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# Maritime Transport Security Regulations 2003

Statutory Rules 2003 No. 41

366

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Maritime Transport Security Act 2003*.

Dated 18 DEC 2003 2003

PM Jeffery  
Governor-General

By His Excellency's Command

JOHN ANDERSON  
Minister for Transport and Regional Services

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## Contents

|                     |   |    |
|---------------------|---|----|
| <b>Part 1</b>       | <b>Preliminary</b>                                      |    |
| 1.01                | Name of Regulations                                     | 8  |
| 1.02                | Commencement  | 8  |
| 1.03                | Definitions   | 8  |
| 1.04                | Purposes of these Regulations                           | 10 |
| 1.05                | Port service providers                                  | 11 |
| 1.10                | Company security officers                               | 11 |
| 1.15                | Ship security officers                                  | 12 |
| 1.20                | Port security officers                                  | 13 |
| 1.25                | Port facility security officers                         | 15 |
| 1.30                | Port service provider security officers                 | 16 |
| 1.35                | Delegation by security officers                         | 17 |
| 1.40                | Shore-based personnel and crew                          | 17 |
| 1.45                | Declarations of security                                | 18 |
| 1.50                | Security plan audits and reviews                        | 18 |
| 1.55                | Ship security records                                   | 19 |
| 1.60                | Prohibited items  | 20 |
| 1.65                | Weapon  | 20 |
| 1.70                | Water-side restricted zone                              | 21 |
| <b>Part 2</b>       | <b>Maritime security levels and security directions</b> |    |
| <b>Division 2.1</b> | <b>Preliminary</b>                                      |    |
| <b>Division 2.2</b> | <b>Maritime security levels</b>                         |    |
| <b>Division 2.3</b> | <b>Security directions</b>                              |    |
| 2.30                | Requirement for consultation                            | 22 |
| 2.35                | Communicating security directions                       | 22 |
| <b>Part 3</b>       | <b>Maritime security plans</b>                          |    |
| <b>Division 3.1</b> | <b>Preliminary</b>                                      |    |
| 3.05                | Common requirements for security assessments            | 24 |

|  | Page |
|--|------|
| 3.10 Common requirements for security plan audits and reviews  | 24   |
| 3.15 Port operator to give information                         | 25   |
| 3.20 Port facility operator to give information                | 25   |
| 3.25 Port service provider to give information                 | 26   |
| <b>Division 3.2 Port operators</b>                             |      |
| <b>Subdivision 3.2.1 Matters to be dealt with in the plan</b>  |      |
| 3.30 General   | 26   |
| 3.35 Port operator details                                     | 27   |
| 3.40 Security assessments                                      | 27   |
| 3.45 Port security officer qualifications and responsibilities | 28   |
| 3.50 Other personnel with security role                        | 28   |
| 3.55 Matters that must be in plan                              | 28   |
| 3.60 Consultation and communication                            | 29   |
| 3.65 Maritime security level 1                                 | 30   |
| 3.70 Maritime security levels 2 and 3                          | 30   |
| 3.75 Declarations of security                                  | 30   |
| 3.80 Water-side restricted zones                               | 30   |
| 3.85 Ship security zones                                       | 31   |
| <b>Subdivision 3.2.2 Form of plan</b>                          |      |
| 3.90 Map of port   | 31   |
| 3.95 Protection of plan  | 32   |
| <b>Division 3.3 Port facility operators</b>                    |      |
| <b>Subdivision 3.3.1 Matters to be dealt with in plan</b>      |      |
| 3.100 Port facility operator details                           | 32   |
| 3.105 Details of other maritime industry participants          | 32   |
| 3.110 Security assessments                                     | 33   |
| 3.115 PFSO qualifications and responsibilities                 | 33   |
| 3.120 Other personnel with security role                       | 34   |
| 3.125 Matters that must be in plan                             | 34   |
| 3.130 Consultation   | 35   |
| 3.135 Maritime security level 1                                | 36   |
| 3.140 Maritime security levels 2 and 3                         | 36   |
| 3.145 Declarations of security                                 | 36   |
| 3.150 Land-side restricted zones                               | 37   |
| 3.155 Cleared zones  | 37   |
| 3.160 Passenger ships  | 38   |

|                          |   | Page |
|--------------------------|---|------|
| <b>Subdivision 3.3.2</b> | <b>Form of plan</b>   |      |
| 3.165                    | Map of port facility  | 38   |
| 3.170                    | Protection of plan  | 38   |
| <b>Division 3.4</b>      | <b>Port service providers</b>   |      |
| <b>Subdivision 3.4.1</b> | <b>Preliminary</b>  |      |
| 3.175                    | Participants required to have maritime security plans                       | 39   |
| 3.180                    | Certain port service providers not required to have maritime security plans | 39   |
| <b>Subdivision 3.4.2</b> | <b>Matters to be dealt with in plan</b>                                     |      |
| 3.185                    | Port service provider details   | 40   |
| 3.190                    | Details of other maritime industry participants                             | 40   |
| 3.195                    | Security assessments  | 40   |
| 3.200                    | PSPSO qualifications and responsibilities                                   | 41   |
| 3.205                    | Other personnel with security role  | 41   |
| 3.210                    | Matters that must be in plan  | 42   |
| 3.215                    | Consultation  | 43   |
| 3.220                    | Maritime security level 1   | 43   |
| 3.225                    | Maritime security levels 2 and 3  | 43   |
| 3.230                    | Declarations of security  | 44   |
| 3.235                    | Port security zones   | 44   |
| <b>Subdivision 3.4.3</b> | <b>Form of plan</b>   |      |
| 3.240                    | Map of port service provider  | 45   |
| 3.245                    | Protection of plan  | 45   |
| <b>Part 4</b>            | <b>Ship security plans and ISSCs</b>  |      |
| <b>Division 4.1</b>      | <b>Preliminary</b>  |      |
| <b>Division 4.2</b>      | <b>Matters to be dealt with in ship security plan</b>                       |      |
| 4.20                     | Identification of ship  | 46   |
| 4.25                     | Security assessments  | 47   |
| 4.30                     | Ship operator, CSO and SSO  | 47   |
| 4.35                     | Shore-based personnel and crew with security role                           | 48   |
| 4.40                     | Training  | 48   |
| 4.45                     | Matters that must be in plan  | 49   |
| 4.50                     | Maritime security level 1   | 49   |
| 4.55                     | Maritime security levels 2 and 3  | 50   |
| 4.60                     | Declarations of security  | 50   |
| 4.65                     | On-board security zones   | 50   |

|  | Page  |
|--|---|
| 4.70 Security of ship in non-ISPS Code compliant ports | 51  |
| 4.75 Security of ship in exceptional circumstances     | 51  |
| 4.80 Pre-entry information                             | 51  |
| 4.85 Maritime transport security incidents             | 52  |
| 4.90 Security equipment                                | 53  |
| 4.95 On-board systems                                  | 53  |
| 4.100 Ship security records                            | 54  |
| 4.105 Security plan audits and reviews                 | 54  |
| <b>Division 4.3 Form of ship security plan</b>         |   |
| 4.110 Statement about authority of master              | 54  |
| 4.115 Protection of plan                               | 55  |
| <b>Part 5 Regulated foreign ships</b>                  |   |
| <b>Division 5.1 Obligations</b>                        |   |
| <b>Division 5.2 Control directions</b>                 |   |
| 5.20 Requirement for consultation                      | 56  |
| 5.25 Communicating control directions                  | 56  |
| <b>Part 6 Maritime security zones</b>                  |   |
| <b>Division 6.1 Preliminary</b>                        |   |
| 6.05 Access by certain persons not be denied           | 57  |
| <b>Division 6.2 Port security zones</b>                |   |
| <b>Subdivision 6.2.1 General</b>                       |   |
| 6.20 Types of port security zones                      | 57  |
| 6.25 Security barriers                                 | 58  |
| <b>Subdivision 6.2.2 Land-side restricted zones</b>    |   |
| 6.30 Identification of zones                           | 58  |
| 6.35 Duties of port facility operator                  | 59  |
| 6.40 Duties of port service provider                   | 59  |
| 6.45 Offences — unauthorised entry                     | 59  |
| <b>Subdivision 6.2.3 Cleared zones</b>                 |   |
| 6.50 Duties of port facility operator                  | 60  |
| 6.55 Identification of zones                           | 60  |
| 6.60 Offences — unauthorised entry                     | 60  |
| 2003,  | <i>Maritime Transport Security Regulations 2003</i> |
|  | 5   |

|                          | Page  |
|--------------------------|---|
| <b>Subdivision 6.2.4</b> | <b>Water-side restricted zones</b>  |
| 6.65                     | Identification of zones 61  |
| 6.70                     | Duties of port operator 61  |
| 6.75                     | Offences — unauthorised entry 62  |
| <b>Division 6.3</b>      | <b>Ship security zones</b>  |
| 6.80                     | Exclusion zones 62  |
| 6.85                     | Declaration of operation of zone 62   |
| 6.90                     | Identification of zones 63  |
| 6.95                     | Duties of port operator 63  |
| 6.100                    | Offences — unauthorised entry 63  |
| <b>Division 6.4</b>      | <b>On-board security zones</b>  |
| 6.105                    | On-board restricted areas 64  |
| 6.110                    | Identification of zones 64  |
| 6.115                    | Duties of ship operators 64   |
| 6.120                    | Offences — unauthorised entry 65  |
| <b>Part 7</b>            | <b>Other security measures</b>  |
| <b>Division 7.1</b>      | <b>Preliminary</b>  |
| 7.05                     | Access by certain persons not be denied 66  |
| <b>Division 7.2</b>      | <b>Screening and clearing</b>   |
| 7.20                     | Duties of port facility operator 66   |
| 7.25                     | Persons who need not be screened 67   |
| 7.30                     | Equipment to be used for screening 68   |
| 7.35                     | Offences — screening and clearing 68  |
| <b>Division 7.3</b>      | <b>Weapons and prohibited items</b>   |
| 7.40                     | Persons authorised to carry weapons or prohibited items in cleared zones 70                             |
| 7.45                     | Authorised possession of weapons or prohibited items when passing through screening points 70           |
| 7.50                     | Authorised carriage or possession of weapons or prohibited items on board regulated Australian ships 70 |

---

|                |  | Page |
|----------------|--|------|
| <b>Part 8</b>  | <b>Powers of officials</b>                             |      |
| Division 8.1   | Preliminary  |      |
| Division 8.2   | Maritime security inspectors                           |      |
| Division 8.3   | Duly authorised officers                               |      |
| Division 8.4   | Law enforcement officers                               |      |
| 8.40           | Customs officers who are law enforcement officers      | 72   |
| <b>Part 9</b>  | <b>Reporting maritime transport security incidents</b> |      |
| <b>Part 10</b> | <b>Information-gathering</b>                           |      |
| <b>Part 11</b> | <b>Enforcement</b>                                     |      |
| <b>Part 12</b> | <b>Review of decisions</b>                             |      |
| <b>Part 13</b> | <b>Miscellaneous</b>                                   |      |
| 13.05          | Ship security alert systems                            | 74   |

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**Regulation 1.01**

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**Part 1 Preliminary****1.01 Name of Regulations**

These Regulations are the *Maritime Transport Security Regulations 2003*.

