



Maritime Transport and Offshore Facilities Security (Incident Reporting) Instrument 2018

I, Angus Kirkwood, Delegate of the Secretary of the Department of Home Affairs, make the following instrument.

Dated 27 September 2018

Angus Kirkwood
Acting First Assistant Secretary
Aviation and Maritime Security Division
Department of Home Affairs

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1 Name

This instrument is the *Maritime Transport and Offshore Facilities Security (Incident Reporting) Instrument 2018*.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under subsection 182(1) of the *Maritime Transport and Offshore Facilities Security Act 2003*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) ISSC;
- (b) maritime industry participant;
- (c) maritime transport or offshore facility security incident;
- (d) offshore facility;
- (e) ship;
- (f) unlawful interference with maritime transport or offshore facilities.

In this instrument:

Act means the *Maritime Transport and Offshore Facilities Security Act 2003*.

industry participant means a maritime industry participant.

report means a report required to be made to the Secretary under Part 9 of the Act.

security incident means a maritime transport or offshore facility security incident.

unlawful interference means unlawful interference with maritime transport or offshore facilities.

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Information that must be included in a report

For the purpose of paragraph 182(1)(a) of the Act, the following information must be included in a report:

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- (a) the name, contact number, and email address for the person making the report;
 - (b) the title or position held by the person making the report;
 - (c) the name of the employer of the person making the report (where applicable);
 - (d) the date of the report;
 - (e) the date and time the security incident commenced;
 - (f) the date and time the security incident ceased;
 - (g) the location of the security incident (including, where applicable, the name and address of the port or offshore facility the security incident occurred in);
 - (h) the industry participant or participants to whom the security incident directly relates;
 - (i) the industry participant or participants who are affected as a result of the security incident;
 - (j) a detailed description of the security incident, including an indication as to whether the incident was:
 - (i) a threat of unlawful interference; or
 - (ii) an unlawful interference;
 - (k) if the security incident was a threat of unlawful interference:
 - (i) the name and contact details of the person who received the threat;
 - (ii) the details of the threat;
 - (iii) whether the person making the report assessed the threat as genuine or as a hoax and how they made that assessment; and
 - (iv) whether discovering who made the threat was successful, unsuccessful, ongoing or not attempted;
 - (l) if the security incident involved a ship:
 - (i) the name of the ship and its flag;
 - (ii) the size and type of ship;
 - (iii) the IMO and ISSC numbers; and
 - (iv) the type of cargo on board (if applicable);
 - (m) if the security incident involved an offshore facility or building or other infrastructure, information sufficient to identify the building or offshore facility or other infrastructure, such as the building number or other identifier;
 - (n) if the person making the report is aware that the security incident has previously been reported to the Department:
 - (i) the approximate time and date at which the security incident was reported; and
 - (ii) the name or position of the person, or the name of the area in the Department, to whom the incident was reported;
 - (o) if the security incident has been reported to the police, an industry participant or any other body:
 - (i) the approximate time and date at which the security incident was reported; and
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- (ii) the name and contact information of the person the incident was reported to;
 - (p) whether the report is a result of a routine security inspection;
 - (q) if the report is a result of a security incident being brought to the attention of the person making the report by a third party:
 - (i) that the report is a result of notification from a third party; and
 - (ii) the name, and where applicable, name of employer, of the third party; and
 - (r) the steps the industry participant has taken, or is in the process of taking, to ensure the security incident does not occur again.

7 Way in which the report is to be made

- (1) Once a security incident is identified, a report must be made as soon as possible, but no later than 24 hours after the security incident is identified.
 - (2) If, at the time of making the report, the industry participant does not have any of the above information, but later attains it, this information must be passed to the Department by one of the methods contained in (3) as soon as possible, but no later than 24 hours after attaining the information.
 - (3) The report must be made using one of the following methods:
 - (a) orally via phone on 1300 791 581 Option 0;
 - (b) online via the Department's form <https://www.homeaffairs.gov.au/about/corporate/information/forms/online/maritime-security-incident-report-form>; or
 - (c) by email to transport.security@homeaffairs.gov.au.
- Note: The Department provides a template report on their website here: <https://www.homeaffairs.gov.au/about/transport-security/security-incident-reporting>. This template satisfies all of the requirements above. As such, you may fill this form out and submit online, or you can fill the form out and send it to the Department via email.
- (4) If a report is made under paragraph (3)(a) it must be followed up in writing, using one of the methods set out in subsection (3), within 24 hours.

Schedule 1—Repeals

Maritime Transport and Offshore Facilities Security Act Notice About How Incident Reports Are To Be Made (No.3)

1 The whole of the instrument

Repeal the instrument.