

Senate Foreign Affairs, Defence and Trade References Committee

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean rim – 6 December 2012

Q1: Operations in the north-west

The Committee asked on 6 December 2012:

- (1) What Defence exercises are planned in the north-west?
- (2) How is Defence working to improve relationships and provide a more visible presence in the north-west?

Response:

(1) In 2013, Navy, Army and Air Force have planned to conduct 10 exercises in North West Australia of various sizes and duration. Also in 2013 Navy has planned seven presence patrols, the Army's Pilbara Regiment will conduct a number of training weekends and the Chief of the Defence Force (CDF) has directed that Defence conduct a table top exercise – Exercise PYTHON – in Perth in April, which will include senior executives from industry. In 2014, CDF has directed that a larger tactical exercise be conducted in North West Australia. This activity is still in the development phase.

(2) Defence's visibility in North West Australia is being enhanced through planned exercises, ongoing engagement activities and the existing Army, Navy and Air Force presence.

Defence maintains a visible presence through a broad spectrum of activities and bases across the north-west. Army's North West Mobile Force has depots located in Broome, Kunnanurra and Derby, and its Pilbara Regiment has depots in Port Hedland, Karratha and Carnarvon. The Navy conducts regular presence patrols as well as surveys and transits across the north-west. Air Force also periodically conducts flying activities from RAAF Learmonth.

With regard to more specific engagement activities, in November 2012 Defence held the Chiefs of Service Committee meeting in Western Australia, which included various outreach activities with industry executives. This type of senior leadership engagement is designed to strengthen Defence's relationship with industry and enhance understanding and situational awareness of North West Australia and its security challenges. Defence also plans to conduct Exercise PYTHON as a desk top activity with industry executives and Federal and State department leadership in Perth in April 2013. The aim of Exercise PYTHON is to take senior leaders through a series of briefs and vignette discussions to develop an understanding of the capacity and capabilities that Defence and other government agencies have to deal with potential security threats.

Defence also conducts an annual consultative forum meeting with the State Government of Western Australia. The scope of this forum includes consultation on planned developments in North West Australia for the purpose of identifying areas for mutual and collaborative work.

Defence's implementation of the recommendations of the ADF Force Posture Review (ADFPR) is also supporting improved relationships in North West Australia.

Defence has progressed ADFPR recommendation 7, which sought a continually updated assessment of civil infrastructure and available logistics capacity for operations in the North West in a range of contingencies. An initial assessment of the potential for civil infrastructure and logistics support in North West Australia has been produced as a proof of concept. The assessments incorporated regional liaison with industry, community leaders and the State Government. The intent is to undertake further assessments that will expand the geographical breadth and depth of analysis across the assessment categories.

In response to ADFPR recommendation 34, which recommended that Defence should assess fuel and explosive ordnance requirements for forward air bases during high tempo air operations, Defence has conducted studies analysing fuel and explosive ordnance requirements and capacities in North West Australia. The studies incorporated liaison with regional industry, community leaders and state governments.

Senate Standing Committee on Foreign Affairs, Defence and Trade

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Inquiry into Indian Ocean Rim – 6 December 2012

Q2: HMAS *Canberra* hull

Senator Kroger asked on 6 December 2012, Hansard page 27.

Why was the hull of HMAS *Canberra* carried around the Cape?

Response:

The decision to transit the Landing Helicopter Dock Ship hull around the cape of Africa was a commercial decision taken by Navantia and Dockwise in consultation with the Defence Materiel Organisation and the Royal Australian Navy and based on Dockwise's experience of transporting large loads.

Senate Standing Committee on Foreign Affairs, Defence and Trade

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean Rim – 6 December 2012

Q3: Indian Ocean Naval Symposiums

Senator Stephens asked on 6 December 2012, Hansard page 29:

How many people attend the Indian Ocean Naval Symposium?

Response:

At the 2012 Indian Ocean Naval Symposium (IONS) Chiefs' Conclave in South Africa, 368 delegates attended. A similar number is planned for IONS 2014, to be hosted in Perth, WA. The delegates to IONS 2012 can be broken down as follows:

- (a) Chiefs of Navy (or direct representatives) – 29
- (b) Other uniformed personnel – 199
- (c) Sponsors – 62
- (d) Other organisations – 37
- (d) Media – 41.

Senate Standing Committee on Foreign Affairs, Defence and Trade

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean Rim – 6 December 2012

Q4: Counter Piracy Conference

The Committee asked the following question on 6 December 2012:

Following the July Piracy conference in Perth, was a statement, communique or the like released? If so, please provide a copy.

Response:

Yes. The **Minister for Defence Science and Personnel**, the Hon. Warren Snowdon MP, presented a paper to the Perth Counter Piracy Conference on behalf of the Hon. Stephen Smith MP, Minister for Defence. A copy is attached in Enclosure 1. This paper is also available on the Minister for Defence's website at:

<http://www.minister.defence.gov.au/2012/07/16/paper-presented-by-warren-snowdon-mp-on-behalf-of-stephen-smith-minister-for-defence-to-the-perth-counter-piracy-conference/>.

