

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

IQ23-000204

Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 3-4 (28 November 2023)

Topic: Amendments improve combat of illicit activities

Senator Josh Wilson asked:

CHAIR: [...] There's a note here that section 1D of the convention or the amendments: ... sets recommended practices and standards for improving abilities to combat illicit activities, including drug smuggling and illicit trafficking of wildlife et cetera. Is someone able to speak to that? It claims that they are improving the ways in which those things can be combatted, so I'm just interested. Is that an example where what will occur is that our standards and our capacity to deal with those things is improved?

Ms Stagg: Do you want to—?

Mrs Laduzko: I'll make a stab at it. I think the issue would be—and we already have, as Ms Stagg was saying, asked for reporting that's above this standard, but the more consistent and harmonised the reporting is and the more it's presented the same way the better chance we have of tracing through and joining up data. So, potentially, yes. And issues like illegal trafficking in wildlife, in contravention of, say, the CITES arrangements— I think the FAL convention supports harmonised reporting, but, as the point has been made, we probably seek a higher level of reporting anyway in certain situations. So, conceptually, yes.

CHAIR: Perhaps if you wouldn't mind just taking that on notice. It seems to me that could be one where the papers indicate to us that these amendments are improving those things across the board. I would personally be a bit surprised if they're improving them beyond what we already do. Could you come back to us with a clarification on that.

Mrs Laduzko: Will do.

Answer:

Amendments to the *Convention on Facilitation of International Maritime Traffic 1965* in Section 1D seek to further harmonise international reporting standards for tracking and responding to illicit activities. Australia already has in place policies for maritime reporting on illicit activities that consider international guidelines.

By supporting the continued harmonisation of international data related to illicit activities, Australia stands to benefit by the identification of such activities by other governments before ships reach Australian shores.

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts will continue to engage with Australian Border Force, Department of Home Affairs and the Department of Agriculture, Fisheries and Forestry on any future implementation of standards that may complement or improve Australia's current requirements.

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

IQ23-000205

Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 4-5 (28 November 2023)

Topic: Maritime Single Window engagement

Senator David Fawcett asked:

Senator FAWCETT: One of the points they make earlier in their submission is that, because of the different responsibilities between states and the Commonwealth government, there is a deal of double handling of information and shipping companies needing to engage with multiple authorities. What efforts, outside of the FAL treaty, have been made to use the various mechanisms that are available to bring some more centrality around that? Their submission certainly says that they think the Commonwealth should be responsible for all of it and they nominate three different methods whereby that could occur. Has any attempt been made, for example, in the last decade, to get states and territories to strike agreements or to cede those powers to the Commonwealth so we really do have a national system from first point of entry, which I think is the threshold that Shipping Australia have set?

Ms Stagg: The department has been consulting with states and territories and with a broad range of stakeholders, including the ports, to seek to harmonise exactly along those lines in terms of where we, as I said before, can collect once and use multiple times for different purposes. We are having those conversations with a range of stakeholders—and I have a list of stakeholders we've been speaking with. But, essentially, that is our intent, where we can, to voluntarily cooperate with those parties that we can't compel to achieve that outcome.

Senator FAWCETT: Where are you up to with that? The reason I ask that, in particular, is that the Joint Standing Committee on Foreign Affairs, Defence and Trade during COVID looked at the impact of the varying approaches by states and territories. They found that although Australia, as a Commonwealth, had signed up to certain obligations such as maritime labour and human rights, in actual fact the actions of the states caused us to breach our obligations internationally because of a lack of alignment. So, where are you up to in not just consulting but getting them on board to bring that alignment?

Ms Stagg: I think it varies by jurisdiction. I would say that it's very hard to say that we're at a very specific point with any jurisdiction. Our aim at the moment is to work through the requirements to inform a first-pass business case to government outlining what is possible and what can be achieved. We're really working with a view to bring forward a first-pass business case that seeks to explore those issues.

Senator FAWCETT: Can you come back to the committee on notice with a brief as to which states and territories you've engaged with and where you're up to with those.

[...]

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

Senator FAWCETT: Do you have any standout recalcitrants that are not engaging in good faith in those discussions?

