

**JCPAA REPORT NO. 384:
REVIEW OF COASTWATCH**

RESPONSE BY GOVERNMENT

GOVERNMENT RESPONSE TO JCPAA REPORT NO. 384: REVIEW OF COASTWATCH

The Government welcomes the JCPAA inquiry in relation to the operations of the Coastwatch Division of the Australian Customs Service (Customs). The Committee's report provides a basis on which to heighten the awareness of the valuable work Coastwatch is undertaking.

This report builds on the significant improvements to Coastwatch operations already made by the Government in response to the 1999 Prime Minister's Coastal Surveillance Task Force. Taken together, the two reports form the basis for further fine-tuning of the civil maritime surveillance and response service already in place.

As announced in the pre-election period, the Government is committed to further strengthening Australia's civil maritime surveillance and response service. In particular, over the next four financial years, the Government intends to invest in technology that will support and direct Coastwatch operational activity, including for the latest digital and satellite technologies which will enhance Coastwatch's communications capabilities, and for an operational evaluation of new High Frequency Surface Wave Radar technology which, in part, should significantly increase the surveillance coverage of high threat approaches in the Torres Strait. Additional funding will be allocated to effectively double the current operational availability of the Customs Bay Class vessels, and to provide a further 1 600 hours of flight surveillance over the northern approaches to Australia.

These new initiatives, together with those already in place, will lay the foundation on which to address the current pressures and future demands on Coastwatch; and will further reinforce its role in protecting Australia's borders.

Recommendations of the Committee

Recommendation 1. Coastwatch should undertake a comprehensive campaign to inform the public of its role in protecting Australia's borders. The campaign should be focused on the effectiveness of Coastwatch and how Coastwatch contributes to the outcomes of its client agencies. (Paragraph 2.19)

Supported.

Coastwatch is developing a public information campaign concept that, when implemented, will address the concerns raised by the JCPAA

Recommendation 2. Customs should use public relations or media liaison officers to manage and promote media reporting of Coastwatch activities. (Paragraph 2.20)

Supported.

This recommendation is an extension of Recommendation 1. Customs' Corporate Communications will be responsible for implementing the Public Information campaign, when it is approved, and will manage and promote media reporting of Coastwatch activities.

Recommendation 3. The Government should provide Coastwatch with a charter outlining the Government's expectations. This information should be made publicly available. (Paragraph 2.40)

Supported.

Although the Government's expectations of Coastwatch are clear and widely understood within official circles, and within those elements of the community that have followed the evolution of the civil maritime surveillance and response program in recent years, the provision of a publicly available Charter articulating these expectations would be beneficial.

The Charter will be made publicly available on the Internet, and will become a key message for dissemination as part of the proposed Coastwatch Public Information campaign.

Recommendation 4. The practice of seconding a uniformed Australian Defence Force officer to the position of Director General Coastwatch be retained. (Paragraph 4.37)

Supported.

Coastwatch has benefited from the secondment of a serving Australian Defence Force (ADF) officer to the role of Director-General Coastwatch. The second senior military incumbent is now in place. The Chief of the Defence Force has also agreed to maintain the three other existing Defence-filled positions within Coastwatch and to provide a fourth ADF member to assist Coastwatch in maximising the opportunities available to Coastwatch as a result of increased access to a range of intelligence systems.

Coastwatch and Defence are negotiating a Memorandum of Understanding (MOU), which will consolidate in one document the various components of Defence involvement in Coastwatch coordinated activities. This MOU will address all Defence contributions, including personnel, intelligence, assignment of forces (Fremantle Class Patrol Boats and P3C Orions), and responsibilities for certain actions associated with matters of mutual interest, such as Unidentified Aircraft Movements (UAMs) and training.

Recommendation 5. Coastwatch should be able to access in a timely manner, vessel monitoring system data, therefore:

- **Commonwealth legislation enabling the automatic monitoring of vessels should be amended to ensure the information passes on to Coastwatch; and**
- **The Commonwealth Government should enter into negotiations with State Governments with a view to enabling Coastwatch to have access to vessel monitoring system data. (Paragraph 4.76)**

Supported.