Following the conference, the chairman of the conference, Mr Peter Jennings, Executive Director Australian Strategic Policy Institute produced the *Chairman's Final Statement of the Meeting* to the conference participants as a personal and informal report of proceedings. A copy is attached in Enclosure 2.

Stephen Smith MP Minister for Defence

Paper Presented by Warren Snowdon MP, on behalf of Stephen Smith, Minister for Defence to the Perth Counter-Piracy Conference

16 July 2012

Introduction

Thank you Peter Jennings for that introduction.

Thank you also to the Australian Strategic Policy Institute for supporting the Perth Counter-Piracy Conference. The background papers produced by ASPI should provoke interesting discussions over the course of the next two days.

Distinguished participants, ladies and gentlemen.

Australia is a country with significant Indian Ocean as well as Pacific interests. The security of the Indian Ocean and the waters beyond goes to the heart of Australia's national interests, and indeed the interests of the region.

As the gateway to Australia for this region, our economic strength reflects our willingness and success in engaging with the fast-growing economies and major markets to our west.

Indian Ocean shipping routes are vital to Australia's economic interests, particularly for the energy and resources that meet rising demand in the Middle East, India and China.

Over \$130 billion of Australian trade passes through the High Risk Area in the Strait of Malacca in South East Asia annually. Another \$50 billion of trade passes through the High Risk Area in the Horn of Africa to Europe, the Middle East and Africa.

The proportion of world energy supplies passing through critical transport choke points, including the Straits of Malacca, the Straits of Hormuz, and the Suez Canal will increase in the coming years.

Maritime security is indeed vital to the trade that underpins much of global economic growth. It matters across the world, and certainly for those countries represented at this Conference.

The economic benefits of international trade necessitate safe and secure sea lines of communication.

The international community is increasingly aware of the need to respond to the threat that maritime piracy poses to international trade.

This Conference will continue the international dialogue that is necessary to ensure a coordinated and effective international response.

For many participants at this Conference, our respective national security is linked closely to maritime security. As well, our national economic prosperity is linked to the security and stability of the oceans, seas and straits.

Your deliberations will build on the forum Australia hosted on Indian Ocean Piracy in the margins of CHOGM in Perth in 2011 and the London Conference on Somalia in February this year.

Piracy – a regional and global challenge

Piracy has challenged maritime transport for hundreds of years, but has recently taken on a more modern and aggressive dimension in the Gulf of Aden and off the coast of Somalia.

This Conference will address the global nature of what has emerged out of localised problems in South East Asia to significant challenges in the Horn of Africa and the Gulf of Guinea.

Piracy attacks have increased steadily in recent years. They involve theft, demands for large ransom payments, the taking of hostages and violent attacks that result in injury and death.

In 2011, there were 221 attacks against commercial vessels, as well as over 200 failed attempts.

International Maritime Bureau figures show 168 pirate attacks in the first six months of this year, with 19 commercial vessels highjacked.

Of that total, 67 piracy attacks took place off Somalia, included 13 highjackings and the taking of around 195 hostages. Today, many of these hostages remain under the captivity of pirates.

Recent trends in piracy have seen attacks on ships at further distances from the Somali coast and in areas to the North and East of the Horn of Africa. These trends make military intervention even the more challenging but also necessary.

There is also growing international concern that piracy attacks are increasingly violent.

Horn of Africa

While there has been some success in recent years in addressing a spike in piracy in the Gulf of Aden, we have witnessed the emergence of a significant piracy challenge in the Horn of Africa.

The significant international trade routes traversing the region, the large number of attacks, and the increasingly violent nature of these attacks has driven the international community to confront Somali piracy as a global issue.

Countering piracy in the Horn of Africa continues to be a complex and challenging task.

To address the root causes of piracy originating in Somali, the international community must assist Somalia to resolve its political and economic challenges. The efforts of the Somali Government to build its maritime security capabilities are an important step in the right direction.

Somali maritime forces have been assisted by international naval forces, including Australian Navy warships.

The Gulf of Guinea

The rise in the incidence of piracy in the Gulf of Guinea has emerged as a pressing problem. These attacks threaten the economic prosperity of West and Central African nations, with flow on affects for landlocked states. The international community must support African states and institutions to respond to this problem before it develops further.

The increase in piracy in the Gulf of Guinea over the past two years has been alarming, particularly the well-organised, coordinated nature of attacks.

As an international community we have a responsibility to assist the countries affected in managing this problem with a well coordinated and integrated response not only at sea but on land as well.

