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Potential Maritime Security Risks:
Regulations, Concerns and practicalities

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a. Context

- Port of Melbourne – Australia's busiest container port
- Expected $5 billion to $6billion LT lease
- 2013, Port Botany: $4.31 b
- 2010, Port of Brisbane 99 years in 2010: $2.3 b
- 2015, public dividend $43.7 m
- $1.6b expansion Webb Dock 2020-2030

b. Port of Melbourne

- Port of Melbourne Corporation (PoMC) 1 July 2003
- Port Services Act 1995 (Vic) are to:
- manage and develop the port in an economically, socially and environmentally sustainable manner;
- ensure essential port services are available and cost effective;
- ensure effective integration of the port with other systems of infrastructure in the state;
- facilitate sustainable trade growth;
- manage the channels in the port for use on a fair and equitable basis

c. **Victorian Ports Strategic Framework**

- Framework Direction1: Building on existing capabilities and competitive strengths;

- Framework Direction2: Anticipating and planning for future land, access and infrastructure needs

- Framework Direction 3: Providing the right regulatory and institutional settings for a sustainable port system

c. Strategic Framework

- Russell Report: The next wave of Port Reform in Victoria 2001 (Victorian Government)
- Port Services Art 1995(Vic)
- 2004 Victorian Ports Strategic Framework (Victorian Government)
- Growing Victoria Together (Victorian Government);
- Port of Melbourne Land Use Plan 2002(PoMC);
- PoMC Corporate Plan (PoMC);
- Melbourne 2030 (Victorian Government);
- Linking Victoria (Victorian Government);
- Victorian Coastal Strategy (Victorian Government);
- The Cruise Ship Strategy – Destination Victoria 2002-05 (Victorian Government);
- AusLink White Paper 2004 (Commonwealth Government);
- Draft Victorian Freight and Logistics Strategy (Victorian Government);
- Meeting our Transport Challenges (Victorian Government)

d. Port Security

- New public management (Charih and Rouillard, 1997)
- Information technology
- Transparency of Government operation
- Organisational framework including industry, human resources, financial sector, market, technology, economic-cultural-social and international factors (Daft, 1998)

e. Port Security Measures

- Port Operators
- Maritime Transport and Offshore Facilities Security Act 2003 (MTOFSA) :
- scheduling;
- general security;
- arranging and holding port-wide security committee meetings;
- berthage;
- anchorage; and
- Wharfage.

e. Port Security Measures

- **Port Security Zones**

- **Proposing the establishment of a security zone**

Encouraging Industry Operators to consider risk

f. **Maritime—security guards**

- August 2015, the Maritime Security Guard (MSG) under the Maritime Transport and Offshore Facilities Security Act 2003 (MTOFSA)

- Maritime Transport and Offshore Facilities Security Regulations 2003 (MTOFSR): minimum competence.

f. **Maritime—security guards**

- Request people to produce identification and state reasons for being in maritime security   zones;
- Restrain and detain people;
- Remove unauthorised people from maritime security zones if they do not leave when requested to do so; and
- Remove unauthorised vehicles and vessels from maritime security zones if a guard is unable to have the vehicles or vessels removed by persons in control of them.

f. **Maritime—security guards**

The person:

- must hold at least a Certificate II in Security Operations that is in force; or

- must hold a certificate or qualification that is in force and that is equivalent to at least Certificate II in Security Operations (for example, a Certificate II in Security (Guarding); or

- must have undergone training and acquired experience while working as a security guard that is sufficient to satisfy the requirements for obtaining a security guard license in the state or territory where the person intends to work as a maritime security guard (the relevant state or territory);

- the person must hold a licence to work as a security guard, being a licence that was issued or recognised by the relevant State or Territory and that is in force;

- the person must have a working knowledge of the MTOFSA and MTOFSR. Including knowledge about how to restrain and detain persons in accordance with section 163 of the MTOFSA.

f. **Maritime—security guards**

- Compliance

MSGs perform a range of roles, including but not limited to:

- Access control;
- Controlling embarkation of people, baggage and cargo;
- Monitoring of restricted areas (including Maritime Security Zones (MSZs));
- Provision of security services including patrols;
- Supervision of cargo and ship stores;
- Screening passengers, baggage and cargo;
- Checking of documentation (including identity documents); and
- Monitoring of closed circuit television

f. **Maritime—security guards**

- MSGs have powers to:

- Request that people produce identification and state reasons for being in an MSZ;

- Restrain and detain people;

- Request that a person leave an MSZ, if the MSG reasonably suspects they are in the MSZ without authorisation;

- Remove unauthorised people from an MSZ if they do not leave when requested to do so; and

- Remove unauthorised vehicles and vessels from an MSZ if the guard is unable to have the vehicles or vessels removed by persons in control of them.

- Limitations on maritime security powers

- Power to detain reasonable suspect – must not use more force than that is necessary and reasonable

f. **Maritime—security guards**

- powers by MSGs

- be in line with the standard operating procedures (SOPs) as specified by the port facility / port operator authority

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- Thank you

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