

Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Australian Army Aviation Centre Oakey done at Singapore on 1 June 2012

Introduction

- 2.1 The proposed treaty action is to replace the *Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Army Aviation Centre Oakey, done at Canberra on 21 October 1996 and which entered into force on 19 November 1997, (the 1997 Agreement)*,¹ which is due to expire on 31 December 2012.²
- 2.2 Since 1997, the Republic of Singapore Air Force (RSAF) helicopter squadron (126 Squadron) has been deployed at the Army Aviation Centre, Oakey (AAC), Queensland. This squadron operates the Eurocopter AS332M Super Puma (commonly referred to as the Puma) helicopter.

1 National Interest Analysis [2012] ATNIA 11 with attachment on consultation *Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Australian Army Aviation Centre Oakey done at Singapore on 1 June 2012*, 2012 ATNIF 7, (Hereafter referred to as 'NIA'), para 1.

2 NIA, para 2.

National interest summary

- 2.3 The purpose of the Agreement is to allow for continued location of a RSAF helicopter squadron at the AAC, Queensland, which has been ongoing since 1997. Access to the AAC is greatly valued by Singapore, given its lack of domestic training areas, and is a major element of our contribution to the bilateral defence relationship.³ Access is vital to the RSAF to enable them to develop and maintain their military capability.⁴
- 2.4 Use of the AAC under the proposed Agreement is part of Australia's broader policy to allow access to Australian Department of Defence (ADOD) facilities by the Singapore Armed Forces (SAF) (which includes the RSAF). Permitting access to the AAC benefits Australia by enhancing the bilateral defence relationship, improving the effectiveness of the RSAF as an exercise and training partner and as a potential partner or contributor to regional security operations, and promoting Australia's broader policy of increasing regional security.⁵
- 2.5 The existing 1997 Agreement is:
- just one part of the relationship. We exchange students at our staff colleges, at our training institutions. We run exchanges for our junior officers and our NCOs [Non-Commissioned Officers] to go to Singapore to learn the way they do some of their training, and we reciprocate back in Australia. We do some joint exercises and Singaporeans are serving alongside of us in Afghanistan and have provided a reasonable amount of support to us, including medical and dental teams, an unmanned aerial vehicle and the imagery analysts to interpret the data that that provides, as well as logistics and specialist officers. So we have a broad, rich, valuable relationship with the Singapore armed forces.⁶
- 2.6 Apart from personnel, the 1997 Agreement is part of a broader suite of cooperative security arrangements with Singapore. The Department of Defence explained:
- Firstly, under the Five Power Defence Arrangements, we have access to Singaporean facilities and land in certain designated areas. We currently maintain a Royal Australian Navy liaison office in Sembawang naval wharfs and Royal Australian Navy
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3 NIA, para 3.

4 NIA, para 5.

5 NIA, para 4.

6 Colonel Duncan Hayward, Director, Army International Engagement, Army Operations, Deputy Chief of Army Division, Army Headquarters, Department of Defence, *Committee Hansard*, 13 August 2012, p. 5.

liaison managed accommodation in Sembawang, and we maintain deployment facilities and access rights to Paya Lebar Air Base. Additionally, Australia gains access on a regular basis to the Murai Urban Training Facility in Singapore, and our Rifle Company Butterworth, in Malaysia, regularly deploys to Murai, at least once per rotation. They are normally, I believe, three-month rotations for Rifle Company Butterworth to conduct training. And, as I think was mentioned before, Australia sends one officer to participate in the Goh Keng Swee command and staff course in Singapore.⁷

[The Australian] Army greatly values our access to the Singaporean urban ops training facility. It is world class and is something that we have not replicated here. For our infantry soldiers to rotate through there is of great benefit to Army and something that we wish to maintain.⁸

Reasons for Australia to take the proposed treaty action

- 2.7 The following information of the claimed benefits to Australia of the proposed treaty action is taken from the National Interest Analysis (NIA).
- 2.8 The training conducted by the RSAF at the AAC under the current 1997 Agreement and proposed Agreement does not usually involve the Australian Defence Force (ADF), and the RSAF personnel do not use ADF aircraft.⁹
- 2.9 The type of training described by the Department of Defence is 'raise, train and sustain'¹⁰ and is considered to be 'basic conversion training'. This training includes Search and Rescue. The aircraft used by the RSAF are

7 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, pp. 6-7.

8 Colonel Duncan Hayward, Director, Army International Engagement, Army Operations, Deputy Chief of Army Division, Army Headquarters, Department of Defence, *Committee Hansard*, 13 August 2012, p. 7.