In February this year the United Nations Security Council (UNSC) unanimously adopted Resolution 2039, which expressed deep concern at piracy in the Gulf of Guinea, urged states of the region to act quickly and for international partners to provide support to regional patrols, and coordination centres. The Security Council also called for the implementation of a region-wide strategy.

The African Union and the Gulf of Guinea Commission will convene a Summit later this year to develop a common maritime security strategy. Importantly, the Summit will look to develop a legal framework for the prosecution of persons involved in piracy.

On behalf of the Australian Government, I am pleased to announce that AusAID will offer scholarships for West and Central African countries to attend a course on Ocean Governance and Maritime Security at the University of Wollongong in November 2012. This builds on a similar program for East African countries.

South East Asia – highlighting the importance of coordination and dialogue

We need to keep momentum behind the growing and increasingly robust framework of international dialogue that underpins counter-piracy operations.

We know that piracy can be prevented.

I note the success in this region – particularly our neighbours Indonesia, Malaysia, Singapore and Thailand – in making significant progress in combating piracy in the Malacca Strait.

Piracy in this region is now less prevalent, is opportunistic and usually involves petty theft.

This contrasts with the more coordinated and violent pirate attacks occurring recently in the Horn of Africa and the Gulf of Guinea, which have tended to target merchant vessels and off shore gas and oil industries.

While not all challenges can be fixed with the same solutions, there are lessons to be learned from the experiences of this region.

South East Asia has benefited greatly from regional cooperation, dialogue and information sharing.

The "Eyes in the Sky" initiative sees Malaysia, Indonesia, Singapore and Thailand conduct combined maritime air patrols over the Straits of Malacca and Singapore. This forms part of the Malacca Straits Security Initiative (MSSI), which has ensured maritime domain awareness over the Straits of Malacca and Singapore.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (or ReCAAP) has emerged as an effective body that ensures the sharing of crucial information across the region.

The ReCAAP Information Sharing Centre has proven to be an effective long-term measure for preventing and monitoring acts of piracy.

Australia is already an active participant in regional mechanisms for dialogue, information sharing and coordination.

Australia co-chairs with Malaysia the ASEAN Defence Ministers Meeting-Plus Experts' Working Group on maritime security.

Australia contributes staff to Singapore's Information Fusion Centre, which helps to collate, interpret and deliver actionable maritime security information.

The Indian Ocean Rim Association for Regional Cooperation, known as IOR-ARC, is the region's largest grouping. Its interests are as diverse as its broad membership. Australia will assume the Chair of IOR-ARC for 2013 and 2014, having being Vice Chair to India for the period 2011 to 2012.

We will work closely with India and future Vice Chair Indonesia to ensure maritime security and piracy remain firmly on the IOR-ARC agenda.

Australia is a member of the Indian Ocean Naval Symposium (IONS), an initiative of the Indian Navy. We are looking forward to hosting the Conclave of Chiefs Meeting here in Perth in 2014.

We have had some success in this region. The challenge now will be for the international community to ensure a coordinated and efficient approach that maximises the impact of disruption efforts against pirates.

I expect this Conference to contribute to this important coordination effort.

Broader counter-piracy efforts

It is important that regional architecture and international organisations deal with emerging challenges in the maritime domain, both traditional threats such as territorial disputes, but also emerging threats from piracy, terrorism and transnational crime.

The international community has recognised the need to deal with the problem of piracy. The United Nations, regional bodies, international organisations and individual states are all making important contributions.

I recognise the counter-piracy efforts of the African Union, East African and Indian Ocean States, the US-led Combined Maritime Force of 26 countries (to which Australia contributes), the North Atlantic Treaty Organisation (NATO), the European Union, India, China, Japan, Korea and others.

Australia's operational contribution

Australia is making a significant contribution to counter both the symptoms and causes of piracy, as well as improved regional dialogue and coordination.

In the Horn of Africa, the Royal Australian Navy contributes a frigate to the Combined Maritime Forces, which is flexibly cross-tasked between the counter-terrorism, counter-piracy and Gulf maritime security task forces.

Australia is a member of the United Nations Contact Group off the Coast of Somalia. We contribute to legal and operational working groups, and the Shared Awareness and Deconfliction group which helps to coordinate Combined Maritime Force, NATO and European Union counter-piracy efforts.

A member of the Australian Defence Force was recently seconded to the UN Office for West Africa to contribute to maritime security and counter-piracy capacity building. We will seek to build on this foundation as we look for opportunities to use our experience in this region to help build maritime security capacity in West Africa.

Australia also seconded navy officers to the UK-led Maritime Trade Operations cell in Dubai, which provides liaison and coordination for ships travelling through the region.

We are seeing the gains of military operations. However, until we address the root causes of piracy, our work will need to continue.

Dealing with symptoms and causes

As we improve our capacity to intercept attempted acts of piracy with a military and policing response, the next challenge will be to address the causes of piracy and to implement an effective system to prosecute apprehended pirates. We must work together to find such a solution.

