions include:
- providing policy advice and coordination for the Premier and Cabinet
- detailed briefings for the Premier on all matters before Cabinet
- corporate support to executive government
- ensuring community members are involved in decision-making
- communicating the government’s key messages and priorities
- business services to ensure maximum efficiency
- freedom of information.

Department of Environment and Heritage Protection

The Department of Environment and Heritage Protection is a key stakeholder under the Queensland Coastal Contingency Action Plan and with the Department of National Parks, Recreation, Sport and Racing is responsible for providing environmental and scientific support, including strategic environmental advice and support, oiled wildlife response, traditional owner liaison support, shoreline assessment, waste management advice and geographic information system (GIS) support for incidents in both Queensland waters and the Great Barrier Reef Marine Park.

Department of National Parks, Recreation, Sport and Racing

The Queensland Parks and Wildlife Services (QPWS), a division of the Department of National Parks, Recreation, Sport and Racing is responsible for the field management of marine parks on the east coast of Queensland. This includes three state marine parks and the jointly managed Great Barrier Reef Marine Park. Key field management actions delivered by QPWS include compliance; marine ecosystem protection; island ecosystem protection; management of protective visitor facilities; environmental assessments for sustainable use and public contact and education. QPWS also assists the Department of Environment and Heritage Protection (DEHP) with oiled wildlife response and stranded wildlife.

Queensland Health

Queensland Health is currently responsible for the management, administration and delivery of public sector health services and is committed to providing safe, sustainable, efficient, quality and responsive health services for all Queenslanders. This responsibility is discharged through a network of 17 health service districts.

Queensland Police Service

The Queensland Police Service is committed to serving the people of Queensland by protecting life and property, preserving peace and safety, preventing crime and upholding the law in a manner which has regard for the public good and the rights of the individual.

Department of Transport and Main Roads

The department works to ensure a coordinated, consultative and integrated approach to addressing and resolving transport challenges. The department aims to create and manage a world-class transport system for all our communities and industries, to prosper locally and internationally, and enhance the quality of transport now and in the future. The rail, ports and freight division of the department is responsible for overseeing the port authorities and provides strategic policy advice on port network issues and general maritime and shipping policy.

Maritime Safety Queensland

Maritime Safety Queensland (MSQ) is an agency of the Department of Transport and Main Roads. The department’s role is to protect Queensland’s waterways and the people who use them, providing safer, cleaner seas. MSQ is responsible for:
improving maritime safety for shipping and small craft through regulation, education, and enforcement
minimising the risk of vessel-sourced pollution and responding to marine pollution incidents
providing essential maritime services, such as pilotage for regional ports, vessel traffic services and aids to navigation
encouraging and supporting innovation in the maritime industry.

Queensland specific regional arrangements

Great Barrier Reef Marine Park

The Great Barrier Reef Marine Park is a culturally, environmentally and economically significant part of Australia. The economic value alone is estimated to be in the order of $6 billion annually. The entire marine park is a protected area with a range of restrictions which is dependent on the specific zone within the park. See Figure 13 for a pictorial representation of the Great Barrier Reef Marine Park. More detailed maps can be obtained from the Great Barrier Reef Marine Park Authority (GBRMPA).

Management and enforcement of illegal activity in the Great Barrier Reef Marine Park is shared between the Commonwealth Government (through GBRMPA) and the Queensland Government (through the Queensland Parks and Wildlife Services (QPWS), a division of the Department of National Parks, Recreation, Sport and Racing. For marine pollution incidents in the Great Barrier Reef Marine Park GBRMPA, QPWS and the Department of Environment and Heritage Protection (DEHP) are responsible for environmental and scientific support, including strategic environmental support, oiled wildlife response, traditional owner liaison support, shoreline assessment, waste management advice and GIS support.

Funding for the management of the Great Barrier Reef Marine Park is shared equally between the Commonwealth and the Queensland governments and administered operationally through the Field Management Program.

Torres Strait

A vitally important international shipping channel runs through the treacherous internal waters of the Torres Strait, a situation unique in Australian waters. The Torres Strait Treaty provides for certain specific arrangements in this region, such as:

- the freedom of movement by traditional people, who live in a specified zone, within the Torres Strait region who are either Australia or PNG nationals without the use of passports or formal travel documentation
- allowing traditional people to fish for protected species (in particular dugong and turtle) within the Torres Strait using traditional means within a specified area.

Figure 14 provides a pictorial representation of the Torres Strait maritime zones.

Coral Sea Islands Territory

The Coral Sea Islands Territory is an external territory to the east of the Great Barrier Reef Marine Park waters and is managed by the Territories Division of the Department of Regional Australia, Local Government, Arts and Sport. This territory consists of reefs, cays and a number of islands (mostly uninhabited). All of the Coral Seas waters are territorial seas, contiguous zones or part of the EEZ.

The Coral Sea Territory is unique among external territories managed by the Commonwealth in that Queensland laws apply under certain circumstances by virtue of the Crimes at Sea Act Cooperative Scheme Adjacent Areas Arrangements. Figure 7 shows the area.
Figure 13 Great Barrier Reef Marine Park
Map courtesy of the Great Barrier Reef Marine Park Authority.
Figure 14 Torres Strait maritime zones

Map courtesy of Geoscience Australia.

© Commonwealth of Australia (Geoscience Australia) 2012. This product is released under the Creative Commons Attribution 3.0 Australia Licence. <http://creativecommons.org/licenses/by/3.0/au/legalcode>
Annex D – New South Wales

New South Wales legislation

Generic legislation

The Application of Laws (Coastal Sea) Act 1980 provides that the laws in force in the state, whether written or unwritten, and whether substantive or procedural, other than criminal laws and laws of the Commonwealth, apply to and in relation to the coastal sea, and so apply as if the coastal sea were part of the state.

The Crimes at Sea Act 1998 gives effect to a cooperative scheme for dealing with crimes at sea and provides for an application of state criminal law on the seaward side, but within 12 nautical miles from the baseline for the state.

The Marine Safety Act 1998 relates to the safe operation of vessels in ports and other waterways and provides for the investigation of marine accidents and for appropriate action following any such investigation.

The Navigation Act 1901 relates to ships and the navigation of ships, including provisions for the court of marine inquiry and safety and the prevention of accidents.

The Ports and Maritime Administration Act 1995 is an Act that establishes mechanisms for the management of New South Wales ports. The Ports and Maritime Administration Regulation 2007 also applies.

The Protection of the Environment Operations Act 1997 includes the protection, restoration and enhancement of the quality of the environment. It focuses on the need to maintain ecologically sustainable development and to reduce threats to human health and prevent the degradation of the environment by the use of mechanisms that promote pollution prevention.

The Protection of the Environment Legislation Act 2011 makes provisions with respect to the notification and management of pollution incidents.

Legislation relating to illegal activity in protected areas

The Marine Parks Act 1997 aims to conserve marine biological diversity and marine habitats by declaring and providing for the management of a comprehensive system of marine parks. It also aims to provide for ecologically sustainable use of fish, including commercial and recreational fishing, and marine vegetation in marine parks. The Marine Parks Regulation 1999 also applies.

The National Parks and Wildlife Act 1974 includes the conservation of nature, habitat, ecosystems and ecosystem processes; the conservation of biological diversity and the conservation of objects, places or features, including biological diversity, of cultural value within the landscape and providing for the management of land reserved under this Act.

The Wilderness Act 1987 provides for the identification of wilderness and the protection and management of wilderness areas in the state.

The Impounding Act 1993 provides for the impounding of certain animals, motor vehicles and other things, to provide for their release or disposal, and to provide for related matters.

Legislation relating to illegal exploitation of natural resources

The Fisheries Management Act 1994 aims to conserve, develop and share the fishery resources of the state for the benefit of present and future generations. The Act includes provisions relating to noxious fish and marine vegetation, and diseased fish and marine vegetation.

The Natural Resources Commission Act 2003 establishes an independent body for the purposes of establishing a sound scientific basis for the management of natural resources of the state, including coastal protection and the marine environment.
The Offshore Minerals Act 1999 enables the administration of the Commonwealth–state offshore area and regulation of offshore exploration and mining. The Offshore Minerals Regulation 2006 also applies.

The Petroleum (Submerged Lands) Act 1982 relates to the exploration for and the exploitation of the petroleum resources and certain other resources of certain submerged lands adjacent to the coasts of New South Wales. The Petroleum (Submerged Lands) Regulation 2006 also applies.

Legislation relating to marine pollution

The Coastal Protection Act 1979 provides for the protection of the state’s coastal environment for the benefit of both present and future generations.

The Marine Pollution Act 1987 relates to the discharge of oil or oily mixture into state waters, pollution by noxious substances, pollution relating to transfer operations and ships carrying or using oil or carrying noxious liquid substances. The Marine Pollution Regulation 2006 also applies.

Legislation relating to prohibited imports and exports


The Sea-Carriage Documents Act 1997 reforms the law relating to bills of lading, sea waybills and ship’s delivery orders.

The Weapons Prohibition Act 1998 prohibits and controls the possession and use of certain weapons.

Legislation relating to compromise to biosecurity

The Plant Diseases Act 1924 makes provisions to prevent the introduction into New South Wales of diseases and pests affecting plants or fruit and to provide for the eradication of such diseases and pests. It also provides for the eradication of such diseases and pests, and includes measures to stop their spread.

The Fisheries Management Act 1994 aims to conserve, develop and share the fishery resources of the state for the benefit of present and future generations. The Act includes provisions relating to noxious fish and marine vegetation and diseased fish and marine vegetation.

The Public Health Act 1991 makes provisions for orders and directions during a state of emergency and public health orders.

Legislation relating to piracy, robbery or violence at sea

The Piracy Punishment Act 1902 consolidates the statutes relating to the punishment for piracy.

Legislation relating to maritime terrorism


The Terrorism (Police Powers) Act 2002 gives special powers to police officers to deal with terrorist acts.

Legislation relating to irregular maritime arrivals

No applicable state legislation.
Roles of government agencies related to maritime security—New South Wales Government

Department of Attorney-General and Justice

The New South Wales Department of Attorney-General and Justice administers the courts, tribunals, laws and justice programs of the state. The department assists the New South Wales Government, judiciary, parliament and the community to promote social harmony through programs that protect human rights and community standards, and reduce crime.

The department assists the New South Wales Attorney-General in his role as the First Law Officer of the state. It also provides support services to enable the Attorney’s legislative and advisory responsibilities to parliament and to the Cabinet to be carried out. The DPP, which resides within the department, is an independent body responsible for instituting, conducting and supervising criminal and related proceedings within courts.

Environment Protection Authority

The Environment Protection Authority (EPA) is the New South Wales Government authority responsible for licensing and regulating air emissions, contaminated sites, hazardous materials—including dangerous goods and radiation—noise, pesticides, forestry activities, waste, water quality and state of the environment reporting.

The EPA has statutory responsibilities in relation to hazardous incidents response and a role in state emergency management planning and emergency response as Environmental Services Functional Area Coordinator. Staff from across the EPA and the Office of Environment and Heritage are available to assist in an incident and include laboratory and analytical staff, ecotoxicology specialists, dangerous goods and radiation specialists, specialist investigators, public affairs officers and specialists in chemicals, water pollution and waste management.

Department of Premier and Cabinet

The Department of Premier and Cabinet supports the Premier in achieving government objectives and provides leadership and direction to the New South Wales public sector.

Ministry for Police and Emergency Services

The Ministry for Police and Emergency Services provides a single source of advice and coordination in the police and emergency services portfolio. The ministry is responsible for the development and coordination of law enforcement and emergency management policy and advice to the Minister for Police and Emergency Services. The ministry is also responsible for the coordination of recovery functions, including disaster welfare services. The role of the ministry also encompasses operational and planning issues which affect the economic, environmental and social wellbeing of the state, by providing the framework to prepare for and recover from disasters caused by natural means or a terrorist incident.

Department of Primary Industries

The Department of Primary Industries acts in partnership with industry and other public sector organisations to foster profitable and sustainable development of primary industries in New South Wales. The department also places primary industries in a stronger position to influence environmental and natural resource access debates.

The Agriculture New South Wales division is responsible for developing and sustaining diverse, profitable food and fibre industries, and ensuring best practice management of the state’s natural resource base. The Fisheries New South Wales division is responsible for maintaining profitable and sustainable fisheries and aquaculture, and conserving aquatic biodiversity.
New South Wales Health

New South Wales Health is responsible for ensuring that the people of New South Wales are provided with the best possible health care. The department monitors the performance of the New South Wales public health system.

New South Wales Police Force

The New South Wales Police Force remains fully committed to driving down crime and reducing the fear of crime through the provision of a range of services designed to ensure a safe New South Wales. It aims to protect the community and property by preventing, detecting and investigating crime; monitoring and promoting road safety; maintaining social order; and performing and coordinating emergency and rescue operations. Other major services include traffic control; communications; intelligence analysis; and anti-terrorist negotiation.

Roads and Ports portfolio

The Roads and Ports portfolio includes a number of state government bodies responsible for the ports and waterways including sections within Transport for New South Wales, Roads and Maritime Services, the Newcastle Port Corporation, New South Wales Maritime, Port Kembla Corporation and the Sydney Ports Corporation. Additionally, the Office of Transport Safety Investigation, which reports to the Minister for Transport and is an independent body, investigates safety occurrences involving bus, ferry and rail transportation.

Roads and Maritime Services

Roads and Maritime Services is a statutory government body. It is classified by New South Wales Treasury as a non-budget dependent general government agency and is responsible for:

» recreational boating
» commercial vessels and asset management.

Transport for New South Wales is the primary transport agency responsible for shipping, security and environment. The department works in conjunction with the three port corporations who have safety and environment protection responsibilities as part of their respective port safety operating licenses. Responsibility for maritime security is directly applied to the port corporations, as a port operator, via Commonwealth legislation.

New South Wales specific regional arrangements

Lord Howe Island is part of New South Wales while Norfolk Island and surrounding islands are managed by the Department of Regional Australia, Local Government, Arts and Sport.

The Jervis Bay Territory is a Commonwealth territory and managed by the Department of Regional Australia, Local Government, Arts and Sport.
Annex E – Victoria

Victorian legislation

Generic legislation

The **Coastal Management Act 1995** establishes the Victorian Coastal Council; and provides for coordinated strategic planning and management for the Victorian coast.

The **Constitutional Powers (Coastal Waters) Act 1980** extends the legislative powers of the state in and in relation to coastal waters.

The **Crimes Act 1958** lists crimes and penalties and consolidates the law relating to crimes and criminal offenders.

The **Crimes at Sea Act 1999** gives legal force to a cooperative scheme for dealing with crimes at sea and provides for consequential vesting of judicial and other powers.

The **Emergency Management Act 1986** provides for the organisation of emergency management in Victoria.

The **Marine Act 1988** governs the registration of vessels and the pollution of state waters, and implements certain international conventions to provide for the efficient and safe operation of vessels on state waters. The **Marine Regulations 2009** also apply.

The **Port Services Act 1995** establishes mechanisms for the management of Victorian ports. The **Port Services (Local Ports) Regulations 2004** also apply.

Legislation relating to illegal activity in protected areas

The **Heritage Act 1995** provides for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects.

The **National Parks Act 1975** provides for marine national parks and marine sanctuaries to preserve and protect the natural environment.

Legislation relating to illegal exploitation of natural resources

The **Environment Protection Act 1970** aims to protect the environment in Victoria through the conservation of biological diversity and ecological integrity, waste management and enforcement.

The **Mineral Resources (Sustainable Development) Act 1990** provides a coordinated assessment and approval process for extractive industries and ensures that extractive industry operations are carried out with safe operating standards.

The **Fisheries Act 1995** provides a modern legislative framework to regulate, manage and conserve Victorian fisheries, including aquatic habitats. The **Fisheries Regulations 1998** also apply.

The **Gas Safety Act 1997** provides for the safe conveyance, sale, supply, measurement, control and use of gas. The Act also regulates gas safety in general.

The **Petroleum Act 1998** regulates petroleum exploration and production in Victoria.

The **Pipelines Act 2005** regulates the construction and operation of pipelines in Victoria.

The **OPGGSA** relates to the exploration for and the exploitation of the petroleum resources of submerged lands in Victorian coastal waters (up to 3 nautical miles offshore).

The **Underseas Mineral Resources Act 1963** encourages the exploration and exploitation of the mineral resources of the seabed within the territorial limits of Victoria.

The **Victorian Environmental Assessment Council Act 2001** establishes the Victorian Environmental Assessment Council to conduct investigations and make recommendations relating to the protection and ecologically sustainable management of the environment and natural resources of public land, including national parks.
Legislation relating to marine pollution

The Environment Protection Act 1970 aims to protect the environment in Victoria including through the conservation of biological diversity and ecological integrity, waste management and enforcement.


The National Environment Protection Council (Victoria) Act 1995 ensures that, by means of the establishment and operation of the National Environment Protection Council, people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia.

The Pollution of Waters by Oil and Noxious Substances Act 1986 makes certain provisions for the protection of the sea and certain waters from pollution by oil and other noxious substances and to implement the MARPOL Convention. The Pollution of Waters by Oil and Noxious Substances Regulations 2002 also apply.

Legislation relating to prohibited imports and exports

The Control of Weapons Act 1990 regulates weapons other than firearms and body armour.

The Dangerous Goods Act 1985 regulates dangerous goods; prohibits or regulates the import, export, supply or disposal of high-consequence dangerous goods; and prohibits or regulates the export or supply of explosives. The Dangerous Goods (Explosives) Regulations 2000 also apply.

The Drugs, Poisons and Controlled Substances Act 1981 amends the law relating to drugs, poisons and controlled substances.

The Firearms Act 1996 gives effect to the principle that the possession, carriage, use, acquisition and disposal of firearms is conditional on the need to ensure public safety and peace.

The Plant Health and Plant Products Act 1995 provides for the prevention, monitoring, control and eradication of plant pests and diseases.