**1.02 Commencement**

These Regulations commence as follows:

- (a) on 1 January 2004 — Part 1, Part 3 (except Subdivision 3.4.1), Part 4, regulations 6.05, 6.20, 6.80, 6.85, 6.105, Part 12 and Part 13;
- (b) on the commencement of Part 2 of the *Maritime Transport Security Act 2003* — the remainder.

**1.03 Definitions**

- (1) In these Regulations:

*Act* means the *Maritime Transport Security Act 2003*.

*Australian Federal Police employee* has the same meaning as AFP employee in subsection 4 (1) of the *Australian Federal Police Act 1979*.

*cleared zone* means a type of port security zone, established by the Secretary under subsection 102 (1) of the Act, that comprises an area of land or water, to which access is controlled, for holding persons and goods, vehicles or vessels that have been screened and cleared.

*contact details*, for a person, includes the person's business address, mailing address, fixed-line telephone number, mobile telephone number, fax number and e-mail address.

*CSO* or *company security officer* has the meaning given by regulation 1.10.



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**Regulation 1.03**

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**exclusion zone** means a ship security zone, declared by the Secretary to operate under subsection 106 (1) of the Act, that comprises an area of water within a security regulated port, being an area surrounding a security regulated ship (at and below the water level) to which access is controlled.

**land-side restricted zone** means a type of port security zone, established by the Secretary under subsection 102 (1) of the Act, that comprises 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.

**maritime security outcome** means an outcome set out in subsection 3 (4) of the Act.

**member of the Australian Federal Police** has the same meaning as in subsection 4 (1) of the *Australian Federal Police Act 1979*.

**on-board restricted area** means an on-board security zone, established by the Secretary under subsection 110 (1) of the Act, that comprises an area, to which access is controlled, on board a regulated Australian ship.

**PFSO** or **port facility security officer** has the meaning given by regulation 1.25.

**port service provider** means a maritime industry participant prescribed under regulation 1.05.

**pre-entry information** has the meaning given by subregulation 4.80 (2).

**PSO** or **port security officer** has the meaning given by regulation 1.20.

**PSPSO** or **port service provider security officer** has the meaning given by regulation 1.30.

**RFSSO** or **regulated foreign ship security officer** means:

- (a) the master of a regulated foreign ship; or
- (b) an officer on board a regulated foreign ship who is accountable to the master of the ship for:
  - (i) ensuring that the ship complies with section 97 of the Act; and

**Regulation 1.04**

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- (ii) liaising with company, ship, port, port service provider and port facility security officers before the ship enters, or while the ship is in, a security regulated port.

*security barrier* has the meaning given by regulation 6.25.

*security plan audit* means an examination of security measures or procedures to determine if a maritime security plan or a ship security plan has been implemented correctly.

*security plan review* means an evaluation of security measures or procedures to determine if a maritime security plan or a ship security plan is effective and adequate.

*ship/port interface* means the interaction that occurs when a security regulated ship is directly and immediately affected by activities involving:

- (a) the movement of persons or goods; or  
(b) the provision of port services to or from the ship.

*shore-based personnel*, in relation to a regulated Australian ship, means the body of persons (other than crew) employed by the ship operator for the ship.

*SSO* or *ship security officer* has the meaning given by regulation 1.15.

*water-side restricted zone* has the meaning given by regulation 1.70.

- (2) An expression used in these Regulations and in the ISPS Code has in these Regulations the same meaning as in the ISPS Code, unless the contrary intention appears.

**1.04 Purposes of these Regulations**

The purposes of these Regulations are:

- (a) to ensure that maritime and ship security plans address specific matters that will satisfy the Secretary that the implementation of the plans will make an appropriate contribution towards the achievement of the maritime security outcomes; and

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**Regulation 1.10**

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- (b) to set out the requirements for maritime and ship security plans (including matters that must be dealt with in the plans) so that:
  - (i) persons preparing maritime and ship security plans know what they need to do for the plans to receive approval; and
  - (ii) plans are consistent in terms of layout and general content; and
  - (iii) the criteria for approval of plans are clear; and
- (c) to prescribe matters that are required, permitted, necessary or convenient to be prescribed, including:
  - (i) requirements in relation to the giving of security and control directions; and
  - (ii) types of port, ship and on-board security zones; and
  - (iii) requirements in relation to screening and clearing; and
  - (iv) kinds of weapons and prohibited items.

**1.05 Port service providers**

For paragraph (g) of the definition of *maritime industry participant* in section 10 of the Act, the following are prescribed:

- (a) lighter or barge operator;
- (b) line handling operator;
- (c) pilot boat operator;
- (d) tug operator.

**1.10 Company security officers**

- (1) Before requesting the Secretary to approve a ship security plan, the ship operator for a regulated Australian ship must designate, in writing, a person within the ship operator's organisation as security officer (*company security officer* or *CSO*) for the ship.
- (2) A CSO may be designated by name or by reference to a position.

**Regulation 1.15**

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- (3) The duties and responsibilities of a CSO include:
- (a) answering any questions about the ship security plan, and acting as contact officer, during the approval process; and
  - (b) implementing and maintaining the ship security plan for the ship; and
  - (c) liaising with the SSO for the ship and with port, port service provider and port facility security officers; and
  - (d) performing:
    - (i) the duties and responsibilities in section 11.2 of Part A of the ISPS Code; and
    - (ii) any additional duties and responsibilities set out in the ship security plan.
- (4) The ship operator must ensure that a CSO:
- (a) has the knowledge and ability to perform the duties of a CSO; and
  - (b) is given the training set out in the ship security plan; and
  - (c) is a suitable person to access and handle security information; and
  - (d) has the authority to act on instructions received from the Secretary.

*Example*

A CSO must have the authority to implement security directions or a change in the security level.

**1.15 Ship security officers**

- (1) The ship operator for a regulated Australian ship must designate, in writing, the master, or another crew member, of the ship as security officer (*ship security officer* or *SSO*).
- (2) An SSO may be designated by name or by reference to a position.
- (3) The duties and responsibilities of an SSO include:
- (a) maintaining the ship security plan for the ship; and
  - (b) liaising with the CSO for the ship and with ship, port, port facility and port service provider security officers; and

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**Regulation 1.20**

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- (c) performing:
  - (i) the duties and responsibilities in section 12.2 of Part A of the ISPS Code; and
  - (ii) any additional duties and responsibilities set out in the ship security plan.
- (4) The ship operator must ensure that an SSO:
  - (a) has the knowledge and ability to perform the duties of an SSO; and
  - (b) is given the training set out in the ship security plan; and
  - (c) is a suitable person to access and handle security information; and
  - (d) has the authority to act on instructions received from the Secretary or ship operator.

*Example*

An SSO must have the authority to implement security directions or a change in the security level.

- (5) An SSO who is not the master of the ship is accountable to the master of the ship.

**1.20 Port security officers**

- (1) Before requesting the Secretary to approve a maritime security plan, a port operator for a security regulated port must designate, in writing, a person as security officer (**port security officer** or **PSO**).
- (2) A PSO may be designated by name or by reference to a position.
- (3) The duties and responsibilities of a PSO include:
  - (a) conducting an initial security survey of the port and facilitating the completion of the security assessment for the port operator's maritime security plan; and
  - (b) ensuring the development and maintenance of the maritime security plan for the port operator; and
  - (c) implementing the maritime security plan; and

**Regulation 1.20**

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- (d) undertaking regular security inspections of the port to ensure the effectiveness and adequacy of security measures; and
  - (e) facilitating security plan reviews; and
  - (f) recommending and incorporating modifications to the maritime security plan in order to:
    - (i) correct deficiencies in the plan; or
    - (ii) update the plan to take into account changes to the port; and
  - (g) enhancing security awareness and vigilance of port personnel; and
  - (h) ensuring that standards for personnel with, or who have been assigned, security duties and responsibilities are met and that adequate training is provided to such personnel; and
  - (i) reporting to the relevant authorities, and maintaining records of, occurrences which threaten the security of the port; and
  - (j) liaising with ship, port service provider and port facility security officers; and
  - (k) coordinating with security, police, fire, ambulance, medical, search and rescue services, as appropriate; and
  - (l) ensuring that security equipment is properly operated, inspected, tested, calibrated and maintained; and
  - (m) when requested by an SSO, assisting in confirming the identity of persons intending to board a ship; and
  - (n) providing advice to the Secretary on the operational and safety aspects of the implementation of security and control directions; and
  - (o) communicating and coordinating the implementation of security and control directions.
- (4) A port operator must ensure that a PSO:
- (a) has the knowledge and ability to perform the duties of a PSO; and
  - (b) is given the training set out in the maritime security plan for the port operator; and

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**Regulation 1.25**

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- (c) is a suitable person to access and handle security information; and
- (d) has the authority to act on instructions received from the Secretary.

**1.25 Port facility security officers**

- (1) Before requesting the Secretary to approve a maritime security plan, a port facility operator must designate, in writing, a person as security officer (*port facility security officer* or **PFSO**) for the port facility.
- (2) A PFSO may be designated by name or by reference to a position.
- (3) The duties and responsibilities of a PFSO include:
  - (a) facilitating the development, implementation, revision and maintenance of the maritime security plan for the port facility operator; and
  - (b) liaising with ship, company, port, port service provider and other port facility security officers; and
  - (c) performing:
    - (i) the duties and responsibilities in section 17.2 of Part A of the ISPS Code; and
    - (ii) any additional duties and responsibilities set out in the maritime security plan.
- (4) A port facility operator must ensure that a PFSO:
  - (a) has the knowledge and ability to perform the duties of a PFSO; and
  - (b) is given the training set out in the maritime security plan for the port facility operator; and
  - (c) is a suitable person to access and handle security information; and
  - (d) has the authority to act on instructions received from the Secretary.

