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*Border Protection Command*¹

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Border Protection Command (BPC) is the Australian Government's lead organisation for security response in the Australian maritime domain. It is a standing multi-agency task force, which, during a civil maritime emergency, may draw on officers from many commonwealth (primarily), state and territory government agencies as well as civilian contractors, under the operational control of a two-star admiral, to address the threat. In this paper, Kevin Downs outlines the role and composition of BPC and explains how it executes its function.

Established on 30 March 2005, Border Protection Command (BPC) (formerly known as Joint Offshore Protection Command) is the Australian Government's lead organisation for security response in the Australian maritime domain. BPC's formation followed a recommendation from the 2004 Taskforce on Offshore Maritime Security – the 'Tonkin' Report. BPC is an Australian Government standing multi-agency task force with personnel drawn from the Australian Customs and Border Protection Service and Australian Defence Force, with embedded liaison officers from the Australian Fisheries Management Authority and Australian Quarantine and Inspection Service.

Mission

In concert with other government agencies and stakeholders, BPC protects Australia's national interests by generating awareness of activity in Australia's maritime domain and responding to mitigate, or eliminate, the risks posed by security threats. The security threats facing Australia in the maritime domain are:

- illegal activity in protected areas;
- illegal exploitation of natural resources;
- marine pollution;
- prohibited imports and exports;
- unauthorised maritime arrivals;
- compromise to bio-security;
- piracy, robbery or violence at sea; and
- maritime terrorism.

Governance

BPC is accountable to the Minister for Home Affairs and the Minister for Defence. BPC is commanded by a Navy two-star officer. The Commander BPC responds to a Joint Directive issued by the Chief Executive Officer

of the Australian Customs and Border Protection Service and the Chief of the Defence Force.

BPC is also responsive to the Strategic Maritime Management Committee (SMMC). The SMMC provides high level whole-of-government policy and strategic direction with regard to Australia's maritime security, and advises the National Security Committee of Cabinet. The SMMC advises the National Security Committee of Cabinet through the Secretaries' Committee on National Security on the appropriate response to maritime security threats.

Liaison

BPC personnel routinely liaise with a range of other Australian federal, state and territory government agencies. BPC also routinely coordinates and controls specified capabilities from Customs and Border Protection, Defence and the Australian Maritime Safety Authority to accomplish its mission. The agencies assisted are:

- Australian Antarctic Division of the Department of the Environment, Water, Heritage & the Arts;
- Australian Communications & Media Authority;
- Australian Customs & Border Protection Service;
- Australian Federal Police;
- Australian Fisheries Management Agency;
- Attorney General's Department – Critical Infrastructure Protection, Emergency Management Australia, and Protective Security Coordination Centre;
- Australian Hydrographic Office of Department of Defence;
- Australian Security Intelligence Organisation and National Threat Assessment Centre;
- Australian Maritime Safety Authority;
- Australian Quarantine & Inspection Service;
- Department of Agriculture, Fisheries & Forestry;
- Department of Broadband, Communications & the Digital Economy;
- Department of Defence;
- Department of the Environment, Water, Heritage & the Arts;
- Department of Finance & Deregulation;

¹This paper was the basis for an address to the Institute on 25 August 2009 by Group Captain Warrick Paddon, RAAF, Director, Strategic Plans, Border Protection Command. The lecture was attended by 95 members and guests.

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- Department of Foreign Affairs & Trade;
- Department of Health & Ageing;
- Department of Immigration & Citizenship;
- Department of Infrastructure, Transport, Regional Development & Local Government;
- Department of the Prime Minister & Cabinet;
- Department of Resources, Energy & Tourism;
- Great Barrier Reef Marine Park Authority;
- National Offshore Petroleum Safety Authority; and
- Office of National Assessments.

A key relationship exists between BPC and Australian Maritime Safety Authority (ASMA) which is responsible for maritime and aviation search and rescue, regulating and inspecting the seaworthiness of merchant vessels in Australian waters, as well as regulating and responding to maritime pollution. BPC supports AMSA by providing assets on request to assist in maritime search and rescue.³

BPC also liaises with state and territory governments, industry representative bodies and with the private sector on maritime domain security matters. Liaison with industry is generally in partnership with the Attorney General's Department, the Department of Infrastructure, Transport & Regional Development and the Department of Resources, Energy & Tourism. The Office of Transport Security within the Infrastructure Department has responsibility for security regulating the Australian civil maritime transport industry. The Attorney General's Department is responsible for the protection of critical infrastructure.