Without seeking to oversimplify a complex problem, a lack of economic and employment opportunity, coupled with ineffective policing and judicial systems onshore are significant factors contributing to the growth of offshore piracy in some parts of the world.

Stabilising the situation in Somalia is a long-term task essential to efforts to reduce piracy in the Horn of Africa.

Legal frameworks

The international community must respond to piracy in the Horn of Africa by supporting nations in the region to establish legal and policy frameworks for preventing piracy and for detaining and prosecuting suspected pirates when their ventures are disrupted.

Australia recognises that regional states in the Horn of Africa require support and assistance to successfully prosecute alleged pirates.

Dealing with suspected pirates after detention is a significant challenge for international forces operating off the Horn of Africa.

The United Nations and a number of countries actively involved in countering piracy have started the important work of establishing legal frameworks for prosecuting suspected pirates once they are detained. This work is essential to building a strong deterrent to pirate activities.

The work of ReCAAP has played an important role in informing the development of the Djibouti Code of Conduct for information sharing, capacity building and training in the Horn of Africa.

Australia is playing a role in boosting the law and order response to piracy. Since 2009, Australia's overseas development agency, AusAID, has provided \$2.3 million to assist the UN Office on Drugs and Crime (UNODC) Counter-Piracy Programme, which provides rule of law assistance to Somalia, Kenya, Seychelles, Mauritius, Tanzania and other states in the region.

Australia has also seconded three Australian Federal Police officers on separate secondments since 2009 to assist the UNODC Counter-Piracy Programme. This assistance is aimed at enhancing the capacity of the judicial systems in Somalia, Kenya, Seychelles, Mauritius, Tanzania and other states in the region.

Detention

Kenya, the Seychelles, Mauritius and Somalia have made important progress in establishing processing facilities for suspected pirates.

In the margins of the London Conference on Somalia earlier this year, the Seychelles established the Regional Anti-Piracy Prosecution Intelligence and Coordination Centre and has signed a number of arrangements to support a prosecution framework for suspected pirates brought to the Seychelles by international partners. I commend the Seychelles for this important work.

Conclusion

The free movement of commercial shipping through international seas is of critical importance to security and economic interests of Australia, the countries of this region and beyond.

We should also bear in mind the human dimension of piracy, with mariners and sailors facing traumatic raids, kidnap, injury and murder.

Piracy is a complex problem with a long history. It is a challenge that the international community must join together to address. In this part of the world we have seen the benefits of close coordination, information and dialogue in reducing the prevalence and severity of pirate attacks. Vigilance will be required to ensure these gains are consolidated.

Piracy has recently taken on a more modern and aggressive dimension in the Gulf of Aden and off the coast of Somalia.

I welcome regional and national contributions that provide an important security response resulting in disruption of many attempted acts of piracy.

I also commend the equally important efforts of countries that are working hard to address the causes of piracy and to establish legal frameworks and detention facilities as a powerful deterrent to pirates. The international community has an obligation to assist in their efforts.

Dialogue is essential to ensuring the international community develops long-term solutions to the causes of piracy and to ensuring international counter-piracy operations are as effective as possible. I wish you well for your deliberations here in Perth, which will form part of that ongoing dialogue.

Thank you.

PERTH COUNTER-PIRACY CONFERENCE

15-17 JULY 2012

CHAIRMAN'S FINAL STATEMENT OF THE MEETING

[This is a personal, informal report of our meeting which I offer for consideration by the Australian Government and others with an interest in countering piracy]

The Perth Counter-Piracy Conference was attended by 108 participants from 59 different countries and organisations. It was sponsored by the Australian Government and hosted by the Australian Acting Minister for Defence, the Hon. Warren Snowdon MP.

The conference focussed on global issues with piracy and armed robbery against ships. Particular consideration was given to the three areas where these crimes are most prolific: in Southeast Asia, off the Horn of Africa, and in the Gulf of Guinea.

The conference explored some of the successes in fighting against piracy in Southeast Asia and how these might be applied elsewhere. It developed a range of lessons learned to strengthen international and regional cooperation.

Current Situation with Global Piracy

The conference noted that piracy is a global problem, which occurs in several regions. Defeating piracy will require effective national, regional and global strategies. The current situation in the main areas where it occurs is as follows:

- In Southeast Asia, piracy has declined in recent years owing to coordinated efforts by countries in the region, including through increased patrols, policing and information sharing.
- Off the Horn of Africa, piracy remains a serious international security issue with increasingly violent kidnapping of seafarers. According to EUNAVFOR,

as of 2 July 2012, Somali pirates were holding 7 vessels and approximately 211 crew.

- In the Gulf of Guinea, piracy is an increasing concern. By targeting lucrative cargo including oil on ships, piracy is a threat to the peace, security and development of West and Central African countries.

