

The Hon Bob Charles MP  
Chairman  
Joint Committee of Public Accounts and Audit  
Parliament House  
Canberra ACT 2600

Dear Mr Charles

***Review of Coastwatch***

Thank you for your correspondence of 13 April 2000 to the Hon Premier seeking Western Australia's contribution to the Review of Coastwatch.

The Western Australian submission is attached for the Committee's consideration. Western Australia also made a comprehensive submission to the Prime Minister's Task Force on Coastal Surveillance in May 1999. A copy of this submission is also included for the Committee's consideration as the views expressed in that submission remain most relevant and important to Western Australia.

I would be pleased if the Committee could keep Western Australia informed of the progress of the Review. I understand that an extension for this Western Australian submission has been negotiated with the Inquiry Secretary. Further queries on this matter could also be directed to Mr Bala Murali, Principal Policy Officer, Federal and Constitutional Affairs on 08-9222 9516 or e-mail: [bmurali@mpc.wa.gov.au](mailto:bmurali@mpc.wa.gov.au).

Thank you for the opportunity to comment on this matter.

Yours sincerely

Petrice Judge (Mrs)  
***Assistant Director General***  
**Federal and Constitutional Affairs**

August 2000  
Att.

## REVIEW OF COASTWATCH

### **Western Australian Submission to the Commonwealth Parliament Joint Committee of Public Accounts and Audit (JCPAA)**

#### ***Introduction***

In May 1999, Western Australia made a comprehensive submission to the Prime Minister's Task Force on Coastal Surveillance. A copy of that submission is included for the JCPAA's information and consideration.

Western Australia's submission to the Prime Minister's Task Force on Coastal Surveillance incorporated several specific recommendations to enhance the protection of the vulnerable coastline to the North West of the State. These recommendations made specific reference to aspects such as aircraft and surveillance equipment, tasking of Defence assets, and gathering of intelligence information and analysis. A comparison between the final recommendations of the Task Force and those made by Western Australia reveals that most Western Australian recommendations were not adopted.

Western Australia has highlighted to the Commonwealth the limitations of Coastwatch as the primary coastal surveillance mechanism. While there are arrangements in place for sightings of illegal vessels and other intelligence to be transferred to Customs/Coastwatch, it is a reality that actual Coastwatch coverage often falls short of intended coverage targets. Lack of resources is a real problem for Coastwatch. This is a reality that has been highlighted in the annual reports of Coastwatch.

Western Australia's capability to assist in the coastal surveillance task is limited. More financial resources will be needed if Western Australian assets are to be used to augment surveillance capability. As coastal surveillance is a primary Commonwealth function, Commonwealth funding should be made available if State assets are to be tasked for surveillance activity.

The number of illegal vessels and illegal immigrants that have breached Australian waters and arrived in Western Australia highlights the vulnerability of the Western Australian coastline. It also indicates the ineffectiveness of current surveillance arrangements and the need to augment Coastwatch operations with resources from other appropriate Commonwealth agencies such as Defence. Western Australia has always reiterated that coastal surveillance is a Commonwealth responsibility and sufficient Commonwealth resources should be devoted to this most important activity. The effective surveillance and protection of the nation's coastline should rate as the first line of defence in guarding the nation's sovereignty.

Western Australia's submission highlights several areas of vulnerability where surveillance, intelligence gathering and exchange will benefit the State. The Pilbara and Kimberley regions have some of the nation's most critical infrastructure and resources in the North West shelf, the LNG pipeline and one of the busiest shipping lanes for trade with neighbouring regions. The

fisheries, aquaculture and agriculture industries are also of immense economic benefit to the State.

There are additional implications for Western Australia in the form of an increased threat to our coastal fish resources especially those in the north of the State along with concerns about quarantine, health, environmental protection, illicit imports, and national security. Encroachment of the coastline by illegal vessels could introduce exotic diseases and species which have the potential to destroy these important industries.

Global fish stocks are dwindling, especially those in near neighbour countries such as Indonesia. Incursions by foreign fishermen into the Australian Exclusive Economic Zone (AEEZ) are expected to continue and with all likelihood, increase. As a result, offshore fish stocks currently being sustainably fished by Australian fishermen may be placed in jeopardy through indiscriminate fishing from neighboring and other foreign fishing nations. Some fully exploited stocks such as Shark, Tuna, some Snapper species and Patagonian Toothfish are already being illegally fished by foreign fishermen.

