

13. Security

13.1 General

[The Department of Infrastructure, Transport, Regional Development and Communication](#) is responsible for administering maritime safety legislation for the Australian Government. Australia's primary framework for maritime safety is established under the Navigation Act 2012 (Navigation Act) and the Marine Safety Domestic Commercial Vessel National Law Act 2012 (National Law Act).

The Navigation Act 2012 establishes Australia's regulatory framework for international ship and seafarer safety, shipping aspects of protecting the marine environment, and the actions of seafarers in Australian waters. The Navigation Act also gives effect to international conventions and treaties developed by the International Maritime Organization, the International Labour Organization and United Nations Conferences to which Australia is a signatory.

The Australian Government regulates the security of the Australian maritime transport through the [Maritime Transport and Offshore Facilities Security Act 2003](#) (MTOFSA) and the [Maritime Transport and Offshore Facilities Security Regulations 2003](#). This legislation was introduced to meet obligations in response to Chapter XI-2 of the International Convention for the Safety of Life at Sea 1974 (SOLAS) and the International Ship and Port Facility Security Code 2003 (ISPS).

The MTOFSA sets out a regulatory framework which centres on maritime industry participants assessing their operations for security risks and preparing a security plan which sets out measures to counter these identified risks. Under this framework, security regulated ships, port operators, port facility operators, offshore facilities and offshore service providers are regulated.

The department is responsible for administering the Act and regulations, while maritime industry participants are responsible for delivering security on a day-to-day basis.

Far North Queensland Ports Corporation Limited has an approved Maritime Security Plan as required under the Maritime Transport and Offshore Facilities Security Act 2003.

A ship's master, prior to entering the port, must report directly to NQBPC or via their respective ship agency the following:

- ISPS compliance number
- current ship security level or any change to the ship security level whilst in port
- ship security officer contact details

- list of expected visitors/contractors
- nominated providedore
- crew list and identification
- any security incident (as defined under the ISPS Code or Maritime Transport Security Legislation) whilst in port.

13.1.1 Security levels

The federal government determined, and will declare when necessary, three maritime security levels (MarSec levels).

- MARSEC Level 1 – minimum appropriate protective security measures will be maintained at all times.
- MARSEC Level 2 – appropriate additional protective security measures will be enacted because of heightened risk of a security incident.
- MARSEC Level 3 – further specific protective security measures maintained for limited times when a security incident is probable or imminent, although it may not be possible to identify the specific target.

Unless otherwise advised the port will operate on MARSEC Level 1.

In addition to normal security measures undertaken, additional security measures on the land and water may be implemented:

- if directed by officers of DITRDC
- the current ship security level is higher than security level 1 or the port/port facility security level.

Responsibility for the implementation of the additional security measures will be agreed via a declaration of security between the ship and the port authority or the port facility operator. If between the ship and the port facility operator, the port security officer must be consulted and agree with the security measures proposed to be implemented.

13.1.2 Maritime Security Zones

Dependent upon the security level in force, these zones will apply in particular areas of the port.

Zones which will typically apply are:

- Landside restricted zone – an area of land, to which access is controlled, within the boundaries of a port facility or of land under the control of a port service provider.
- Waterside restricted zone – an area of water within the port where a ship may berth, anchor or moor, and access to the area is controlled. It extends below the water level to the seabed and under any wharf adjacent to the zone.

Zones established at maritime security Level 1 are as follows:

- Waterside restricted zone – 30m from any wharf or the outside face of a security regulated ship.
- Landside restricted zones – areas defined by security fences and signage on all berths.

All zones will be clearly identified and conditions must be observed by all port users.

Access to the zones is controlled and entry into the zones is not permitted unless authorised by the ship and/or port authority, as required. To do so is an offence under the *Maritime Transport and Offshore Facilities Security Act 2003* (the MTOFSA) and subject to significant penalties

13.1.3 Security measures – Cape Flattery

Security of individual vessels or property is the responsibility of the vessel owner. When landside security zones are in operation these zones will be secured in accordance with the Cape Flattery Maritime Security Plan.

Security measures – Cooktown

Security of individual vessels or property is the responsibility of the vessel owner. When landside security zones are in operation these zones will be secured in accordance with the Cooktown Maritime Security Plan.

Security Measures – Port Douglas

Security of individual vessels or property is the responsibility of the vessel owner. When landside security zones are in operation these zones will be secured in accordance with the Cairns Maritime Security Plan.

13.1.4 Port security contacts – Cape Flattery

Far North Queensland Ports Corporation Limited (24 hours) – +61 7 4052 3815

Cape Flattery Mines Security Officer – 0418 743 668

Cape Flattery Mines Emergency Contact – 0418 743 668 or 0428 974 100

13.1.5 Reporting of incidents

All port users are expected to exercise a high level of security awareness. Any threat of, or actual, unlawful interference with maritime transport must be reported as specified in part 9 of the MTOFSA to the port authority and other parties as appropriate.

13.1.6 Refuse ship entry – no International Ship Security Certificate

The port authority reserves the right to refuse entry to the port, any vessel that is unable to provide to the port security officer, a current International Ship Security Certificate.

13.1.7 Shore access to ships and port facilities – Cooktown

It is an offence to enter or leave the port area by any means other than a designated entrance or exit. All security breaches, or potential activities that may breach security or cause harm, should be immediately reported to the port authority duty officer on:

Direct line: +61 7 4051 2558

Mobile: 0419 657 350.

13.1.8 Port security contacts – Cooktown

Seaport operations officer

Phone: +61 7 4051 2558 or 0419 657 350 (24 hours)

13.2 National security

In line with the federal government's recent publications to do with the reporting of any possible terrorist activity then these procedures are to be followed.

Contact the National Security 24 hour hotline if you have any information of possible terrorist activity or have seen or heard something suspicious that may need investigating by the security agencies.

24-hour National Security hotline: 1800 123 400

Email: hotline@nationalsecurity.gov.au

Suspicious activities reporting: <https://www.homeaffairs.gov.au/about-us/what-we-do/borderwatch/overview>