Prime causes of piracy around the world lie in the common causes of criminal activity generally - lack of economic opportunity, employment, and effective policing. Good policing onshore is an important factor in preventing piracy and sea robbery because the perpetrators operate from land bases where their activities are more vulnerable to detection and disruption than they are at sea. If there is not good policing onshore, invariably there is a lack of effective law enforcement at sea. Good order at sea begins with good order on land.

The conference commended the efforts being made by navies and other maritime security forces around the world to counter piracy and armed robbery against ships. It also noted the excellent work to counter piracy being done by international agencies, notably the International Maritime Organization (IMO), the UN Political Office for Somalia (UNPOS), the UN Office on Drugs and Crime (UNODC), the UN Development Programme (UNDP), and the International Criminal Police Organization (ICPO or INTERPOL).

Lessons Learned

National Capacity

The conference recognised that many coastal states in areas where piracy and sea robbery occur lack the necessary capacity to counter these crimes effectively. The requisite capacity comprises:

- Organisational Arrangements and Procedures. These should cover inter-agency coordination, including clearly specified responsibilities for agencies and procedures for cooperation; the collection, analysis and dissemination of intelligence; and the determination of risk assessments related to piracy and

sea robbery. A national coordinating committee or other body with responsibilities for coordinating the national response to illegal activity at sea is desirable.

- Legal Frameworks. Domestic legislation is required for dealing with the offences of piracy and armed robbery against ships. Countries should be parties to relevant international conventions, including the 1982 UN Convention on the Law of the Sea (UNCLOS) and the 2005 Convention for the Suppression of Unlawful Acts of Violence against the Safety of Maritime Navigation (SUA Convention).
- National efforts in some states would be enhanced if a 'best practice' handbook could be developed to set out the requirements of domestic legal frameworks and their links to international treaties and conventions.
- Resources. The resources required comprise patrol vessels, aircraft, surveillance systems, judicial and correctional systems and facilities, and personnel with the necessary skills and training.
- Lexicon. There might be value in developing a readily accessible compilation of terms covering piracy and armed robbery at sea for use by non-specialists.

Regional cooperation

The conference noted how good cooperation between regional maritime security and police forces in Southeast Asia had contributed to the improved situation in that region. It recognised that regional organisations have an essential role to play in fostering cooperation to counter piracy.

The conference noted the following requirements for regional cooperation:

- Standard Operating Procedures for dialogue and cooperation between maritime security forces and regional police forces.

- Multilateral or bilateral legal arrangements to facilitate apprehension, investigation, hot pursuit, transfer of detainees, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.
- Information-sharing and coordinated patrolling by regional countries, including arrangements for the development of a cooperative approach to maritime domain awareness. A regional coordination centre, such as ReCAAP, is a very important measure to facilitate information-sharing.
- Standardisation of piracy laws across the region to facilitate prosecution of suspected pirates by increasing the range of jurisdictions in which they may be prosecuted.

International cooperation

The conference recognised that international arrangements to defeat criminal activity generally have important benefits for countering piracy. Piracy and armed robbery against ships are just two forms of criminal activity requiring effective policing both on land and at sea, including anti-corruption measures.

It is essential to establish mutual trust and respect between national organisations involved in counter-piracy activities. This is best built through regular information sharing, gatherings such as this conference and the globally shared commitments of governments to develop effective counter-piracy strategies.

It is no coincidence that there is a high incidence of trafficking illicit drugs, arms and people by sea in areas where piracy and sea robbery are prevalent. Addressing criminal activity at sea requires a higher level of coordination and policing activity both ashore and afloat to promote good order at sea across the global maritime domain.

The conference appreciated that counter-piracy measures would be more effectively implemented if the relevant international organisations were better resourced, noting

for example, that the annual budget of the IMO is roughly equivalent to the costs of about two weeks of operations by the naval forces off the Horn of Africa

Shipping Industry

The conference appreciated that countering piracy and armed robbery against ships is not just a matter for governments and international organisations but also requires the total commitment of the international maritime industry. It also noted possible links between the Global Financial Crisis, the associated downturn in international shipping, and piracy and sea robbery. As a result, many ships are unemployed and laid up in anchorages where they are vulnerable to attack, and ship owners are pursuing cost-cutting measures that might adversely affect ship security. Security in some ports and anchorages around the world remains a problem.

The conference recognised that ships which fall below international standards of safety and security figure disproportionately in the incidence of ship hijackings. Reports from naval authorities indicate that there are still a persistent number of ships operating off Somalia that are not following Best Management Practice (BMP) guidelines. Sub-standard ships also figure prominently as vessels held longest before release, causing additional and unnecessary harm to their crews. Measures are required to reduce the incidence of sub-standard ships at sea, including stricter observance of flag State responsibilities and stricter implementation of Port State Control (PSC).