Ineffective surveillance also contributes to the illegal drugs trade as vessels carrying this deadly cargo could make discrete landings at remote and isolated parts of the State's vast coastline. Australia must therefore develop and maintain the highest possible standard of coastal and offshore surveillance and response capability.

The Western Australian submission addresses the Terms of Reference of the Review in depth and detail.

## **1. The Role and Expectations of Coastwatch**

There is no doubt that the Western Australian community would like to see more comprehensive coverage of our coastline, to guard against the illegal trafficking of people, drugs, flora, fauna and any other items that the criminal element would see as being profitable. Presently, the Western Australian coastline receives air surveillance in the Northern Region. However, the Southern Region is not subjected to any formal or regular surveillance. Furthermore, the Australian Customs Service does not have a patrol vessel tasked to cover the southern areas of this State and there is no question this is a vulnerable area.

Any reduction in surveillance, patrolling, apprehension and prosecution activities within the AEEZ will lead to an increase in the number of incursions. Events external to Australia mean that our “offshore border” is now constantly tested and the competition among agencies for Coastwatch resources will increase if they remain at existing levels.

It is commonly known within surveillance associated agencies, and is supported by anecdotal information from foreign fisherman themselves, that any fishing vessel that is able to achieve a successful fishing “raid”, promotes further incursions by others hoping to be similarly successful.

There is some evidence to suggest that foreign fishing boats have staged their arrival or operations in order to achieve success in the face of perceived weaknesses in either the surveillance resources available or Australia’s ability to deal with surveillance sightings once they have been made.

It is therefore vital that Coastwatch is adequately resourced. Making initial savings on surveillance and patrolling resources may spell a false economy as this would lead to more resources being expended on apprehension and prosecution because the number of incursions were not contained.

Western Australia acknowledges that the surveillance capabilities of Coastwatch are of a very high standard whereas the response capability is less so. This is particularly so with respect to surface response platforms. The Fremantle Class Patrol Boats (FCPB) are ageing and suitable replacements need to be acquired.

The Offshore Constitutional Settlement, a legislative arrangement with the Commonwealth, makes the management of fish stocks within the AEEZ adjacent to Western Australia largely the responsibility of Fisheries WA. However, management of foreign fishing remains a Commonwealth responsibility and Fisheries WA maintains a group of officers dedicated to Commonwealth fisheries under a contract with the Australian Fisheries Management Authority (AFMA).

These officers carry out monitoring, control and surveillance (MCS) patrols of the AEEZ adjacent to Western Australia and the offshore territories of

Christmas Island, Cocos and Keeling Islands along with the remote sub-Antarctic fishing zone around the Heard and McDonald Islands utilising Coastwatch aerial and surface resources.

The officers have considerable skills and experience in offshore fisheries management that are recognised as being special within Fisheries WA.

Recent legislative changes to the Commonwealth *Fisheries Management Act* allow for the authorisation of Customs Officers as Fisheries Officers. With these legislative changes, the Commonwealth could be encouraged to ensure that Customs Officers have the appropriate skills and expertise for specialised service delivery as Fisheries Officers.

Success in managing Australia's offshore fish resources relies upon a high degree of specialised knowledge and experience. It is vital that Fisheries Officers continue to be deployed aboard most surface patrol platforms and as many aerial patrols as possible in order to impart their fisheries knowledge and expertise.

### **Recommendations**

- *Coastwatch to provide a high quality surveillance and response service that is adequately resourced. Delivery of the response capability without a clear replacement for the FCPB remains the greatest challenge for Coastwatch.*
- *Coastwatch and its assets to provide support to the relevant agencies in an operational sense. Consider the provision of coordinated national resources to facilitate the delivery of specialised services by those agencies.*
- *Commonwealth resources to augment transfer of information could be explored by encouraging commercial, community and recreational marine users to play a positive role in identifying illegal activity and bringing this to the attention of the authorities (eg. The Volunteer Marine Rescue providers).*

### **2. The relationship of Coastwatch as service provider and its client agencies as service purchasers**

Coastal and offshore surveillance planning is carried out with inputs from client agencies through the Operational Planning and Advisory Committee (OPAC) / Regional Operational Planning and Advisory Committee (ROPAC) / Planning Advisory Sub-Committee (PASC) system. Western Australia maintains membership on the ROPAC in Broome and Fremantle and has input into the PASC and OPAC through AFMA. These present arrangements should be further evaluated with a view to encouraging greater regional and local knowledge to assist with surveillance activities.