Legislation

The principal Commonwealth offshore enforcement provisions are contained in the *Customs Act 1901*, the *Migration Act 1958*, the *Quarantine Act 1908*, the *Fisheries Management Act 1991*, the *Environmental Protection and Biodiversity and Conservation Act 1999*, and the *Defence Act 1903* (Offshore Division – Part IIIAAA). Most of these Acts empower authorised officers to board, search, detain and move vessels and people in Australia's maritime domain. Necessary and reasonable force may generally be used by authorised officers in the performance of their duties pursuant to these Acts.

Australia's Jurisdiction Offshore

The Commonwealth Government has jurisdiction offshore, pursuant to its external affairs, as well as other powers under the Constitution. By virtue of the *1980 Offshore Constitutional Settlement*, states have jurisdiction within their internal waters and to three nautical miles outside of their territorial sea baseline.

The commonwealth retains jurisdiction within these waters over matters within its constitutional competence, and also has jurisdiction over the remainder of the territorial sea to 12 nautical miles, and in Australia's exclusive economic zone (EEZ) up to 200 nautical miles from the baselines.

The states, territories and the commonwealth possess jurisdiction in respect of acts occurring within their territory and territorial sea and may, subject to certain qualifications, exercise that jurisdiction over foreign nationals and/or foreign vessels.

BPC enforces legislation in Australia's maritime domain including the territorial sea, the contiguous zone, the EEZ and the continental shelf, as well as within protected areas and protected zones. BPC has responsibilities in its own right as Australia's 'security forces authority' in the Australian search and rescue region. Given the nature and origin of some maritime security threats, BPC's areas of interest are dependent upon each threat and range in scope from global to regional and domestic focal areas.

Conduct of Operations

BPC achieves its mission by conducting activities in three mutually supporting functional areas – awareness, response and prevention. These functional areas collectively create a deterrent effect on security threats.