Governments and relevant organisations might promote more widely appropriate 'best practice' mechanisms for non-commercial vessels such as yachts. States should develop appropriate communication mechanisms with organisations representing non-commercial shipping, including yacht clubs and industry.

Fishing Industry

The conference noted the potential links between the state of the world's fisheries, illegal, unreported and unregulated fishing and piracy and sea robbery. These crimes can have a major impact on fishing activities, but fishermen are not just the victims of these crimes, sometimes they are also the perpetrators.

Somali waters are 'fish-rich', and a valuable economic resource for Somalia. However, Somalia has not declared an exclusive economic zone (EEZ) and has no effective fisheries management. Foreign fishing vessels operate widely off its east coast, but little is known about their catch or what is lost to the local economy.

Key Findings

- a. Good Order at Sea. Regional cooperation to deal with threats to good order at sea should be enhanced, and cooperation improved between agencies at a national level. As well as piracy and sea robbery, other threats at sea include maritime terrorism, illicit trafficking in drugs and arms, people smuggling, pollution, illegal dumping of toxic waste, and illegal fishing.
- b. Regional Cooperation.
 - i. A comprehensive and cooperative maritime security architecture should be the objective of all regions where illegal activity at sea is relatively high.
 - ii. A cooperative approach to maritime domain awareness should be developed.
 - iii. A regional information-sharing centre should be considered as a useful measure to facilitate information-sharing.
- c. Legal Frameworks.
 - i. Countries should be parties to all relevant international conventions dealing with illegal activities at sea.
 - ii. Domestic legislation should be developed for dealing with the offences of piracy and armed robbery against ships (IMO circular letter No. 3180 of 17 May 2011 contains information and guidance on elements of international law relating to piracy that might be useful to States that are either developing national legislation on piracy or reviewing existing legislation).
 - iii. Multilateral or bilateral legal arrangements should be considered to facilitate apprehension, investigation, hot pursuit, prosecution and extradition, exchange of witnesses, sharing of evidence, inquiry, seizure and forfeiture of the proceeds of piracy.

- d. Policing On Land. Noting that the fight against piracy and sea robbery always begins on land, onshore policing should implement measures to counter these crimes.

- e. Capacity-Building Assistance.
 - i. Concerted action on the part of the international community as a whole is required to develop targeted capacity-building requirements for individual countries and particular regions.
 - ii. While recognizing the sovereignty concerns of coastal States, assistance should include building the capacity of countries to provide security in ports and anchorages where there is a high level of petty theft from ships.

- f. Shipping Industry.
 - i. The IMO should continue its efforts to reduce the incidence of sub-standard shipping, including through measures to ensure stricter observance of flag State responsibilities and stricter implementation of PSC.
 - ii. Ships passing through high risk areas should adhere to current BMP guidelines.
 - iii. The requirements of the International Ship and Port Facility Security (ISPS) Code must be strictly followed.
 - iv. Company Security Officers should monitor vessels passing through high risk areas for compliance with BMP guidelines.
 - v. Crews of vessels anchored or stopped in areas where attacks occur should take all precautions against attack.
 - vi. The utility of secondary tracking systems hidden on vessels should be explored.

- g. Private Maritime Security Companies.
 - i. More Private Maritime Security Companies (PMSCs) should become signatories to the International Code of Conduct (ICoC) for Private Security Providers, the Charter and Independent Governance and Oversight Mechanism (IGOM) which are being developed with reference to their interests.

- ii. The IMO has approved interim guidance for use by PMSCs. Further international standards are being developed in conjunction with the International Standards Organisation (ISO).

- h. Sustainability of Measures. Even if the situation with piracy and sea robbery in a region appears to be coming under control, successful counter-measures should be sustained to avoid any subsequent upsurge of these crimes.

- i. Assistance to captured seafarers and their families. The victims of piracy suffering most acutely are often the least visible: crew members held for ransom and their dependent families; and the families of gaoled pirates. The conference discussed the importance of communication between seafarers associations, welfare providers, and relevant governmental agencies to provide practical assistance to those in need.

Senate Standing Committee on Foreign Affairs, Defence and Trade

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean rim – 6 December 2012

Q5: Defence engagement with companies

The Committee asked on 6 December 2012:

- (1) The Office of the Inspector of Transport Security (OITS) Report on Offshore Oil and Gas Resources Security states “Within the Australian environment, security planning is a relatively new priority with Australian-based management positions in company security being only reasonably recently introduced.” How often does Defence meet with companies based in the north-west regarding the threats and risks for this environment?
- (2) What role does Defence have in providing support for companies seeking to increase their security awareness. Could Defence provide examples of collaboration?