The possibility of greater community involvement in information and

intelligence gathering could be explored. Members of the community currently report information on criminal activity and suspicious circumstances through the State's CrimeStoppers scheme. CrimeStoppers WA is considered a benchmark program in Australia. It has also received international recognition. The scheme has been responsible for the recovery of over \$2.2 million in property and over \$15.9 million in illicit drugs. The Commonwealth could consider providing additional resources to CrimeStoppers WA for the community to report suspicious sightings along the State's coastline. A similar scheme for insurance fraud is run cooperatively with the Insurance Council of Australia (ICA). The ICA provides CrimeStoppers WA with the additional resources necessary to accommodate insurance fraud information. The Commonwealth could consider a similar scheme.

It is important that Coastwatch continues the need for tactical and response inputs on a regional basis to ensure fine-tuning of planned surveillance activities. Coastwatch could support client agencies to become more involved in both planning and providing feedback.

It would be prudent to take a holistic approach to coastal and offshore surveillance recognising the interconnection between fishing boats with other activities such as illegal immigration, importation of illicit goods, environmental offences, quarantine offences and so on. Historically, much of the present funding for aerial surveillance hours and patrol boat days were ascribed to fisheries orientated tasks and diminution in this area through lack of continued funding could be disastrous.

Australia needs to continue cooperative multilateral and bilateral activities to reduce incursions into Australian waters. Activities could include assistance to our regional neighbours for continued education and awareness raising about Australia's sovereign interests and enforcement capabilities and development assistance.

### **Recommendations**

- *The system of Regional Operational Planning and Advisory Committee meetings to be evaluated to assess input and value to the total surveillance and compliance programs. (This would be consistent with the Australian National Audit Office Report 38).*
- *Client agencies to be vigorously encouraged to participate in the reviewed OPAC / ROPAC / PASC process (Instead of giving extensive consideration to centralising the planning process).*
- *Budgetary implications and jurisdictional responsibilities need to be thoroughly investigated and amicably negotiated in conjunction with any move to apply costs to client agencies.*
- *The extension of the State's very successful CrimeStoppers network through the provision of extra Commonwealth resources to be explored.*

### **3. The effectiveness of Coastwatch's allocation of resources to its tasks**

Currently, coverage of the northern approaches to Australia utilises a major proportion of aerial resources. This is justified based on the number of vessel sightings and incursions that occur. However, aerial surveillance of adjacent waters south of Exmouth Gulf in Western Australia continue to be unsatisfactory with aircraft infrequently flying these zones. Aerial surveillance of the Heard and McDonald Islands zone is beyond Australia's capabilities at present. The risk of undetected activity in these areas remains high as a result.

Operational flight planning for Coastwatch aircraft flight routes appears rigid with little flexibility in changing established flight patterns to meet surveillance client user needs. Although annual flight planning is recognised as an integral part of maritime surveillance, regular "real time" consultation with client agencies is essential to maximise the use of each flight.

In addition, operational flight planning should be enhanced to provide a "search" mode of flight rather than relying on a standard "routine" flight pattern. Programmed routine surveillance flights to areas of King Sound in northern Western Australia are a classic example of "routine" (no deviation) flight patterns.

The practice of "overt" flying operations by Coastwatch aircraft in order that air-crew identify the type of vessel being over-flown could be further researched to ascertain its effectiveness. Research information would be useful in judging whether this practice enhances the chances of a successful apprehension and prosecution.

There continues to be a need for greater communications between surface and aerial surveillance units undertaking joint operations to ensure apprehension success. "Covert" operations could be applied if the vessel can be easily established as a suspected illegal entry vessel. This could increase the chances of successful apprehensions.

Illegal foreign fishing activity inside the AEEZ has increased substantially in the past decade with only marginal increases in resources, equipment and staff to cope.

Current levels of Coastwatch surface platforms appear inadequate to provide coverage of the surveillance requirement. In the event of a major influx of vessels, the Coastwatch program could experience difficulty to manage the situation.

Although the continued introduction of "Bay" class Customs Vessels (BCV) will assist, they should not be considered a suitable replacement for the FCPB of the Royal Australian Navy (RAN). Reasons for this include sea-keeping restrictions, towing restrictions, manning levels and the lack of both size and armament capable of deterring and stopping a large, hostile foreign fishing

vessel.

With the phasing out of the FCPBs there is a critical gap in the offshore surveillance capability of the Coastwatch program and a suitable replacement needs to be identified and acquired quickly. The replacement vessels will need to have enhanced capabilities similar to the "Fremantle" class in relation to long distance patrol capability, sea keeping, endurance, armament and towing.

