

**Response by the Government of Australia to MSC-FAL.1/Circ.2 of 22 September 2011: Questionnaire on information on Port and Coastal State requirements related to Privately Contracted Armed Security Personnel on Board Ships**

**1 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals when carrying firearms and/or security-related equipment and/or PCASP.**

*1.1 Do you require specific notification from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?*

Yes. A range of Australian Government agencies require information prior to, and at, entry and departure, including the Australian Customs and Border Protection Service, the Department of Immigration and Citizenship, and the Australian Maritime Safety Authority, amongst others. Ships are also subject to requirements under applicable international conventions to which Australia is a signatory. Information required by these agencies may include details on arrival and departure of all personnel, crew, firearms, weapons and other security-related equipment.

*1.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?*

Yes, information regarding authorisation may be required under certain circumstances. For example, if export permission of firearms is required, information on the flag state must be provided as part of the address details of the consignor in its application to the Defence Export Control Office.

*1.3 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?*

Yes, notification may form part of the information required by Australian Government agencies. For example, the Australian Customs and Border Protection Service may require specific details of firearms, ammunition and related equipment, as well as justification for carriage.

*1.4 Do you require specific notification regarding security-related equipment for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?*

Yes, notification may form part of the information required by Australian Government agencies. For example, the Australian Customs and Border Protection Service may require specific details of firearms, ammunition and related equipment, as well as justification for carriage.

*1.5 Do you require specific notification regarding PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?*

Notification may form part of the information required by Australian Government agencies. For example, PCASP are required to hold an appropriate visa (for example, a maritime crew visa, transit visa, visitor visa, business (short stay) visa, or temporary business (long stay) visa), and meet all the entry, departure and notification conditions attached to that visa.

*1.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or of PCASP when transiting through your territorial seas and/or contiguous zones before arrival in or after departure from your ports, anchorages, roadstead or offshore terminals?*

Obligations (for example, for notification, authorisation or storage) may be imposed by a number of Australian Government agencies, including the Australian Customs and Border Protection Service and the Defence Export Control Office. Notification is often required in advance, and should be provided directly to the relevant agency.

## **2 Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals for the purpose of embarking or disembarking firearms and/or security-related equipment and/or PCASP.**

*2.1 Do you allow the embarkation or disembarkation of firearms and/or the security-related equipment for use by the PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in your territorial sea(s)?*

It is a criminal offence for a person to have a weapon in their possession in a maritime security zone without authorisation or written permission by relevant Australian Government agencies.

The embarkation/disembarkation of firearms and/or security related equipment is treated as the importation/exportation of goods, and is subject to all applicable Australian laws (including State and Territory laws) in this regard. Further information can be obtained from the Australian Customs and Border Protection Service, the Defence Export Control Office, and other relevant agencies as required.

*2.2 Do you require information regarding flag State authorization for use of PCASP and/or the firearms and/or the security-related equipment for use by the PCASP from ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or of PCASP?*

Yes. A range of Australian Government agencies require information prior to, and at, entry and departure at Australian ports. Information regarding authorisation may be required under certain circumstances. The embarkation/disembarkation of firearms and/or security related equipment is treated as the importation/exportation of goods, and is subject

to all applicable Australian laws (including State and Territory laws) in this regard. Further information can be obtained from the Australian Customs and Border Protection Service, the Defence Export Control Office and other relevant agencies as required.

*2.3 What requirements, if any, do you have in place in connection with the import or arrival in and/or export or departure from your territory of firearms and/or security-related equipment for use by PCASP?*

The importation/exportation of firearms and/or security-related equipment to and from Australia is governed by a number of Australian laws, including the Customs (Prohibited Imports) Regulations 1956. Australian State or Territory laws may also be applicable. Applications for import/export are often required in advance, and can be made directly to the relevant department.

*2.4 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment for use by the PCASP prior to their embarkation or after their disembarkation?*

Storage and control of firearms and security-related equipment is subject to a range of security and safety regulations. Possession and storage requirements are potentially subject to both Commonwealth and State and Territory legislation. Advice should be sought directly from the relevant Commonwealth and State and Territory agencies, including the Australian Customs and Border Protection Service.

*2.5 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment carried on board for use by the PCASP after their embarkation or prior to their disembarkation, when the ship is in your port, anchorage, roadstead or territorial waters?*

Storage and control of firearms and security-related equipment is subject to a range of security and safety regulations. Possession and storage requirements are potentially subject to both Commonwealth and State and Territory legislation. Advice should be sought directly from the relevant Commonwealth and State and Territory agencies, including the Australian Customs and Border Protection Service.

*2.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or of PCASP (which they have embarked your anchorages, roadstead or offshore terminals) when transiting through your territorial seas and/or contiguous zones after departure from your ports, anchorages, roadstead or offshore terminals?*

A range of security and safety regulations may apply. For example, vessels departing from ports and remaining in Australian territorial waters may be subject to ongoing Commonwealth and State and Territory requirements in relation to the storage, security or licensing of firearms and/or security-related equipment.

### **3 Reporting of security-related incidents in territorial seas.**

#### *3.1 What do you consider to constitute a security incident in your territorial sea(s)?*

Security incidents within Australia's territorial seas are both defined by, and subject to, Commonwealth, and State and Territory legislation. The principal Commonwealth offshore enforcement provisions are contained in the:

- *Customs Act 1901*;
- *Migration Act 1958*;
- *Quarantine Act 1908*;
- *Fisheries Management Act 1991*;
- *Environmental Protection and Biodiversity Conservation Act 1999*;
- *Maritime Transport and Offshore Facilities Security Act 2003*;
- *Defence Act 1903* (Offshore Division – Part 111AAA);
- *Crimes Act 1914*; and
- *Crimes (Ships and Fixed Platforms) Act 1992*.

A number of other Acts also deal with enforcement, management and regulation of activities within Australia's maritime domain. Various, and sometimes differing, State and Territory laws also apply within to the territorial seas and would need to be considered in defining a security incident.

#### *3.2 Do you require information regarding security-related incidents occurring in your territorial sea(s)?*

Yes. A number of Commonwealth, State and Territory laws and regulations, including the *Maritime Transport and Offshore Facilities Security Act 2003*, require the reporting of security-related incidents.