The Sea-Carriage Documents Act 1998 reforms the law relating to bills of lading, sea waybills and ship’s delivery orders.

Legislation relating to irregular maritime arrivals

No applicable state legislation.

Legislation relating to compromise to biosecurity

The Catchment and Land Protection Act 1994 establishes management and protection of catchments and sets up a system of controls on noxious weeds and pest animals.

The Conservation, Forests and Lands Act 1987 aims to conserve the state’s lands, waters, flora and fauna; and to provide for the use of the state’s lands, waters, flora and fauna in ways which are environmentally sound.

The Flora and Fauna Guarantee Act 1988 establishes a legal and administrative structure to enable and promote the conservation of Victoria’s native flora and fauna and provides for a range of procedures that can be used to conserve, manage or control flora and fauna.

The Gene Technology Act 2001 aims to protect the health and safety of people, and to protect the environment, by identifying threats posed by or resulting from gene technology, and by managing those threats through regulating certain dealings with genetically modified organisms.


The Livestock Disease Control Act 1994 provides for the prevention, monitoring and control of livestock diseases and provides compensation for losses caused by certain livestock diseases.

The Occupational Health and Safety Act 2004 includes provisions to secure the health, safety and welfare of...
employees and other persons at work; and to ensure that the health and safety of members of the public are not placed at risk by the conduct of employers and self-employed persons. The *Occupational Health and Safety Regulations 2007* also apply.

The *Plant Health and Plant Products Act 1995* provides for the prevention, monitoring, control and eradication of plant pests and diseases and facilitates the movement of plants and plant products into and out of Victoria.

The *Wildlife Act 1975* promotes the protection and conservation of wildlife and the sustainable use of wildlife, and prohibits and regulates people engaged in activities concerning or related to wildlife. The *Wildlife (Whales) Regulations 1998* and *Wildlife Regulations 2002* also apply.

**Legislation relating to piracy, robbery or violence at sea**

The *Major Crime (Investigative Powers) Act 2004* provides a regime for the authorisation and oversight of the use of coercive powers to investigate organised crime offences.

The *Seamen’s Act 1958* establishes the policing of vessels within Victorian waters, including boarding vessels.

The *Transport (Compliance and Miscellaneous) Act 1983* includes public transport offences and enforcement of transport safety laws. The *Marine Act 1988* governs the registration of vessels, the pollution of state waters and implements certain international conventions to provide for the efficient and safe operation of vessels on state waters.

**Legislation relating to maritime terrorism**

The *Terrorism (Community Protection) Act 2003* provides for certain powers and obligations regarding the prevention of and response to terrorist acts. The *Terrorism (Community Protection) (Chemicals and Substances) Regulations 2006* also apply.

**Roles of government agencies related to maritime security—Victorian Government**

**Department of Health**

The Department of Health is committed to achieving the best health and wellbeing for all Victorians. This is accomplished through planning, policy development, funding and regulation of health service providers and activities which promote and protect Victorians’ health, including:

- health care services provided through the public hospital system, community health services, ambulance services, dental services and public mental health, drug and alcohol services
- residential and community care for older people, support and assistance to enable people to function independently in their own homes, positive ageing programs, healthy and active living and seniors card
- health promotion and protection through emergency management, public health and related preventative services, education and regulation
- in relation to emergencies, the Department of Health has responsibilities in prevention, preparedness, response and recovery capability across the hospital, primary health and aged care sectors for an emergency with major health consequences
- providing whole-of-health leadership and direction in planning and preparing for emergencies with major health consequences
- implementation of legislation, programs and monitoring procedures to minimise public health risk from:
  - infectious diseases
  - contaminated food
  - contaminated water supplies
  - radiation and chemicals
- exercising delegated authorities as agents for the Commonwealth under the *Quarantine Act 1908* as quarantine officers.

---

31 Correct as at time of writing.
The Department of Health is the control agency for human disease/epidemics, food/drinking water contamination and incidents involving radiological substances and intentional biological releases.

Department of Human Services

The Department of Human Services is committed to improving people’s lives and reducing their experience of disadvantage. To achieve this, the Department of Human Services provides housing and community services to support and protect Victorians most in need.

In relation to emergencies, the Department of Human Services is responsible for state and regional coordination of emergency relief and recovery including state/Commonwealth departments, local government, non-government organisations and agencies in consideration of:

» the people, social, health and community environment
» the economic environment
» the natural environment
» the built environment.

The Department of Human Services also:

» coordinates provision of personal support (including psychological first aid) at incident sites and across the community
» provides community information and facilitate community redevelopment programs
» supports councils, municipal emergency management planning committees and community recovery committees in relief and recovery planning and managing relief and recovery activities
» provides advice, information and assistance to affected individuals, communities, funded agencies and municipal councils
» coordinates provision of interim accommodation following emergencies with major housing impacts.

Department of Transport

The Department of Transport leads, in collaboration with stakeholders and the community, the strategic planning for, and integration, development and management of, transport services and infrastructure. The department delivers specified major projects, facilitates effective freight and logistics operations, and provides oversight of security of transport critical infrastructure.

Security and Emergency Management Division

The department’s Security and Emergency Management Division coordinates arrangements for the department and input to whole-of-government processes in relation to emergency management planning, marine pollution preparedness and response, and the coordination for major incidents.

It is responsible for promoting and driving organisational preparedness for high-impact security risks and emergencies, including marine pollution, within the critical infrastructure sectors of public transport, the road and rail system and ports and marine environments. The division also manages administrative arrangements for compliance of Declared Essential Services transport operators under Part 6 of the Terrorism (Community Protection) Act 2003.

The division includes the Marine Pollution Team, responsible for supporting the state Marine Pollution Controller in fulfilling the department’s responsibility as Control Agency for marine pollution, prescribed under the Marine Act 1988. Note that although the Department of Transport is responsible for marine pollution incidents and other emergencies, the Commonwealth Government has regulatory responsibility for the security of Victoria’s principal commercial ports.

Department of Justice

The Department of Justice consists of business units and statutory entities aligned under nine key functions. This includes all police and prosecution functions, administration of the court system, provision of the prison and community corrections services, administration of various tribunals and agencies established to protect citizens’ rights, emergency management, provision of emergency services, policy on racing and gaming issues and the provision of legal advice to government.

The DPP which resides within the department is an independent body responsible for instituting, conducting and supervising criminal and related proceedings within courts.
Department of Premier and Cabinet

The Department of Premier and Cabinet leads the Victorian public service and plays a key role in identifying and implementing the government’s strategic direction. The department supports the Premier as head of the Victorian Government as well as providing policy advice to Cabinet and its committees. The department is responsible for managing issues that affect the government as a whole, including coordinating Victoria’s response to major policy challenges, oversight of disaster response and ensuring the government’s messages are consistent. It is also responsible for managing relationships with other governments across Australia and overseas.

Department of Primary Industries

The Department of Primary Industries supports the agriculture, fisheries, petroleum, minerals, energy and forest industries in Victoria. The department’s objective is to enable transformation in Victoria’s primary and energy industries to sustainably increase wealth and wellbeing, while protecting and enhancing public safety, the community, animal welfare and the environment. The department meets this objective by using its expertise in science and technology to provide information and advice on the use and management of the state’s primary resources. Fishing, agriculture, mining, petroleum, and forestry are all primary industries. The department works with these industries so that they generate wealth and employment, and also take their environmental and social responsibilities seriously.

Fisheries Victoria is a division of the department. Fisheries Victoria manages the fisheries resource by developing and implementing policies and projects and delivering a wide range of services such as fishing regulation.

The Energy and Earth Resources Group of the Department of Primary Industries is responsible for promoting and regulating the extractive, oil and gas, pipelines, geothermal energy, minerals exploration and mining industries in Victoria. The group maintains an efficient licensing and permitting administration system to provide secure title for exploration, production and pipeline activities, and also ensures that industry health, and environmental management standards meet community needs.

Department of Sustainability and Environment

The Department of Sustainability and Environment is responsible for promoting and managing the sustainability of Victoria’s natural and built environments.

The department’s responsibilities include:
- sustainable water management and supply
- sustainable catchment management
- services for management and governance of Victoria’s parks
- services for biodiversity, conservation, ecosystem, heritage recreation and tourism
- public land and sustainable forest management services
- fire prevention operations and planning environment
- urban and regional strategies and programs
- sustainability and greenhouse policy
- sustainable cities, regions and heritage conservation
- land information
- policy frameworks, regulations and services to protect the environment.

The Department of Sustainability and Environment is also responsible for four commercial ports and 13 local ports.

Environmental Protection Authority

Environmental Protection Authority Victoria’s purpose is to protect, care for and improve Victoria’s environment. It is responsible for Acts, state environment protection policies, waste management policies, regulations and notifiable chemical orders administered by the authority.
Parks Victoria

Parks Victoria is the custodian of a diverse range of significant parks in Victoria and of the recreational management of Port Phillip Bay, Western Port and Port Campbell and the Yarra and Maribyrnong rivers.

Victoria has:
- 45 national parks
- 13 marine national parks
- 11 marine sanctuaries
- 3 wilderness parks
- 25 state parks
- 30 metropolitan parks
- 60 other parks (including regional and reservoir parks).

These assets, both parks and reserves, cover more than 4 million hectares (17 per cent of Victoria).

Transport Safety Victoria

Transport Safety Victoria is the integrated safety regulator for bus, maritime and rail transport. This regulatory function is exercised through the establishment of the independent statutory office of the Director, Transport Safety.

Transport Safety Victoria coordinates waterway management, and develops and implements vessel standards and operator competencies.

Transport Safety Victoria’s purpose is, amongst other things, to provide for the efficient and safe operation of vessels on state waters through the administration of the relevant provisions of the Marine Act 1988 and associated Marine Regulations 2009.

Victoria Police

Victoria Police contributes to the quality of life for individuals in the community by ensuring a safe and secure society and underpins the economic, social and cultural wellbeing of Victoria.

The Water Police has the primary role of coordinating all marine incidents involving recreational vessels, yachts and fishing vessels and commercial vessels in port. Such incidents often involve overdue vessels, flare sightings, broken down boats, missing divers, injured crewmembers and distress calls. The Water Police also liaises with the following key marine agencies:
- Australian Search and Rescue
- Australian Volunteer Coast Guard
- Transport Safety Victoria (Maritime)
- various volunteer and professional rescue and water safety stakeholder groups.
Annex F – Tasmania

Tasmanian legislation

Generic legislation

The Coastal and Other Waters (Application of State Laws) Act 1982 provides for Tasmanian law to have effect in the areas adjacent to the coastal areas of Tasmania with respect to subterranean mining.

The Crimes at Sea Act 1999 applies the criminal law of the states extraterritorially in the areas adjacent to the coast of Australia.

The Criminal Code Act 1924 declares, consolidates, and amends the criminal law, and establishes a code of criminal law.

The Emergency Management Act 2006 provides for the protection of life, property and the environment in the event of an emergency and establishes emergency management arrangements to provide for certain rescue.

The Environmental Management and Pollution Control Act 1994 provides for the management of the environment and the control of pollution in the state.

The Marine and Safety Authority Act 1997 establishes the Marine and Safety Authority.

The Offshore Waters Jurisdiction Act 1976 declares the law relating to offences committed in, on, under, or over waters adjacent to the coast of the state.

The Tasmanian Ports Corporation Act 2005 provides for the control of, and other matters relating to, the Tasmanian Ports Corporation Pty Ltd, for the transfer to that corporation or the Crown of the assets and liabilities of the four port companies formed under two previous acts.

Legislation relating to illegal exploitation of natural resources

The Nature Conservation Act 2002 makes provision for the conservation and protection of the fauna and flora of the state and to provide for the declaration of national parks and other reserved land.

The Fishing (Licence Ownership and Interest) Registration Act 2001 establishes a system of registration of ownership and interests in fishing licences. The Fisheries Penalties Regulations 2001 also apply.

The Gas Pipelines Act 2000 and Gas Pipelines Access (Tasmania) Act 2000 facilitate the development of a natural gas supply industry to ensure that pipelines and pipeline facilities in Tasmania are constructed, maintained and operated to a high standard of safety and in a manner that protects people and property. The Gas Pipelines Regulations 2002 also apply.

The Living Marine Resources Management Act 1995, Living Marine Resources Management Amendment Act 2009 and the Fisheries Rules (Validation) Act 1997 promote the sustainable management of living marine resources, provide for management plans relating to fish resources and protect marine habitats.


The Petroleum (Submerged Lands) Act 1982 makes provisions about the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coast of the state of Tasmania. The Petroleum (Submerged Lands) (Management of Environment) Regulations 2002 and Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2002 also apply.

The Whales Protection Act 1988 provides for the protection of whales.

Legislation relating to illegal activity in protected areas

The National Parks and Reserves Management Act 2002 provides for the management of national parks and other reserved land. The National Parks and Reserved Land Regulations 2009 also apply.
Legislation relating to marine pollution

The National Environment Protection Council (Tasmania) Act 1995 ensures that, by means of the establishment and operation of the National Environment Protection Council, people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia. The Environmental Management and Pollution Control (Environmental Infringement Notices) Regulations 2006 also apply.

The Pollution of Waters by Oil and Noxious Substances Act 1987 protects the state waters from pollution by oil and other substances and gives effect to certain parts of the MARPOL Convention.

Legislation relating to prohibited imports and exports

The Dangerous Goods and Substances Act 2008 regulates the manufacture, transport and sale of dangerous goods and substances and regulates other activities in relation to such goods. The Dangerous Goods (General) Regulations 1998 also apply.

The Firearms Act 1996 and Firearms Amendment Act 2007 provide for the regulation, registration and control of firearms. The Firearms Regulations 2006 also apply.

The Misuse of Drugs Act 2001 prohibits the misuse of drugs and activities associated with the misuse of drugs.

The Sale of Hazardous Goods Act 1977 prohibits or regulates the sale of products likely to give rise to danger.

The Sea-Carriage Documents Act 1997 reforms the law relating to bills of lading, sea waybills and ship’s delivery orders.

The Security-Sensitive Dangerous Substances Act 2005 and Amendment Act 2008 restricts and regulates access to certain dangerous substances whose deliberate misuse would constitute a special threat to state security and public safety.

See also Threatened Species Protection Regulations 2006.

Legislation relating to irregular maritime arrivals

No applicable state legislation.

Legislation relating to compromise to biosecurity

The Genetically Modified Organisms Control Act 2004 provides for the whole or any part of Tasmania to be declared to be a genetically modified organisms free area for the purpose of preserving the identity of non-genetically modified crops and animals for marketing purposes.

The Plant Quarantine Amendment Act 2005 provides for the quarantine of plants and the control of pests and diseases. The Plant Quarantine Regulations 2007 also apply.

The Public Health Act 1997 protects and promotes the health of communities in the state and reduces the incidence of preventable illness.

The Radiation Protection Act 2005 ensures the health and safety of people by protecting them from the harmful effects of radiation, and protects the environment from the harmful effects of radiation.

See also Wildlife Regulations 2010.

Legislation relating to piracy, robbery or violence at sea


Legislation relating to maritime terrorism


The Terrorism (Preventative Detention) Act 2005 allows persons to be taken into custody and detained in order to prevent an imminent terrorist act occurring or preserve evidence of, or relating to, a recent terrorist act.
Roles of government agencies related to maritime security—Tasmanian Government

Department of Health and Human Services

The department is responsible for providing a wide range of health and community services to the Tasmanian public. These services are delivered across Tasmania through a network of acute and community facilities.

Department of Infrastructure, Energy and Resources

The activities of the Department of Infrastructure, Energy and Resources include land transport safety, mineral resources, roads and traffic, infrastructure policy, energy planning and conservation, and passenger transport. The department also provides support to the operations of Private Forests Tasmania, Racing Services Tasmania and the Forest Practices Authority. Each division of the department has core responsibilities that contribute to Tasmania’s social and economic development.

Department of Justice

The Department of Justice contributes to a just and safe society by providing systems and services for the promotion and maintenance of rights and responsibilities and the resolution of disputes, for the benefit of the Tasmanian community. The DPP which resides within the department is an independent body responsible for instituting, conducting and supervising criminal and related proceedings within courts.

Department of Police and Emergency Management

The department has the goals of reducing crime and working with communities and organisations to make Tasmania the safest state in the nation. The department has oversight of the (agencies) Tasmania Police, State Emergency Service, Forensic Science Service Tasmania and Tasmania Fire Service.

Department of the Premier and Cabinet

The Department of the Premier and Cabinet is a central agency of the Tasmanian Government. The department provides a broad range of services to the Cabinet, other members of parliament, government agencies and the community.

Department of Primary Industries, Parks, Water and Environment

The Department of Primary Industries, Parks, Water and Environment is responsible for the sustainable management and protection of Tasmania’s natural and cultural assets for the benefit of Tasmanian communities and the economy.

The department’s activities guide and support the use and management of Tasmania’s land and water resources and protect its natural, built and cultural assets. The department is also responsible for delivering the services that support primary industry development and for the protection of the state’s relative disease- and pest-free status.

Department of Economic Development, Tourism and the Arts

The mission of the Department of Economic Development, Tourism and the Arts is to create and promote lead industry and community development. The department delivers marketing and development programs for Tasmanian tourism and providing policy and planning for Tasmanian arts and culture.

32 Correct as at time of writing.
Environmental Protection Authority

The Environmental Protection Authority is an integral part of Tasmania’s resource management and planning system. Its jurisdiction includes environmental management and pollution control under the Environmental Management and Pollution Control Act 1994.

Marine and Safety Tasmania

Marine and Safety Tasmania is a statutory authority that manages all the functions relating to the safe operation of recreational boats and commercial vessels in Tasmania.