Access to Vessel Monitoring Systems (VMS) data would further enhance Coastwatch operations. Coastwatch has been involved in negotiations with the Australian Fisheries Management Authority (AFMA) with the aim of securing access to VMS data collected by that agency. Commonwealth legislation, requiring or authorising, by or under law, the use of this information by Coastwatch with appropriate safeguards, for the purpose of maintaining border integrity, will achieve the necessary clarity to make the information available.

Legislation to give effect to the vessel monitoring measure was passed in the Winter 2002 Sitzings of Parliament.

The Government agrees that there would be benefit in arrangements to enable Coastwatch to have access to VMS data provided to States and Territories, and will initiate discussions with relevant State Governments.

Recommendation 6. Based on Coastwatch's review of surveillance requirements in the Torres Strait, the Government should consider providing additional resources to increase surveillance coverage of the Torres Strait. (Paragraph 6.62)

Supported.

Additional resources for increased surveillance in the Torres Strait were provided following the recommendations of the Prime Minister's Coastal Surveillance Task Force (PMTF). These resources provide support to all agencies that have a requirement for surveillance in the Torres Strait area.

The operational evaluation of the new High Frequency Surface Wave radar will, in part, further support operational outcomes in the Torres Strait.

Recommendation 7.

Defence, Coastwatch, and Customs with advice from the Australian Fisheries Management Authority should review options for increasing Australia's ability to respond to illegal fishing in northern waters. If warranted, the Government should consider increasing Australia's response capability in northern waters. (Paragraph 6.79)

Supported.

The response capabilities in northern waters have been increased with three of the Customs 'Bay Class' vessels currently operating out of Darwin. Customs is proceeding to take action to enable the Bay Class vessel fleet to be double crewed, increasing their annual operational availability from the current 150 sea days per vessel to 300.

To further enhance response capability in the north, Defence is moving four Fremantle Class Patrol Boats from southern Australia to Darwin.

Coastwatch will continue to monitor and review the response requirements in conjunction with AFMA, with a view to informing management of emergent response capability requirements.

Recommendation 8. Defence should investigate, with subsequent advice to the Government, the cost of acquiring and outfitting a vessel to patrol the Southern Ocean and other remote areas, and the feasibility of mounting joint patrols of the Southern Ocean with other countries with an interest in the region. (Paragraph 6.124)

Supported.

Work is currently being undertaken by Defence and other relevant agencies, to assess the threat and risk to Southern Ocean fisheries and identify the infrastructure necessary to establish response options. As part of that process, and in the context of the Heard and

McDonald Islands Operational Group (HIMI OG), the various response options, including the requirements for a vessel to patrol the Southern Ocean and other remote areas will be produced. This requirement will be the basis on which Defence and other relevant agencies will determine the size, type and characteristics of the required vessel, and therefore its cost.

As individual countries are responsible for patrolling and enforcing the law within their own exclusive economic zones, there are limitations on achieving truly 'joint' patrols of the Southern Ocean. In particular, the apprehension of illegal vessels can only be undertaken legally by the authorities of the particular country infringed. Notwithstanding these limitations, there are a range of joint activities that can be progressed with other countries with an interest in the region.

Cooperative efforts, such as the exchange of intelligence and surveillance information with other countries with interests in the Southern Ocean regions, have the potential to significantly enhance efforts in this area. For example, Australia has already contributed to the successful prosecution by the flag state, for breaches of international fisheries, of a vessel detected in the Southern Ocean. In September 2000, a UK registered vessel was reported for illegal fishing in the Heard Island and McDonald Island (HIMI) area by an Australian fishing vessel. The UK authorities prosecuted the vessel in accordance with the Convention for Conservation of Antarctic Marine Living Resources.

An additional instance of a successful joint operational approach occurred in April 2001, when the Togo-flagged *South Tomi* was successfully apprehended after fishing illegally in the HIMI area. This carefully planned operation involved AFMA and the ADF, acting with the assistance of a third party, in this case, South Africa. The AFMA charter vessel, *Southern Supporter*, with the assistance of the South African Navy, stopped the *South Tomi* about 250 nautical miles off Cape Town. Subsequently ADF personnel, embarked in South African Navy vessels, boarded the *South Tomi* and escorted it back to Fremantle.

