



Marine Group

Dr Margot Kerley
Secretary
Joint Committee of Public Accounts and Audit
Parliament House
CANBERRA ACT 2600

Dear Dr Kerley

INQUIRY INTO COASTWATCH

I refer to your letter of 13 April to Mr Bruce Leaver, Executive Director, Environment Australia concerning the Joint Committee of Public Accounts and Audit inquiry into Coastwatch.

Environment Australia would like to accept your invitation to provide a submission concerning Coastwatch and I have attached our comments for consideration by the Committee. If you have any inquiries regarding the content, please contact Warren Geeves on ph 02 6274 1453 or email warren.geeves@ea.gov.au .

Thank you for the opportunity to provide this submission.

Yours sincerely

Margaret Tailby
A/g Assistant Secretary
Coasts and Clean Seas Branch

31 May 2000

JCPAA Inquiry into Coastwatch: Environment Australia Submission

1. Overview

Environment Australia (EA) has enjoyed a long and productive relationship with Coastwatch. It has been consistently satisfied with the professionalism and helpfulness of Coastwatch's officers. Coastwatch has carried out taskings which have allowed EA to effectively manage its' marine protected areas and undertake monitoring programs.

New legislation to be administered by EA, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will come into force on 16 July 2000, and will greatly expand EA's role in the marine environment. Additionally EA is expanding its' marine protected area (MPA) program with three recent declarations and three more MPAs expected in the near future, bringing the total to thirteen. The Australian Customs Service (ACS) have recently located a vessel at Ashmore Reef which has as part of its responsibilities the day-to-day management of the Ashmore Reef National Nature Reserve.

Environment Australia therefore looks forward to increasing its involvement with Coastwatch and Customs to further develop management arrangements and improve the organisation's performance in management of marine protected areas and Commonwealth waters generally.

The following comments and information are offered against the terms of reference for the Inquiry.

2. Role and expectations (both public and government) of Coastwatch

EA has the following tasks which should be incorporated into the role of Coastwatch.

- patrolling of marine protected areas;
- compliance and enforcement;
- wildlife observations;
- transport and support of EA Officers;
- transport and support of research teams;
- general compliance with listed and migratory species;
- day-to-day management of Ashmore and Cartier Reefs.

EA's expectation is that these tasks will be performed effectively.

3. The relationship of Coastwatch, as a “service provider”, and its client agencies, as “service purchasers”

Coastwatch has been responsive to EA’s needs. As a client agency EA is invited to submit tasking requests on an ongoing basis. It has a fairly standard list of requests that varies only slightly from time to time. Tasking requests are made by sector and by platform (air/sea) for each month.

EA Marine Group (Marine Species Section) currently receives faxed reports of wildlife sightings on an ad hoc basis, which must then be entered into a database. It would be more helpful to EA (and presumably other client agencies) if Coastwatch could report back on a regular basis against client tasking requests, by sector and by platform (air/sea) for each month. Reports should ideally be in electronic format, with any data in generic format that can be easily uploaded to a range of software.

Information for clients should include such things as:

- whether the tasks requested were fully, partially or not at all completed;
- when tasks were undertaken;
- exact routes taken, including areas actually covered by the surveillance;
- any results;
- if tasks were not undertaken, why not;
- any other pertinent information.

4. Effectiveness of Coastwatch’s allocation of resources to its tasks

The current Planning Advisory Sub-Committee (PASC) processes are effective and efficient. The absence of some client agencies from this forum makes comparison of priorities between the tasks of the various agencies difficult.

The development of an effective system for prioritising tasks is very important. Currently priority can be given to various taskings at late notice, particularly for those from the Department of Immigration and Multicultural Affairs. This situation is satisfactory for EA’s lower priority taskings but is a significant concern for some of our higher priority taskings.

Major breaches of environmental legislation, incidents likely to involve a continuing impact on the environment and major research efforts need to be given the appropriate priority in the face of competing demands of other agencies.. For example, major research efforts are undertaken from time to time at various reserves. These efforts require considerable preplanning and coordination to design studies; acquire the correct equipment and arrange for personnel to locate at the correct port. Late retaskings can result in significant costs for no results, and can mean the loss of critical research. To be statistically valid some research programs, particularly those relating to population characteristics, need to be carried out in consecutive years. The loss of one years’ research can cause a long term project to become invalid.