The adoption by Australia of the United Nations international agreements on the "High Seas and Straddling Fish Stocks" will require fisheries authorities in Australia to assume a greater role in regional fisheries management issues in the eastern Indian Ocean, the South Pacific and in sub-Antarctic regions.

Compliance and enforcement activities on the high seas and in remote areas require surface platform capabilities that are only available within the RAN and from specialised vessels that are not under the control of Coastwatch at present.

### **Recommendations**

- *Consider implementing a system of risk assessment to ensure that resources are allocated to areas of risk including those in Western and Southern Australia and that adequate coverage of areas of potential risk are undertaken to provide base line information on their risk status. Performance indicators and standards including independent assessment by client agencies be developed.*
- *Improve flexibility in delivery of surveillance flights.*
- *Coastwatch flight planning to allow operations of aircraft in "search" mode rather than flying established predicted regular routine flight patterns.*
- *Where identification of an illegal vessel can be easily made, surveillance to revert to covert mode in order to increase the chance of apprehension.*
- *Provide funding to Defence, allowing the Royal Australian Navy to urgently replace the ageing "Fremantle" class patrol boats.*
- *Provide funding to Defence allowing the Royal Australian Navy to purchase a suitable "ice" class vessel capable of operating in sub-Antarctic waters. The vessel would require the endurance capability to operate for extended periods in the Southern and Indian Ocean regions.*
- *Subject to management by Defence and on the basis that more capable classes of Navy vessels are obtained for offshore surveillance, consideration be given to fitting armament to the "Bay" class Patrol vessels for inshore work. This may require Defence operation.*



#### **4. Technologies which might improve the performance of Coastwatch**

Anecdotal intelligence from apprehended Indonesian fishermen suggests that of all the foreign fishing vessels detected inside the AEEZ a significant number continue to elude apprehension. The vessels were not apprehended either because surface response platforms were unavailable or Coastwatch aircraft were unable to relocate the same contact vessel after the initial sighting report. This point has been the subject of some disagreement among surveillance authorities in the past. However, as previously stated, escaping vessels can have a profound affect on the number of repeat incursions.

Accurate assessments cannot be made without access to comprehensive data. The development of a national database capable of collating and analysing intelligence gathered by in-field surveillance agencies and clients is required. Existing databases are either fractured, incomplete or incompatible. This results in the lost opportunity to bring together surveillance reports, boarding reports, anecdotal information and prosecution histories. This sometimes leads to some fishermen being able to evade prosecution. It is therefore necessary to investigate appropriate software and technology solutions to overcome these issues.

Satellite tracked vessel monitoring systems (VMS) continue to be introduced into domestic fisheries within Australia. In combination with the greater accuracies now available under the Global Positioning System, these technologies allow for precise location of a fishing vessel that is fitted with a transponder.

Fisheries authorities have introduced the technology both from a fisheries management and safety at sea aspect and fishermen have accepted the system with initial reluctance. It is vital that it is recognised as a fisheries management tool and that much of the management success in this area is achieved through cooperation and voluntary compliance.

Clearly the technology would be of use to Coastwatch. However, concerns about confidentiality of the information and to what extent it would be used by Australian authorities would need to be addressed in a sensitive way with the fishermen themselves. Otherwise cooperative compliance from a fisheries perspective may be jeopardised.

#### **Recommendations**

- *Commonwealth and State authorities to engender greater cooperation and communication for successful surveillance operations, involving operational personnel in briefings, plannings and allocations of tasks. All such personnel to have appropriate security clearance.*
- *Investigate the establishment of an intelligence database capable of collecting, storing, analysing and disseminating information with access by all State and Commonwealth agencies involved in coastal and offshore surveillance. The database to ideally have provision for the storage of*

*photographic images, accommodate real time data transfer and be capable of digitally transmitting data to surveillance authorities at sea and in regional centres.*

- *Further consultations to occur with the States and Territories regarding the development of databases and intelligence information sharing, including progress on the Prime Minister's Task Force on Coastal Surveillance recommendations relating to the establishment of a National Surveillance Centre and a High Level Information Oversight Committee.*
- *Any planned use of vessel monitoring systems to be discussed with the fishing community in order to ensure that fisheries management objectives are not jeopardised.*

## **5. Whether an Australian Coastguard should be created to take over Coastwatch's functions**

There should be a clear vision about how Australia's surveillance resources are to be managed. An Australian Coastguard model may work as an autonomous central coordinating agency.