Ms Stagg: No, not that I'm aware of. We've been really pleased with the level of engagement that we're experienced.

Senator FAWCETT: A bit like the states and territories. Perhaps you could take that on notice and let us know who you've been engaging with and whether you're on track to reach a one-data-entry approach or whether there are stakeholders who believe, for whatever reason, that they are special and that they should be outside our national system.

Ms Stagg: Certainly.

Answer:

To develop the evidence base and help define in detail how a Maritime Single Window would integrate with processes and systems at ports by port stakeholders, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts has engaged with border agencies, ports, port authorities, peak shipping bodies and shipping operators. The Department has also undertaken extensive engagement with other Commonwealth agencies to identify opportunities to increase reuse and future interoperability of data. The Department has also engaged with international counterparts to learn from their experiences.

The insights received by stakeholders will be used to support the first pass business case for Government consideration. A list of stakeholders consulted since June 2023, is at [Attachment A](#).

Based on our consultation activities, the Department has a high level of support for the Maritime Single Window. The Department has not identified any stakeholders who have expressed an expectation to sit outside the Maritime Single Window process. Stakeholders have expressed a willingness to contribute to future working groups that would shape the Maritime Single Window's design. Stakeholders have also expressed support for the potential improvements the Maritime Single Window could bring, including:

- Establishing a single standard for reporting data through a Maritime Single Window can facilitate information exchange between ships and ports, and their downstream logistics stakeholders.
- A consistent standard through a Maritime Single Window may enable interoperability between states which can support both operational and strategic planning.

Consultation is continuing and further consultation is planned to map legislative requirements of ports, port authorities, state and territory governments, and Australian Government agencies. We are currently conducting a detailed analysis of legislation and policies for the planning of a Maritime Single Window.

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

Attachments

- Attachment A – List of stakeholders engaged.

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

ATTACHMENT A

Maritime Single Window Stakeholder Engagement Table: June - November 2023

Industry and State and Territory Government Agencies

Ports and Port Authorities

| | |
|--------------------------|--|
| Victoria | Ports Victoria – (Port Authority) * Port of Melbourne |
| New South Wales | Port Authority of NSW - (Port Authority) * Port of Newcastle NSW Ports and Terminal Operators (3 Terminal Operators represented) |
| Western Australia | Fremantle Port - (Port and Authority) * Pilbara Ports Authority - (Port Authority) * |
| Queensland | Maritime Safety Queensland - (Port Authority) * Port of Brisbane Townsville Port Ports North |
| South Australia | Flinders (Port and Port Authority) * |
| Tasmania | TasPorts - (Port and Port Authority) * |

*Denotes State Government or State Government Corporate Entity

Peak Bodies / Industry workshops and presentations

| | |
|---|--|
| Shipping Australia Limited (Workshop with Members) | 12 companies/organisations represented |
| Maritime Industry Australia Limited (Workshop with Members) | 8 companies/organisations represented |
| Ports Australia (Presentation to Members) | Ports Australia Logistics Working Group |
| ARCISOPT (Presentation to Members) | 48 companies/organisations represented |
| VTS Advisory Group (presentation to Members) | Australian Maritime Safety Authority (AMSA) Vessel Traffic Service providers State / Territory maritime authorities Port corporations / authorities Australian Hydrographic Office Australasian Marine Pilots Institute |

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

| | |
|-----------------------------------|--|
| | Other stakeholders, including Ports Australia, Shipping Australia Limited and Maritime Industry Australia Ltd. |
| Freight and Trade Alliance | |

Government

International

| |
|---|
| Germany - Federal Waterways and Shipping Agency |
| Singapore - Maritime and Port Authority of Singapore |

Commonwealth Agencies

| |
|---|
| Australian Border Force |
| Department of Health and Aged Care |
| Prime Minister and Cabinet |
| Department of Agriculture, Fisheries and Forestry |
| Simplified Trade System – Austrade |
| Australian Maritime Safety Authority |
| Department of Home Affairs |
| Digital Transformation Agency |
| Bureau of Meteorology |
| Department of Finance |
| Department of the Treasury |
| Department of Climate Change, Energy, Environment and Water |
| Department of Industry, Science and Resources |
| Commonwealth Scientific and Industrial Research Organisation |
| Australian Centre for Cyber Security |
| Department of Foreign Affairs and Trade |
| Department of Defence |