9 Colonel Peter Steel, Director, Exercise Planning, Joint Exercises and Evaluation Branch, Headquarters Joint Operations Command (formerly Commandant of the Army Aviation Centre, Oakey), Department of Defence, *Committee Hansard*, 13 August 2012, p. 2.

10 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, p. 3.

troop lift helicopters that transport troops, equipment and cargo. These helicopters are not combat aircraft.¹¹

- 2.10 There are significant indirect benefits to Australia from the access provided to Singapore. The SAF is a significant exercise partner, possessing highly sophisticated technology, some of which is not in service with the ADF.¹² In addition, many of the RSAF assets used at the AAC, in particular aircraft, are employed elsewhere in bilateral and multilateral exercises involving Australia. Enabling the RSAF to generate and maintain capability in Australia therefore directly enhances the ADF's ability to exercise with the SAF, thereby contributing to our own capability development goals.¹³
- 2.11 Heightened SAF capability is also of benefit to Australia in that it makes the SAF more effective as a coalition partner and as a contributor to regional security. Granting access to the AAC is part of Australia's contribution to the broader bilateral defence relationship with Singapore. Australia gains considerable benefits from this relationship. One example is access to SAF facilities in Singapore and to SAF courses. Providing the RSAF access to the AAC for these reasons is consistent with Australia's broader policy of regional engagement, whereby positive defence relations with countries in the region are developed. These relationships develop the ADF's military capability and help to support Defence partnerships in the region, which are vital for the promotion of Australia's strategic objectives. The proposed Agreement will also benefit Australian commercial enterprises through access to commercial arrangements with the RSAF.¹⁴
- 2.12 Due to the ongoing use of the AAC by the RSAF since 1997, failure to renew the 1997 Agreement by entering into the proposed Agreement would undermine Australia's longstanding political, defence and trade relationship with Singapore. This is particularly true given that the proposed Agreement is broadly similar to the 1997 Agreement. The proposed Agreement will maintain and extend existing requirements
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11 Colonel Peter Steel, Director, Exercise Planning, Joint Exercises and Evaluation Branch, Headquarters Joint Operations Command (formerly Commandant of the Army Aviation Centre, Oakey), Department of Defence, *Committee Hansard*, 13 August 2012, p. 4.

12 Evidence provided at the public hearing indicates that this access to highly sophisticated technology is an indirect benefit to Australia through the broader Singaporean armed forces – Australian armed forces relationship rather than through this specific Agreement. See the comments made by Colonel Peter Steel, Director, Exercise Planning, Joint Exercises and Evaluation Branch, Headquarters Joint Operations Command (formerly Commandant of the Army Aviation Centre, Oakey), Department of Defence, *Committee Hansard*, 13 August 2012, p. 2.

13 NIA, para 5.

14 NIA, para 6.

under the 1997 Agreement, including those governing the day-to-day activities of the RSAF helicopter squadron at the AAC.¹⁵

Obligations

- 2.13 The Agreement defines the obligations, division of responsibilities and costing arrangements between Australia and Singapore for the deployment of up to 16 helicopters and accompanying RSAF personnel to the AAC until 31 December 2027.¹⁶
- 2.14 The Agreement reflects changes to policy during the past 15 years and brings these arrangements in line with similar agreements and arrangements between Australia and Singapore, in particular, the *Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Use of Shoalwater Bay Training Area and the Use of Associated Facilities in Australia*, done at Singapore on 31 May 2009.
- 2.15 One of the most significant changes set out in the proposed Agreement is improving the definition of 'explosives' to bring it in line with ADOD policy. The Department of Defence explained:

Under the old agreement explosives were simply referred to as including ammunition, bombs and rockets containing an explosive charge or propellant. The new definition, which has been brought in since the previous Oakey agreement was concluded, now has more detail in it:

'Explosives' are substances manufactured with a view to producing an explosion or pyrotechnic effect. These include, but are not limited to: bombs and warheads; missiles; artillery, mortar, rocket and small arms ammunition; demolition charges; pyrotechnics; clusters and dispensers; cartridge and propellant actuated devices; flares; squibs; chaff and all similar or related items or components explosive in nature.

In broad terms, it is designed to be a far more all-encompassing definition, and is something that has become best practice since this agreement was first drafted 15 years ago.¹⁷

15 NIA, para 7.

16 NIA, para 8.

17 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, p. 2.