Of major concern would be the required independence of the Coastguard. In order to achieve its aims effectively and be free from any perceived conflicts of interest, it must be designated as an autonomous department with accountability to the government and its clients.

The Commonwealth may consider creating a semi-autonomous Coastguard as a branch of an existing agency. Should this approach be contemplated, locating it as an autonomous arm of the Department of Defence may be a feasible consideration.

Defence has a history of assisting civil authorities in natural disasters, providing essential services, and the RAN's role in enforcing compliance in the AEEZ. This experience would place Defence in a good position to cooperatively manage the program supported by an appropriate level of infrastructure.

In addition, because of its existing role and resources, Defence has the capacity to provide direct support to the program. Through its sea vessels and maritime patrol aircraft assets, Defence could extend the 'eyes and ears' of surveillance, enhance the gathering of intelligence (the availability of equipment and skilled operators provides Defence with a unique capacity), and the use of specialist long-range reconnaissance units in remote areas.

Although some of the above Defence activities already occur, management of the program will increase Defence involvement at little additional expense. The key is to link existing training and operational commitments to encompass surveillance in the same way that AEEZ patrols are already part of the normal operations for both the RAN and the Royal Australian Airforce.

Defence operational training can be undertaken during surveillance operations and ensure that Defence assets are not taken away from their primary role of defending Australia and its interests. In many respects, the commitment of Defence personnel and assets to civil tasks could provide an edge to the training which is often missing from civilian exercises.

A Defence sponsored Coastguard could be linked to the Defence Reserve program creating both opportunities for reservists and possibly making that type of service more attractive to non-military Australians thereby bolstering reserve numbers.

It may therefore be appropriate to consider the development of surveillance protocol which would enable Defence assets and personnel to be used for local law enforcement purposes. Such a protocol would increase response time; clarify command and control arrangements; encourage closer links at the operational level; increase interoperability in procedures and equipment; and increase the flow of intelligence.

The development of a Commonwealth Coast Guard could be a difficult task, given the complexity of resourcing issues and arrangements. The Commonwealth could consider providing funds to the State for a State Coast Guard. Such an initiative would have the advantage of being staffed by local personnel who would maintain constant liaison with coastal communities. This would provide the critical advantage of local knowledge and expertise, which has always proved to be a valuable advantage in law enforcement. A State Coast Guard would also have a good support base with the strategic links it could establish with the Western Australian Police Service.

### **Recommendations**

- *Consider the US Coast Guard system and assess the extent to which it can be appropriately adapted to Australia. Such an agency to ideally be an autonomous body accountable to Government and its clients.*
- *If a semi-autonomous Coast Guard is considered by the Commonwealth, then the possibility of its location as an arm of Defence be investigated.*
- *Investigate the establishment of cooperative mechanisms for sharing of Defence assets, information and intelligence with appropriate State and Commonwealth civilian authorities.*
- *Consider the development of a surveillance protocol which would enable Defence assets and personnel to be used for local law enforcement purposes.*
- *Consider the provision of Commonwealth funding for the development of a State Coast Guard.*

## **6. The adequacy of existing or proposed legislation which underpins Coastwatch's functions**

The advent of the *Crimes at Sea Act 2000* will allow individual jurisdictions to play a considerable role in assisting the Commonwealth in protecting the Australian coastline. The Act will allow jurisdictions to extend their own legislation out to 200 nautical miles off-shore and enable cross-border law enforcement. Coupled with the *Applications of Laws Act*, jurisdictions may be in a position to contribute positively to the functions of Coastwatch.

## **7. Conclusion**

Western Australia has a particular interest in its security with valuable natural resources, infrastructure and important shipping lanes that are of critical value to the State and the nation as a whole. The State's North West is characterised by long stretches of sparsely populated coastline, well-covered approaches and isolated communities. The ease with which illegal vessels have breached Australian waters to reach the North West coast continues to highlight the vulnerability of, and threats to, Western Australia.

Breaching the border exposes the Western Australian community to serious threats such as those posed by drug traffickers and exotic disease. Drug traffickers introduce a lethal threat to the community. Illegal vessels could introduce serious exotic animal and plant diseases each time they avoid interception and reach Western Australian shores. An exotic outbreak could do irreparable damage to the natural environment, agriculture and fisheries and aquaculture industries.

These issues need to be considered carefully in terms of finding the right mix of priorities to ensure that the nation's security and sovereignty are adequately protected.