Two of the authority’s primary roles are to ensure the safe operation of vessels in all Tasmanian waters and to manage its marine facilities. The third role, which is to manage environmental issues relating to the operation of vessels, only relates to the specific issues relating to ensuring commercial vessels comply with the Pollution of Waters by Noxious Substances Act. The general management of environmental issues is governed by the Environmental Management and Pollution Control Act 1994, which is managed by the Department of Primary Industries, Parks, Water and Environment.

Tasmania specific regional arrangements

Macquarie Island is part of Tasmania for the purposes of most arrangements; however, the AAD has a significant responsibility for a number of maritime security threats at Macquarie Island.

While it is part of Tasmania, Macquarie Island is remote. A continuous presence is maintained by a small staff from the AAD.

Macquarie Island is a Tasmanian state reserve managed by the Tasmanian Parks and Wildlife Service. Australia operates a research station at the northern end of the island, from which a wide range of research is carried out. The island lies just to the north of an oceanic boundary, the Antarctic Polar Frontal Zone or Antarctic Convergence, where cold polar water to the south meets the warmer subantarctic water to the north.

Macquarie Island is managed by the Tasmanian Department of Primary Industries, Parks, Water and Environment, through the Tasmanian Parks and Wildlife Service.

Tasmania Police

Tasmania Police sits within the Department of Police and Emergency Management. Its responsibilities include detecting and investigating crime and managing emergency situations. It is also responsible for enforcing fisheries and marine safety laws, as well as providing a water-borne capability for search and rescue operations.
South Australian legislation

Generic legislation

The **Constitutional Powers (Coastal Waters) Act 1979** requests that the Parliament of the Commonwealth enacts an Act to extend the legislative powers of the states in and in relation to coastal waters.

The **Crimes at Sea Act 1998** gives effect to a cooperative scheme for dealing with crimes at sea.

The **Emergency Management Act 2004** establishes strategies and systems for managing emergencies in the state.

The **Harbours and Navigation Act 1993** provides for the administration, development and management of harbours and provides for safe navigation in South Australian waters. The **Harbours and Navigation Regulations 1994** also apply.

The **Off-shore Waters (Application of Laws) Act 1976** applies the civil and criminal law of the state to certain offshore waters in the vicinity of the state.

The **Harbours and Navigation Act 1993** provides for the administration, development and management of harbours and provides for safe navigation in South Australian waters. The **Harbours and Navigation Regulations 1994** also apply.

The **National Parks and Wildlife Act 1972** provides for the establishment and management of reserves for public benefit and enjoyment and provides for the conservation of wildlife in a natural environment. The **National Parks and Wildlife (National Parks) Regulations 2001** and the **National Parks and Wildlife (Whales and Dolphins) Regulations 2000** also apply.

The **Wilderness Protection Act 1992** provides for the protection of wilderness and the restoration of land to its condition before European colonisation. The **Wilderness Protection Regulations 2006** also apply.

Legislation relating to illegal exploitation of natural resources

The **Aquaculture Act 2001** regulates marine and inland aquaculture. This Act applies within the state and state waters and to waters beyond and adjacent to state waters to the full extent of the extraterritorial power of the parliament. The **Aquaculture Regulations 2005** also apply.

The **Coast Protection Act 1972** makes provision to conserve and protect South Australia’s beaches and coast. The **Coast Protection Regulations** (of various specific areas) also apply.

The **Environment Protection Act 1993** provides for the protection of the environment. The **Environment Protection (General) Regulations 1994** also apply.

The **Fisheries Management Act 2007** provides for the conservation and management of the aquatic resources of the state. The **Fisheries Management (General) Regulations 2007** apply, along with regulations specific to particular types of fish stock.

The **Natural Resources Management Act 2004** promotes sustainable and integrated management of the state’s natural resources and makes provision for their protection. The **Natural Resources Management (General) Regulations 2005** also apply.

The **Offshore Minerals Act 2000** relates to exploration for and the recovery of minerals (other than petroleum) in the...
first 3 nautical miles of the territorial sea of South Australia. The Offshore Minerals Regulations 2002 also apply.

The Petroleum Act 2000 regulates exploration for and the recovery or commercial utilisation of petroleum and certain other resources. The Petroleum Regulations 2000 also apply.

The Petroleum (Submerged Lands) Act 1982 makes provision with respect to the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coasts of South Australia. The Petroleum (Submerged Lands) Regulations 2005 also apply.

Legislation relating to marine pollution

The Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987 relates to the protection of the sea and certain waters from pollution by oil and other substances. The Protection of Marine Waters (Prevention of Pollution from Ships) Regulations 2001 also apply.

Legislation relating to prohibited imports and exports

The Controlled Substances Act 1984 regulates or prohibits the manufacture, production, sale, supply, possession, handling or use of certain poisons, drugs, therapeutic and other substances, and of certain therapeutic devices. The Controlled Substances (General) Regulations 2000 also apply.

The Dangerous Substances Act 1979 regulates the keeping, handling, transporting, conveyance, use and disposal, and the quality, of dangerous substances.

The Firearms Act 1977 controls the possession, use and sale of firearms. The Firearms Regulations 2008 also apply.

The Sea-Carriage Documents Act 1998 reforms the law relating to bills of lading, sea waybills and ships’ delivery orders.

Legislation relating to irregular maritime arrivals

The Maritime Services (Access) Act 2000 provides for access to South Australian ports and maritime services on fair commercial terms and provides for price regulation of essential maritime services. The Maritime Services (Access) Regulations 2001 also apply.

Legislation relating to compromise to biosecurity

The Plant Health Act 2009 provides for the protection of plants from pests, the regulation of the movement of plants into, within and out of the state, and the control, destruction and suppression of pests. The Plant Health Regulations 2009 also apply.

The Public and Environmental Health Act 1987 deals with public and environmental health, including disease control. The Public and Environmental Health (General) Regulations 2006 and the Public and Environmental Health (Notifiable Diseases) Regulations 2004 also apply.

See also the Fisheries Management Act 2007, the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Revocation Regulations 2007 and the Gene Technology Regulations 2002.

Legislation relating to piracy, robbery or violence at sea

The Crimes at Sea Act 1998 applies.

Legislation relating to maritime terrorism


The Terrorism (Police Powers) Act 2005 gives special powers to police officers to prevent and investigate terrorist acts. The Terrorism (Police Powers) Regulations 2006 also apply.
The Terrorism (Preventative Detention) Act 2005 authorises temporary detention in order to prevent the occurrence of a terrorist act or preserve evidence of, or relating to, a recent terrorist act.

Roles of government agencies related to maritime security—South Australian Government

Attorney-General’s Department

The Attorney-General’s Department provides a range of legal and civil justice functions for government and the people of South Australia. The DPP within the department is an independent body responsible for instituting, conducting and supervising criminal and related proceedings within courts. The department also coordinates comprehensive support services such as human resources, information technology and financial administration for the Justice Portfolio.

Department of Planning, Transport and Infrastructure

The department has an important role in the management of the state’s transport system. It contributes to providing a transport network that is safe, meets community expectations, makes a positive contribution to the economy and has minimal impact on the environment. The department’s functions include maritime transport policy development and regulation of commercial and recreational marine activities to achieve marine safety outcomes.

Department for Health and Ageing

The Department for Health and Ageing provides leadership in health reform, policy development and planning. The department believes in health for all, with a focus on wellbeing, illness prevention, early intervention and quality care.

Department of Primary Industries and Regions

The Department of Primary Industries and Regions South Australia (PIRSA) is committed to the economic development of the state and the sustainable use of the state’s food, fibre and minerals industries.

The department contributes to the sustainable planning and development of South Australia’s natural, industrial and community assets. It works with industry to manage resources sustainably and enhance their value chains. The department also works with communities to enhance the amenity and sustainability of their built environments. Divisions within the department include Industries (including aquaculture and fisheries) and Biosecurity.

The efforts of the agency are directed towards:

» reducing barriers to industry investment and exports
» facilitating priorities for the use of land and planning optimal community development
» facilitating the application of new technologies, services, products and knowledge through its strong partnerships with industry sectors, market intelligence and regional communities.

33 Correct as at time of writing.
PIRSA Fisheries is responsible for administering the *Fisheries Management Act 2007* (South Australia). PIRSA Fisheries have 27 small and mid-size vessels at its disposal, including a 23-metre offshore patrol vessel. Staff are trained in maritime investigation and compliance matters, including boarding vessels.

**Department of the Premier and Cabinet**

The Department of the Premier and Cabinet is a progressive agency that drives the premier’s initiatives through a range of services to the community and government.

**Department of Water, Land and Biodiversity Conservation**

The Department of Water, Land and Biodiversity Conservation was established to improve sustainability through the integration and management of all of the state’s natural resources and to achieve improved health and productivity of South Australia’s biodiversity, water, land and marine resources. Divisions within the department include Biodiversity (which includes estuaries and coastal marine) and Natural Resource Management.

**Environment Protection Authority**

The Environment Protection Authority is an independent statutory authority within the Environment and Conservation portfolio. The authority is South Australia’s primary environmental regulator, responsible for the protection of air and water quality, and the control of pollution, waste, noise and radiation.

The authority provides leadership to protect and enhance our environment by administering the *Environment Protection Act 1993* and the *Radiation Protection and Control Act 1982*. The authority encourages environmental responsibility by working with the community, industry and governments.

**South Australia Police**

South Australian Police is within the Justice portfolio and provides a broad range of police and community services to ensure the safety and security of the South Australian community.

To achieve the organisation’s vision and mission, South Australian Police has core functions as prescribed in the *Police Act 1998*. They are to:

- uphold the law
- preserve the peace
- prevent crime
- assist the public in emergency situations
- coordinate and manage responses to emergencies.
Annex H – Western Australia

Western Australian legislation

Generic legislation

The Crimes at Sea Act 2000 gives effect to the cooperative scheme for extra-territorial jurisdiction over crimes committed at sea.

The Emergency Management Act 2005 provides for prompt and coordinated organisation of emergency management in the state.

The Off-shore (Application of Laws) Act 1982 applies state laws, with the exception of the criminal law, to coastal waters.

The Port Authorities Act 1999 relates to port authorities, their functions, the areas that they are to control and manage, and the way in which they are to operate.

The Western Australian Marine Act 1982 regulates navigation and shipping.

Legislation relating to illegal activity in protected areas


The Heritage of Western Australia Act 1990 provides for and encourages the conservation of places, including coastal areas, which have significance to the cultural heritage in the state.

Legislation relating to illegal exploitation of natural resources

The Fish Resources Management Act 1994 relates to the management and conservation of fish resources, ensuring that related activities are carried out in a sustainable manner. The Fish Resources Management Regulations 1995 also apply.

The Fuel, Energy and Power Resources Act 1972 provides for the conservation and use of the current and future sources and supplies of fuel, energy, and power in and to Western Australia.

The Energy Arbitration and Review Act 1998 provides for the regulation of third-party access to gas pipeline systems.

The Gas Standards Act 1972 regulates the standards of quality, pressure, purity and safety of gas supplied and the standards and safety of gas installations and gas appliances; and provides for the supervision and control of persons concerned in, and regulates the practice of, gasfitting.

The North West Gas Development (Woodside) Agreement Act 1979 ratifies an agreement between the State of Western Australia and a number of companies relating to the production of natural gas and condensate and the establishment of a treatment and liquefaction plant.

The Offshore Minerals Act 2003 relates to exploration for, and the recovery of, minerals (other than petroleum) in the first 3 nautical miles of the territorial sea in respect of Western Australia.

The Pearling Act 1990 regulates pearling and pearl oyster hatchery activities and provides for the conservation and management of pearl oyster fisheries. The Pearling (General) Regulations 1991 also apply.

The Petroleum (Submerged Lands) Act 1982 makes provision for the exploration and exploitation of petroleum resources, and certain other resources, of certain submerged lands adjacent to the coast of Western Australia. The Petroleum (Submerged Lands) Regulations 1990 also apply.

Legislation relating to marine pollution

The *Environmental Protection Act 1986* provides for the prevention, control and abatement of pollution and environmental harm and for the conservation, preservation, protection, enhancement and management of the environment. The *Environmental Protection Regulations 1987* also apply.

The *Harbours and Jetties Act 1928* amends the law relating to the liability of owners of ships for damage to harbours and jetties, and related works.

The *Pollution of Waters by Oil and Noxious Substances Act 1987* relates to the protection of the sea and certain waters from pollution by oil and other noxious substances discharged from ships and places on land. The *Pollution of Waters by Oil and Noxious Substances Regulations 1993* also apply.

The *Western Australian Marine (Sea Dumping) Act 1981* provides for the protection of the environment by regulating the dumping into the sea, and the incineration at sea, of wastes and other matter and the dumping into the sea of certain other objects. The *Western Australian Marine (Sea Dumping) Regulations 1982* also apply.

Legislation relating to prohibited imports and exports

The *Dangerous Goods Safety Act 2004* relates to the safe storage, handling and transport of dangerous goods.

The *Marine and Harbours Act 1981* provides for the advancement of efficient and safe shipping and effective boating and port administration through the provision of certain facilities and services.

The *Radiation Safety Act 1975* relates to the safe storage, handling, use and transport of radioactive substances. The *Radiation Safety (General) Regulations 1983* and *Radiation Safety (Transport of Radioactive Substances) Regulations 2002* also apply.

The *Sea-Carriage Documents Act 1997* reforms the law relating to bills of lading, sea waybills and ships’ delivery orders.

The *Shipping and Pilotage Act 1967* relates to shipping and pilotage in and about the ports, fishing boat harbours and mooring control areas of the state.

The *Weapons Act 1999* prohibits bringing or sending into the state, carriage, possession, purchase, sale, supply and manufacture of certain weapons and controls the carriage and possession of other weapons.

The *Wildlife Conservation Act 1950* provides for the conservation and protection of wildlife. The *Wildlife Conservation Regulations 1970* also apply.

Legislation relating to compromise to biosecurity

The *Biosecurity and Agriculture Management Act 2007* provides for the control of certain organisms, the use of agricultural and veterinary chemicals and the identification and attainment of standards of quality and safety for agricultural products. The *Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982* also apply.

The *Exotic Diseases of Animals Act 1993* provides for the detection, containment and eradication of certain diseases affecting livestock and other animals. The *Exotic Diseases of Animals Regulations 2011* also apply.

The *Health Act 1911* consolidates and amends the law relating to public health. This Act includes provisions for the management of infectious diseases.

The *Fish Resources Management Act 1994* provides powers to protect the state's waters against aquatic pest incursions and establishments.

The *Plant Diseases Act 1914* prevents the introduction into Western Australia of diseases affecting plants, provides for the eradication of such diseases and prevents their spread.

The *Poisons Act 1964* provides for the sale and use of poisons, including agricultural and veterinary chemicals. The *Poisons Regulations 1965* also apply.
Legislation relating to piracy, robbery or violence at sea

The **Criminal Code Act Compilation Act 1913** prescribes criminal offences under which offenders may be prosecuted.

See **Crimes at Sea Act 2000**. The **Prevention of Collisions at Sea Regulations 1983**, the **Western Australia Marine (Emergency Procedures and Safety of Navigation) Regulations 1983** and the **Western Australian Marine (Infringements) Regulations 1985** also apply.

The **Firearms Act 1973** makes provision for the control and regulation of firearms and ammunition, and the licensing of persons possessing, using, dealing with, or manufacturing firearms and ammunition.

Legislation relating to the investigation of crimes committed at sea

The **Criminal Investigation Act 2006** provides powers for the investigation and prevention of offences, including those committed at sea.

The **Criminal Investigation (Identifying People) Act 2002** enables personal details and identifying particulars of people to be obtained by police and other officers for forensic purposes.

Legislation relating to maritime terrorism


The **Terrorism (Extraordinary Powers) Act 2005** provides powers to prevent and respond to terrorist acts.

The **Terrorism (Preventative Detention) Act 2006** authorises temporary detention to prevent the occurrence of a terrorist act, and to preserve evidence relating to such an act.

Roles of government agencies related to maritime security—Western Australian Government

**Department of Agriculture and Food**

The Department of Agriculture and Food assists the state’s agriculture, food and fibre sector to be sustainable and profitable. The department enhances the international competitiveness of the state’s agribusinesses by working with them to meet the increasingly demanding standards for safety and quality of food and fibre products produced in an environmentally sustainable way.

The department’s role is effective pre-border, border and post-border management of biosecurity risks in partnership with industry. The department’s border biosecurity role involves plant and animal quarantine obligations for Western Australia.

**Department of Environment and Conservation**

The department has responsibility for protecting and conserving the state’s environment and biodiversity on behalf of the people of Western Australia. Its responsibilities include managing the state’s national parks, nature reserves, conservation parks, state forests and timber reserves, as well as managing the marine environment through the creation of marine parks, marine nature reserves and marine management areas. It has eight key objectives that include protecting, managing, regulating and assessing many aspects of the use of the state’s natural resources.

The department contributes to developing environmental protection policies, managing the environmental impact assessment process and carrying out regulatory functions to achieve improved environmental outcomes. It is also responsible for managing contaminated sites

---

34 Correct as at time of writing.
and coordinating responses to pollution incidents. The department also provides support to numerous other state authorities within the environment portfolio.

Department of Fisheries

The Department of Fisheries sustainably manages Western Australia’s fish, marine and aquatic resources. The Fish Resources Management Act 1994 gives the department powers to protect the state’s waters against aquatic pest incursions and establishments.

The department’s jurisdiction extends to the EEZ, where it may manage fish and aquatic resources on behalf of the Commonwealth. It also extends to fish and aquatic resources in estuaries and rivers.

The department also undertakes research, management, surveillance, enforcement and education in the marine parks and reserves established under the Conservation and Land Management Act 1984, and provides at-sea marine safety compliance services on behalf of the Department of Transport.

Department of Health

Western Australia’s public health system aims to ensure healthier, longer and better lives for all Western Australians and to protect the health of the Western Australian community by providing a safe, high-quality, accountable and sustainable health care system. The department has two major functions under the Emergency Management Act 2005 and the Emergency Management Regulations 2006. The first and most commonly utilised function is Health’s role as a combat agency in major incidents; the second function is that of a hazard management agency for human epidemic and heatwave.