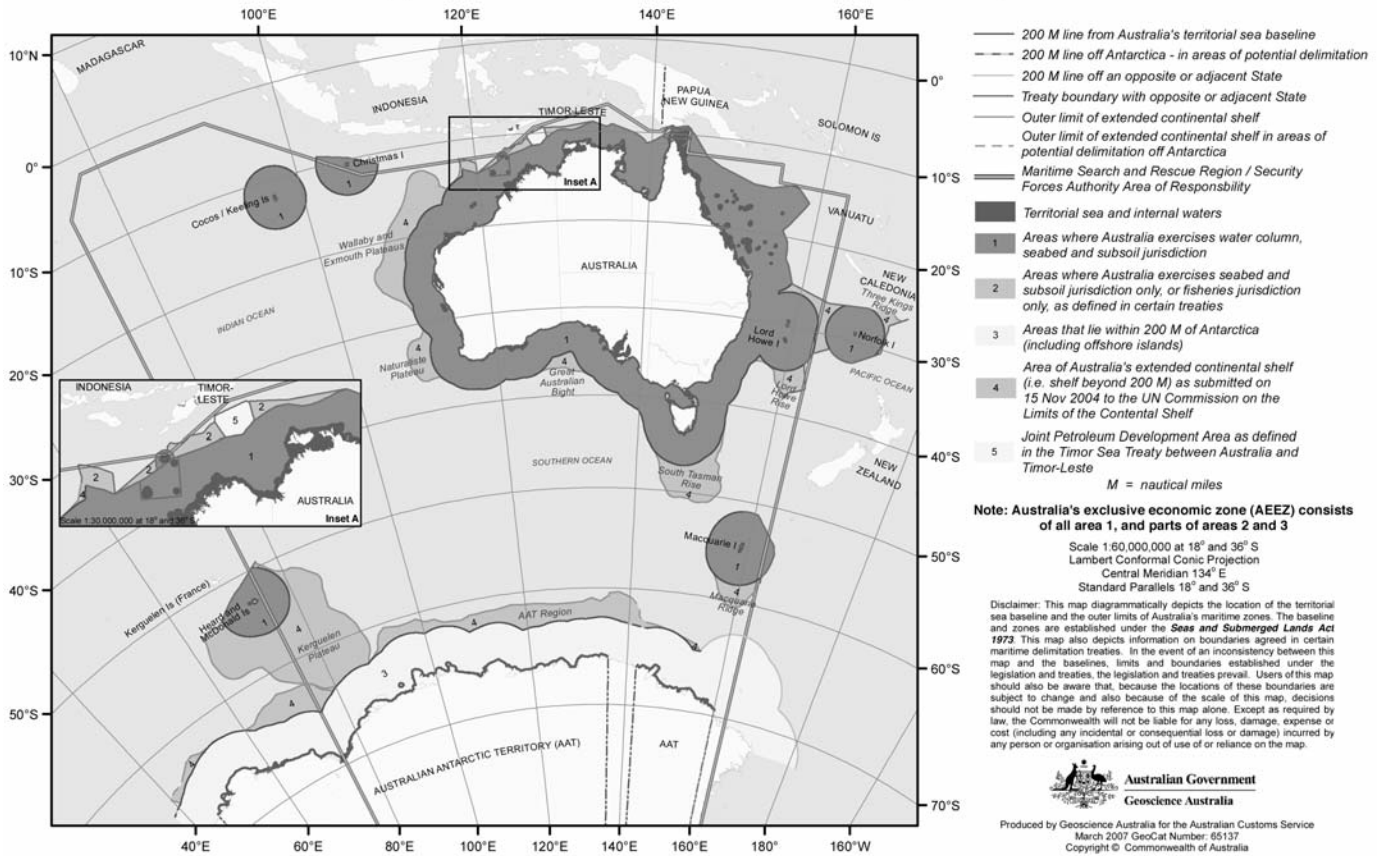
Awareness

BPC generates awareness of activities in Australia's maritime domain with the object of identifying security threats, assessing their likelihood of occurring and estimating their potential consequences.

BPC fuses information and intelligence from multiple sources to develop an awareness of activities in Australia's maritime domain and to identify emerging security threats that may impact on Australia. The BPC Intelligence Centre is Australia's central repository for maritime domain intelligence and coordinates the whole-of-government efforts to conduct all-source analysis of security threats and the effectiveness of Australian Government efforts to mitigate the risks posed by those threats.

Complementing the Intelligence Centre is the Australian Maritime Information Fusion Centre, which uses the Australian Maritime Identification System as one of the primary means by which information is managed and awareness of activities in Australia's maritime domain is developed. The information system collects, collates, stores, analyses and re-distributes information relevant to the detection, tracking and threat assessment of vessels operating in or approaching Australia's maritime zones. It enhances awareness of activity in Australia's maritime domain by bringing together existing, yet dispersed data, fusing these disparate data into a single system and selectively displaying a comprehensive view of the many thousands of vessels, crew, passengers and cargo

³Many other countries employ a model in which the maritime safety and maritime security responsibilities are integral to a single organisation.



Map: Border Protection Command's vast area of responsibility, which encompasses Australia's territorial seas, offshore islands (Cocos-Keeling Islands, Christmas Island, Norfolk Island, Macquarie Island, and Heard and McDonald Islands), the Australian Antarctic Territory and exclusive economic zone [Map: Department of Defence].

shipments entering or passing through Australia's maritime domain. Through analysis of the collated information, the information system assists in highlighting potential illegal activities and threats.

Other resources and capabilities currently available to BPC to generate awareness and identify security threats in Australia's maritime domain include:

- national and international open-source information;
- national and international intelligence;
- commercial satellite imagery;
- thirteen Customs and Border Protection contracted fixed and rotary wing aircraft;
- one Royal Australian Air Force (RAAF) AP-3C maritime patrol aircraft;
- RAAF 41 Wing Air Space Surveillance support;
- aircraft patrols using aircraft contracted to Australian Maritime Safety Authority⁴;
- Army Regional Force Surveillance Unit patrols; and
- reports from industry and the general public.

Awareness of security threats in Australia's maritime domain cues a decision to respond, as well as informing efforts to prevent and disrupt those security threats.

⁴The primary task for these aircraft remains to conduct search and rescue operations.

Response

BPC responds to security threats as they are identified in Australia's maritime domain. In most cases, the response is at the request of other Australian Government agencies responsible for detaining and prosecuting individuals suspected of having conducted illegal activity. Capabilities currently available to BPC to respond to security threats include:

- eight Customs and Border Protection patrol vessels (Australian Customs Bay Class Vessels);
- one Customs and Border Protection-contracted southern ocean patrol vessel (*Oceanic Viking*);
- one Customs and Border Protection-contracted northern patrol vessel (ACV *Triton*);
- seven Royal Australian Navy (RAN) Armidale-Class patrol boats, with up to an additional two when the unauthorised arrival threat so warrants;
- one RAN major fleet unit;
- one RAN heavy landing craft; and
- one RAN general-purpose patrol vessel (Mine Hunter Coastal).