Response:

- (1) Defence and Border Protection Command representatives attend the bi-annual meetings of the Oil and Gas Security Forum led by the Department of Infrastructure and Transport, which provides an opportunity for Whole-of-Government discussion with industry representatives on threats and risks for North West Australia. Defence is also taking steps to engage the oil and gas industry directly on security issues in North West Australia, however, Defence’s focus is on increasing awareness of Defence’s supporting role and response options. In November 2012 the Chiefs of Service Committee met in Western Australia, and had open forum discussions with industry executives. In April 2013, Defence will conduct Exercise PYTHON in Perth, which will involve senior executives from industry and include specific table top discussions on Defence’s response capabilities.
- (2) The Office of Transport Security within the Department of Infrastructure and Transport have the lead for engaging with industry partners on the management of risk and security awareness, while the Australian Security Intelligence Organisation has responsibility for providing threat assessments. Defence’s role is to hold engagement activities with industry partners from North West Australia to increase awareness of Defence’s supporting role and response capabilities. Defence is also seeking to increase awareness through expansion of the membership of the Australian Maritime Defence Council.

Senate Foreign Affairs, Defence and Trade References Committee

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean Rim – 6 December 2012

Q6: Defence participation in joint exercises

The Committee asked on 6 December 2012:

- (1) The OITS Report on Offshore Oil and Gas Resources Security states “While within Victoria and Western Australia relevant state police engage on a regular basis in joint exercises with industry on near-shore offshore facilities, it is understood that no Commonwealth agency has participated in such exercises since about 2004. Although the reasons are well known and understood, Australian Defence Force (ADF) exercises on or in the vicinity of offshore facilities, as occurred in the Bass Strait during the 1980s, have rarely been conducted in recent years, either in the Bass Strait or in Australia's North West Shelf region.” What reasons were provided for ADF exercises not being conducted since 2004. Was resourcing and location of bases a concern?
- (2) The OITS Report states that the issue is currently being addressed by the ADF – the final report of the ADF Posture Review also recommends that exercises and operational activities occur. Are any exercises being planned? What coordination is being undertaken with Customs and Border Security?
- (3) Will Defence have input into a government response to the OITS Report? Will the report recommendations have any bearing on the preparation of the *2013 Defence White Paper*?

Response:

- (1) Defence has conducted training events on Offshore Energy Installations (OEI) since 2004, though the frequency of the training has reduced as a result of a number of factors, including the following:
 - (a) the cost to industry of conducting training of this nature on their installations when factors such as economic, indemnity and workplace health and safety issues are taken into consideration;
 - (b) the reduction in the National CT Committee Whole-of-Government CT exercise program that has led to fewer large scale CT exercises;
 - (c) high ADF operational tempo impacting the availability of supporting air and maritime platforms; and
 - (d) difficulty in scheduling mutually suitable times for training between the ADF and industry.

As a result, smaller training events such as discussion exercises and OEI platform familiarisations have been conducted in the interim. Resourcing and location of bases are

planning factors that are considered when planning CT exercises, but are not a primary consideration.

- (2) The ADF is planning a number of CT-related training events on OEI in 2013. These training activities include table-top discussion exercises between the ADF and OEI key stakeholders on current issues, platform familiarisation, and tactical training. Defence, as a supporting agency, also remains closely engaged with Border Protection Command (BPC), other Whole-of-Government agencies and OEI industry stakeholders on security issues affecting the oil and gas security sector. Where appropriate, personnel from BPC and Customs and Border Protection will participate in these exercises.
- (3) Yes. Defence has been engaged throughout the development of the Government's response to the OITS Report.

The preparation of the *2013 Defence White Paper* will draw on a wide range of Government policy statements and reports (including the OITS report and the ADF Posture Review), intelligence assessments, open-source publications, consultations, and a public submissions process.

Senate Standing Committee on Foreign Affairs, Defence and Trade

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean rim – 6 December 2012

Q7: Counter-terrorism exercising

The Committee asked on 6 December 2012:

- (1) Could Defence elaborate on the counter-terrorism exercising and training on the rigs? How often do the exercises occur and what does the training involve?
- (2) What else is being done by Defence to implement the recommendations of the OITS Report?
- (3) What other organisations are included in the membership of the Australian Maritime Defence Council?
- (4) Could Defence advise the lead department or agency coordinating and producing the government response to the OITS Report?
- (5) At what point does the Defence interest and responsibility meet the responsibility of the Attorney-General's Department and Customs and Border Protection?
- (6) The final report of the Defence Force Posture Review recommends Defence should consult with ACBPS in regards to enhancing facilities at Broome as a forward operating base to be used by Defence and ACBPS. What work is being done towards implementing this recommendation?
- (7) Of the geographic area included in Operation RESOLUTE, in which area is the most effort concentrated?
- (8) Is protection of critical infrastructure a priority for Operation RESOLUTE?