**Regulation 1.30**

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**1.30 Port service provider security officers**

- (1) Before requesting the Secretary to approve a maritime security plan, a port service provider must designate, in writing, a person as security officer (*port service provider security officer* or *PSPSO*).
- (2) A PSPSO may be designated by name or by reference to a position.
- (3) The duties and responsibilities of a PSPSO include:
  - (a) conducting an initial security survey of the activities of the port service provider and facilitating the completion of the security assessment for the provider's maritime security plan; and
  - (b) ensuring the development and maintenance of the maritime security plan for the port service provider; and
  - (c) implementing the maritime security plan; and
  - (d) undertaking regular security inspections of the area under the control of the port service provider to ensure the effectiveness and adequacy of security measures; and
  - (e) recommending and incorporating modifications to the maritime security plan in order to:
    - (i) correct deficiencies in the plan; or
    - (ii) update the plan to take into account changes to the port service provider; and
  - (f) enhancing security awareness and vigilance of the port service provider's personnel; and
  - (g) ensuring that standards for personnel with, or who have been assigned, security duties and responsibilities are met and that adequate training is provided to such personnel; and
  - (h) reporting to the relevant authorities, and maintaining records of, occurrences which threaten the security of the port service provider; and
  - (i) liaising with ship, port, port facility and other port service provider security officers; and
  - (j) coordinating with security, police, fire, ambulance, medical, search and rescue services, as appropriate; and



**Regulation 1.40**

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- (k) ensuring that security equipment is properly operated, inspected, tested, calibrated and maintained; and
  - (l) when requested by an SSO, assisting in confirming the identity of persons intending to board a ship.
- (4) A port service provider must ensure that a PPSO:
- (a) has the knowledge and ability to perform the duties of a PPSO; and
  - (b) is given the training set out in the maritime security plan for the port service provider; and
  - (c) is a suitable person to access and handle security information; and
  - (d) has the authority to act on instructions received from the Secretary.

**1.35 Delegation by security officers**

- (1) A CSO, SSO, PSO, PFSO or PPSO may delegate, in writing, some or all of his or her powers (except this power of delegation), functions and duties.
- (2) A delegation under this regulation:
  - (a) may only be made to a person who has the knowledge and ability to exercise or perform the powers, functions or duties to be delegated; and
  - (b) must specify the delegate by name.

**1.40 Shore-based personnel and crew**

The ship operator for a regulated Australian ship must ensure that shore-based personnel and crew identified in the ship security plan as having security duties and responsibilities:

- (a) have the knowledge and ability to perform their security-related duties and responsibilities; and
- (b) are given the training set out in the plan.

**Regulation 1.45**

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**1.45 Declarations of security**

- (1) A declaration of security must be signed and dated by the master of, or SSO for, the ship and:
  - (a) if the other party to the agreement is also a ship — the master of, or SSO for, that other ship; or
  - (b) if the other party to the agreement is a port operator — the PSO; or
  - (c) if the other party to the agreement is a port facility operator — the PFSO; or
  - (d) if the other party to the agreement is a port service provider — the PSPSO.
- (2) A declaration of security must set out:
  - (a) contact details for the parties and signatories to the agreement; and
  - (b) the period for which the declaration is valid; and
  - (c) the maritime security level in force for each party.

*Note* A sample form of a declaration of security will be available on the Department's web site: [www.dotars.gov.au](http://www.dotars.gov.au).
- (3) A copy of the declaration of security must be kept by a party to the agreement for a period of 7 years beginning on the day after the declaration ceases to be valid.

**1.50 Security plan audits and reviews**

- (1) A security plan audit or review must be conducted in accordance with the schedule, requirements and procedures set out in the maritime or ship security plan.
- (2) A security plan review must be conducted as soon as practicable after a maritime transport security incident.
- (3) The records of each security plan audit or review must be kept for a period of 7 years beginning on the day after the audit or review is concluded.

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**Regulation 1.55**

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**1.55 Ship security records**

- (1) A regulated Australian ship must keep a record of the following information in relation to the ship:
  - (a) the approved ship security plan for the ship;
  - (b) whether the ship possesses a valid ISSC;
  - (c) the period of validity, and the name of the issuing authority, of the ISSCs possessed by the ship;
  - (d) the security level at which the ship is operating;
  - (e) the security levels at which the ship operated at ports, and specific periods during which the ship operated at those levels, while conducting ship/port interfaces;
  - (f) any special or additional security measures that were implemented by the ship in any port where it conducted ship/port interface;
  - (g) whether appropriate ship security procedures were maintained during any ship to ship activity;
  - (h) if ship security procedures referred to in paragraph (g) were maintained — the procedures and the specific periods during which those procedures were maintained.
- (2) For the definition of *ship security record* in section 10 of the Act, the following are prescribed to be kept on, by and for a regulated Australian ship:
  - (a) a document made for the purposes of keeping records required under subregulation (1);
  - (b) any information included in such a document.
- (3) Ship security records must be kept on board the ship and must be made available for inspection at the request of the government of a port state, in the circumstances described in regulation XI-2/9 of the SOLAS Convention, if the port state is a contracting state to the SOLAS Convention.
- (4) Ship security records must be kept for a period of 7 years beginning on:
  - (a) in the case of a document — the date of the document or, if the document consists of a series of entries, the date when the latest entry is made on the document; or

**Regulation 1.60**

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- (b) in the case of information — the date when the information was obtained or, if the information is part of a document that consists of a series of entries, the date when the latest entry is made on the document.

**1.60 Prohibited items**

For the definition of *prohibited item* in section 10 of the Act, the following are prescribed:

- (a) an imitation or replica of a firearm;  
 (b) an imitation or replica of a bomb, grenade, rocket, missile or mine.

**1.65 Weapon**

- (1) For the definition of *weapon* in section 10 of the Act, a thing set out or described in column 2 of an item in table 1.65 is a weapon.
- (2) Despite anything in table 1.65, a flare or other incendiary safety device is not a weapon if it is carried on board a ship as part of the ship's safety or signalling equipment.

**Table 1.65 Weapons**

| <b>Item</b> | <b>Things or description of things</b>   |
|-------------|--|
| 1           | Bombs and grenades   |
| 2           | Live rockets or missiles   |
| 3           | Things, other than those included in items 1 and 2: <ul style="list-style-type: none"> <li>(a) that are, or in the nature of, explosives or incendiary devices; or</li> <li>(b) that contain or expel gas or other irritants (such as tear gas canisters and smoke cartridges), whether or not live</li> </ul> |
| 4           | Flame throwers that are of military design, or other devices that are capable of projecting ignited incendiary fuel  |
| 5           | Crossbows or other similar devices consisting of a bow fitted transversely on a stock that has a groove or barrel designed to direct an arrow or bolt  |

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**Regulation 1.70**

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| <b>Item</b> | <b>Things or description of things</b>   |
|-------------|--|
| 6           | Electromagnetic weapons, or other devices made or modified to emit electromagnetic radiation so as to injure or disable a person |
| 7           | Acoustic or light emitting anti personnel devices  |
| 8           | Rocket launchers, recoilless rifles, antitank rifles, bazookas or rocket-propelled-grenade-type launchers                        |

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**1.70 Water-side restricted zone**

- (1) A port security zone, established by the Secretary under subsection 102 (1) of the Act, that comprises an area of water within a security regulated port is a *water-side restricted zone* if:
  - (a) the area is one where a security regulated ship may berth, anchor or moor; and
  - (b) access to the area is controlled.
- (2) A water-side restricted zone extends below the water level to the seabed and under any wharf adjacent to the zone.

## **Part 2 Maritime security levels and security directions**

### **Division 2.1 Preliminary**

*Note* This Division heading is reserved for future use.

### **Division 2.2 Maritime security levels**

*Note* This Division heading is reserved for future use.

### **Division 2.3 Security directions**

#### **2.30 Requirement for consultation**

If it is reasonable and practicable to do so, the Secretary must consult with the following about giving a security direction that relates to the movement of ships within, or in or out of, a security regulated port:

- (a) maritime industry participants who will be affected by the direction;
- (b) agencies of the Commonwealth, a State or Territory whose operations in the port will be affected by the direction;
- (c) persons, other than those mentioned in paragraph (a) or (b), who need to implement, or comply with, the direction.

*Examples for paragraph (c)*

Harbour masters and PSOs.

#### **2.35 Communicating security directions**

- (1) The Secretary may give, or communicate, a security direction to maritime industry participants by facsimile or e-mail.
- (2) A port or ship operator required to communicate a security direction under subsection 35 (3) or 36 (2) of the Act, respectively, may do so by facsimile or e-mail.

- (3) The Secretary may also notify a person of the revocation of a security direction under subsection 38 (2) of the Act by facsimile or e-mail.

## **Part 3 Maritime security plans**

### **Division 3.1 Preliminary**

#### **3.05 Common requirements for security assessments**

A security assessment for a maritime security plan must include the following matters:

- (a) the date when the assessment was completed or reviewed;
- (b) the scope of the assessment, including assets, infrastructure and operations assessed;
- (c) a summary of how the assessment was conducted, including details of the risk management process adopted;
- (d) the skills and experience of the key persons who completed or participated in the assessment.

#### **3.10 Common requirements for security plan audits and reviews**

A maritime security plan for a port operator, port facility operator or port service provider must set out:

- (a) a schedule of security plan audits by internal and external auditors; and
- (b) the circumstances, in addition to the occurrence of a maritime transport security incident, following which a security plan review must be conducted; and
- (c) the procedures for conducting a security plan audit, including a process for selecting auditors who are independent of the matters being audited; and
- (d) the procedures for conducting a security plan review, including a process for consultation during the review.



### **3.15 Port operator to give information**

A port operator required to have a maritime security plan must give to each port facility operator and port service provider conducting operations within the security regulated port:

- (a) the information set out in regulation 3.35 (including contact details for the PSO); and
- (b) the measures to be used by the port operator to inform persons of the location of maritime security zones established within the boundaries of the security regulated port; and
- (c) the measures to confirm the identity of persons who are authorised to have access to maritime security zones established within the boundaries of the security regulated port.

### **3.20 Port facility operator to give information**

- (1) A port facility operator required to have a maritime security plan must give to the port operator of, and each port service provider conducting operations within, the security regulated port:
  - (a) the information set out in regulation 3.100 (including contact details for the PFSO); and
  - (b) the measures to be used by the port facility operator to inform persons of the location of any port security zones established within the boundaries of the port facility; and
  - (c) the measures to confirm the identity of persons who are authorised to have access to the port facility, to ships moored at the facility and to any port security zones established within the boundaries of the port facility.
- (2) A port facility operator required to have a maritime security plan must also give to the port operator details of the boundaries of the facility.