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

Amendments to the Annex of the *Convention on Facilitation of International Maritime Traffic, 1965*

IQ23-000206

Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 6 (28 November 2023)

Topic: Privacy protections for the electronic exchange of information

Senator Dorinda Cox asked:

Senator COX: Thanks, Chair. Just one query: you did mention, Ms Stagg, the privatisation of ports, in particular. Are there any privacy protections that are currently in place in relation to that electronic exchange of information?

Ms Stagg: Not beyond the normal privacy protections under the Privacy Act, I would think—I'm just checking with my colleagues; I might have to take that on notice to confirm for you.

Senator COX: That's fine.

Answer:

Standards under the *Convention on Facilitation of International Maritime Traffic 1965* seek to harmonise the electronic submission of data for maritime reporting but do not address any requirements regarding data privacy.

Maritime reporting required by Australian border agencies under the *Custom Act 1991*, *Migration Act 1958*, *Biosecurity Act 2015* and *Navigation Act 2012* is currently managed in line with responsibilities under the *Privacy Act 1988*. These requirements would continue to apply when this data is collected through a Maritime Single Window.

The privacy and security of data submitted through a Maritime Single Window will be an important consideration in the system's design. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts is currently engaging with the Australian Cyber Security Centre on cyber security best practice.

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

**Amendments to the Annex of the Convention on Facilitation of International Maritime
Traffic, 1965'**

IQ23-000207

Division/Agency: DIV - Surface Transport Emissions and Policy

Hansard Reference: Spoken, Page No. 4 (28 November 2023)

Topic: Department's review and briefing of Shipping Australia submission

Senator David Fawcett asked:

Senator FAWCETT: [...] I take it you've read the Shipping Australia submission to the committee in preparation for today.

Ms Stagg: Apologies, no, Senator, I wasn't aware that had been lodged. I've been away on leave; today is my first day back.

Senator FAWCETT: You are coming to the parliament of Australia to convince us why we should support a treaty, and one of the main stakeholders—you've not read their submission? None of your staff sought to read that and brief it to you?

Ms Stagg: I'd have to take that on notice, Senator; my apologies.

Answer:

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts was unaware of the submission prior to the hearing. As requested by the Chair, the department has prepared a brief response to the Shipping Australia Limited (SAL) submission.

The department notes SAL's support for the adoption of the Amendments to the Annex to the Facilitation of International Maritime Traffic, 1965, to increase international harmonisation on the facilitation of maritime traffic [paragraphs 7-9 of SAL submission].

In citing its support for the 'Single Window' concept as set out in the FAL Convention, SAL suggests the Australian Maritime Single Window will sit behind existing reporting systems to collect data, requiring the duplication of reporting effort by ships entering and departing Australian ports. This appears to be a misunderstanding of the intent of the Maritime Single Window, which is intended to act as the single-entry point for the submission of all FAL-related maritime reporting required by Commonwealth agencies and regulators.

The department is undertaking extensive consultation with the maritime industry on the Maritime Single Window, as well as state and territory government agencies. Through this consultation, the department is scoping the current landscape of digital systems across Australian ports and opportunities for interoperability and data sharing between a Maritime

Infrastructure, Transport, Regional Development, Communications and the Arts

Committee Inquiries Question on Notice

Treaties Joint Committee

**Amendments to the Annex of the Convention on Facilitation of International Maritime
Traffic, 1965'**

Single Window and other parties. The department is also working across Government with 'single windows' being developed for other purposes to support interoperability.

The department intends to submit a notification of difference to the International Maritime Organization to identify where Australia cannot comply with certain standards. Changes that would weaken Australia's system of border controls are not proposed [paragraphs 27-29 of SAL submission].

The department notes SAL's general comments as they pertain to broader Australian Maritime Policy, for example port governance, sit outside the scope of the Amendment to the Annex to the FAL Convention [paragraphs 15-20 of SAL submission].