The current regional priority for effort in Northern Australia coincides with EA’s highest priorities for compliance and enforcement effort. EA has recently acquired interests in the southern oceans and Antarctic and will be seeking some taskings in these regions.

EA is not aware of any criteria that may be used by Coastwatch in the allocation of resources and prioritisation of tasks where there are competing demands from client agencies. Knowledge of any such criteria, combined with regular reporting suggested above, would better enable client agencies to assess the effectiveness of Coastwatch's allocation of resources to its tasks.

5. New technologies which might improve the performance of Coastwatch

Environment Australia requires notification of issues requiring urgent attention by telephone or other appropriate methods.

Other reports are required on a periodic basis. Currently we receive a high volume of faxed reports which we don't have the capacity to analyse or enter into a database. The development of a Coastwatch database for recording this material and which can be used to summarise and process this data is highly desirable.

Other communication mediums such as e-mail and digital photography will assist in communications with EA on particular issues and incidents and support EA in determining appropriate advice and responses.

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

Current legislation

Under the *National Parks and Wildlife Conservation Act 1975*, the Marine Protected Areas (MPA) Section is represented on the interdepartmental committee entitled Operations and Program Advisory Committee (OPAC), which meets bi-monthly. MPA Section regularly meets with Customs, receives ongoing advice on Customs intelligence, and uses Customs vessels and aircraft for inspections and transport to and from remote MPAs. Customs coordinate much of the law enforcement effort and under new legislation and arrangements expect to play a bigger role in the enforcement of environmental legislation.

Under the *Environment Protection (Sea Dumping) Act 1981* and *Sea Installations Act 1987*, the Ocean Protection and International Section relies on Coastwatch reporting on the surveillance of remote offshore areas and the apprehension and reporting of illegal sea dumping/unauthorised or unsafe installations. The Australian Federal Police are currently *ex officio* Inspectors or can act in that capacity. Customs officers will be *ex officio* inspectors for the purposes of the Act under forthcoming amendments to the Sea Dumping Act.

Under the *Whale Protection Act 1980* and *National Parks and Wildlife Conservation Act 1975*, the Marine Species Section relies on the reporting of Coastwatch on detected illegal entry of whaling vessels and the interference with marine wildlife, as well as the detection of possible trade in marine wildlife, surveillance of general marine wildlife, and cetacean observation.

Under the *Wildlife Protection (Regulation of Exports and Imports Act) 1982*, EA relies on Coastwatch reporting on the detection of illegal wildlife trade.

Under the *Great Barrier Reef Marine Park Act 1975*, the *Great Barrier Reef Marine Park (Environmental Management Charge-Excise) Act 1993*, and the *Great Barrier Reef Marine Park (Environmental Management Charge-General) Act 1993*, Coastwatch provides vessels as platforms for Marine Park inspectors, aerial surveillance, operational support and intelligence, and gathers evidence for prosecutions within the GBRMP.

New legislation: EPBC Act

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) will enter into force on 16 July 2000 and will replace the following:

- *National Parks and Wildlife Conservation Act 1975*;
- *Endangered Species Protection Act 1992*;
- *Whale Protection Act 1980*;
- *World Heritage Properties Conservation Act 1983*;
- *Endangered Species Protection Act 1992*; and
- *Environment Protection (Impact of Proposals) Act 1975*.

Often offenders under environmental legislation are also guilty of offences under fisheries legislation. Fisheries legislation has a proven record for conviction of offenders and has been used in preference to environmental legislation for convictions. The EPBC Act is expected to be more effective than the current NP&WC Act for these matters.

Environment Australia will be seeking training and appointment of selected Customs officers as Wardens under the EPBC Act.

7. Whether an Australian Coastguard should be created to take over Coastwatch's functions

No comments offered.

8. Any other issues raised by Audit Report 38, 1999-2000 Coastwatch Australian Customs Service

No comments offered.

31 May 2000