**Regulation 3.25**

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**3.25 Port service provider to give information**

A port service provider required to have a maritime security plan must give to the port operator of the security regulated port in which the provider conducts operations and to each port facility operator conducting operations within the security regulated port:

- (a) the information set out in regulation 3.185 (including contact details for the PPSO); and
- (b) the boundaries of the area under the control of the port service provider; and
- (c) details of the vessels operated by the provider (including the name, identification number, type, date, port of registry, and construction year of each vessel); and
- (d) the measures to be used by the port service provider to inform persons of the location of any port security zones established within the boundaries of the land under the control of the port service provider; and
- (e) the measures to confirm the identity of persons who are authorised to have access to the land under the control of the port service provider, to any port security zones established within the boundaries of that land and to vessels operated by the provider.

**Division 3.2 Port operators**

**Subdivision 3.2.1 Matters to be dealt with in the plan**

**3.30 General**

A maritime security plan for a port operator must cover all matters of ship/port interface:

- (a) that are to be conducted within the security regulated port; and
- (b) that are not covered by a maritime security plan for any other maritime industry participant that conducts operations within, or in connection with, the security regulated port.

### **3.35 Port operator details**

A maritime security plan for a port operator must be accompanied by a document setting out the following information:

- (a) name of the port operator;
- (b) contact details for the port operator;
- (c) name of the Chief Executive Officer of the port operator;
- (d) name of the port for which the port operator has been designated;
- (e) name of the port's harbour master;
- (f) contact details for the harbour master;
- (g) name or position of the person who is to be the PSO for the port;
- (h) a single 24-hour fixed-line or mobile telephone number for the PSO.

*Note* Paragraph 47 (1) (c) of the Act requires a maritime security plan for a port operator to include contact details for the PSO.

### **3.40 Security assessments**

In addition to the matters required under regulation 3.05, the security assessment that must be included in a maritime security plan for a port operator must include the following matters:

- (a) a statement outlining the risk context or threat situation for the port;
- (b) identification and evaluation of strategically important assets, infrastructure and operations that need to be protected;
- (c) identification of possible risks or threats to assets, infrastructure and operations, and the likelihood and consequences of their occurrence;
- (d) identification of existing security measures, procedures and operations;
- (e) identification of gaps in port-wide security arrangements, including gaps arising from port infrastructure, human factors, policies and procedures;

**Regulation 3.45**

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- (f) identification, selection and prioritisation of possible risk treatments (for example, counter-measures and procedural changes that need to be implemented) and their effectiveness in reducing risk levels and vulnerabilities.

**3.45 Port security officer qualifications and responsibilities**

A maritime security plan for a port operator must set out:

- (a) the knowledge, skills and other requirements for the PSO; and
- (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
- (c) the training that must be given to the PSO.

**3.50 Other personnel with security role**

- (1) A maritime security plan for a port operator must identify, by reference to their positions, port personnel with, or who have been assigned, security duties and responsibilities in addition to those of the PSO.
- (2) The security duties and responsibilities of personnel so identified must be set out in the plan, together with:
  - (a) the knowledge, skills and other requirements for the security-related aspects of their positions; and
  - (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
  - (c) the training that must be given to such personnel.

**3.55 Matters that must be in plan**

A maritime security plan for a port operator must address, in addition to the matters required under regulation 3.10, the following matters:

- (a) measures to prevent unauthorised access to any port security zones established, or ship security zones declared, in the security regulated port;

**Regulation 3.60**

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- (b) procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations in the port;
- (c) procedures for responding to any security directions given by the Secretary;
- (d) procedures for evacuation of the port in case of security threats or breaches of security;
- (e) procedures for drills and exercises associated with the plan;
- (f) procedures for interfacing with ship security activities;
- (g) procedures for modifying the plan to correct deficiencies or to update the plan to take into account changes to the port;
- (h) procedures for reporting occurrences which threaten the security of the port;
- (i) measures to ensure the security of the information contained in the plan;
- (j) procedures in case the ship security alert system of a ship is activated while in the security regulated port.

*Note* A maritime security plan for a port operator must be accompanied by a map covering the whole security regulated port and showing the port security zones established within the port (see subsections 49 (2) and (3) of the Act and regulation 3.90).

**3.60 Consultation and communication**

- (1) A maritime security plan for a port operator must set out a mechanism for consultation:
  - (a) between the port operator and each of the maritime industry participants conducting operations within the security regulated port, for the purpose of coordinating their security-related activities; and
  - (b) between the port operator and its employees (or their representatives) regarding security measures and procedures to be implemented.
- (2) A maritime security plan for a port operator must set out how the port operator will give notice under subsections 27 (2) and 35 (4) of the Act.

**Regulation 3.65**

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**3.65 Maritime security level 1**

A maritime security plan for a port operator must set out, in relation to maritime security level 1:

- (a) the security measures, identified in the security assessment for the operation, for implementation at that level; and
- (b) the measures that have been implemented; and
- (c) a schedule for implementing the measures that have not been implemented; and
- (d) any interim measures that will be implemented until the measures referred to in paragraph (c) are fully implemented.

**3.70 Maritime security levels 2 and 3**

A maritime security plan for a port operator must set out, in relation to maritime security levels 2 and 3, the additional security measures that the operator will implement if the Secretary declares that maritime security level 2 or 3 is in force for the port.

**3.75 Declarations of security**

A maritime security plan for a port operator must provide for:

- (a) the circumstances in which the operator will request a declaration of security with a ship; and
- (b) the procedures for negotiating the security measures and responsibilities of the operator and of the ship in those circumstances; and
- (c) how security measures identified in a declaration will be implemented to ensure compliance by the operator and the ship with their security plans and with the declaration.

**3.80 Water-side restricted zones**

- (1) If a port operator wishes the Secretary to establish a water-side restricted zone, the maritime security plan for the port operator must set out:
  - (a) the purpose for the proposed establishment of the zone; and

- (b) the boundaries of the zone; and
  - (c) if applicable, the period when, or the circumstances in which, the zone is in force; and
  - (d) the security measures and procedures to be taken to control access into the zone by people, vessels or things; and
  - (e) steps to be taken to inform people that a water-side restricted zone is in force and that entry into the zone without authority is an offence; and
  - (f) the name or position of the person or persons responsible for the security measures, procedures or steps referred to in paragraphs (d) and (e).
- (2) A maritime security plan for a port operator must set out security measures and procedures to monitor and control access to water-side restricted zones, including measures to detect and deter unauthorised access to those zones.

### **3.85 Ship security zones**

A maritime security plan for a port operator must set out security measures and procedures to monitor and control access to ship security zones, including measures to detect and deter unauthorised access to those zones.

## **Subdivision 3.2.2 Form of plan**

### **3.90 Map of port**

The map of the whole security regulated port that must accompany a maritime security plan for a port operator under subsections 49 (2) and (3) of the Act must be of a size and scale that:

- (a) clearly shows the boundaries of the port and the location of any port security zones established, or that the operator wishes to be established or changed, within the area covered by the plan; and
- (b) enables the Secretary to gazette the boundaries of the port.

**Regulation 3.95**

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**3.95 Protection of plan**

A port operator must ensure that the maritime security plan for the operator is protected against unauthorised access, amendment and disclosure.

**Division 3.3 Port facility operators**

**Subdivision 3.3.1 Matters to be dealt with in plan**

**3.100 Port facility operator details**

A maritime security plan for a port facility operator must be accompanied by a document setting out the following information:

- (a) name of the port facility operator;
- (b) contact details for the port facility operator;
- (c) name of the Chief Executive Officer of the port facility operator;
- (d) name and location of the port facility;
- (e) name of the port in which the facility is located;
- (f) name or position of the person who is to be the PFSO for the facility;
- (g) a single 24-hour fixed-line or mobile telephone number for the PFSO.

*Note* Paragraph 47 (1) (c) of the Act requires a maritime security plan for a port facility operator to include contact details for the PFSO.

**3.105 Details of other maritime industry participants**

A maritime security plan for a port facility operator must be accompanied by a document setting out the name of, and contact details for:

- (a) the PSO of the security regulated port in which the facility is located; and
- (b) each port service provider conducting operations within the facility.



**3.110 Security assessments**

- (1) In addition to the matters required under regulation 3.05, a security assessment for a port facility operator's operation must include the following matters:
  - (a) a statement outlining the risk context or threat situation for the port facility;
  - (b) identification and evaluation of important assets, infrastructure and operations that need to be protected;
  - (c) identification of possible risks or threats to assets, infrastructure and operations, and the likelihood and consequences of their occurrence;
  - (d) identification of existing security measures, procedures and operations;
  - (e) identification of weaknesses (including human factors) in the infrastructure, policies and procedures;
  - (f) identification, selection and prioritisation of possible risk treatments (for example, counter-measures and procedural changes that need to be implemented) and their effectiveness in reducing risk levels and vulnerabilities.
- (2) A security assessment for a port facility operator's operation must consider:
  - (a) the types of ships, and the types of cargoes transported by ships, served by the port facility; and
  - (b) any special risks or threats associated with such ships and cargoes.

**3.115 PFSO qualifications and responsibilities**

A maritime security plan for a port facility operator must set out:

- (a) the knowledge, skills and other requirements for the PFSO; and
- (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
- (c) the training that must be given to the PFSO.

**Regulation 3.120**

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**3.120 Other personnel with security role**

- (1) A maritime security plan for a port facility operator must identify, by reference to their positions, port facility personnel with, or who have been assigned, security duties and responsibilities in addition to those of the PFSO.
- (2) The security duties and responsibilities of personnel so identified must be set out in the plan, together with:
  - (a) the knowledge, skills and other requirements for the security-related aspects of their positions; and
  - (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
  - (c) the training that must be given to such personnel.