Response:

- (1) Counter-terrorism training on Offshore Energy Installations (OEI) covers a wide variety of training activities ranging from discussion exercises between the Australian Defence Force (ADF) and OEI key stakeholders, platform familiarisation and tactical training. Defence conducts OIE counter-terrorism training on at least an annual basis.
- (2) Recommendation 2 of the OITS Report recommends that the Australian Government and relevant state and territory governments agree to establish an active, ongoing exercise program for selected offshore oil and gas facilities, sufficient to ensure that relevant government agencies are adequately informed, practiced and prepared to mitigate or respond to a serious offshore security incident. In line with this recommendation Defence is looking at ways to increase exercise activities in North West Australia within existing

resources. As a first step Defence will hold Exercise PYTHON in Perth in April 2013. This table top discussion exercise will include participants from the oil and gas sector, senior Defence personnel and relevant Federal and State Department representatives. The exercise will seek to increase understanding of Defence's capabilities and response options to potential security threats. In the longer-term, the Chief of the Defence Force has directed that the ADF undertake planning for a larger tactical exercise in North West Australia in 2014.

Recommendation 5 of the OITS Report recommends that active and constructive steps are taken to further improve the quality and mutual value of engagement and interaction between government and industry. Accordingly Defence has increased engagement with key industry stakeholders in North West Australia. The Chiefs of Service Committee meeting was held in Western Australia in November 2012 and included open discussions between Defence Senior Leadership and industry executives. Exercise PYTHON will also address Recommendation 5 of the OITS Report.

- (3) In addition to Defence representatives the following are also represented on the Australian Maritime Defence Council:
- (a) Australian Shipowners Association
 - (b) Port Australia
 - (c) Shipping Australia
 - (d) Minerals Council of Australia
 - (e) Dubai Ports World
 - (f) THALES (Naval)
 - (g) TEEKAY Shipping (Australia) Pty Ltd
 - (h) Australian Petroleum Production and Exploration Association
 - (i) SVITZER Australia
 - (j) Customs and Border Protection Command
 - (k) RAN Maritime Trade Organisation
 - (l) Department of Infrastructure and Transport – Office of Transport Security
 - (m) The Maritime Union of Australia.

Note: Other maritime industry representatives can be invited with observer status at the discretion of the Chairman and Council.

- (4) The Department of Infrastructure and Transport has the lead for coordinating and producing the Government's response to the OITS Report.
- (5) Defence is a supporting agency to the civil authorities on issues of security in North West Australia. Defence maintains *in extremis* response capabilities that can be called upon by civil authorities to respond to security threats beyond the capacity/capability of civil authorities to deal with. Defence maintains an active ongoing dialogue with the Attorney-General's Department, the Australian Customs and Border Protection Service and Border Protection Command to ensure Defence's response capabilities are well understood and can be integrated into any Government response should Defence support be requested.
- (6) The Navy and the Australian Customs and Border Protection Service are reviewing the requirement for and suitability of Broome as a forward operating base.

- (7) Currently, Operation RESOLUTE effort is concentrated in the waters around the Cocos (Keeling) Islands, Christmas Island and Ashmore Reef. This does not preclude Operation RESOLUTE activity in other areas including the North West Shelf. The force posture for Operation RESOLUTE is constantly adjusted depending on the threat and intelligence picture.
- (8) Border Protection Command is the multi-agency taskforce responsible for coordinating and controlling operations to protect Australia's national interests against eight maritime security threats, which encompass:
- illegal exploitation of natural resources;
 - illegal activity in protected areas;
 - irregular maritime arrivals;
 - prohibited imports/exports;
 - maritime terrorism;
 - piracy, robbery or violence at sea;
 - compromise to bio-security; and
 - marine pollution.

The Australian Defence Force provides support under Operation RESOLUTE to Border Protection Command in the conduct of its duties.

Surface and aerial assets assigned to Border Protection Command and deployed to North West Australia generate awareness in this region against all of the eight maritime threats for which Border Protection Command has responsibility. Defence and Customs and Border Protection assets assigned to Border Protection Command conduct offshore oil and gas infrastructure Augmented Security Patrols in both the North West Shelf and Joint Petroleum Development Area. Aerial surveillance is also conducted in these areas and adjoining areas in support of the broader Border Protection Command client requirements.

Senate Standing Committee on Foreign Affairs, Defence and Trade

QUESTIONS ON NOTICE – COMMITTEES

Inquiry into Indian Ocean Rim – 6 December 2012

Q8: Operational Funding for Piracy

Senator Fawcett asked on 17 December 2012:

Is there a specific budget in Defence allocated towards dampening down the incidence of piracy?

Response:

No, there is no specific budget in Defence allocated towards dampening down the incidence of piracy.

Counter piracy operations in the Gulf of Aden and off the coast of Somalia are undertaken as part of Operation SLIPPER. Defence assets deployed to Operation SLIPPER are cross-tasked between various activities including counter piracy, counter-terrorism and maritime security operations as the need arises. The cost of deploying Defence assets to Operation SLIPPER is calculated by the length of the asset deployment and net additional cost of the asset in theatre rather than specific activities undertaken.