



THE AUSTRALIAN ASSOCIATION FOR MARITIME AFFAIRS Incorporated
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24 July 2006

Committee Secretary
Attention: Dr Jacqueline Dewar
Senate Environment, Communications,
Information Technology and the Arts Committee
Department of the Senate
Parliament House
Canberra ACT 2600

Dear Sir,

**Inquiry into Australia's national parks,
conservation reserves and marine protected areas (MPAs)**

AAMA Supplementary Submission and Evidence presented on 16 June 2006

In our supplementary submission to this Inquiry we drew the Committee's attention to the need to address the problem of surveillance, enforcement and response to MPAs located south of the tropic of Capricorn (last paragraph, page 2) recognising that the pressure from numerous FFVs in our northern waters was the principal focus for surveillance and enforcement at this time.

In response to a question from Senator Wortley as to how this task might be met in respect of areas south of the tropic of Capricorn it was suggested that the Joint Offshore Protection Command (JOPC) should be tasked to address this issue.

Since the hearing we have given further consideration to this important national task since it is recognized in many quarters that the challenge of oceans governance in its widest sense is assuming greater importance both nationally and internationally.

Therefore, to assist the Committee in reaching a conclusion in respect of this important matter the following points are made:

- a. a. Marine Protected Areas and fishery management in 200nmz needs UNCLOS-compliant management which in turn requires a comprehensive and responsive system of surveillance, monitoring and enforcement capacity to support the assertion of claim.
- b. b. Arguably, current arrangements are inadequate to assert sovereignty or management of claims in the Australian Exclusive Economic Zone

(AEEZ) and thus there is a need to strengthen the JOPC to provide capacity offshore and south of the tropic of Capricorn for this task.

- c. c. The JOPC should be developed also to provide data collection capability for monitoring offshore resources as required under UNLCOS obligations. This might be done by modifying offshore patrol vessels to accommodate a marine science module with a data stream capability and capable of deploying remote observation vehicles (ROVS) for data collection such as sea bed and seamount scanning and water column sampling.
- d. d. It is important to address the strategic need and opportunity to strengthen links with neighbouring countries in developing capacity to manage, and conduct surveillance and enforcement operations within the 200nm EEZ, MPAs and fisheries and beyond in the high seas .
- e. e. It is important to address the need to apply best available technology to monitor positions of vessels in EEZ, for purposes of national security, MPA management and fisheries regulation: similar information is also required to meet Australia's international obligations under the Safety of Life at Sea (SOLAS) Convention.
- f. f. The capabilities provided by States and Territories for surveillance and enforcement arrangements within the three nautical mile (Offshore Constitutional Settlement) boundary and in respect to vessels proceeding beyond 3nm are variable and fuzzy. It is arguable that states have inadequate capacity for nearshore maritime enforcement of MPAs involving, inter alia, recreational boating and fisheries. Also it appears that offshore drops and retrievals of illegal drugs and firearms caches are often done within three miles of the coast. This suggests that there should be a serious review of existing arrangements and resources provided under the Offshore Constitutional Settlement.
- g. g. The storm-riven seas south of the tropic Capricorn, especially areas like the Great Australian Bight, Bass Strait, and the Great Southern Ocean, demands that vessels operating in these areas have particular sea-keeping qualities enabling them to survive and operate in these dangerous waters and provide a presence in NMPs.

These are complex issues involving both international and national law leading to a national obligation involving, at the Federal Level, 10 Departments of State and government institutions – Prime Minister & Cabinet; Foreign Affairs and Trade; Transport and Regional Services; Attorney General (Customs); Immigration; Defence (Navy, Air Force, DSTO, etc.); Industry, Tourism and Resources; Environment and Heritage; Agriculture, Fisheries and Forestry; Education, Science and Training.

All these Departments of State have a primary interest in achieving a co-ordinated national approach to oceans governance including the effective management of National Marine Parks. Furthermore, there is a pressing need for this issue to be addressed now as a whole of government task. One of the outcomes of this inquiry should be a recommendation as to how this is best done. Moreover there is, to our

knowledge, no Western government which has produced a system of management which addresses all the issues set out above in a comprehensive manner. If Australia can get this right it could prove to be a template for other nations and one which could be used by our important Pacific, Indian Ocean and SE Asian neighbours.

Logically the first step will be to define the task and secondly identify the resources needed to meet the task in terms of surveillance, law enforcement, science and audit.

The magnitude of the task as we see it is beyond the capacity of the JOPC which is essentially an operational command involved with the day-to-day and medium-term planning of offshore operations primarily directed towards surveillance, law enforcement and sovereignty assertion.

It is the view of this Association that the issue should be addressed by a separate Task Force set up along the lines of the McKinnon Inquiry in 1989. Such an inquiry would be able to draw on expertise in both government and the private sector. If such an approach were taken by government, our Association is well placed and would be keen to run a two-day conference to support the inquiry.

Yours sincerely,

H.J.P. Adams AM
Board Chairman