**3.125 Matters that must be in plan**

- (1) A maritime security plan for a port facility operator must address, in addition to the matters required under regulation 3.10, the following matters:
  - (a) measures to prevent unauthorised carriage or possession of weapons or prohibited items in the facility or on board ships being loaded or unloaded at the facility;
  - (b) measures to prevent unauthorised access to the port facility, to ships moored at the facility and to any port security zones established within the boundaries of the port facility;
  - (c) procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations in the port facility or ship/port interface;
  - (d) procedures for responding to any security directions given by the Secretary;
  - (e) procedures for evacuation of the port facility in case of security threats or breaches of security;
  - (f) procedures for drills and exercises associated with the plan;
  - (g) procedures for interfacing with ship security activities;
  - (h) procedures for modifying the plan to correct deficiencies or to update the plan to take into account changes to the port facility;

**Regulation 3.130**

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- (i) procedures for reporting occurrences which threaten the security of the port facility;
  - (j) measures to ensure the security of the information contained in the plan;
  - (k) measures to ensure security of cargo and of cargo handling equipment at the facility;
  - (l) procedures in case the ship security alert system of a ship is activated while in the security regulated port;
  - (m) procedures for facilitating:
    - (i) shore leave or relief of crew; and
    - (ii) access by visitors (including representatives of seafarers' welfare and of labour organisations).
- (2) In determining appropriate measures for paragraphs (1) (a) and (b), the port facility operator must have regard to the special risks or threats associated with the types of ships, and the types of cargoes transported by ships, regularly served by the port facility.

*Note* A maritime security plan for a port facility operator must be accompanied by a map showing any port security zones established within the facility (see paragraph 49 (2) (a) of the Act and regulation 3.165).

### **3.130 Consultation**

A maritime security plan for a port facility operator must set out, for the purpose of coordinating security-related activities, a mechanism for consultation:

- (a) between the port facility operator and the port operator; and
- (b) between the port facility operator and each port service provider conducting operations within the security regulated port, and any other stakeholder, who may be affected by the implementation of the plan; and
- (c) between the port facility operator and its employees (or their representatives) regarding security measures and procedures to be implemented.

**Regulation 3.135**

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**3.135 Maritime security level 1**

A maritime security plan for a port facility operator must set out, in relation to maritime security level 1:

- (a) the security measures, identified in the security assessment for the operation, for implementation at that level; and
- (b) the measures that have been implemented; and
- (c) a schedule for implementing the measures that have not been implemented; and
- (d) any interim measures that will be implemented until the measures referred to in paragraph (c) are fully implemented.

**3.140 Maritime security levels 2 and 3**

A maritime security plan for a port facility operator must set out, in relation to maritime security levels 2 and 3, the additional security measures that the operator will implement if the Secretary declares that maritime security level 2 or 3 is in force for the port.

**3.145 Declarations of security**

A maritime security plan for a port facility operator must provide for:

- (a) the circumstances in which the operator will request a declaration of security with a ship; and
- (b) the procedures for negotiating the security measures and responsibilities of the operator and of the ship in those circumstances; and
- (c) how security measures identified in a declaration will be implemented to ensure compliance by the operator and the ship with their security plans and with the declaration.

### **3.150 Land-side restricted zones**

- (1) If a port facility operator wishes the Secretary to establish a land-side restricted zone, the maritime security plan for the port facility operator must set out:
  - (a) the purpose for the proposed establishment of the zone; and
  - (b) the boundaries of the zone; and
  - (c) if applicable, the period when, or the circumstances in which, the zone is in force; and
  - (d) the security measures and procedures to be taken to control access into the zone by people, vehicles or things, (including measures relating to the entry, parking, loading and unloading of vehicles, and the movement and storage of cargo, stores and baggage); and
  - (e) steps to be taken to inform people that a land-side restricted zone is in force and that entry into the zone without authority is an offence; and
  - (f) the name or position of the person or persons responsible for the security measures, procedures or steps referred to in paragraphs (d) and (e).
- (2) A maritime security plan for a port facility operator must set out security measures and procedures to monitor and control access to land-side restricted zones, including measures to detect and deter unauthorised access to those zones.

### **3.155 Cleared zones**

A maritime security plan for a port facility operator must set out measures and procedures to ensure that persons and goods are screened and cleared in accordance with these Regulations before they are allowed to enter and remain in any cleared zone established in the port facility.

**Regulation 3.160**

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**3.160 Passenger ships**

If a port facility operator wishes to operate a port facility for use in connection with the loading or unloading of security regulated passenger ships, the maritime security plan for the port facility operator must set out:

- (a) procedures for screening and clearing persons and their baggage; and
- (b) procedures for detecting weapons and prohibited items; and
- (c) procedures for surrender and dealing with weapons and prohibited items that are detected; and
- (d) the name or position of the person or persons responsible for the procedures referred to in paragraphs (a), (b) and (c).

**Subdivision 3.3.2 Form of plan**

**3.165 Map of port facility**

The map that must accompany a maritime security plan for a port facility operator under subsection 49 (2) of the Act must be of a size and scale that clearly shows:

- (a) the boundaries of the port facility; and
- (b) the location of any port security zones established, or that the operator wishes to be established or changed, within the area covered by the plan.

**3.170 Protection of plan**

A port facility operator must ensure that the maritime security plan for the operator is protected against unauthorised access, amendment and disclosure.

## **Division 3.4 Port service providers**

### **Subdivision 3.4.1 Preliminary**

#### **3.175 Participants required to have maritime security plans**

For paragraph 42 (c) of the Act, the following kinds of port service providers are prescribed:

- (a) port service providers that operate within a security regulated port;
- (b) port service providers that operate outside a security regulated port for the purpose of ship/port interface between a security regulated ship and a security regulated port.

*Examples*

- 1 For paragraph (a), a port service provider that operates in a security regulated port (even though its office is located outside the port).
- 2 For paragraph (b), a pilot boat that takes a pilot to board a ship at a location outside the security regulated port for the purpose of enabling the pilot to bring the ship into the port.

#### **3.180 Certain port service providers not required to have maritime security plans**

A port service provider of a kind prescribed in paragraph 3.175 (a) or (b) need not have a maritime security plan if:

- (a) the activities of the port service provider are covered by a maritime security plan (the *covering plan* within the meaning of subsection 45 (3) of the Act) for another maritime industry participant; and
- (b) the port service provider has agreed in writing to those activities being covered by the covering plan.

**Regulation 3.185**

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**Subdivision 3.4.2 Matters to be dealt with in plan**

**3.185 Port service provider details**

A maritime security plan for a port service provider must be accompanied by a document setting out the following information:

- (a) name of the port service provider;
- (b) contact details for the port service provider;
- (c) name of the Chief Executive Officer of the port service provider;
- (d) name of each security regulated port in which the port service provider is located or operates;
- (e) name or position of the person who is to be the PPSO for the port service provider;
- (f) a single 24-hour fixed-line or mobile telephone number for the PPSO.

*Note* Paragraph 47 (1) (c) of the Act requires a maritime security plan for a port service provider to include contact details for the PPSO.

**3.190 Details of other maritime industry participants**

A maritime security plan for a port service provider must be accompanied by a document setting out the name of, and contact details for:

- (a) each PSO of the security regulated port in which the port service provider is located or operates; and
- (b) each port operator for, and port facility operator and port service provider conducting operations within, the security regulated port in which the port service provider is located or operates.

**3.195 Security assessments**

In addition to the matters required under regulation 3.05, a security assessment for the operation of a port service provider must include the following matters:

- (a) a statement outlining the risk context or threat situation for the port service provider;



**Regulation 3.205**

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- (b) identification and evaluation of important assets, infrastructure and operations that need to be protected;
- (c) identification of possible risks or threats to assets, infrastructure and operations, and the likelihood and consequences of their occurrence;
- (d) identification of existing security measures, procedures and operations;
- (e) identification of weaknesses (including human factors) in the infrastructure, policies and procedures;
- (f) identification, selection and prioritisation of possible risk treatments (for example, counter-measures and procedural changes that need to be implemented) and their effectiveness in reducing risk levels and vulnerabilities.

**3.200 PPSO qualifications and responsibilities**

A maritime security plan for a port service provider must set out:

- (a) the knowledge, skills and other requirements for the PPSO; and
- (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
- (c) the training that must be given to the PPSO.

**3.205 Other personnel with security role**

- (1) A maritime security plan for a port service provider must identify, by reference to their positions, port service personnel with, or who have been assigned, security duties and responsibilities in addition to those of the PPSO.
- (2) The security duties and responsibilities of personnel so identified must be set out in the plan, together with:
  - (a) the knowledge, skills and other requirements for the security-related aspects of their positions; and
  - (b) the training or qualifications that satisfy the requirements referred to in paragraph (a); and
  - (c) the training that must be given to such personnel.

**Regulation 3.210**

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**3.210 Matters that must be in plan**

A maritime security plan for a port service provider must address, in addition to the matters required under regulation 3.10, the following matters:

- (a) measures to prevent the introduction of unauthorised weapons or prohibited items into each security regulated port in which the port service provider is located or operates, or on board ships being served by the provider;
- (b) measures to prevent unauthorised access to the land under the control of the port service provider, to any port security zones established within the boundaries of that land and to vessels operated by the provider;
- (c) procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations of the port service provider;
- (d) procedures for responding to any security directions given by the Secretary;
- (e) procedures for evacuation in case of security threats or breaches of security;
- (f) procedures for drills and exercises associated with the plan;
- (g) procedures for interfacing with ship security activities;
- (h) procedures for modifying the plan to correct deficiencies or to update the plan to take into account changes to the port service provider;
- (i) procedures for reporting occurrences which threaten the security of the port service provider;
- (j) measures to ensure the security of the information contained in the plan;
- (k) measures to ensure security of passengers, cargo and cargo handling equipment under the control of the port service provider;
- (l) procedures in case the ship security alert system of a ship is activated while in the security regulated port.

*Note* A maritime security plan for a port service provider must be accompanied by a map showing any port security zones established within the boundaries of the area under the control of the port service provider (see paragraph 49 (2) (a) of the Act and regulation 3.240).

### **3.215 Consultation**

A maritime security plan for a port service provider must set out, for the purpose of coordinating security-related activities, a mechanism for consultation:

- (a) between the provider and each port operator for the security regulated port in which the port service provider is located or operates; and
- (b) between the provider and each port facility operator and port service provider conducting operations within the security regulated port in which the port service provider is located or operates; and
- (c) between the provider and any other stakeholder who may be affected by the implementation of the plan; and
- (d) between the provider and its employees (or their representatives), regarding security measures and procedures to be implemented.

### **3.220 Maritime security level 1**

A maritime security plan for a port service provider must set out, in relation to maritime security level 1:

- (a) the security measures, identified in the security assessment for the operation, for implementation at that level; and
- (b) the measures that have been implemented; and
- (c) a schedule for implementing the measures that have not been implemented; and
- (d) any interim measures that will be implemented until the measures referred to in paragraph (c) are fully implemented.

### **3.225 Maritime security levels 2 and 3**

A maritime security plan for a port service provider must set out, in relation to maritime security levels 2 and 3:

- (a) the security measures, identified in the security assessment for the operation, for implementation at those levels; and
- (b) the additional security measures that the provider will implement if the Secretary declares that maritime security level 2 or 3 is in force for the port.