- 2.16 Notwithstanding this amendment, there are no explosives stored at the Oakey base.¹⁸
- 2.17 Other significant changes include:
- increasing the number of RSAF helicopters stationed at the AAC to 16;¹⁹
 - updates throughout the treaty to reflect changed responsibilities for base and airspace management at the AAC and within the ADOD; and
 - the addition of more extensive provisions, including those relating to ADOD procedures with regard to the RSAF helicopter squadron noise abatement procedures, facilities, security, disciplinary policies, the use of Australian commercial enterprises and financial arrangements. The proposed increased number of aircraft is regarded as being sustainable by the ADOD without disrupting Australian training or operational requirements at the AAC.²⁰
- 2.18 **Article 1** sets out definitions of key terms used in the proposed Agreement.²¹
- 2.19 **Article 2** sets out the scope of the proposed Agreement.²²
- 2.20 **Article 3** sets out obligations relating to the conduct of the RSAF helicopter squadron activities at the AAC for the purpose of training to maintain flying skills and operational capabilities.
- All RSAF activities in Australia shall be conducted in accordance with Australian laws, regulations, policies and procedures, and RSAF activities at the AAC are to be conducted in accordance with the rules, procedures and standard operating procedures applied to other users of the Centre, including the ADOD.²³
- 2.21 **Article 4** sets out the RSAF helicopter squadron's composition, in terms of aircraft, equipment and personnel. It restricts the helicopter squadron to 16 helicopters, unless otherwise mutually determined, and requires the RSAF to advise all details of the aircraft forming the RSAF helicopter squadron to the Commander AAC.
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18 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, p. 4.

19 Apart from the Eurocopter Puma, 'Chinook' helicopters may also be deployed under the proposed Agreement. Colonel Peter Steel, Director, Exercise Planning, Joint Exercises and Evaluation Branch, Headquarters Joint Operations Command (formerly Commandant of the Army Aviation Centre, Oakey), Department of Defence, *Committee Hansard*, 13 August 2012, p. 3.

20 NIA, para 9.

21 NIA, para 10.

22 NIA, para 10.

23 NIA, para 11.

- Australia is obliged to facilitate the entry and exit of contractors to and from Australia in a manner consistent with the Exchange of Notes constituting a *Status of Forces Agreement between the Government of Australia and the Government of the Republic of Singapore*, done at Singapore on 10 February 1988 (the SOFA). Proposed paragraph 9 of Article 4 prohibits the RSAF from using or storing explosives and other weapons without prior written ADOD approval.²⁴
- 2.22 **Article 5** governs RSAF flying operations at the AAC.
- RSAF flying operations at the AAC shall not be undertaken unless compliance with relevant rules and procedures can be assured to the satisfaction of Australia.²⁵
- 2.23 **Article 6** provides that the provision of ADOD administrative and other support to the RSAF Helicopter Squadron is to be mutually determined in an Implementing Arrangement.²⁶
- 2.24 **Article 7** obliges Singapore to arrange private residential accommodation for its personnel and dependants in Australia.²⁷
- 2.25 **Article 8** requires the Parties to consult on any implications for facilities related to the RSAF helicopter squadron operations.
- Australia may provide additional land on which Singapore may build new facilities required by the RSAF helicopter squadron, but is not obliged to do so.²⁸
- 2.26 **Article 9** requires the RSAF to inform the Commander AAC in writing before introducing or removing aircraft, vehicles and equipment to or from the AAC and to provide reasons where such material is removed back to Singapore.²⁹
- 2.27 **Article 10** deals with security. The ADOD holds the primary responsibility for security of the AAC. Singapore shall be responsible for any increased charges incurred by the ADOD as a result of providing security for facilities used by RSAF.
- Paragraph 2 requires Australia and Singapore to comply with the *Agreement between the Government of Australia and the Government of the Republic of Singapore for the Reciprocal Protection of Classified Information*
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24 NIA, para 12.

25 NIA, para 13.

26 NIA, para 14.

27 NIA, para 15.

28 NIA, para 16.

29 NIA, para 17.

*transmitted between the Australian Department of Defence and the Singapore Ministry of Defence, done at Canberra on 15 October 1996.*³⁰

- 2.28 **Article 11** applies the disciplinary and criminal jurisdiction provisions set out in the SOFA to RSAF personnel and accompanying dependants.³¹
- 2.29 **Article 12** requires the RSAF to ensure that all RSAF personnel are medically and dentally fit prior to their arrival in Australia and requires the RSAF to be responsible for the continuing medical and dental support of RSAF personnel in Australia.³²
- 2.30 **Article 13** requires Singapore to demonstrate a practical commitment to supporting Australian Commercial Enterprises and to require its contractors to demonstrate such a commitment, subject to certain limitations.³³
- 2.31 **Article 14** requires Singapore to pay for goods, services and facilities provided by the ADOD for the conduct of RSAF activities pursuant to the proposed Agreement on a full cost recovery basis.³⁴
- 2.32 **Article 15** sets out how claims will be handled by the Parties. The SOFA is to apply to the settlement of claims.³⁵
- 2.33 **Article 16** requires that disputes arising under the proposed Agreement or any Implementing Arrangements be settled in the first instance by negotiation between the Parties through nominated liaison officers.³⁶