Health is also the hazard management agency for the prevention of actual or impending spillage, release or escape of a radiological substance, and the prevention of, preparedness for and response to actual or impending spillage, release or escape of biological substances.

In the context of marine safety, Health’s role is as a combat agency to assist with mass casualty response, as a hazard management agency for human epidemics and as an advisory agency on the health aspects of hazardous material, including chemical, biological, radiological and nuclear exposure, environmental hazards and maritime casualties.

Department of Mines and Petroleum

The Department of Mines and Petroleum is the state’s lead agency in attracting private investment in resources exploration and development. It provides geoscientific information on mineral and energy resources, and manages the titles systems for the mining, petroleum and geothermal industries.

The department has prime responsibility for regulating these industries and dangerous goods in Western Australia, including controls over imports and exports of dangerous goods, explosives and security risk substances.

Department of the Premier and Cabinet

The department supports the Premier and Cabinet through leadership and coordination in the public sector. Within the department, the Office of State Security and Emergency Coordination provides leadership to enhance the coordination of the state’s relationships across government and the private sector to maximise Western Australia’s response to terrorism and other significant emergencies.

Department of Transport

The department’s key focus is on operational transport functions and strategic transport planning and policy across the range of public and commercial transport systems that service Western Australia. Marine Safety, within the department, is the hazard management agency for marine transport and oil spillage emergencies.

Environmental Protection Authority

The Environmental Protection Authority was established as an independent authority with the broad objective of protecting the state’s environment. The authority provides overarching environmental advice to the Minister for Environment by preparing environmental protection policies and assessing development proposals and management plans, as well as providing public statements about matters of environmental importance.

The Office of the Environmental Protection Authority is a government agency that is accountable to the Minister
for Environment and the Environmental Protection Authority. The agency manages the environmental impact assessment process and the development of environmental policies on behalf of the Environmental Protection Authority and carries out compliance audits against ministerial conditions of approval to ensure environmental protection outcomes are achieved.

State Solicitor’s Office

The state Solicitor’s Office provides legal advice to the Government of Western Australia, including all departments and agencies, and provides counsel to appear on behalf of the state and its agencies in a wide range of courts and tribunals. Maritime security issues can prompt requests for legal advice relating to jurisdiction, investigative powers, emergency response powers and preparation of prosecutions.

Western Australia Police

Western Australia Police have a duty to protect the security and wellbeing of the Western Australian community. This includes investigation of criminal offences and prevention and disruption of terrorist activity in maritime areas deemed the responsibility of Western Australia Police through legislation and national agreement.

Western Australia Police counter-terrorism activities not only complement national policies, legislation and plans, they are also done in an environment that values cooperative, coordinated and consultative relationships with the other national and state governments, agencies, the community and industry, with the overriding aim of making our region safer.

Western Australia specific regional arrangement

The territories of Cocos (Keeling) Islands, Christmas Island and Ashmore and Cartier Islands are not part of Western Australia but are external territories managed by the Department of Regional Australia, Local Government, the Arts and Sport. The Territory of Heard Island and McDonald Islands is not part of Western Australia but is managed by the Australian Antarctic Division for the Commonwealth.

Joint Petroleum Development Area

The JPDA adjoins both Western Australia and Northern Territory waters along with Timor-Leste’s maritime zones. Figure 15 is a map of this zone.

The Timor Strait Treaty specifies the shared arrangements for the management of this area. The treaty provides a continuing basis for petroleum activities in an area of seabed between Australia and Timor-Leste. The JPDA defined by this treaty is where Australia and Timor-Leste jointly control, manage and facilitate the exploration, development and exploitation of the petroleum resources of the area for the benefit of the peoples of both countries. The Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS Treaty) states that neither Australia nor Timor-Leste shall assert its claims to sovereign rights and jurisdiction and maritime boundaries for the period of the treaty (50 years). The CMATS Treaty also prescribes the arrangements for distributing revenue derived from exploitation of the JPDA.
Figure 15 Joint Petroleum Development Area and surrounding waters
Map courtesy of the Department of Mines and Petroleum, Government of Western Australia.
Annex I – Northern Territory

Northern Territory legislation

Generic legislation

The *Crimes at Sea Act 2000* gives effect to a cooperative scheme for dealing with crimes at sea. The purpose of the Act is to give legal force to the cooperative scheme, so far as it depends on the legislative power of the Northern Territory, and to provide for consequential vesting of judicial and other powers.

The *Criminal Code Act* as in force at 17 May 2007 is an Act to establish a code of criminal law.

The *Darwin Port Corporation Act*, which entered into force in March 2005, provides for the establishment of the Darwin Port Corporation for the control and management of the Port of Darwin. The Port By-Laws and the Darwin Port (Handling and Transport of Dangerous Cargoes) By-Laws apply to this act.

The *Disasters Act*, which entered into force in October 2007, provides for the adoption of measures necessary to protect life and property from the effects of disasters and emergencies and for other purposes. The *Marine Act*, which entered into force in May 2007, regulates shipping within the Northern Territory and provides for the application to the Northern Territory of the Uniform Shipping Laws Code and applicable regulations.

The *Off-shore Waters (Application of Territory Laws) Act*, which entered into force in March 2001, makes provision for and in relation to the application of the laws of the Northern Territory to the coastal waters of the Northern Territory.

The *Environmental Offences and Penalties Act* commenced January 1997. The Act was set up to establish penalties for certain offences relating to the protection of the environment, and for related purposes. It relates specifically to a hierarchy of levels of serious environmental harm and/or material environmental harm with the lowest, environmental offence level 4, relating to environmental nuisance.

The *Work Health and Safety (National Uniform Legislation) Act 2011*, which entered into force on 1 January 2012, makes provision for work health and safety at workplaces.

Legislation relating to illegal activity in protected areas

The *Cobourg Peninsula Aboriginal Land, Sanctuary and Marine Park Act*, which entered into force in 1996, acknowledges and secures the right of Aboriginal people to occupy and use certain land on the Cobourg Peninsula, to vest that land in trustees for Aboriginal people, and to declare that land to be a national park, making certain provisions relating to the management of adjacent marine areas.

The *Heritage Conservation Act*, which entered into force in December 2000, is an Act relating to the natural and cultural heritage of the Northern Territory. The principal object of the Act is to provide a system for the identification, assessment, recording, conservation and protection of places and objects of value, including geological structures, fossils, coastlines and plant and animal communities or ecosystems of the Northern Territory.

The *Parks and Wildlife Commission Act*, which entered into force in September 2004, establishes a commission to establish and manage, or assist in the management of, parks, reserves, sanctuaries and other land, to encourage the protection, conservation and sustainable use of wildlife.

The *Territory Parks and Wildlife Conservation Act*, which entered into force in October 2007, makes provision for and in relation to the establishment of Northern Territory parks and other parks and reserves and the study, protection, conservation and sustainable utilisation of wildlife.

The *Trespass Act*, which entered into force in July 2004, amends the law relating to trespass, including trespass on Crown land and prohibited land.
Legislation relating to illegal exploitation of natural resources

The **Energy Pipelines Act**, which entered into force in 2007, makes provision for the construction, operation, maintenance and cessation of use or abandonment of pipelines for the conveyance of energy-producing hydrocarbons.

The **Fisheries Act**, which entered into force in 2005, is an Act to provide for the regulation, conservation and management of fisheries and fishery resources to maintain their sustainable use and to regulate the sale and processing of fish and aquatic life. Also included is the **Fishery Management Plan** of the Northern Territory and the **Fisheries Regulations** as in force from 2007.

The **Petroleum Act**, which entered into force in 2007, regulates the exploration for and the production of petroleum.

The **Petroleum (Submerged Lands) Act**, which entered into force in 2007, makes provision with respect to the exploration for and the exploitation of the petroleum resources, and certain other resources, of certain submerged lands adjacent to the coasts of the Northern Territory and, in accordance with international law, the continental shelf beyond the limits of Australian territorial waters. The **Fisheries Regulations** as in force at 1 August 2007 also apply.

The **Radioactive Ores and Concentrates (Packaging and Transport) Act**, which entered into force in 2002, makes provision for the packaging, storage and transport of radioactive ores and concentrates.

The **Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005** makes special provisions for the Trans-Territory Pipeline Project and the Blacktip Gas Project.

Legislation relating to marine pollution

The **Marine Pollution Act**, which entered into force in 2004, is an Act to protect the marine and coastal environment by minimising intentional and negligent discharges of ship-sourced pollutants into coastal waters.

The **Marine Pollution Regulations**, which entered into force in 2003, also apply.

The **National Environment Protection Council (Northern Territory) Act**, which entered into force in 2004, provides for the establishment of a National Environment Protection Council. The object of this Act is to ensure that, by means of the establishment and operation of the council, people enjoy the benefit of equivalent protection from air, water or soil pollution and from noise, wherever they live in Australia.

The **Waste Management and Pollution Control Act**, which commenced in 1998, provides for the protection of the environment through; the establishment of an environmental ethic outlining collective environmental duties, accreditation of national legislation, establishment of regulatory powers giving rise to enforcement, licensing and approvals, and development of environmental pollution objectives. The **Waste Management and Pollution Control (Administration) Regulations**, which commenced in January 1999, deals with administrative issues such as fees for licensing and approvals and payment of ‘on the spot fines’.

Legislation relating to prohibited imports and exports

The **Firearms Act**, which entered into force in 2007, provides for the regulation, control and registration of firearms.

The **Sea Carriage Documents Act 1998**, which entered into force in June 1998, reforms the law relating to bills of lading, sea waybills and ships’ delivery orders.

The **Weapons Control Act**, which entered into force in 2006, regulates weapons (other than firearms) and body armour, including bringing weapons into the Northern Territory.

The **Marine (Safety) Regulations**, which entered into force in 2001, include provisions governing the shipping of dangerous goods.
Legislation relating to irregular maritime arrivals

The *Darwin Port Corporation Act*, which entered into force in 2005, provides for the establishment of the Darwin Port Corporation for the control and management of the Port of Darwin.

The *Dangerous Goods Act* includes provisions governing the import and export of dangerous goods (explosives).

Legislation relating to compromise to biosecurity

The *Biological Resources Act 2006* provides for and regulates bioprospecting in the Northern Territory and for related purposes. The objects of the Act include promoting the conservation of biological resources in the Northern Territory and the ecologically sustainable use of those biological resources.

The *Plant Diseases Control Act*, which entered into force in 2000, relates to the prevention and eradication of diseases in plants, including the prohibition of the importation or introduction into or possession in the Northern Territory or any part of the Northern Territory of certain plants, fruits or packaging.

The *Public Health Act*, which entered into force in 2005, relates to public health, including regulations about the control of infectious diseases.

The *Stock Diseases Act*, which entered into force in 2005, relates to the control of diseases in stock and other purposes, including the import and export of stock.

Legislation relating to piracy, robbery or violence at sea

See *Crimes at Sea Act 2000*, which has specific provisions for this activity.

Legislation relating to maritime terrorism

The *Terrorism (Emergency Powers) Act*, which entered into force in 2007, provides powers to prevent and respond to terrorist acts.

Roles of government agencies related to maritime security—Northern Territory Government

Department of Health

The Department of Health provides services for health and wellbeing, including physical, mental, social and environmental aspects. The department is also responsible for the National Critical Care and Trauma Response Centre located at Royal Darwin Hospital. The centre provides Australia with a national health emergency response point to deal with disasters and major incidents in our region.

Department of Justice

The department incorporates all elements of the public justice system, with the exception of policing, and also has a strong regulatory role. The department delivers a range of services to build a safe, fair and just Northern Territory. The DPP within the department is an independent body responsible for instituting, conducting and supervising criminal and related proceedings in courts.

Department of Natural Resources, Environment, the Arts and Sport

The Department of Natural Resources, Environment, the Arts and Sport is responsible for conserving, enhancing and ensuring access to and enjoyment of the Northern Territory’s natural and cultural assets. From a maritime perspective, the role is essentially threefold in providing coordination through the Environmental Operations Unit, of environmental mitigation towards oil and chemical spill contingency planning in the marine environment; through overseeing coordination of the Darwin Harbour Advisory Committee, which provides the Northern

35 Correct as at time of writing.
Territory Government with advice on land use, planning, development and the use of natural resources within the catchment of the Darwin Harbour; and through the responsibilities of the Aquatic Health Unit conducting marine, estuarine and freshwater monitoring and interpretation in the Darwin Harbour and other selected catchments in the Top End of the Northern Territory.

The committee’s focus is on sustainable development and the long-term protection of the Darwin Harbour environs. Members are appointed by the Minister for Natural Resources, Environment and Heritage to ensure that the committee is broadly representative of the community and stakeholders of the Darwin Harbour region.

Department of Resources

The Department of Resources is the government agency responsible for facilitating industry development in three vital economic sectors: fisheries; primary industries; and mineral and energy resources—and ensuring the optimal use of the resources in those sectors. The department delivers strategic services that support profitable and sustainable primary production, and works in partnership with commercial and recreational fishing industries, the aquaculture industry, Indigenous communities and other stakeholders to achieve optimum sustainable utilisation of the Northern Territory’s valuable aquatic resources. It is also responsible for the enforcement of compliance issues associated with the Mining Management Act.

Department of the Chief Minister

Under Northern Territory emergency management arrangements, the Department of the Chief Minister is responsible for the coordination of public information and recovery following a disaster event. The department has a central role within government to coordinate and maintain a whole-of-government approach to security and emergency management in the Northern Territory, and represents the interests of the Northern Territory in the broader national security and emergency management context.

Environment Protection Authority

The Environment Protection Authority provides independent strategic and practical advice to government, businesses and the community about ecologically sustainable development, focusing on environment protection.

Northern Territory Police

The Northern Territory Police are part of the Northern Territory Police, Fire and Emergency Services, which is responsible for protecting life and property and providing disaster and emergency management to communities throughout the Northern Territory.

The Northern Territory Police are committed to working to reduce crime and provide a safer Northern Territory. Its strategic priorities include controlling domestic and personal violence, terrorism prevention and preparedness, emergency management and criminal investigation.

Department of Lands and Planning

The Department of Lands and Planning is responsible for providing safe and effective transport systems and services that meet community and Northern Territory Government needs. It is responsible for regulation of marine activity within Northern Territory waters. It administers the Marine Act and associated regulations which regulate shipping within the Northern Territory and provide for the application to the Northern Territory of the uniform shipping laws code.

The Department of Lands and Planning also administers the Marine Pollution Act and associated regulations and the Marine Branch is the statutory authority for marine pollution in Northern Territory waters.
Glossary

**Agency (government)** means any governmental, semigovernmental, administrative, fiscal, judicial or quasijudicial body, department, commission, authority, tribunal, agency or entity.

**Australian Fishing Zone (AFZ)** is that region where Australia can legally take action against illegal fishing activities.

**Coastal waters** are a belt of water between the limits of the Australian states and of the Northern Territory and a line 3 nm seaward of the baseline. The adjacent states and territory have the same right and title in the subjacent seabed as if that seabed were in waters that formed part of that state or territory.

**Contiguous zone** The contiguous zone is an area adjacent to the territorial sea, which extends up to 24 nautical miles from the Territorial Sea Baseline. Within this zone, as a matter of international law, Australia may exercise control necessary to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations within its Territory or territorial sea.

**Continental shelf** The continental shelf is the area of the seabed and subsoil which extends beyond the territorial sea throughout the natural prolongation of Australia’s land territory and up to a distance as permitted in the United Nations Convention on the Law of the Sea.

**Critical infrastructure** are those physical facilities, supply chains, information technologies and communication networks whose destruction, degradation or unavailability would have a significant impact on the social or economic wellbeing of the nation, or would affect Australia’s ability to conduct national defence and ensure national security. Some elements in these sectors are not strictly infrastructure; however, they form part of the network or supply chains that support the delivery of an essential product or service.

**Exclusive economic zone (EEZ)** is the area beyond and adjacent to Australia’s territorial sea, the outer limit of which does not extend beyond 200 nm from the baseline. Within the EEZ, Australia exercises sovereign rights for the purpose of exploring, exploiting, conserving and managing all natural resources of the waters immediately above the seabed, and of the seabed and its subsoil, together with other activities such as the production of energy from water, currents and wind. Australia’s jurisdiction also extends to the establishment and use of artificial islands, installations and structures, marine scientific research and the protection and preservation of the marine environment.

**Intelligence** is the product resulting from the processing of information about maritime security threats and the maritime environment that supports the conduct of planning and operations.

**Internal waters** are those waters that lie landward of the TSB and typically comprise bays, estuaries and ports. Internal waters are also considered to be coastal waters under the Offshore Constitutional Settlement.

**Lead agency** is the government-designated agency responsible for leading the management of the security threat. For a given threat, the lead agency may change depending on the phase of the threat management (prevention, preparedness, response or recovery). The lead agency might not be the agency that actually executes the response.

**Maritime security zone** is an area within a port, on and around a ship, or on and around an offshore facility subject to additional security requirements and measures.

**Planning** is the process of identifying future maritime security threats, assessing their likelihood, estimating their potential consequences and then determining objectives, policies and strategies for employing resources to mitigate the risks posed by those security threats.
Prevention and preparedness are the risk mitigation measures that government agencies and other stakeholders take to either deter, disrupt or prevent security threats, or to minimise the adverse consequences if prevention is unsuccessful.

Primary stakeholders have some responsibility for the management of a maritime threat as a support for a lead agency or for a specific, specialised aspect to the threat.

Reconnaissance is targeted surveillance.

Response is the actions taken within the stakeholder’s jurisdiction to mitigate or eliminate the risk posed by detected maritime security threats.

Recovery is the coordinated process of supporting individuals and communities affected by the consequences of the threat. Recovery involves a range of government services, including health, social and financial services, provided to individuals.