**Regulation 3.230**

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**3.230 Declarations of security**

A maritime security plan for a port service provider must provide for:

- (a) the circumstances in which the provider will request a declaration of security with a ship; and
- (b) the procedures for negotiating the security measures and responsibilities of the provider and of the ship in those circumstances; and
- (c) how security measures identified in a declaration will be implemented to ensure compliance by the provider and the ship with their security plans and with the declaration.

**3.235 Port security zones**

If a port service provider wishes the Secretary to establish or change a port security zone, the maritime security plan for the port service provider must set out:

- (a) the purpose for the proposed establishment of, or change in, the zone; and
- (b) the boundaries of the zone; and
- (c) if applicable, the period when, or the circumstances in which, the zone is in force; and
- (d) the security measures and procedures to be taken to control access into the zone by people, vessels or things; and
- (e) steps to be taken to inform people that a port security zone is in force and that entry into the zone without authority is an offence; and
- (f) the name or position of the person or persons responsible for the security measures, procedures or steps referred to in paragraphs (d) and (e).

*Note* Maritime security zones may be established only within the boundaries of a security regulated port. The Secretary cannot establish a maritime security zone in an area of land or water under the control of a port service provider if the area is not within the boundaries of the security regulated port.

### **Subdivision 3.4.3 Form of plan**

#### **3.240 Map of port service provider**

The map that must accompany a maritime security plan for a port service provider under subsection 49 (2) of the Act must be of a size and scale that clearly shows:

- (a) the boundaries of the area under the control of the port service provider; and
- (b) the location of any port security zones established, or that the provider wishes to be established or changed, within the area covered by the plan.

#### **3.245 Protection of plan**

A port service provider must ensure that the maritime security plan for the provider is protected against unauthorised access, amendment and disclosure.

**Regulation 4.20**

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## **Part 4 Ship security plans and ISSCs**

### **Division 4.1 Preliminary**

*Note* This Division heading is reserved for future use.

### **Division 4.2 Matters to be dealt with in ship security plan**

#### **4.20 Identification of ship**

A ship security plan must be accompanied by a document setting out the following information about the ship:

- (a) name of the ship;
- (b) the ship's official number, being the number by which the ship is identified in the Australian Register of Ships referred to in section 56 of the *Shipping Registration Act 1981*;
- (c) if the plan is for a regulated Australian ship that is used for overseas voyage — the ship's IMO ship identification number;
- (d) any other distinctive numbers or letters that identify the ship;
- (e) type of ship;
- (f) radio call sign;
- (g) date and port of registry;
- (h) year built;
- (i) deadweight tonnage;
- (j) gross registered tonnage;
- (k) length and breadth of ship;
- (l) draft forward and aft (full load);
- (m) number of crew;
- (n) number of passenger berths;
- (o) whether the ship is engaged in overseas or inter-State voyages.

#### **4.25 Security assessments**

A ship security assessment for a regulated Australian ship must include the following matters:

- (a) the date when the assessment was completed or reviewed;
- (b) the scope of the assessment, including assets, infrastructure and operations assessed;
- (c) a summary of how the assessment was conducted, including details of the risk management process adopted;
- (d) the skills and experience of the key persons who completed or participated in the assessment;
- (e) the results of the examination and evaluation of the existing shipboard protective measures, procedures and operations;
- (f) a statement outlining the risk context or threat situation for the ship, including consideration of trading routes;
- (g) identification and evaluation of key shipboard operations that need to be protected;
- (h) identification of possible risks or threats to the key shipboard operations and the likelihood and consequences of their occurrence;
- (i) identification of existing security measures, procedures and operations;
- (j) identification of weaknesses (including human factors) in the infrastructure, policies and procedures;
- (k) identification, selection and prioritisation of possible risk treatments (for example, counter-measures and procedural changes that need to be implemented) and their effectiveness in reducing risk levels and vulnerabilities.

#### **4.30 Ship operator, CSO and SSO**

- (1) A ship security plan must be accompanied by a document setting out the following information:
  - (a) the name of the ship operator;
  - (b) the name of the Chief Executive Officer of the ship operator;
  - (c) the name or position of the person who is to be the CSO for the ship;

**Regulation 4.35**

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- (d) a single 24-hour fixed-line or mobile telephone number for the CSO;
- (e) the name or position of the person who is to be the SSO for the ship.

*Note* Paragraph 66 (1) (c) of the Act requires a ship security plan to include contact details for the SSO

- (2) A ship security plan may set out duties and responsibilities of a CSO or SSO that are in addition to the duties and responsibilities of a CSO and SSO in sections 11.2 and 12.2, respectively, of Part A of the ISPS Code.
- (3) A ship security plan must set out how the CSO will communicate with the master of the ship if the Secretary or a maritime industry participant acting on behalf of the Secretary:
  - (a) gives notice that a maritime security level is in force for the ship; or
  - (b) gives a security direction to the ship.

**4.35 Shore-based personnel and crew with security role**

- (1) A ship security plan must identify, by reference to their positions, shore-based personnel and crew with, or who have been assigned, security duties and responsibilities.
- (2) The security duties and responsibilities of personnel and crew so identified must be set out in the plan, together with:
  - (a) the knowledge, skills and other requirements for the security-related aspects of their positions; and
  - (b) the training or qualifications that satisfy the requirements referred to in paragraph (a).

**4.40 Training**

A ship security plan must set out the training that a CSO, SSO, and shore-based personnel and crew referred to in regulation 4.35 must receive.



#### **4.45 Matters that must be in plan**

A ship security plan must address the following matters:

- (a) measures to prevent unauthorised carriage or possession of weapons or prohibited items on board the ship;
- (b) identification of on-board security zones;
- (c) measures to prevent unauthorised access to the ship and any on-board security zones;
- (d) procedures for responding to security threats or breaches of security, including procedures for maintaining critical operations of ship/port interface;
- (e) procedures for responding to any security directions given by the Secretary or to directions given by a port state;
- (f) procedures for evacuation of the ship in case of security threats or breaches of security;
- (g) procedures for drills and exercises associated with the plan;
- (h) procedures for interfacing with port, port service and port facility security activities;
- (i) procedures for modifying the plan to correct deficiencies or to update the plan to take into account changes to the ship;
- (j) procedures for reporting occurrences which threaten the security of the ship;
- (k) measures to ensure the security of the information contained in the plan.

#### **4.50 Maritime security level 1**

A ship security plan must set out, in relation to maritime security level 1:

- (a) the security measures identified in the ship security assessment for implementation at that level; and
- (b) the measures that have been implemented; and
- (c) a schedule for implementing the measures that have not been implemented; and

**Regulation 4.55**

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- (d) any interim measures that will be implemented until the measures referred to in paragraph (c) are fully implemented.

**4.55 Maritime security levels 2 and 3**

A ship security plan must set out, in relation to maritime security levels 2 and 3:

- (a) the security measures identified in the ship security assessment for implementation at those levels; and
- (b) the additional security measures that the ship will implement if the Secretary declares that maritime security level 2 or 3 is in force for the ship.

**4.60 Declarations of security**

A ship security plan must provide for:

- (a) the circumstances in which the ship will request a declaration of security with another ship or person; and
- (b) the procedures for negotiating the security measures and responsibilities of the ship and of the other ship or person in those circumstances; and
- (c) how security measures identified in a declaration will be implemented to ensure compliance by the parties with their security plans and with the declaration.

**4.65 On-board security zones**

- (1) If the ship operator for a regulated Australian ship wishes the Secretary to establish an on-board security zone for the ship, the ship security plan must set out:
  - (a) the purpose for the proposed establishment of the zone; and
  - (b) the boundaries of the zone; and
  - (c) the security measures and procedures to be taken to control access into the zone by people or things; and
  - (d) steps to be taken to inform people that the on-board security zone has been established and that entry into the zone without authority is an offence; and

**Regulation 4.80**

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- (e) the name or position of the person or persons responsible for the security measures, procedures or steps referred to in paragraphs (c) and (d).
- (2) A ship security plan must set out security measures and procedures to monitor and control access to on-board security zones, including measures to detect and deter unauthorised access to those zones.

**4.70 Security of ship in non-ISPS Code compliant ports**

- (1) This regulation applies if it is envisaged by the ship operator that a regulated Australian ship may call at ports or locations that are not port facilities or are port facilities the operators of which are not required to have, or do not have, security plans.
- (2) A ship security plan must outline specific measures that will be implemented if the ship calls at ports or locations described in subregulation (1) so that any risks associated with those ports or locations are not transferred to the ship.

**4.75 Security of ship in exceptional circumstances**

A ship security plan must give sufficient guidance on how the security of the ship will be maintained in exceptional circumstances such as search and rescue operations, humanitarian crises, extreme weather conditions and other emergencies.

**4.80 Pre-entry information**

- (1) A ship security plan for a regulated Australian ship that is used for overseas voyage must set out the procedures for giving pre-entry information in accordance with subregulations (2) and (3).

**Regulation 4.85**

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- (2) A regulated Australian ship must be ready to give the following information (*pre-entry information*) not later than 48 hours before the ship enters Australian waters in the course of an overseas voyage:
- (a) the security levels at which the ship operated at ports, and specific periods during which the ship operated at those levels, while conducting ship/port interface;
  - (b) any special or additional security measures that were implemented by the ship in any port where it conducted ship/port interface;
  - (c) whether appropriate ship security procedures were maintained during any ship to ship activity;
  - (d) if ship security procedures referred to in paragraph (c) were maintained — the procedures and the specific periods during which those procedures were maintained.
- (3) The information described in subregulation (2) must be given in relation to the last 10 port calls by the ship.

*Note* Section 6 of the *Navigation Act 1912* defines overseas voyage as follows:

*overseas voyage*, in relation to a ship, means a voyage in the course of which the ship travels between:

- (a) a port in Australia and a port outside Australia;
- (b) a port in Australia and a place in the waters of the sea above the continental shelf of a country other than Australia;
- (c) a port outside Australia and a place in the waters of the sea above the continental shelf of Australia;
- (d) a place in the waters of the sea above the continental shelf of Australia and a place in the waters of the sea above the continental shelf of a country other than Australia;
- (e) ports outside Australia; or
- (f) places beyond the continental shelf of Australia.

**4.85 Maritime transport security incidents**

A ship security plan must set out procedures for:

- (a) reporting maritime transport security incidents to the Secretary; and

- (b) responding to security threats and breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface.