Prevention

Rather than waiting for identified security threats to become manifest in the maritime domain, BPC also supports whole-of-government efforts to prevent or disrupt security threats before they emerge. Activities

may include communicating the consequences of breaking Australian law to potential foreign fishers and irregular immigrants, encouraging alternative livelihoods, or working in cooperation with foreign governments and their agencies.

BPC's proactive surveillance programme and surface vessel patrols, complemented by an effective legislative framework, have a significant deterrent effect on many of the security threats.

BPC also participates in whole-of-government activities which improve partnership arrangements and cooperation between government and the maritime industry. These arrangements aim to improve the depth of maritime domain awareness by improving information flow to and from maritime industry stakeholders.

Regional and International Maritime Security Partnerships

In cooperation with other Australian Government agencies, BPC liaises with a range of other foreign government operational maritime security agencies to cooperate and strengthen maritime security in the region. Where appropriate, this extends to knowledge exchange for countries developing and improving their border protection and maritime security operations.

BPC liaises on operational matters with the following foreign government agencies regarding our shared exclusive economic zone boundary:

- French Centres for Regional Operational Surveillance and Safety in La Reunion and Noumea;
- Indonesian Navy;
- Indonesian Maritime Security Coordinating Board;
- Indonesian Ministry for Maritime Affairs and Fisheries;
- Timor-Leste Defence Force;
- Papua New Guinean Defence Force – Navy;
- Solomon Islands Police; and
- New Zealand National Maritime Coordination Centre.

BPC liaises on operational matters with the following foreign government agencies regarding our shared search and rescue region/sustainable fishing area boundary:

- South African Search and Rescue;
- French Centre for Regional Operational Surveillance and Safety in La Reunion and Noumea;
- Mauritius National Coast Guard;
- Maldives Coast Guard;
- Sri Lankan Navy;
- Indonesian Maritime Security Coordinating Board;
- Papua New Guinea Defence Force – Navy, and other Papua New Guinea Government agencies;
- Solomon Islands Police; and
- New Zealand National Maritime Coordination Centre.

BPC also exchanges organisational information with the following foreign government agencies regarding our common roles and responsibilities:

- Pakistani Maritime Security Agency;
- Thai Project Sornchorn;
- Malaysian Maritime Enforcement Agency;
- Singaporean Police Coast Guard;
- Philippines Coast Guard;
- Indian Coast Guard;
- United Arab Emirates Coast Guard and Defence Forces;
- Japanese Coast Guard; and
- United States Coast Guard.

BPC also participates or has an interest in a range of regional and international inter-governmental fora and activities including:

- ASEAN Regional Forum Maritime Security Shore Exercises;
- International Maritime Organisation;
- Council for Security Cooperation in the Asia Pacific; and
- Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia.

Conclusion

While Australia has elected not to form a separate coast guard service as some other nations in our region have done, Border Protection Command now effectively fills this role and provides Australia with awareness, response and deterrence/prevention of sub-national unlawful incursions into our maritime domain and protected areas. While its organisational structure is unique, the operational control over assigned assets exercised by the Commander Border Protection Command, and high levels of inter-agency cooperation and liaison, ensure its success.

The Author: Wing Commander Kevin Downs has been Deputy Director Strategic Plans at Border Protection Command since 2008. He enlisted in the Royal Australian Air Force in 1976 and was a supply clerk before being commissioned as a logistics officer in 1989. Junior officer supply positions followed in Sale, Canberra and Amberley, where he worked in logistics support of F-111 operations. In 2000, he was selected as the F-111 Supply Liaison Officer working from Hill Air Force Base in Utah, United States. He returned to Australia in 2003 to complete senior staff training, and in 2004, on promotion to Wing Commander, he became Assistant Director, System Development and Review, in Aerospace Systems Division. In 2005, he returned to the United States for a further three years as Director, Foreign Military Sales, at the Australian Embassy, Washington DC. He was awarded a Head Aerospace System Division Team Commendation in 2001 and a Commander Border Protection Command Commendation in 2009.