Search and Rescue Region (SRR) is that part of the world in which a nation has responsibility for the safety of life at sea (for maritime components of the SRR) and for assistance to people in distress.

Secondary or supporting stakeholders have limited responsibility for the management of a threat and may provide aspects such as high level policy advice for threat management. Unexpected implications or supporting requirements may also drive the need to involve secondary stakeholders.

Security Forces Authority (SFA) is the international arrangements by which a designated agency is to be informed of a security incident within the SFA region for that nation. The area for which Australia has obligations under the SFA corresponds to the maritime component of the Australian SRR region; BPC is the designated agency to be informed.

Security threat is any action, device or event that has potential to cause consequences adverse to Australia’s interests.

Statutory authorities are established under specific government legislation that defines the purpose for which they are established and the general functions for which they are responsible.

Surveillance is systematic observation by visual, electronic, photographic or other means.

Territorial sea is the belt of water not exceeding 12 nm in width as measured from the territorial sea baseline. Australia’s sovereignty extends to the territorial sea, its bed and subsoil, and to the airspace above it. The sovereignty is exercised in accordance with international law, and is subject to the right of innocent passage for foreign ships.

Territorial sea baseline is the line from which seaward limits of Australia’s maritime zones are measured. The baseline normally corresponds with the low-water line along the coast and includes the coasts of islands. There are exceptions to the normal baselines, including straight baselines and bay closing lines.
Index

Legislation and Government departments are Commonwealth unless otherwise indicated

A

Acts Interpretation Act 1954 (Qld), 125
Adelaide Dolphin Sanctuary Act 2005 (SA), 147
‘adjacent areas’ Crimes at Sea Act 2000 and, 37
Admiralty Act 1988, 111
Agreement between Australia and the Government of the Democratic Republic of Timor-Leste Relating to the Unitisation of the Sunrise and Troubadour Fields, 105
Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks, 106
Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation (Lombok Agreement), 104
Agreement between Australia and the Republic of Indonesia relating to Cooperation in Fisheries, 102
Agreement between the Government of Australia and the Government of the Democratic Republic of Timor-Leste relating to the Unitisation of the Sunrise and Troubadour Fields, 40
Agreement for the Establishment of the Indian Ocean Tuna Commission, 102
Agreement on the Conservation of Albatrosses and Petrels (ACAP), 100
see also Meeting of Parties of the Agreement on the Conservation of Albatrosses and Petrels
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 101

Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982 (WA), 152
albatrosses and petrels see Agreement on the Conservation of Albatrosses and Petrels (ACAP)
Ambassador for People Smuggling Issues, 77
Antarctic Convergence or Antarctic Polar Front, 36, 112
Antarctic Marine Living Resources Conservation Act 1981, 16, 112
Antarctic seals see Convention for the Conservation of Antarctic Seals (1972)
Antarctic Treaty (1959), 35, 100, 112
Antarctic Treaty Act 1960, 36, 112
Antarctic Treaty Consultative Party, 100
Antarctic Treaty system, 16, 35–6, 100
Antarctica see Australian Antarctic Territory
Application of Laws (Coastal Sea) Act 1980 (NSW), 133
Aquaculture Act 2001 (SA), 147
Aquaculture Regulations 2005 (SA), 147
Arrangement between the Government of Australia and the Government of New Zealand for the Conservation and Management of Orange Roughy on the South Tasman Rise (Orange Roughy Arrangement), 106
arrivals with migration intent, 75
arrivals without migration intent, 75
Ashmore and Cartier Islands, 6
management of, 32, 33
Northern Territory Coroner and, 39
see also memorandum of understanding between Australia and Indonesia Regarding the Operations of Indonesian Traditional Fishermen in the Areas of the Australian Exclusive Fishing Zone and Continental Shelf (Indonesian Traditional Fishing MOU);
memorandum of understanding with Indonesia re traditional fishing practices at Ashmore and Cartier Islands; Territory of Ashmore and Cartier Islands
Ashmore and Cartier Islands Acceptance Act 1933, 112
Ashmore Reef National Nature Reserve
illegal fishing in, 45
Asia-Pacific Fishery Commission, 109
Association of Southeast Asian Nations Regional Forum, 107
Attorney-General
and Crimes at Sea Act 2000, 37
Attorney-General's Department
Critical Infrastructure and Protective Security Policy Branch, 15
Critical Infrastructure Resilience Strategy, 12
Emergency Management Australia, 15
and AUSPIRACYPLAN, 88
functions/role, 11, 15–16
National Security Capability Development Division, 15
National Security Law and Policy Division, 15–16
and public information management
re maritime terrorism, 96
re piracy, robbery and violence at sea, 89
Attorney-General's Department (SA), 149
AUSPIRACYPLAN, 88
Australia Group, 107
Australia–Indonesia Ministerial Forum
and Working Group on Marine Affairs and Fisheries, 109
Australia–Indonesia Working Group on Marine Affairs and Fisheries, 59
Australia–New Zealand Counter-Terrorism Committee (ANZCTC), 6, 94, 118, 120
Australia–New Zealand Counter-Terrorism Committee Administered Fund, 15
Australia–New Zealand Emergency Management Committee (ANZEMC), 120
Australian Antarctic Division (AAD) (Department of Sustainability, Environment, Water, Population and Communities)
and Antarctic Marine Living Resources Conservation Act 1981, 112
and Antarctic Treaty (Environment Protection) Act 1980, 112
and Australian Antarctic Territory, 35
functions/role, 16, 32
and Heard Island and McDonald Islands Marine Reserve, 34
and transportation in response to compromise of biosecurity, 82
and transportation of response to illegal exploitation of natural resources, 57
and transportation of response to marine pollution, 64
Australian Antarctic Territory, 8, 16, 35–7, 112
management of, 32
Australian Antarctic Territory Acceptance Act 1933, 36, 112
Australian Antarctic Territory Act 1954, 16, 36, 112–13
Australian Army, 19
Australian Capital Territory
and Coral Sea Islands Territory, 33, 113
and Territory of Heard Island and McDonald Islands, 113
Australian Capital Territory Coroner
and Coral Sea Islands Territory, 39
and Jervis Bay Territory, 39
Australian Communications and Media Authority (ACMA), 19
functions/role, 16, 43
and Law Enforcement Advisory Committee, 120
and Telecommunications Act 1997, 114
Australian Customs and Border Protection Service (ACBPS), 5, 112
and Defence and Strategic Goods List, 70
functions/role, 11, 16, 116
and Inter-Agency Border Strengthening Project, 109
and investigation and prosecution in fisheries related matters, 44, 57
Ashmore Reef National Nature Reserve, 45, 59
and irregular maritime arrivals, 75, 77
and maritime aerial surveillance, 56
and Operation Bergonia cocaine seizure, 70
and prohibited imports and exports, 69, 72
and public information management
re illegal activity in protected areas, 51
re irregular maritime arrivals, 77
re piracy, robbery or violence at sea, 89
re prohibited imports and exports, 72
and Southern Ocean Operations, 119
Australian Customs Service
renaming of, 5
see also Australian Customs and Border Protection Service (ACBPS)
Australian Defence Force (ADF), 19
call out of re domestic violence, 15, 112
and Crimes Act 1914, 117
Defence Act 1903 and, 31
Defence Intelligence Organisation and, 24
Defence Signals Directorate and, 24
and eradication of black striped mussel, 83
and investigation and prosecution in fisheries related matters, 44, 57, 59
and investigation into piracy, robbery or violence at sea, 111
and maintenance of biosecurity zones, 82
and Operation RESOLUTE and other operations, 118
and prohibited imports and exports, 69
and public information management re illegal activity in protected areas, 51
and public information management re irregular
maritime arrivals, 77
and transportation in response to compromise of
biosecurity, 82
Australian Emergency Management Arrangements, 117
Australian Emergency Manuals, 121
Australian Federal Police (AFP)
and Crimes Act 1914, 117
functions/role, 17
and investigation and prosecution in fisheries related
matters, 44, 57
and investigation into maritime terrorism, 96
and investigation into piracy, robbery or violence at
sea, 89, 111
and investigation of illegal activities in protected areas,
44
and investigation of marine pollution incidents, 64
and irregular maritime arrivals, 77
and maintenance of biosecurity zones, 82
and Operation Bergonia cocaine seizure, 70
and prohibited imports and exports, 69, 72
and public information management re illegal activity
in protected areas, 51
and terrorism, 17
and transnational crime, 11, 17
and transportation in response to compromise of
biosecurity, 82
and transportation in response to illegal exploitation of
natural resources, 57
and transportation of response to marine pollution, 64
Australian Federal Police Act 1979, 34
Australian Fisheries Management Authority (AFMA)
and commercial fish stocks, 57
and Department of Sustainability, Environment, Water,
Population and Communities in relation to fisheries
offences, 57
and eradication of black striped mussel, 83
functions/role, 11, 17, 112, 114
and illegal fishing, 55, 56, 59
and illegal foreign fishing, 57
and investigation of illegal activities in protected areas,
44, 45
and investigation of illegal exploitation of natural
resources, 57
and primary industries and/or fisheries (state and
territory), 25
and public information management re illegal
exploitation of natural resources, 58
and Southern Ocean Operations, 119
Australian Fishing Zone (AFZ), 17, 18, 25
illegal fishing in, 55, 56
Australian Government Counter-Disaster Task Force, 120
Australian Government Crisis Committee, 6
Australian Government legislation and working
arrangements, 111–23
domestic operations and exercises, 118–19
illegal activity in protected areas, 113–14
illegal exploitation of natural resources, 114–15
irregular maritime arrivals, 116–17
joint authorities—fisheries, 119
marine pollution, 115–16
national guides and handbooks, 121
national plans, 117–18
national working groups and committees, 119–21
prohibited imports and exports, 116
region-specific legislation, 112–13
Australian Health Management Plan for Pandemic
Influenza, 117
Australian Hydrographic Service (AHS), 19, 40
and Australian Seafarers Handbook, 121
Australian Maritime Defence Council, 120
Australian maritime jurisdiction, 6–9, 32
legal and administrative aspects of, 27–40
maritime environmental and weather conditions, 8
protected areas, 8–9
resources, 8
security threat aspect to, 9
Australian Maritime Safety Authority (AMSA), 4
and air and maritime surface transportation and air
surveillance, 44, 64
and Australian Register of Ships, 111
and Emergency Response Centre, 18
functions/role, 17–18, 111
and investigation of marine pollution incidents, 64
and marine pollution, 63
and Montara wellhead platform incident, 64
and National Maritime Emergency Response
Arrangements, 64
and National Plan to Combat Pollution of the Sea by
Oil and other Hazardous and Noxious Substances,
64, 118
and Protection of the Sea (Powers of Intervention) Act
1981, 115
and public information management re marine
pollution, 66
and Rescue Coordination Centre, 10, 18
and safety issues relating to irregular maritime arrivals,
and Safety of Life at Sea situation, 40
and submarine telecommunications cables, 51
and transportation in response to compromise of
biosecurity, 82
and transportation of response to illegal exploitation of
natural resources, 57
and transportation of response to marine pollution, 64
Australian Maritime Safety Authority Act 1990, 111
Australian offshore area
Australian Defence Force and, 31
Australian Radiation Protection and Nuclear Safety
Agency (ARPANSA)
functions/role, 18
Australian Register of Ships, 111
Australian Seafarers Handbook, 121
Australian Search and Rescue Region see Australian
Security Forces Authority Area (SFAA)
Australian Secret Intelligence Service (ASIS)
functions/role, 23
Australian Security Forces Authority Area (SFAA), 6, 8, 18, 29, 32
maritime terrorism in, 93
piracy, robbery or violence at sea in, 88, 89
see also Security Forces Authority (SFA)
Australian Security Intelligence Organisation (ASIO)
functions/role, 23
National Threat Assessment Centre, 23
Protective Security Branch, 23
Australian Security Intelligence Organisation Act 1979, 23
Australian Ship Reporting system, 18
Australian Transport Council, 120
Australian Volunteer Coast Guard, 26
Autonomous Sanctions Regulations 2011, 111
Autoridade Nacional do Petróleo (ANP)
and Sunrise and Troubadour Fields, 105
black striped mussel
and threat to marine biodiversity, 83
Booderee National Park and Botanic Gardens, 33–4
border integrity
preservation of, 5
Border Protection Command (BPC), 16
and air and maritime surface transportation and air
surveillance, 44, 57, 59, 64
and oil and gas safety zones, 51
and submarine telecommunications cables, 51
and AUSPIRACYPLAN, 88
functions/role, 18, 19
and illegal foreign fishing in Australia’s northern
waters, 56
and irregular maritime arrivals, 75, 77
and maritime security operations, 118
and maritime terrorism, 93
and Operation Bergonia cocaine seizure, 70
and piracy, robbery or violence at sea, 87
and public information management re illegal
exploitation of natural resources, 58
and Security Forces Authority, 10
as Security Forces Authority re piracy, robbery or
violence at sea, 87, 88
and transportation in response to compromise of
biosecurity, 82
Border Protection Taskforce (BPT), 6
ASIO and, 23
Business-Government Advisory Group, 120
C
Catchment and Land Protection Act 1994 (Vic), 138
charting and geographic information, 40
Christmas Island, 6
management of, 32, 33
Western Australia Coroner and, 39
Christmas Island Act 1958, 33, 113
Coast Protection Act 1972 (SA), 147
Coast Protection Regulations (SA), 147
Coastal and Other Waters (Application of State Laws) Act
1982 (Tas), 143
Coastal Management Act 1995 (Vic), 137
Coastal Protection Act 1979 (NSW), 134
Coastal Protection and Management Act 1995 (Qld), 126
Coastal Protection and Management Regulation 2003
(Qld), 126
coastal waters, 29
Coastal Waters (State Powers) Act 1980, 111

B
Balls Pyramid, 8
Basel Convention on the Control of Transboundary
Movements of Hazardous Wastes and their Disposal
(Basel Convention), 103
Biological Resources Act 2006 (NT), 159
biosecurity, 18–19
see also compromise to biosecurity
Biosecurity and Agriculture Management Act 2007 (WA),
152
Biosecurity Bill, 116
biosecurity zones, 82
Coastal Waters (State Title) Act 1980, 111
Cobourg Peninsula Aboriginal Land, Sanctuary and Marine Park Act (NT), 157
cocaine seizure
  Operation Bergonia, 70
Cocos (Keeling) Islands, 6
  management of, 32, 33
  Western Australia Coroner and, 39
Cocos (Keeling) Islands Act 1955, 33, 113
Code of Conduct for Responsible Fisheries, 106, 109
Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships (IMO), 88
commercial fish stocks
  delineation of responsibilities for management of, 57
  see also fish stocks
commercial stakeholders
  roles and responsibilities, 26
Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), 16, 36–7, 112
Committee for Environmental Protection and Antarctic Treaty Consultative Party, 100
Protocol on Environmental Protection to the Antarctic Treaty, 35
Commonwealth Director of Public Prosecutions and investigation into piracy, robbery or violence at sea, 89
Commonwealth Government Action Plan for Influenza Pandemic, 117
Commonwealth legislation see Australian Government legislation and working arrangements
Commonwealth managed commercial fisheries, 58
  see also commercial fish stocks
Commonwealth marine reserve zoning, 50
Commonwealth marine reserves, 46, 50
  illegal activity in, 43
Commonwealth Scientific and Industrial Research Organisation (CSIRO)
  Centre for Research on Introduced Marine Pests and eradication of black striped mussel, 83
compromise to biosecurity, 9, 72, 79–84
  international arrangements, 83
legislation
  Commonwealth, 116–17
  New South Wales, 134
  Northern Territory, 159
  Queensland, 127
  South Australia, 148
  Tasmania, 144
Victoria, 138–9
Western Australia, 152
  potential consequences, 81
  potential judicial consequences for individuals undertaking illegal or criminal acts, 81
  see also introduction of marine or land pests, diseases, and viruses
conservation
  legally binding instruments (conventions, treaties and agreements), 100–1
Conservation and Land Management Act 1984 (WA), 151, 154
Conservation and Land Management Regulations 2001 (WA), 151
Conservation, Forests and Lands Act 1987 (Vic), 138
Constitutional Powers (Coastal Waters) Act 1979 (SA), 147
Constitutional Powers (Coastal Waters) Act 1980 (Vic), 137
Contact Group on Piracy off the Coast of Somalia (CGPCS), 108
contiguous zone, 30, 32, 100
continental shelf, 30
Control of Naval Waters Act 1918, 111
Control of Weapons Act 1990 (Vic), 138
Controlled Substances Act 1984 (SA), 148
Controlled Substances (General) Regulations 2000 (SA), 148
Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 108
Convention for the Conservation of Antarctic Seals (1972), 35, 36, 100, 112
Convention for the Conservation of Southern Bluefin Tuna, 102
Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific (Wellington Convention), 102
Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 101
Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention), 101
Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention), 87, 102, 117
Convention on Biological Diversity, 101
Convention on International Aviation, 10
Convention on International Trade in Endangered Species (CITES), 101, 116
Convention on International Trade in Endangered Species of Wild Fauna and Flora, 22
Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (SPRFMO), 102
Convention on the Conservation of Antarctic Marine Living Resources (CAMLR Convention), 17, 36, 37, 100, 112
Convention on the Conservation of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Western and Central Pacific Fisheries Convention), 102
Convention on the Physical Protection of Nuclear Material, 104
Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention), 104, 107
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), 103–4, 107
Coral Sea Islands, 6, 8
management of, 32
Coral Sea Islands Act 1969, 113
Coral Sea Islands Territory, 129
Australian Capital Territory Coroner and, 39
Australian Capital Territory legislation and, 113
management of, 33
Supreme Court of Norfolk Island and, 33, 113
Coroners Act 1996 (WA), 39
coronial investigation and inquests, 39–40
counter-terrorism
memoranda of understanding on, 106–7
see also Australia–New Zealand Counter-Terrorism Committee (ANZCTC); National Counter-Terrorism Committee; National Counter-Terrorism Handbook; National Counter-Terrorism Plan; United Nations Global Counter-Terrorism Strategy
Crimes Act 1914, 111
and piracy, robbery or violence at sea, 87, 89, 111, 116–17
Crimes Act 1958 (Vic), 137
Crimes at Sea Act 1998 (NSW), 133
Crimes at Sea Act 1998 (SA), 147, 148
Crimes at Sea Act 1999 (Tas), 143, 144
Crimes at Sea Act 1999 (Vic), 137
Crimes at Sea Act 2000, 37, 111, 125
Crimes at Sea Act 2000 (NT), 157, 159
Crimes at Sea Act 2000 (WA), 151, 153
Crimes at Sea Act 2001 (Qld), 111, 125
Crimes at Sea Act Cooperative Scheme Adjacent Areas Arrangements, 129
crimes committed at sea see investigation relating to crimes committed at sea
Crimes (Ships and Fixed Platforms) Act 1992, 87, 117
 Criminal Code (Qld), 125, 127
 Criminal Code Act (NT), 157
 Criminal Code Act 1924 (Tas), 143, 144
 Criminal Code Act 1995, 94, 111–12
 and terrorism, 117
 Criminal Code Act Compilation Act 1913 (WA), 153
 Criminal Investigation Act 2006 (WA), 153
 Criminal Investigation (Identifying People) Act 2002 (WA), 153
criminal investigation of maritime offences, 39
criminal jurisdiction, 37–9
Criminal Rules 2006 (Tas), 144
Crisis Coordination Centre (CCC), 15
Critical Infrastructure Advisory Council (CIAC), 120, 121
Critical Infrastructure and Protective Security Policy Branch (Attorney-General's Department), 15
Critical Infrastructure Resilience Strategy (Attorney-General's Department), 12, 15
Cullen Bay Marina (Darwin Harbour) and black striped mussel, 83
Customs Act 1901, 18, 31, 116
Customs Administration Act 1985, 112
Customs Convention on Containers, 102
Customs (Prohibited Exports) Regulations 1958 export of defence and strategic goods, 70