Recommendation 9. Defence and Coastwatch should continue to analyse the potential threats posed by unauthorised aircraft movements and develop response strategies. Once JORN is fully operational there should be an assessment of the frequency of unauthorised aircraft movements in the Torres Strait and Cape York. (Paragraph 6.155)

Supported.

As part of their on-going cooperative arrangements, Defence, Coastwatch and Customs have procedures in place for the exchange and analysis of information in relation to potential unauthorised aircraft movements. JORN, when fully operational, will be an integral component of these arrangements.

In addition, a UAM event will continue to be an important element of the annual ADF exercise in Northern Australia that tests the coordination of civil and military activities; and national and State/Territory policy.

Procedures for mounting a response to suspect UAMs have been promulgated and will be further tested and refined during these combined civil/military exercises

Recommendation 10. Defence and Coastwatch should develop contingency plans for the siting of sensors in the Torres Strait and Cape York to meet any identified unauthorised aircraft movement threat. (Paragraph 6.157)

Supported.

Defence is responsible for the provision of airspace surveillance and aircraft control operations and is capable, to some extent, of providing airspace surveillance operations within the Torres Strait and Cape York areas. This capability will improve with the introduction of new microwave radars and JORN over the next two years, and with new project work to improve the Mobile Sector Operations Centre capability. Tasking for additional surveillance activity will be actioned through existing links between Coastwatch and Defence, as will contingency plans for the siting of sensors.

Defence has identified a number of microwave radar sites in the Cape York area and is working with Coastwatch to identify suitable sites for the operational evaluation of High Frequency Surface Wave Radar. Provision of surveillance data between Defence and Coastwatch can be extended to include surveillance of Torres Strait and Cape York when appropriate sensors, including JORN, are able to provide coverage in that area.

Recommendation 11. Customs should promote the use of the Customs Watch free telephone line in remote areas for reporting suspicious aircraft movements and other activities. (Paragraph 6.158)

Supported.

Use of the *Customs Watch* free telephone line continues to be promoted nationally, including its use for reporting suspicious aircraft movements. The recent transfer of the call centre from Canberra to the Customs National Monitoring Centre in Melbourne has strengthened the benefits of the free phone system.

Recommendation 12. Customs, in consultation with other agencies, should create links and agreed protocols with law enforcement agencies of Australia's northern neighbours to enable the timely investigation of suspicious aircraft leaving Australian airspace. (Paragraph 6.160)

Supported.

Mutual cooperation and assistance Memoranda of Understanding between Australian Customs and counterpart Customs agencies in New Zealand, Papua New Guinea and Indonesia are being reviewed to determine whether their provisions are sufficient to cover the timely investigation of suspicious aircraft leaving Australian airspace.

Australian Customs also sponsors the Customs Asia Pacific Enforcement Reporting System (CAPERS). CAPERS is being trialed in the Pacific with 17 countries, including the US and Canada. As the system matures, Customs will look to extending the application to other regional nations, including Papua New Guinea and Indonesia.

When fully developed, CAPERS will provide the basis for more timely exchange of information in relation to border infringements, including information relating to suspicious aircraft movements.

Recommendation 13. Customs, with advice from other agencies, should prepare a contingency plan for recommending to Government that the use of transponders on non-commercial aircraft be mandatory in areas where there is a demonstrated problem due to unauthorised air movements. (Paragraph 6.162)

Supported in principle.

Customs will consult with the Department of Transport and Regional Services, and with civil aviation authorities, to develop joint recommendations on the feasibility of the use of transponders on non-commercial aircraft.

Recommendation 14. Customs should review existing border legislation to determine whether it adequately allows Customs jurisdiction over UAMs entering and leaving Australia and the ability for Defence personnel, acting on Customs' behalf, to respond to UAM flights. The legislation should be amended if required. (Paragraph 6.173)

Supported.

Section 184D of the Customs Act allows for identifying an aircraft and requesting it to land for boarding, including penalties for non-compliance. The Act allows these powers to be applied by the commander of a Commonwealth aircraft, so that Defence may act on Customs' behalf. Section 185 of the Customs Act allows for the boarding, search, detention and movement of aircraft. Customs will continue to work with Defence in relation to contingency planning for the identification, interception and, as appropriate, prosecution of those involved with UAMs entering or leaving Australia.