#### **4.90 Security equipment**

A ship security plan must:

- (a) include a list of the security equipment on board the ship; and
- (b) describe the measures to ensure the inspection, testing, calibration and maintenance of security equipment; and
- (c) set out the frequency for testing and calibration of security equipment; and
- (d) set out procedures to ensure that only correctly calibrated security equipment is used on board the ship.

*Note* A ship operator may be guilty of an offence under section 63 (Offence — failing to comply with ship security plan) of the Act if security equipment that is not correctly calibrated is used on board the ship.

#### **4.95 On-board systems**

- (1) A ship security plan must include information about the following systems on board the ship:
  - (a) external and internal communications systems;
  - (b) surveillance, identification, monitoring and reporting systems;
  - (c) tracking and positional systems.
- (2) If a ship is provided with a ship security alert system, the ship security plan must:
  - (a) describe the operational characteristics of the system; and
  - (b) describe the ship security alert that will be transmitted from the system; and
  - (c) describe the performance standards to which the system must conform, being standards not below those adopted by the International Maritime Organisation; and
  - (d) set out the procedures, instructions and guidance for using, testing, activating, de-activating and resetting the system, and for preventing false alarms.

**Regulation 4.100**

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**4.100 Ship security records**

A ship security plan must set out:

- (a) the ship security records that are required to be kept on, by and for the ship in accordance with regulation 1.55; and
- (b) a plan for keeping and preserving ship security records; and
- (c) the procedures for making those records available for inspection by a port state in accordance with subregulation 1.55 (3).

**4.105 Security plan audits and reviews**

A ship security plan must set out:

- (a) a schedule of security plan audits by internal and external auditors; and
- (b) the circumstances, in addition to the occurrence of a maritime transport security incident, following which a security plan review must be conducted; and
- (c) the procedures for conducting a security plan audit, including a process for selecting auditors who are independent of the matters being audited; and
- (d) the procedures for conducting a security plan review, including a process for consultation during the review.

**Division 4.3 Form of ship security plan**

**4.110 Statement about authority of master**

A ship security plan must include a statement to the following effect:

‘The master of the ship has the overriding authority and responsibility to make decisions with respect to the safety and security of the ship and to request the assistance of the ship operator or of any contracting government to the SOLAS Convention, as may be necessary.’

**4.115 Protection of plan**

The ship operator for a regulated Australian ship must ensure that the ship security plan for the ship is protected against unauthorised access, amendment and disclosure.

**Regulation 5.20**

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## **Part 5 Regulated foreign ships**

### **Division 5.1 Obligations**

*Note* This Division heading is reserved for future use.

### **Division 5.2 Control directions**

#### **5.20 Requirement for consultation**

If it is reasonable and practicable to do so, the Secretary must consult with the following about giving a control direction that relates to the movement of ships within, or in or out of, a security regulated port:

- (a) maritime industry participants who will be affected by the direction;
- (b) agencies of the Commonwealth, a State or Territory whose operations in the port will be affected by the direction;
- (c) persons, other than those mentioned in paragraph (a) or (b), who need to implement, or comply with, the direction.

*Examples for paragraph (c)*

Harbour masters and PSOs.

#### **5.25 Communicating control directions**

The Secretary may give, or communicate, a control direction to the ship operator for, or the master of, a regulated foreign ship by facsimile or e-mail.



## **Part 6 Maritime security zones**

### **Division 6.1 Preliminary**

#### **6.05 Access by certain persons not be denied**

Nothing in this Part has the effect of preventing entry into a port, ship or on-shore security zone by a person who:

- (a) is accompanied by a law enforcement officer for the purposes of an investigation; or
- (b) is an Australian Federal Police employee, a member of the Australian Federal Police, or an officer or employee of the police force or service of a State or Territory, who requires access for the purposes of a police investigation; or
- (c) is otherwise authorised by a law of the Commonwealth, State or Territory to enter the port, ship or on-shore security zone.

*Example for paragraph (c)*

Entry to port, ship and on-shore security zones must not be denied to law enforcement officers, Australian Customs Service officers or AMSA officers if the entry is required in the course of their duties.

### **Division 6.2 Port security zones**

#### **Subdivision 6.2.1 General**

#### **6.20 Types of port security zones**

For subsection 103 (1) of the Act, the following are prescribed as the types of port security zones that the Secretary may establish within a security regulated port:

- (a) land-side restricted zones;
- (b) cleared zones;
- (c) water-side restricted zones.

**Regulation 6.25**

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**6.25 Security barriers**

- (1) A fence, free standing wall, building or other similar object, or a series of objects such as trees, booms, marker buoys and other similar objects, may constitute a *security barrier* if the object or series of objects:
  - (a) clearly defines the boundary of a maritime security zone; and
  - (b) deters unauthorised access into the zone.
- (2) A security barrier for a land-side restricted zone or a cleared zone must:
  - (a) deter and deny unauthorised access to the zone; and
  - (b) allow detection of unauthorised access to the zone; and
  - (c) have access control points to permit authorised access, being access control points that do not present less of a barrier to unauthorised access than the surrounding parts of the security barrier; and
  - (d) be subject to regular patrols, surveillance or other measures that allow inspection of the security barrier for damage, and that detect and deter unauthorised access.

**Subdivision 6.2.2 Land-side restricted zones**

**6.30 Identification of zones**

- (1) The boundaries of a land-side restricted zone must be clearly identifiable and defined by means of a security barrier.
- (2) Persons who are in or in the vicinity of the security regulated port in which a land-side restricted zone is established must be informed that:
  - (a) access to the zone is controlled; and
  - (b) any unauthorised entry into the zone is an offence under these Regulations.

**6.35 Duties of port facility operator**

- (1) A port facility operator must monitor and control access to any land-side restricted zone within the boundaries of the port facility.

Penalty: 200 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**6.40 Duties of port service provider**

- (1) A port service provider must monitor and control access to any maritime security zone within the boundaries of the area under the control of the provider.

Penalty: 200 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**6.45 Offences — unauthorised entry**

- (1) A person must not enter or remain in a land-side restricted zone unless authorised to do so by the port operator for the security regulated port, or the port facility operator for the port facility, in which the zone is established.

Penalty: 50 penalty units.

- (2) A person must not take a vehicle or thing into, or leave a vehicle or thing in, a land-side restricted zone unless authorised to do so by the port operator for the security regulated port, or the port facility operator for the port facility, in which the zone is established.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

**Regulation 6.50**

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**Subdivision 6.2.3 Cleared zones**

**6.50 Duties of port facility operator**

- (1) Immediately after the Secretary gives notice of the establishment of a cleared zone (but before the zone comes into force), the port facility operator for the port facility in which the zone is established must ensure that the zone is inspected for unauthorised persons, goods (including weapons and prohibited items), vehicles and vessels.
- (2) A port facility operator must ensure that persons and goods are screened and cleared in accordance with these Regulations before they are allowed to enter and remain in any cleared zone established in the port facility.

**6.55 Identification of zones**

- (1) The boundaries of a cleared zone must be clearly identifiable and defined by means of a security barrier.
- (2) Persons who are in or in the vicinity of the security regulated port in which the cleared zone is established must be informed that:
  - (a) access to the zone is controlled; and
  - (b) any unauthorised entry into the zone is an offence under these Regulations.

**6.60 Offences — unauthorised entry**

- (1) A person who is required to be screened must not enter or remain in a cleared zone unless he or she has been screened and cleared.

Penalty: 50 penalty units.

- (2) A person must not take a vehicle, vessel or thing into, or leave a vehicle, vessel or thing in, a cleared zone unless the vehicle, vessel or thing has been screened and cleared.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

#### **Subdivision 6.2.4 Water-side restricted zones**

##### **6.65 Identification of zones**

The boundaries of a water-side restricted zone must be clearly identifiable and may be defined by means of buoys, picket boats, booms, signs and other similar objects.

##### **6.70 Duties of port operator**

- (1) After the Secretary gives notice of the establishment of a waterside restricted zone (but before the zone comes into force), the port operator must ensure that persons who are in or in the vicinity of the security regulated port in which the water-side restricted zone is established are informed, in accordance with the maritime security plan, that:
- (a) access to the zone is controlled; and
  - (b) any unauthorised entry into the zone is an offence under these Regulations.
- (2) A port operator must monitor access to any water-side restricted zone in the security regulated port in which the zone is established.
- Penalty: 200 penalty units.
- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) A port operator must ensure that the security measures and procedures to control access to water-side restricted zones detect and deter unauthorised access to those zones.

**Regulation 6.75**

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**6.75 Offences — unauthorised entry**

- (1) A person must not enter or remain in a water-side restricted zone unless authorised to do so by the port operator, or a port facility operator acting on behalf of the port operator, of the security regulated port in which the zone is established.

Penalty: 50 penalty units.

- (2) A person must not take a vessel or thing into, or leave a vessel or thing in, a water-side restricted zone unless authorised to do so by the port operator for the security regulated port in which the zone is established.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

**Division 6.3 Ship security zones**

**6.80 Exclusion zones**

For subsection 107 (1) of the Act, an exclusion zone is prescribed as a type of ship security zone.

**6.85 Declaration of operation of zone**

- (1) A port operator for a security regulated port may request the Secretary to declare that a ship security zone is to operate around a security regulated ship while the ship is in the port.
- (2) A request under this regulation must be in writing and must set out:
- (a) the purpose for the proposed declaration; and
  - (b) the boundaries of the ship security zone (that is, the distance from the security regulated ship in relation to which access is controlled); and
  - (c) the security measures and procedures to be taken to control access into the zone by people, vessels or things; and

**Regulation 6.100**

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- (d) steps to be taken to inform people that a ship security zone has been declared and that entry into the zone without authority is an offence; and
- (e) the name or position of the person or persons responsible for the security measures, procedures or steps referred to in paragraphs (c) and (d).

**6.90 Identification of zones**

- (1) The boundaries of a ship security zone must be clearly identifiable.
- (2) Persons who are in or in the vicinity of the security regulated port in which the ship security zone operates must be informed that:
  - (a) access to the zone is controlled; and
  - (b) any unauthorised entry into the zone is an offence under these Regulations.

**6.95 Duties of port operator**

- (1) A port operator for a security regulated port must monitor access to any ship security zone in the port.  
Penalty: 200 penalty units.
- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) A port operator must ensure that the security measures and procedures to control access to ship security zones detect and deter unauthorised access to those zones.

**6.100 Offences — unauthorised entry**

- (1) A person must not enter or remain in a ship security zone unless authorised to do so by the port operator for the security regulated port in which the zone operates.  
Penalty: 50 penalty units.