D

Dangerous Goods Act (NT), 159
Dangerous Goods Act 1985 (Vic), 138
Dangerous Goods and Substances Act 2008 (Tas), 144
Dangerous Goods (Explosives) Regulations 2000 (Vic), 138
Dangerous Goods (General) Regulations 1998 (Tas), 144
Dangerous Goods Safety Act 2004 (WA), 152
Dangerous Goods Safety Management Act 2001 (Qld), 126
Dangerous Substances Act 1979 (SA), 148
Darwin Harbour black striped mussel in, 83
**Index**

*Darwin Port Corporation Act (NT)*, 157, 159

*Defence Act 1903*, 31, 112

defence and strategic goods
prohibited export of, 70

Defence and Strategic Goods List, 70

Defence Export Control Office, 70

Defence Imagery and Geospatial Organisation (DIGO) functions/role, 23–4

Defence Intelligence Organisation (DIO) functions/role, 24

Defence Signals Directorate (DSD) functions/role, 24

Department for Health and Ageing (SA), 149

Department of Agriculture and Food (WA), 153

Department of Agriculture, Fisheries and Forestry (DAFF) and compromise to biosecurity, 81, 82 and eradication of black striped mussel, 83 and *Fisheries Management Act 1991 and Fisheries Administration Act 1997*, 114 functions/role, 11, 18–19, 57 and investigation in relation to compromise to biosecurity, 82 and marine debris, 64 and prohibited imports and exports, 69 and public information management re compromise to biosecurity, 83 re illegal activity in protected areas, 51 re illegal exploitation of natural resources, 58 and quarantine in respect of irregular maritime arrivals, 77 and quarantine or compromise to biosecurity threat, 72 and United Nations Food and Agriculture Organization, 99 and Working Group on Marine Affairs and Fisheries, 109

Department of Attorney-General and Justice (NSW), 135

Department of Broadband, Communications and the Digital Economy (DBCDE) functions/role, 19

Department of the Chief Minister (NT), 160

Department of Defence call out of Australian Defence Force re domestic violence, 15 Defence Export Control Office, 70 functions/role, 19 HMAS *Creswell* and Jervis Bay Territory, 34

Department of Economic Development, Tourism and the Arts (Tas), 145

Department of Employment, Economic Development and Innovation (Qld), 127

Department of Environment and Conservation (WA), 153–4

Department of Environment and Heritage Protection (Qld), 128

Department of Environment, Water and Natural Resources (SA), 149

Department of Finance and Deregulation functions/role, 19–20 and Jervis Bay Territory, 34

Department of Fisheries (WA), 154

Department of Foreign Affairs and Trade (DFAT) functions/role and goals, 11, 20 and international arrangements, 99 and international engagement and security threats, 10–11, 20

Department of Health (NT), 159

Department of Health (Vic), 139–40

Department of Health (WA), 154

Department of Health and Ageing (DoHA) and Australian Health Management Plan for Pandemic Influenza, 117 and Australian Radiation Protection and Nuclear Safety Agency, 18 and compromise to biosecurity, 81 functions/role, 20 and *International Health Regulations*, 83 and public information management re compromise to biosecurity, 83 and quarantine in respect of irregular maritime arrivals, 77 and quarantine or compromise to biosecurity, 72 and state and territory departments of health, 25

Department of Health and Human Services (Tas), 145

Department of Human Services (Vic), 140

Department of Immigration and Citizenship (DIAC) functions/role, 20–1 and Inter-Agency Border Strengthening Project, 109 and irregular maritime arrivals, 75, 77

Department of Infrastructure and Transport and Inter-Agency Border Strengthening Project, 109 Office of Transport Security functions/role, 21

Department of Infrastructure, Energy and Resources (Tas), 145

Department of Justice (NT), 159

Department of Justice (Tas), 145
Department of Justice (Vic), 140
Department of Justice and Attorney-General (Qld), 127
Department of Lands and Planning (NT), 160
Department of Mines and Petroleum (WA), 154
Department of National Parks, Recreation, Sport and Racing (Qld), 128
and Great Barrier Reef Marine Park, 129
Department of Natural Resources, Environment, the Arts and Sport (NT), 159–60
Department of Planning, Transport and Infrastructure (SA), 149
Department of Police and Emergency Management (Tas), 145
Department of Premier and Cabinet (NSW), 135
Department of Premier and Cabinet (Vic), 141
Department of the Premier and Cabinet (Qld), 128
Department of the Premier and Cabinet (SA), 150
Department of the Premier and Cabinet (Tas), 145
Department of the Premier and Cabinet (WA), 154
Department of Primary Industries (NSW), 135
Department of Primary Industries (Vic), 141
Department of Primary Industries and Regions (SA), 149–50
Department of Primary Industries, Parks, Water and Environment (Tas), 145, 146
Department of the Prime Minister and Cabinet (PM&C) and Commonwealth Government Action Plan for Influenza Pandemic, 117
functions/role, 21
and National Action Plan for Human Influenza Pandemic, 117
and Office of National Assessments, 24
Department of Regional Australia, Local Government, Arts and Sport
Local Government and Territories Division
and management of Coral Sea Islands Territory, 129
and management of external territories, 33
Regional Australia
and Jervis Bay Territory, 34, 136
Regional Policy and Strategy Branch
and management of Norfolk Island, 33, 136
Territories and Native Title Division
and management of external territories, 32
Department of Resources (NT), 160
Department of Resources, Energy and Tourism (RET) functions/role, 21–2, 43
and National Offshore Petroleum Safety and Environmental Management Authority, 24
and Offshore Minerals Act 1994, 114
and Offshore Petroleum and Greenhouse Gas Storage Act 2006, 115
and offshore petroleum incidents, 63
and Petroleum (Timor Sea Treaty) Act 2003, 115
and public information management re offshore petroleum incident, 66
and Sunrise and Troubadour Fields, 105
Department of Sustainability and Environment (Vic), 141
Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) and Ashmore and Cartier Islands, 59
and Ashmore Reef National Nature Reserve, 45
Australian Antarctic Division, 16
and Australian Fisheries Management Authority in relation to fisheries offences, 57
and Commonwealth marine reserves, 50
and compromise to biosecurity, 81, 82
functions/role, 22
and Historic Shipwrecks Act 1976, 114
and illegal activities in protected areas, 43
and illegal exploitation of natural resources, 55, 56
and investigation of illegal activities in protected areas, 44
and Montara wellhead platform incident, 64
and public information management re illegal activity in protected areas, 51
and quarantine in respect of irregular maritime arrivals, 77
Strategic Plan 2013–2017, 16
and transnational crime, 11
Department of Transport (Vic), 140
Security and Emergency Management Division, 140
Department of Transport (WA), 154–5
Department of Transport and Main Roads (Qld), 128
Department of the Treasury functions/role, 22
National Security Unit, 22
Department of Water, Land and Biodiversity Conservation (SA), 150
departments of premier and cabinet/departments of the chief minister functions/role, 25
Directives for Maritime Rescue Coordination Centres on Acts of Violence Against Ships, 107
Director of National Parks, 34
Disaster Management Act 2003 (Qld), 125
Disasters Act (NT), 157
domestic operations and exercises, 118–19
drug smuggling, 11, 17
see also cocaine seizure

Drugs, Poisons and Controlled Substances Act 1981 (Vic), 138

E
Elizabeth and Middleton Reefs, 8
Emergency Management Act 1986 (Vic), 137
Emergency Management Act 2004 (SA), 147
Emergency Management Act 2005 (WA), 151, 154
Emergency Management Act 2006 (Tas), 143
Emergency Management Australia (EMA), 15
and Australian Emergency Manuals, 121
and Crisis Coordination Centre, 15
Emergency Management Regulations 2006 (WA), 154
Emergency Response Centre, 18
Energy Arbitration and Review Act 1998 (WA), 151
Energy Pipelines Act (NT), 158
environment /environmental protection agencies
functions/role, 25
Environment Plans (EPs)/Oil Spill Contingency Plans (OSCPs), 66
Environment Protection Act 1970 (Vic), 137, 138
Environment Protection Act 1993 (SA), 147, 150
Environment Protection and Biodiversity Conservation Act 1990, 31, 34, 44, 45
and Commonwealth marine reserve zoning, 50
and illegal activities in protected areas, 113
and illegal exploitation of natural resources, 55, 57, 114
and marine pollution, 115
and prohibited imports and exports, 116
Environment Protection Authority (NSW), 135
Environment Protection Authority (NT), 160
Environment Protection Authority (SA), 150
Environment Protection (General) Regulations 1994 (SA), 147
Environment Protection (Sea Dumping) Act 1981, 115
Environmental Management and Pollution Control Act 1994 (Tas), 143
Environmental Management and Pollution Control (Environmental Infringement Notices) Regulations 2006 (Tas), 144
Environmental Offences and Penalties Act (NT), 157
Environmental Protection Act 1986 (WA), 152
Environmental Protection Act 1994 (Qld), 126
Environmental Protection Authority (Tas), 146
Environmental Protection Authority (Vic), 141
Environmental Protection Regulation 1998 (Qld), 126
Environmental Protection Regulations 1987 (WA), 152
European Union Dual-Use List, 70
Evidence Act 1995, 112
Exchange of Notes Constituting an Agreement between the Australia and the United States of America on Access to the Australian Fishing Zone, 102
exclusive economic zone (EEZ), 100, 112, 114
commercial fishing grounds in, 8
Crimes at Sea Act 2000 and, 37
extent of, 29, 30
maritime terrorism in, 93, 96
offshore interdiction of vessels in, 4

Exotic Diseases in Animals Act 1981 (Qld), 127
Exotic Diseases of Animals Act 1993 (WA), 152
Exotic Diseases of Animals Regulations 2011 (WA), 152
Expert Panel on Asylum Seekers, 31
external territories, 6
management of, 32, 33–7

F
Firearms Act (NT), 158
Firearms Act 1973 (WA), 153
Firearms Act 1977 (SA), 148
Firearms Act 1996 (Tas), 144
Firearms Act 1996 (Vic), 138
Firearms Amendment Act 2007 (Tas), 144
Firearms Regulations 2006 (Tas), 144
Firearms Regulations 2008 (SA), 148
Fish Resources Management Act 1994 (WA), 151, 152, 154
Fish Resources Management Regulations 1995 (WA), 151
fish stocks
illegal exploitation of, 55
management of, 57, 123
in Gulf of Carpentaria, 119
in Joint Petroleum Development Area, 58
fisheries, 8, 9, 17, 18
legally binding instruments (conventions, treaties and agreements), 101–2
non-legally binding instruments (arrangements, declarations, MOAs, MOUs and codes of conduct), 106
see also Asia-Pacific Fishery Commission; Code of Conduct for Responsible Fisheries; Fishing Levy Act 1991; illegal fishing; joint authorities—fisheries;
South Pacific Forum Fisheries Agency; Torres Strait Fisheries Act 1984; Western and Central Pacific Fisheries Commission; Working Group on Marine Affairs and Fisheries

Fisheries Act (NT), 158
Fisheries Act 1952, 119
Fisheries Act 1988 (NT), 119
Fisheries Act 1994 (Qld), 121, 126
Fisheries Act 1995 (Vic), 137
Fisheries Administration Act 1991, 114
Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Revocation Regulations 2007 (SA), 148
Fisheries Management Act 1991, 17, 18, 31, 44, 45, 51, 57, 114, 119
Fisheries Management Act 1994 (NSW), 133, 134
Fisheries Management Act 2007 (SA), 147, 148, 150
Fisheries Management (General) Regulations 2007 (SA), 147
Fisheries Penalties Regulations 2001 (Tas), 143
Fisheries Regulation 2008 (Qld), 119, 126
Fisheries Regulations (NT), 158
Fisheries Regulations 1998 (Vic), 137
Fisheries Rules (Validation) Act 1997 (Tas), 143
Fishery Management Plan (NT), 158
Fishing Levy Act 1991, 113
Fishing (Licence Ownership and Interest) Registration Act 2001 (Tas), 143
Flora and Fauna Guarantee Act 1988 (Vic), 138
Food Act 1984 (Vic), 138
Foreign fishing, 11
illegals, 44, 57, 123
in Australia's northern waters, 56
France see Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands

Fuel, Energy and Power Resources Act 1972 (WA), 151

Genetically Modified Organisms Control Act 2004 (Tas), 144
government and other arrangements, 40
go spatial intelligence, 23–4
Global Maritime Distress and Safety System, 18
Government Owned Corporations Act 1993 (Qld), 125
Government Owned Corporations Regulation 2004 (Qld), 125
government responsibilities—generic delineation, 122–3
Governor General
call out of Australian Defence Force re domestic violence, 15, 112
Great Barrier Reef Marine Park, 22, 113, 129, 130
illegal activities in, 43, 51, 55, 57
shipping in, 32
Great Barrier Reef Marine Park Act 1975, 22, 51, 57, 113
Great Barrier Reef Marine Park Authority (GBRMPA) functions/role, 22, 113, 129
and illegal activities in Park, 43, 51, 55, 57
and investigation of illegal activities in protected areas, 44
and public information management re illegal exploitation of natural resources, 58
Great Barrier Reef Marine Park Zoning Plan, 51, 57
Guide to Australian Maritime Security Arrangements (GAMSA) purpose, audience authority, scope, 3, 4