Implementation

- 2.34 No changes to national laws, regulations or policies are required to implement the Agreement. The proposed Agreement will not effect any change to the existing roles of the Australian Government or the State and Territory governments.³⁷

30 NIA, para 18.

31 NIA, para 19.

32 NIA, para 20.

33 NIA, para 21.

34 NIA, para 22.

35 NIA, para 23.

36 NIA, para 24.

37 NIA, para 25.

Costs

2.35 The Agreement does not impose any foreseeable direct financial costs on Australia, except that Australia may compensate Singapore for the residual value of any RSAF facilities that Australia intends to use following termination of the Agreement. Australia also does not receive any direct financial benefit under the proposed Agreement, except through the contracting of Australian commercial enterprises. All support provided by Australia to activities under the proposed Agreement is on a full cost recovery basis except for shared support, which is calculated on a pro-rata basis of direct costs. Termination or expiration of the proposed Agreement will not extinguish any debts incurred while the proposed Agreement is in force.³⁸

Indirect financial benefits of the deployment

2.36 In terms of maintenance and supporting Australian commercial enterprises, the Singaporeans are described as 'model tenants'. The Department of Defence explained further:

...the Singapore Air Force is required under the terms of the agreement to source from Australian commercial enterprises services to repair and maintain aircraft deployed in Australia pursuant to the proposed agreement. More than fifteen years ago the Singapore Air Force was not there, but there is a whole raft of things that are now opportunities for businesses that would not be there were it not for the presence of Singapore.³⁹

...of the workforce that provides the maintenance support to the Singaporean helicopter fleet at Oakey, [a] minimum of two-thirds of that workforce are to be Australian nationals. Singapore exceeds that obligation, with approximately 90 per cent of the workforce being Australian national. With regards to a dollar figure, at the beginning of each year of the agreement, a commercial support estimate is conducted on how much maintenance support will be required of those helicopters. For the last two years it has run between \$11 million and \$15 million as an estimate of the obligation for the Singaporeans to include as

38 NIA, para 26.

39 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, p. 2.

Australian content. On both occasions they have exceeded that obligation.⁴⁰

- 2.37 The Committee also heard evidence that the RSAF deployment to Oakey brings financial benefits to the local area.

...it has been our experience over the last fifteen years that we have observed a valuable net benefit not just for those directly contracted services but also for the local community. It pretty much goes without saying that the Singaporean personnel, those family members who accompany them and the contractors employed to help the additional support requirements that Singapore has will in turn be members of the local community; they will buy things from local businesses and use their services. So in that regard we are confident that it is good for the local community.⁴¹

Conclusion

- 2.38 The Committee has heard strong evidence that the existing 1997 Agreement forms part of a positive security relationship between the Republic of Singapore and the Commonwealth of Australia. The Singaporeans are seen as 'model tenants', and have been more than fulfilling their obligations under the Agreement as it stands. Apart from formal commitments to support Australian commercial enterprises through aircraft maintenance and the like, the deployment of the RSAF helicopter squadron has also brought economic benefits to the local community.
- 2.39 The security relationship between Singapore and Australia - of which this Agreement is a part - also contributes positively to the ADF gaining access to sophisticated technology and Singaporean training facilities. This relationship stands as a positive example of the Defence Department's international engagement with South-east Asia.

40 Colonel Charles Kevin Packham, Director of Operations and Training Area Management, Defence Support Operations, Army, Australian Defence Force, Department of Defence, *Committee Hansard*, 13 August 2012, p. 5.

41 Mr Martin Kennedy, Acting Director-General, South East Asia Branch, International Policy Division, Department of Defence, *Committee Hansard*, 13 August 2012, p. 2.

- 2.40 Given the apparent success of the 1997 Agreement through the positive evidence the Committee has received, the Committee supports the continuation of the RSAF deployment at Oakey through the proposed Agreement and recommends that binding treaty action be taken.

Recommendation 1

The Committee supports the *Agreement between the Government of Australia and the Government of the Republic of Singapore concerning the Location of a Republic of Singapore Air Force Helicopter Squadron at the Australian Army Aviation Centre Oakey done at Singapore on 1 June 2012* and recommends that binding treaty action be taken.