**Regulation 6.105**

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- (2) A person must not take a vessel or thing into, or leave a vessel or thing in, a ship security zone unless authorised to do so by the port operator for the security regulated port in which the zone operates.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

## **Division 6.4 On-board security zones**

### **6.105 On-board restricted areas**

For subsection 111 (1) of the Act, an on-board restricted area is prescribed as a type of on-board security zone.

### **6.110 Identification of zones**

The boundaries of an on-board security zone established on a regulated Australian ship must be clearly identifiable and must be permanently and sufficiently marked with signs to inform persons who are on board, or in the vicinity of, the ship that:

- (a) access to the zone is controlled; and
- (b) any unauthorised entry into the zone is an offence under these Regulations.

### **6.115 Duties of ship operators**

- (1) A ship operator must monitor and control access to any on-board security zones in a regulated Australian ship.

Penalty: 200 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) A ship operator must ensure that the security measures and procedures to control access to on-board security zones detect and deter unauthorised access to those zones.



**6.120 Offences — unauthorised entry**

- (1) A person must not enter or remain in an on-board security zone unless authorised to do so by the ship operator for the ship on which the zone is established.

Penalty: 50 penalty units.

- (2) A person must not take goods or other things into or in an on-board security zone unless authorised to do so by the ship operator for the ship on which the zone is established.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

## **Part 7 Other security measures**

### **Division 7.1 Preliminary**

#### **7.05 Access by certain persons not be denied**

Nothing in this Part has the effect of preventing entry into a port, ship or on-shore security zone by a person who:

- (a) is accompanied by a law enforcement officer for the purposes of an investigation; or
- (b) is an Australian Federal Police employee, a member of the Australian Federal Police, or an officer or employee of the police force or service of a State or Territory, who requires access for the purposes of a police investigation; or
- (c) is otherwise authorised by a law of the Commonwealth, State or Territory to enter the port, ship or on-shore security zone.

*Example for paragraph (c)*

Entry to port, ship and on-shore security zones must not be denied to law enforcement officers, Australian Customs Service officers or AMSA officers if the entry is required in the course of their duties.

### **Division 7.2 Screening and clearing**

#### **7.20 Duties of port facility operator**

The port facility operator for a port facility in which a cleared zone is established must ensure that:

- (a) subject to regulation 7.25, persons boarding a security regulated passenger ship:
  - (i) have been screened in preparation for boarding, and cleared at the time they board the ship; or
  - (ii) are screened and cleared immediately after they board the ship; and

- (b) baggage taken on board the ship:
  - (i) has been screened in preparation for being taken on board, and cleared at the time it is taken on board the ship; or
  - (ii) is screened and cleared immediately after it is taken on board the ship.

## **7.25 Persons who need not be screened**

- (1) For paragraph 115 (2) (b) of the Act, the persons mentioned in subregulation (3) may pass through a screening point without being screened when boarding a security regulated passenger ship for which maritime security level 1 is in force.
- (2) For paragraph 115 (2) (c) of the Act, the persons mentioned in subregulation (3) may enter a cleared zone or board a cleared vessel other than through a screening point when maritime security level 1 is in force for the port facility in which the cleared zone is established or in which the cleared vessel is being loaded or unloaded.
- (3) For subregulations (1) and (2), the persons are:
  - (a) in the case of a security regulated passenger ship — a member of the ship's crew; and
  - (b) the CSO for the ship, while on duty; and
  - (c) the PFSO for the port facility in which the cleared zone is established, while on duty; and
  - (d) a PSO for the port in which the cleared zone is established, while on duty; and
  - (e) a screening officer; and
  - (f) a law enforcement officer; and
  - (g) a member of the Australian Defence Force, in the course of his or her duties; and
  - (h) an officer of AMSA, in the course of his or her duties; and
  - (i) a quarantine officer, in the course of his or her duties; and
  - (j) a member of a fire, ambulance, medical, search or rescue service, in the course of his or her duties.

**Regulation 7.30**

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- (4) For paragraph 115 (2) (b) of the Act, the following persons may pass through a screening point without being screened when boarding a security regulated passenger ship moored at a port facility for which maritime security level 2 or 3 is in force:
- (a) a law enforcement officer; and
  - (b) a member of the Australian Defence Force, in the course of his or her duties; and
  - (c) a member of a fire, ambulance, medical, search or rescue service, in the course of his or her duties.

**7.30 Equipment to be used for screening**

- (1) For subsection 119 (1) of the Act, the equipment to be used for screening under this Part must be capable of detecting weapons and prohibited items on persons or in baggage.
- (2) The equipment may comprise a combination of screening equipment such as a walk-through metal detector, hand-held metal detector, trace explosive detection device and x-ray equipment.

**7.35 Offences — screening and clearing**

- (1) A port facility operator must not allow a person who is required to be screened to enter a cleared zone, unless the person has been screened and cleared.

Penalty: 200 penalty units.

- (2) A port facility operator must not allow baggage that is required to be screened to be taken into a cleared zone, unless the baggage has been screened and cleared.

Penalty: 200 penalty units.

- (3) A port facility operator must not allow a person who is required to be screened and cleared to board a security regulated passenger ship that is moored at the facility, unless:

- (a) if there is a screening point through which the person must pass at the facility — the person has been screened in preparation for boarding, and cleared at the time the person boards the ship;

**Regulation 7.35**

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- (b) if there is no such screening point at the facility — the port facility operator has made arrangements with the master of the ship for the person to be screened and cleared on board the ship immediately after the person boards the ship.

Penalty: 200 penalty units.

- (4) A port facility operator must not allow baggage that is required to be screened and cleared to be taken on board a security regulated passenger ship that is moored at the facility, unless:
  - (a) if there is a screening point through which the baggage must pass at the facility — the baggage has been screened in preparation for being taken on board the ship, and cleared at the time it is taken on board;
  - (b) if there is no such screening point at the facility — the port facility operator has made arrangements with the master of the ship for the baggage to be screened and cleared on board the ship immediately after the baggage is taken on board.

Penalty: 200 penalty units.

- (5) A ship operator for a security regulated passenger ship must not allow a person who is required to receive clearance to board the ship, unless:
  - (a) the person is cleared at the time the person boards the ship; or
  - (b) the person is screened and cleared on board the ship immediately after the person boards the ship.

Penalty: 200 penalty units.

- (6) A ship operator for a security regulated passenger ship must not allow baggage that is required to receive clearance to be taken on board the ship, unless:
  - (a) the baggage is cleared at the time it is taken on board the ship; or
  - (b) the baggage is screened and cleared on board the ship immediately after the baggage is taken on board.

Penalty: 200 penalty units.

**Regulation 7.40**

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**Division 7.3 Weapons and prohibited items**

**7.40 Persons authorised to carry weapons or prohibited items in cleared zones**

- (1) This regulation is for sections 120 and 127 of the Act.
- (2) The following persons are authorised to have a weapon or prohibited item in their possession while in a cleared zone:
  - (a) a maritime security guard;
  - (b) an SSO;
  - (c) a master of a security regulated ship, if the weapon or prohibited item is for controlling or euthanasing live-stock in the ship.
- (3) The following persons are authorised to have a weapon or prohibited item in their possession while in a cleared zone if the purpose of that possession is to enable the person to secure the weapon or prohibited item for carriage on a security regulated ship:
  - (a) the master of the security regulated ship;
  - (b) a PSO;
  - (c) a PFSO;
  - (d) a screening officer.

**7.45 Authorised possession of weapons or prohibited items when passing through screening points**

For sections 121 and 128 of the Act, a member of the Australian Defence Force who is on duty is authorised to pass through a screening point with a weapon or prohibited item in his or her possession.

**7.50 Authorised carriage or possession of weapons or prohibited items on board regulated Australian ships**

For sections 122, 123, 129 and 130 of the Act, carriage or possession of a weapon or prohibited item on board a regulated Australian ship is authorised in the following circumstances:

- (a) carriage or possession by a maritime security guard;

**Regulation 7.50**

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- (b) carriage or possession by an SSO;
- (c) carriage or possession by a PSO, PFSO or screening officer for the purpose of securing the weapon or prohibited item for carriage on the ship;
- (d) carriage or possession by a member of the Australian Defence Force who is on duty.

**Regulation 8.40**

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**Part 8 Powers of officials**

**Division 8.1 Preliminary**

*Note* This Division heading is reserved for future use.

**Division 8.2 Maritime security inspectors**

*Note* This Division heading is reserved for future use.

**Division 8.3 Duly authorised officers**

*Note* This Division heading is reserved for future use.

**Division 8.4 Law enforcement officers**

**8.40 Customs officers who are law enforcement officers**

For paragraph (c) of the definition of *law enforcement officer* in section 151 of the Act, the following are prescribed:

- (a) customs officers who are attached to a Customs District Office or to the Northern Territory or Tasmanian Customs Regional Offices;
- (b) customs officers who are assigned customs duties associated with:
  - (i) intelligence activities; or
  - (ii) passenger processing; or
  - (iii) compliance, investigation or enforcement of border and cargo matters.



## **Part 9**                      **Reporting maritime transport security incidents**

*Note* This Part heading is reserved for future use.

## **Part 10**                     **Information-gathering**

*Note* This Part heading is reserved for future use.

## **Part 11**                    **Enforcement**

*Note* This Part heading is reserved for future use.

## **Part 12**                    **Review of decisions**

*Note* This Part heading is reserved for future use.

**Regulation 13.05**

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**Part 13                      Miscellaneous****13.05    Ship security alert systems**

- (1) A regulated Australian ship must be provided with a ship security alert system:
- (a) for a ship constructed on or after 1 July 2004 — before registration of the ship under the *Shipping Registration Act 1981*; and
  - (b) for a passenger ship (including a high-speed passenger craft) constructed before 1 July 2004 — not later than the first survey of the ship's radio installation after 1 July 2004; and
  - (c) for an oil tanker, chemical tanker, gas carrier, bulk carrier or a cargo high speed craft, of 500 or more of gross tonnes, constructed before 1 July 2004 — not later than the first survey of the ship's radio installation after 1 July 2004; and
  - (d) for any other cargo ship of 500 or more gross tonnes or mobile offshore drilling unit constructed before 1 July 2004 — not later than the first survey of the ship's radio installation after 1 July 2006.
- (2) A ship security alert:
- (a) must be capable of transmitting a ship-to-shore security alert identifying the ship, giving its location and indicating that the security of the ship is, or was, under threat; and
  - (b) must otherwise comply with regulation XI-2/6 of the SOLAS Convention.

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**Note**

1. Notified in the *Commonwealth of Australia Gazette* on     /     2003.

23 December