H

Harbours and Jetties Act 1928 (WA), 152
Harbours and Navigation Act 1993 (SA), 147
Harbours and Navigation Regulations 1994 (SA), 147
hazardous materials
legally binding instruments (conventions, treaties and agreements), 102
Health Act 1911 (WA), 152
health departments (state and territory) functions/role, 25
Heard Island and McDonald Islands, 6
see also Territory of Heard Island and McDonald Islands; Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands
Heard Island and McDonald Islands Act 1953, 16, 113
Heard Island and McDonald Islands Marine Reserve, 34
Heritage Act 1995 (Vic), 137
Heritage Conservation Act (NT), 157
Heritage of Western Australia Act 1990 (WA), 151
high seas
security threats on, 10
historic protected areas
illegal activity in, 43
historic shipwreck protected zones, 46, 50
historic shipwrecks, 9, 43, 123
see also Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks
Historic Shipwrecks Act 1976, 50, 57, 113–14, 123, 125
Historic Shipwrecks Act 1981 (SA), 147
Historic Shipwrecks Regulations 1999 (SA), 147
Homeland and Border Security Policy Coordination Group, 120

illegal activity in protected areas, 41–51
in Commonwealth marine reserves, 43
in historic protected areas, 43
legislation
Commonwealth, 113–14
New South Wales, 133
Northern Territory, 157
Queensland, 126–5
South Australia, 147
Tasmania, 143
Victoria, 137
Western Australia, 151
in oil and gas industry safety zones, 43
potential consequences, 44
in submarine cable protection zone, 43–4
illegal exploitation of natural resources, 9, 53–60
definition, 55
legislation
Commonwealth, 114–15
New South Wales, 133–4
Northern Territory, 158
Queensland, 126
South Australia, 147–8
Tasmania, 143
Victoria, 137
Western Australia, 151
living natural resources, 55
mineral and non-living natural resources, 55
potential consequences, 55
illegal fishing, 9, 17, 19, 44, 55
in Ashmore Reef National Nature Reserve, 45
by foreign fishers in Australia’s northern waters, 56
illegal immigration, 19
illegal or criminal acts
potential judicial consequences, 44
illegal sea-dumping, 63
Illegal, Unregulated and Unreported Fishing Interdepartmental Committee, 120
Impounding Act 1993 (NSW), 133
Indian Ocean Territories, 33
Indian Ocean Tuna Commission, 108–9
see also Agreement for the Establishment of the Indian Ocean Tuna Commission
Indonesian Ministry of Marine Affairs and Fisheries and Working Group on Marine Affairs and Fisheries, 109
influenza see Australian Health Management Plan for Pandemic Influenza; Commonwealth Government Action Plan for Influenza Pandemic; National Action Plan for Human Influenza Pandemic; National Protocol for Pandemic (H1N1) 2009 on Cruise Ships
Information Sharing Centre
Regional Cooperation Agreement on Combating Piracy and Armed Robbery in Asia, 108
inquests see coronial investigation and inquests
Inspector General of Biosecurity Bill, 116
intelligence agencies
functions/role, 23–4
Intelligence Services Act 2001, 23, 24
Inter-Agency Border Strengthening Project, 109–10
Inter-Departmental Emergency Task Force, 6
Intergovernmental Agreement on National Search and Rescue Response Arrangements (2012), 117
Inter-Governmental Agreement on the National Plan to Combat Pollution of the Sea by Oil and other Noxious and Hazardous Substances, 64
internal waters, 29
state and territory governments and, 32
international arrangements, 99–110
and irregular maritime arrivals, 77
legally binding instruments (conventions, treaties and agreements), 100–6
non-legally binding instruments (arrangements, declarations, MOAs, MOUs and codes of conduct), 106–7
International Atomic Energy Agency (IAEA), 99
International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWS Convention), 103
International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), 103
International Convention for the Regulation of Whaling, 36, 101
International Convention for the Safety of Life at Sea, 10, 102
International Convention on Civil Liability for Oil Pollution Damage (1969), 103, 115
International Convention on Maritime Search and Rescue, 10
International Convention on Oil Pollution Preparedness, Response and Co-operation, 103
International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention), 103, 115
International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention), 103
International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 103
International engagement, 10–11
International Health Regulations, 83
International Maritime Organization (IMO), 99
Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery against Ships, 88
and Directives for Maritime Rescue Coordination Centres on Acts of Violence Against Ships, 107
and International Ship and Port Facility Security Code, 99
and Security Forces Authority, 10
international obligations and responsibilities, 29
international operations and exercises, 109
International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 99, 118
international programs, 109–10
International Ship and Port Facility Security Code, 21, 31, 99
International Telecommunications Convention, Final Protocol, Additional Protocols I- VII and Optional Additional Protocol, 104
International Union for Conservation of Nature (IUCN) category
and Commonwealth marine reserve zoning, 50
International Whaling Commission
and Southern Ocean Whale Sanctuary, 37
investigation relating to crimes committed at sea legislation
Western Australia, 153
irregular maritime arrivals, 9, 20, 73–7
legislation
Commonwealth, 116–17
Northern Territory, 159
South Australia, 148
potential consequences, 75
potential judicial consequences for individuals undertaking illegal or criminal acts, 75
J
Jervis Bay Territory, 136
Australian Antarctic Territory Act 1954 and, 113
Australian Capital Territory Coroner and, 39
Crimes at Sea Act 2000 and, 37
management of, 32, 33–4
and Territory of Heard Island and McDonald Islands, 113
Jervis Bay Territory Acceptance Act 1915, 34
Joint Agencies Maritime Advisory Group (JAMAG), 6, 120
joint authorities—fisheries, 119
Joint Management Group
ASIO and, 23
Joint Petroleum Development Area (JPDA), 32, 40, 104–5, 115, 155–6
management of fish stocks in, 58
K
Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security, 106
L
Law Enforcement Advisory Committee, 120
law enforcement agencies and criminal investigation of maritime offences, 39
legislation, 3
see also Australian Government legislation and working arrangements; maritime legislation;
New South Wales legislation; Northern Territory legislation; Queensland legislation; South Australian legislation; Tasmanian legislation; Victorian legislation; Western Australian legislation
Limburg terrorist attack, 94
Livestock Disease Control Act 1994 (Vic), 138
Living Marine Resources Management Act 1995 (Tas), 143
Living Marine Resources Management Amendment Act 2009 (Tas), 143
living natural resources
illegal exploitation of, 55
see also illegal exploitation of natural resources
London Conference on Somalia, 108
Lord Howe Island, 8, 136

M
Macquarie Island, 8
management of, 32, 146
Maersk Alabama
attack by pirates, 89
Major Crime (Investigative Powers) Act 2004 (Vic), 139
Marine Act (NT), 157, 160
Marine Act 1988 (Vic), 137, 139, 140, 142
Marine and Harbours Act 1981 (WA), 152
Marine and Safety Authority Act 1997 (Tas), 143
Marine and Safety (Collision) Regulations 2007 (Tas), 144
Marine and Safety Tasmania (Tas), 146
marine communications, 16
marine debris, 63
Marine Farming Planning Act 1995 (Tas), 143
marine obstruction, 63
marine or land pests, diseases, and viruses see introduction of marine or land pests, diseases, and viruses
Marine Parks Act 1997 (NSW), 133
Marine Parks Act 2004 (Qld), 125
Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (Qld), 125
Marine Parks Regulation 1999 (NSW), 133
Marine Parks Regulation 2006 (Qld), 125
Marine Parks (Great Barrier Reef Coast) Zoning Plan 2004 (Qld), 125
marine pollution, 9, 17, 61–6, 123
legislation
Commonwealth, 115–16
New South Wales, 134
Northern Territory, 158
Queensland, 126
South Australia, 148
Tasmania, 144
Victoria, 138
Western Australia, 152
potential consequences, 63
see also oil pollution
Marine Pollution Act (NT), 158, 160
Marine Pollution Act 1987 (NSW), 134
Marine Pollution Regulation 2006 (NSW), 134
Marine Pollution Regulations (NT), 158
Marine Regulations 2009 (Vic), 137, 142
Marine Safety Act 1998 (NSW), 133
Marine (Safety) Regulations (NT), 158
marine spills and discharges, 63, 64, 66
see also Environment Plans (EPs)/Oil Spill Contingency Plans (OSCPs); Montara wellhead platform; National Marine Oil Spill Contingency Plan
maritime activity
and Australian economy, 3, 4
Maritime Industry Security Consultative Forum, 120
maritime legislation, 31–2
Maritime Powers Act 2013, 18, 31
Maritime Safety Queensland (Qld), 128–9
Maritime Safety Queensland Act 2002 (Qld), 126
maritime security
national objective for, 3
responsibility for management of, 11–12
roles of government agencies related to
New South Wales, 135–6
Northern Territory, 159–60
Queensland, 127–9
South Australia, 149–50
Tasmania, 145–6
Victoria, 139–42
Western Australia, 153–5
Maritime Security Identification Card, 21
National Security Law and Policy Division and, 16
Maritime Services (Access) Act 2000 (SA), 148
Maritime Services (Access) Regulations 2001 (SA), 148
maritime terrorism, 9, 91–6
attacks against vessels, 93
attacks on commercial interests, 93
attacks on fixed infrastructure, 93
incidents mounted from, or through, the maritime environment, 93
legislation
Commonwealth, 116–17
New South Wales, 134
Northern Territory, 159
Queensland, 127
South Australia, 148–9
Tasmania, 144
Victoria, 139
Western Australia, 153
potential consequences, 93
potential judicial consequences for individuals undertaking illegal or criminal acts, 94
see also terrorism
maritime threat, 3
maritime zones, 29–30, 32
mass casualty event
offshore, marine-based, 20
Meeting of Parties of the Agreement on the Conservation of Albatrosses and Petrels, 16
memorandum of understanding between Australia and East Timor Relating to Security in the Joint Petroleum Development Area, 107
memorandum of understanding between Australia and Indonesia Concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Arrangement, 106
memorandum of understanding between Australia and Indonesia Regarding the Operations of Indonesian Traditional Fishermen in the Australian Exclusive Fishing Zone and Continental Shelf (Indonesian Traditional Fishing MOU), 106
memorandum of understanding with Indonesia re traditional fishing practices at Ashmore and Cartier Islands, 33, 45, 59
_Migration Act 1958_, 18, 31, 116
_Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Act 2013_, 31
_Migration Regulations 1994_, 116
mineral and non-living natural resources
illegal exploitation of, 55
Mineral Resources Act 1989 (Qld), 126
Mineral Resources (Sustainable Development) Act 1990 (Vic), 137
Mineral Resources Regulation 2003 (Qld), 126
Ministry for Police and Emergency Services (NSW), 135
Missile Technology Control Regime, 108
_Misuse of Drugs Act 2001_ (Tas), 144
Model Arrangements for Leadership during Emergencies of National Consequence, 117–18
Montara wellhead platform
oil spill, 64
Museum and Art Gallery of the Northern Territory
and eradication of black striped mussel, 83
N
National Action Plan for Human Influenza Pandemic, 117
National Chemical, Biological, Radiological and Nuclear Security Strategy, 118
National Committee on Critical Infrastructure Protection, 120
National Counter-Terrorism Committee, 118
National Counter-Terrorism Handbook, 118
National Counter-Terrorism Plan, 6, 93, 94, 96, 118, 120
National Environment Protection Council (Tas), 144
National Environment Protection Council (Vic), 138
National Environment Protection Council (Northern Territory) Act (NT), 158
National Environment Protection Council (Tasmania) Act 1995 (Tas), 144
National Environment Protection Council (Victoria) Act 1995 (Vic), 138
National Guidelines for Protecting Critical Infrastructure from Terrorism, 118
national guides and handbooks, 121
National Health Security Act 2007, 116
National Marine Oil Spill Contingency Plan, 118
National Maritime Emergency Response Arrangements, 64
national maritime security arrangements, 5–6
National Medical Stockpile, 20
National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), 115
functions/role, 24, 43
and offshore petroleum activities, 63
and offshore petroleum environmental management, 64, 66
and oil and gas infrastructure safety zones, 51
and public information management re offshore petroleum incident, 66
National Offshore Petroleum Titles Administrator, 115
National Parks Act 1975 (Vic), 137
National Parks and Reserved Land Regulations 2009 (Tas), 143
National Parks and Reserves Management Act 2002 (Tas), 143
National Parks and Wildlife Act 1972 (SA), 147
National Parks and Wildlife (National Parks) Regulations 2001 (SA), 147
National Parks and Wildlife (Whales and Dolphins) Regulations 2000 (SA), 147
National Plan Management Committee
and National Plan to Combat Pollution of the Sea by Oil and other Hazardous and Noxious Substances, 120
National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 118
National Plan to Combat Pollution of the Sea by Oil and other Hazardous and Noxious Substances, 64, 118, 120
national plans, 117–18
National Protocol for Pandemic (H1N1) 2009 on Cruise Ships, 82
National Protocol for Receiving Reports of Crimes At Sea, 88
National Representative System of Marine Protected Areas, 34
National Search and Rescue Manual, 117
National Security Adviser
establishment of position, 5
National Security Capability Development Division (NSCDD), 15
National Security Committee (NSC), 6, 121
Office of National Assessments and, 24
national security committees, 5, 6
National Security Hotline, 15
National Security Law and Policy Division (NSLPD) (Attorney-General's Department), 15–16
National Security Policy Coordination Group (NSPCG), 6, 120, 121
National Security Public Information Guidelines, 12, 96
National Security Statement, 5
national security strategy, 5
National Security Unit (NSU) (Treasury), 22
National Threat Assessment Centre (NTAC) (ASIO), 23
national working groups and committees, 119–21
Natural Resource Management Act 2002 (Tas), 143
natural resources
illegal exploitation of see illegal exploitation of natural resources
see living natural resources
Natural Resources Commission Act 2003 (NSW), 133
Natural Resources Management Act 2004 (SA), 147
Natural Resources Management (General) Regulations 2005 (SA), 147
Nature Conservation Act 1992 (Qld), 125–6
Nature Conservation Act 2002 (Tas), 143
Nature Conservation (Administration) Regulation 2006 (Qld), 126
Nature Conservation (Dugong) Conservation Plan 1999 (Qld), 126
Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 (Qld), 126
Nature Conservation (Koala) Conservation Plan 2006 (Qld), 126
Nature Conservation (Macropod) Conservation Plan 2005 (Qld), 126
Nature Conservation (Protected Areas Management) Regulation 2006 (Qld), 126
Nature Conservation (Protected Areas) Regulation 1994 (Qld), 126
Nature Conservation (Protected Plants) Conservation Plan 2000 (Qld), 126
Nature Conservation (Administration) Regulation 2006 (Qld), 126
Nature Conservation (Whales and Dolphins) Conservation Plan 1997 (Qld), 126
Nature Conservation (Wildlife Management) Regulation 2006 (Qld), 126
Nature Conservation (Wildlife) Regulation 2006 (Qld), 126
Navigation Act 1901 (NSW), 133
Navigation Act 1912, 112
the Netherlands see Agreement between Australia and the Netherlands Concerning Old Dutch Shipwrecks
New South Wales Crime Commission Act 1985 (NSW), 134
New South Wales government
roles of government agencies related to maritime security, 135–6
New South Wales Health, 136
New South Wales legislation, 133–6
New South Wales Police Force, 136
New South Wales specific regional arrangements, 136
New Zealand see Arrangement between the Government of Australia and the Government of New Zealand for the Conservation and Management of Orange Roughy on the South Tasman Rise (Orange Roughy Arrangement)
Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region, 101
non-commercial stakeholders
roles and responsibilities, 26
non-government stakeholders
coordination with re maritime security, 12
roles and responsibilities, 25–6
Non-Proliferation Coordination Group, 121
Norfolk Island, 8, 136
management of, 32, 33
Supreme Court of and Coral Sea Islands Territory, 33, 113
Norfolk Island Act 1979, 113
Norfolk Island Coroner, 39
North West Gas Development (Woodside) Agreement Act 1979 (WA), 151
Northern Territory Department of Primary Industries and eradication of black striped mussel, 83
Northern Territory Fisheries Joint Authority, 119
Northern Territory Fisheries Regulations and eradication of black striped mussel, 83
Northern Territory government roles of government agencies related to maritime security, 159–60
Northern Territory legislation, 157–60
Northern Territory Police, 160
Northern Territory University and eradication of black striped mussel, 83
Nuclear Suppliers Group (NSG), 107–8
Office of International Law, 16
Office of National Assessments (ONA) functions/role, 24
Office of National Assessments Act 1977, 24
Office of Transport Security (OTS) and Maritime Industry Security Consultative Forum, 120 and maritime terrorism, 93 and piracy, robbery or violence at sea, 87
Office of Transport Security (OTS) (Department of Infrastructure and Transport) functions, 21
Off-shore (Application of Laws) Act 1982 (WA), 151
Offshore Constitutional Settlement (OCS), 24–5, 29, 32, 100
Offshore Constitutional Settlement (OCS) arrangements and commercial fish stocks, 57
Off-shore Facilities Act 1986 (Qld), 125
Offshore Minerals Act 1994, 114
Offshore Minerals Act 1998 (Qld), 125
Offshore Minerals Act 1999 (NSW), 134
Offshore Minerals Act 2000 (SA), 147–8
Offshore Minerals Act 2003 (WA), 151
Offshore Minerals Regulation 2006 (NSW), 134
Offshore Minerals Regulations 2002 (SA), 148
offshore petroleum incidents, 63
Off-shore Waters (Application of Laws) Act 1976 (SA), 147
Off-shore Waters (Application of Territory Laws) Act (NT), 157
Offshore Waters Jurisdiction Act 1976 (Tas), 143
oil and gas industry safety zones, 47 illegal activity in, 43
oil and gas infrastructure, 9
oil and gas infrastructure safety zones, 51
oil and gas platforms, 43
oil pollution legally binding instruments (conventions, treaties and agreements), 102 see also National Marine Oil Spill Contingency Plan; National Plan to Combat Pollution of the Sea by Oil and other Hazardous and Noxious Substances
Oil Spill Contingency Plans (OSCPs) see Environment Plans (EPs)/Oil Spill Contingency Plans (OSCPs)
Operation Bermonia cocaine seizure, 70
Operation CELESTA, 118
Operation CRANBERRY, 118
Operation MARITIME PROTECTOR, 118
Operation MISTRAL, 118
Operation RELEX II, 118
Operation RESOLUTE, 118
Organisation for the Prohibition of Nuclear Weapons, 99
Pacific Islands Forum Fisheries Agency, 101
Pacific Patrol Boat Program, 110
Pacific Patrol Boat Systems Program Office, 110 pandemic H1N1 2009 and cruise ships, 82
Papua New Guinea and Australia’s territorial sea, 29 and Torres Strait Treaty, 29, 105, 113, 115, 119, 126 and traditional fishing practices in Torres Strait, 57
Parks and Wildlife Commission Act (NT), 157
Parks Victoria (Vic), 142 partnerships with stakeholders, 5
Pearling Act 1990 (WA), 151
Pearling (General) Regulations 1991 (WA), 151
people smuggling, 17, 75
international arrangements, 77
international engagement and, 11
memoranda of understanding on, 107
People Smuggling Advisory Group
ASIO and, 23
pests, diseases, and viruses see introduction of marine or land pests, diseases, and viruses
petrels see Agreement on the Conservation of Albatrosses and Petrels (ACAP)
Petroleum Act 1998 (Vic), 137
Petroleum Act 2000 (SA), 148
Petroleum (Timor Sea Treaty) Act 2003, 115
Petroleum and Gas (Production and Safety) Act 2004 (Qld), 126
Petroleum Regulations 2000 (SA), 148
Petroleum (Submerged Lands) Act (NT), 158
Petroleum (Submerged Lands) Act 1982 (NSW), 134
Petroleum (Submerged Lands) Act 1982 (SA), 148
Petroleum (Submerged Lands) Act 1982 (Tas), 143
Petroleum (Submerged Lands) Act 1982 (WA), 151
Petroleum (Submerged Lands) (Management of Environment) Regulations 2002 (Tas), 143
Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2002 (Tas), 143
Petroleum (Submerged Lands) Regulation 2006 (NSW), 134
Petroleum (Submerged Lands) Regulations 1990 (WA), 151
Petroleum (Submerged Lands) Regulations 2005 (SA), 148
Pipelines Act 2005 (Vic), 137
Piracy Punishment Act 1902 (NSW), 134
piracy, robbery or violence at sea, 9, 10, 85–90
definitions
piracy, 87
robbery at sea, 88
legislation
Commonwealth, 116–17
New South Wales, 134
Northern Territory, 159
Queensland, 127
South Australia, 148
Tasmania, 144
Victoria, 139
Western Australia, 153
potential consequences, 88
potential judicial consequences for individuals undertaking illegal or criminal acts, 88
response framework, 88
Plant Diseases Act 1914 (WA), 152
Plant Diseases Act 1924 (NSW), 134
Plant Diseases Control Act (NT), 159
Plant Health Act 2009 (SA), 148
Plant Health and Plant Products Act 1995 (Vic), 138, 139
Plant Health Regulations 2009 (SA), 148
Plant Quarantine Amendment Act 2005 (Tas), 144
Plant Quarantine Regulations 2007 (Tas), 144
Poisons Act 1964 (WA), 152
Poisons Regulations 1965 (WA), 152
Police Act 1998 (SA), 150
police and attorney-general or justice (state and territory) functions/role, 25
Pollution of Waters by Oil and Noxious Substances Act 1986 (Vic), 138
Pollution of Waters by Oil and Noxious Substances Act 1987 (Tas), 144
Pollution of Waters by Oil and Noxious Substances Act 1987 (WA), 152
Pollution of Waters by Oil and Noxious Substances Regulations 1993 (WA), 152
Pollution of Waters by Oil and Noxious Substances Regulations 2002 (Vic), 138
Port Authorities Act 1999 (WA), 151
Port Services Act 1995 (Vic), 137
Port Services (Local Ports) Regulations 2004 (Vic), 137
Ports and Maritime Administration Act 1995 (NSW), 133
Ports and Maritime Administration Regulation 2007 (NSW), 133
preparedness see prevention, preparedness, response and recovery
Prevention of Collisions at Sea Regulations 1983 (WA), 153
prevention, preparedness, response and recovery, 3–4
compromise to biosecurity, 81
illegal activity in protected areas, 43
illegal exploitation of natural resources, 55
irregular maritime arrivals, 75
marine pollution, 63
maritime terrorism, 93
piracy, robbery or violence at sea, 87
prohibited imports and exports, 69
primary industries and/or fisheries (state and territory) functions/role, 25
primary stakeholders, 3
prohibited imports and exports, 9, 67–72
legislation
Commonwealth, 116
New South Wales, 134
Northern Territory, 158
South Australia, 148
Tasmania, 144
Victoria, 138
Western Australia, 152
potential consequences, 69
potential judicial consequences for individuals undertaking illegal or criminal acts, 69
see also defence and strategic goods
prohibited movement of items, 69
Proliferation Security Initiative (PSI), 99
Proliferation Security Initiatives, 10
protected areas
extent of, 41
illegal activity in see illegal activity in protected areas
Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987 (SA), 148
Protection of Marine Waters (Prevention of Pollution from Ships) Regulations 2001 (SA), 148
Protection of the Environment Legislation Act 2011 (NSW), 133
Protection of the Environment Operations Act 1997 (NSW), 133
Protection of the Sea (Civil Liability) Act 1981, 115
Protection of the Sea (Harmful Anti-fouling Systems) Act 2006, 115
Protection of the Sea (Powers of Intervention) Act 1981, 115
Protection of the Sea (Prevention of Pollution from Ships) Act 1983, 115–16
Protection of the Sea (Prevention of Pollution from Ships) Act 1983, 64
Protective Security Branch (ASIO), 23
Protocol Against the Smuggling of Migrants by Land, Sea and Air, 105
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 87, 102, 117
Protocol relating to the Status of Refugees, 105
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 105
Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 115
Provisional Fisheries Surveillance and Enforcement Line between Indonesia and Australia, 106
Provisional Fisheries Surveillance and Enforcement line, 56
Public and Environmental Health Act 1987 (SA), 148
Public and Environmental Health (General) Regulations 2006 (SA), 148
Public and Environmental Health (Notifiable Diseases) Regulations 2004 (SA), 148
Public Health Act (NT), 159
Public Health Act 1991 (NSW), 134
Public Health Act 1997 (Tas), 144
Public Health Act 2005 (Qld), 127
Public Health and Wellbeing Act 2008 (Vic), 138
public information management, 3, 12
compromise to biosecurity, 83
illegal activity in protected areas, 51
illegal exploitation of natural resources, 58
irregular maritime arrivals, 77
marine pollution, 66
maritime terrorism, 96
piracy, robbery or violence at sea, 89
prohibited imports and exports, 72
Public Safety Preservation Act 1986 (Qld), 125
Q
Quarantine Act 1908, 20, 31, 116, 123
and eradication of black striped mussel, 83
Queensland Fisheries Joint Authority, 119
Queensland government roles of government agencies related to maritime security, 127–9
Queensland Health, 128
Queensland Heritage Act 1992 (Qld), 125
Queensland legislation, 125–31
Queensland Parks and Wildlife Services, 129
Queensland Police Service, 128
Queensland specific regional arrangements, 129–31
R
Radiation Act 2005 (Vic), 138
Radiation Protection Act 2005 (Tas), 144
Radiation Protection and Control Act 1982 (SA), 150
Radiation Safety Act 1975 (WA), 152
Radiation Safety (General) Regulations 1983 (WA), 152
Radiation Safety (Transport of Radioactive Substances) Regulations 2002 (WA), 152
Radioactive Ores and Concentrates (Packaging and Transport) Act (NT), 158
recovery see prevention, preparedness, response and recovery
Regional Anti-Piracy Prosecutions and Intelligence Coordination Centre (RAPPICC), 108
regional arrangements, 32–7
Regional Australia (Department of Regional Australia, Local Government, Arts and Sport) and Jervis Bay Territory, 34
Regional Cooperation Agreement on Combating Piracy and Armed Robbery in Asia (ReCAAP), 108
regional engagement, 5
Regional Maritime Security Cooperation Interdepartmental Committee, 121
Rescue Coordination Centre (RCC), 10, 18
response see prevention, preparedness, response and recovery
Roads and Maritime Services (NSW), 136
Roads and Ports portfolio (NSW), 136
Royal Australian Air Force, 19
and maritime aerial surveillance, 56
Royal Australian Navy (RAN), 19
and Australian Hydrographic Service, 19
Minor War Vessels Branch
and Pacific Patrol Boat Systems Program Office, 110

S
safety arrangements, 40
safety at sea
legally binding instruments (conventions, treaties and agreements), 102
Safety of Life at Sea (SOLAS), 18, 40
Safety of Life at Sea (SOLAS) Convention, 4, 21, 31
Sale of Hazardous Goods Act 1977 (Tas), 144
Sea Installations Act 1987, 115
Sea-Carriage Documents Act 1997 (NSW), 134
Sea-Carriage Documents Act 1997 (Tas), 144
Sea-Carriage Documents Act 1997 (WA), 152
Sea-Carriage Documents Act 1998 (NT), 158
Sea-Carriage Documents Act 1998 (SA), 148
Sea-Carriage Documents Act 1998 (Vic), 138
Seamen’s Act 1958 (Vic), 139
Search and Rescue Region 10, 10
Seas and Submerged Lands Act 1973, 29, 100, 112
Seas and Submerged Lands (Limits of Continental Shelf) Proclamation 2012, 30
secondary stakeholders, 3
Secretaries’ Committee on National Security (SCNS), 6, 22, 121
Security Forces Authority (SFA), 19
and piracy, robbery or violence at sea, 87, 88
responsibilities under, 10, 29
see also Australian Security Forces Authority Area (SFAA)
security threats
definition, 9
on high seas, 10
international engagement and, 10
Security-Sensitive Dangerous Substances Act 2005 (Tas), 144
Security-Sensitive Dangerous Substances Amendment Act 2008 (Tas), 144
Shared Awareness and De-confliction (SHADE) group, 108
Shipping and Pilotage Act 1967 (WA), 152
shipping routes, 9
Somalia see Contact Group on Piracy off the Coast of Somalia (CGPCS); London Conference on Somalia; Shared Awareness and De-confliction (SHADE) group
South Australia Police, 150
South Australian government
roles of government agencies related to maritime security, 149–50
South Australian legislation, 147–50
South Australian Ports (Bulk Handling Facilities) Act 1996 (SA), 147
South Australian Ports (Disposal of Maritime Assets) Act 2000 (SA), 147
South Pacific Forum Fisheries Agency, 109
South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), 104
southern bluefin tuna see Convention for the Conservation of Southern Bluefin Tuna
Southern Indian Ocean Fisheries Agreement, 102
Southern Ocean Operational Advisory Group, 119
Southern Ocean Operations, 119
Southern Ocean Whale Sanctuary, 37

stakeholder coordination
and compromise to biosecurity, 81–2
and illegal activity in protected areas, 44–51
and illegal exploitation of natural resources, 56–60
and irregular maritime arrivals, 77
and marine pollution, 64–6
and maritime terrorism, 96
and piracy, robbery or violence at sea, 88–9
and prohibited imports and exports, 71

stakeholder roles and responsibilities
and compromise to biosecurity, 84
and illegal activity in protected areas, 49
and illegal exploitation of natural resources, 60
and irregular maritime arrivals, 76
and marine pollution, 65
and maritime terrorism, 95
and piracy, robbery or violence at sea in, 90

stakeholders, 4
partnerships with, 5
roles, 15–26

Standing Council on Police and Emergency Management (SCPEN), 120

state and territory governments
coordination with re maritime security, 12
functions/role, 24–5
and internal waters, 32

State Solicitor’s Office (WA), 155

Stock Diseases Act (NT), 159

Strategic Policy Coordination Group (SPCG), 6

Sub-Antarctic Management Advisory Committee, 121

submarine cable protection zone
illegal activity in, 43–4

Submarine Cables and Pipelines Protection Act 1963, 113
submarine oil and gas pipelines, 9, 43

submarine telecommunications cables, 9, 16, 19, 43, 44, 51, 123
protection zone off Perth and off Sydney, 48
see also Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005

suspect cargoes, 10

suspected irregular entry vessel (SIEV) 36
Northern Territory Coroner and, 39
suspected irregular entry vessel (SIEV) 221
Western Australia Coroner and, 39

T

Tasmania Police, 146
Tasmania specific regional arrangements, 146
Tasmanian government
roles of government agencies related to maritime security, 145–6
Tasmanian legislation, 143–6
Tasmanian Parks and Wildlife Service and Macquarie Island, 146

Tasmanian Ports Corporation Act 2005 (Tas), 143

Telecommunications Act 1997, 19, 44
Schedule 3A, 114

Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Act 2005, 114
territorial sea, 29–30, 32, 100
territorial sea baseline (TSB), 29, 30, 32, 112, 125
Territory of Ashmore and Cartier Islands
Crimes at Sea Act 2000 and, 37
traditional fishing in, 32
see also Ashmore and Carter Islands

Territory of Heard Island and McDonald Islands, 16, 112
management of, 32, 34
see also Heard Island and McDonald Islands

Territory Parks and Wildlife Conservation Act (NT), 157
terrorism
Australian Federal Police and, 17
definition, 93
see also counter-terrorism; Criminal Code Act 1995; maritime terrorism; National Guidelines for Protecting Critical Infrastructure from Terrorism

Terrorism (Preventative Detention) Act 2005 (Qld), 127
Terrorism (Preventative Detention) Act 2005 (Tas), 144
Terrorism (Commonwealth Powers) Act 2002 (NSW), 134
Terrorism (Commonwealth Powers) Act 2002 (SA), 148
Terrorism (Commonwealth Powers) Act 2002 (Tas), 144
Terrorism (Commonwealth Powers) Act 2002 (WA), 153

Terrorism (Community Protection) Act 2003 (Vic), 139, 140
Terrorism (Community Protection) (Chemicals and Substances) Regulations 2006 (Vic), 139

Terrorism (Emergency Powers) Act (NT), 159
Terrorism (Extraordinary Powers) Act 2005 (WA), 153

Terrorism (Police Powers) Act 2002 (NSW), 134
Terrorism (Police Powers) Act 2005 (SA), 148
Terrorism (Police Powers) Regulations 2006 (SA), 148

Terrorism (Preventative Detention) Act 2005 (SA), 149
Terrorism (Preventative Detention) Act 2006 (WA), 153
threat management, 3
see also prevention, preparedness, response and recovery
Threatened Species Protection Regulations 2006 (Tas), 144
Timor Sea Treaty Between the Government of East Timor and the Government of Australia (TST), 40, 104–5, 115
Timor Sea Treaty Designated Authority (Privileges & Immunities) Regulations 2003, 115
Timor Strait Treaty, 155
Timor-Leste
jurisdiction of in Joint Petroleum Development Area, 40
and management of fish stocks in Joint Petroleum Development Area, 58
and Sunrise and Troubadour Fields, 105
and Timor Sea Treaty, 104–5
and Timor Strait Treaty, 155
Torres Strait, 129
compulsory pilotage through, 32
movements of traditional peoples within, 32
traditional fishing in, 32, 57, 113
Torres Strait Fisheries Act 1984, 17, 18, 31, 57, 113, 115
Torres Strait Fisheries Act 1984 (Qld), 126
Torres Strait maritime zones, 131
Torres Strait Protected Zone
traditional fishing practices in, 57, 115
Torres Strait Protected Zone Joint Authority, 119
Torres Strait Treaty, 29, 105, 113, 115, 119, 126, 129
transfer of prohibited items at sea, 69
transnational crime, 11, 17
transport (state and territory)
functions/role, 25
Transport (Compliance and Miscellaneous) Act 1983 (Vic), 139
Transport for New South Wales (NSW), 136
Transport Infrastructure Act 1994 (Qld), 125
Transport Infrastructure (Ports) Regulation 2005 (Qld), 125
Transport Operations (Marine Pollution) Act 1994 (Qld), 126
Transport Operations (Marine Pollution) Act 1995 (Qld), 126
Transport Safety Victoria (Vic), 142
transportation arrangements, 40
of immigration response and containment teams, 77
pollution response teams, 64
response teams re illegal activities in protected areas, 44
response teams re illegal exploitation of natural resources, 57
of response to compromise of biosecurity, 82
Trans-Territory Pipeline and Blacktip Gas Projects (Special Provisions) Act 2005 (NT), 158
Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, 104
Treaty Between Australia and the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea (CMATS Treaty), 105
Treaty between Australia and the Independent State of Papua New Guinea Concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters (Torres Strait Treaty), 105
Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands, 101
Treaty on Certain Maritime Arrangements in the Timor Sea, 40
Treaty on Certain Maritime Arrangements in the Timor Sea (CMATS Treaty), 155
Treaty on the Non-Proliferation of Nuclear Weapons, 104
Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof, 104
Trespass Act (NT), 157
Trusted Information Sharing Network (TISN), 121
Trusted Information Sharing Network for Critical Infrastructure Resilience, 15
tuna see Agreement for the Establishment of the Indian Ocean Tuna Commission; Convention for the Conservation of Southern Bluefin Tuna; Indian Ocean Tuna Commission

U

Underseas Mineral Resources Act 1963 (Vic), 137
United Nations (UN), 99
United Nations Convention against Illicit Traffic of Narcotic Drugs and Psychotropic Substances (1988), 105
United Nations Convention against Transnational Organised Crime, 105
and piracy, robbery or violence at sea, 87
United Nations Convention relating to the Status of Refugees, 105
United Nations Food and Agriculture Organization (FAO) and Asia-Pacific Fishery Commission, 109
and Code of Conduct for Responsible Fisheries, 106, 109
and International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 99
United Nations Global Counter-Terrorism Strategy, 100
United Nations Security Council objectives and suspect cargoes, 10
United States of America see Exchange of Notes Constituting an Agreement between the Australia and the United States of America on Access to the Australian Fishing Zone

V
Victoria Police, 142
Victorian Coastal Council, 137
Victorian Environmental Assessment Council, 137
Victorian Environmental Assessment Council Act 2001 (Vic), 137
Victorian government roles of government agencies related to maritime security, 139–42
Victorian legislation, 137–42

W
Wassenaar Arrangement Munitions List, 70
Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, 107
Waste Management and Pollution Control Act (NT), 158
Waste Management and Pollution Control (Administration) Regulations (NT), 158
Weapons Act 1999 (WA), 152
weapons and nuclear materials legally binding instruments (conventions, treaties and agreements), 102–3
Weapons Control Act (NT), 158
Weapons Prohibition Act 1998 (NSW), 134
Western and Central Pacific Fisheries Commission, 102, 108
Western Australia Coroner and Christmas Island, 39
Western Australia Fisheries Joint Authority, 119
Western Australia Marine (Emergency Procedures and Safety of Navigation) Regulations 1983 (WA), 153
Western Australia Police, 155
Western Australia specific regional arrangement, 155–6
Western Australian government roles of government agencies related to maritime security, 153–5
Western Australian legislation, 151–6
Western Australian Marine Act 1982 (WA), 151
Western Australian Marine (Infringements) Regulations 1985 (WA), 153
Western Australian Marine (Sea Dumping) Act 1981 (WA), 152
Western Australian Marine (Sea Dumping) Regulations 1982 (WA), 152
Whales Protection Act 1988 (Tas), 143
whaling see International Convention for the Regulation of Whaling; International Whaling Commission
Wilderness Act 1987 (NSW), 133
Wilderness Protection Act 1992 (SA), 147
Wilderness Protection Regulations 2006 (SA), 147
Wildlife Act 1975 (Vic), 139
Wildlife Conservation Act 1950 (WA), 151, 152
Wildlife Conservation Regulations 1970 (WA), 151, 152
Wildlife Regulations 2002 (Vic), 139
Wildlife Regulations 2010 (Tas), 144
Wildlife (Whales) Regulations 1998 (Vic), 139
Work Health and Safety (National Uniform Legislation) Act 2011 (NT), 157
Working Group on Marine Affairs and Fisheries, 109
World Health Organization (WHO), 83, 99
Global Influenza Preparedness Plan, 100