



**Senate Rural and Regional Affairs and Transport
Legislation Committee**

**Transport Security Amendment
(Serious and Organised Crime) Bill 2016**

Submission of the

Australian Maritime Officers Union

24 March 2016

1. The Australian Maritime Officers Union (AMOU) welcomes the opportunity to make this brief submission to the Senate Rural and Regional Affairs and Transport Legislation Committee Inquiry into the Transport Security Amendment (Serious and Organised Crime) Bill 2016 (the Bill).
2. The AMOU represents the professional and workplace interests of members including: Masters and Officers in the 'bluewater' and 'offshore oil and gas' maritime sectors, Marine Pilots, Tug Masters, Bunkering, Dredging Industry, Stevedoring Supervisors, Ferries crew, Port Services, VTS/Port Control, Marine Tourism together with Professional/Administration/ Supervisory/Technical staff of Port Corporations and Marine Authorities.
3. Our union is one of three unions registered under the provisions of the Fair Work Act 2009 to represent the industrial interests of maritime workers.

4. We have read the Maritime Union of Australia (MUA) submission to this inquiry and generally agree with the positions put on the Bill by the MUA.
5. AMOU members are routinely required as part of their employment to be compliant with the *Maritime Transport and Offshore Facilities Security Act 2003* and therefore hold Maritime security identification cards (MSIC).
6. We note that is clearly detailed by the Department of Infrastructure and Regional Development that MSIC 's are identification cards¹ not access cards, and that '*the relevant authority at each port or facility controls access to its maritime security zones*'.²
7. We concur with the position of the MUA that further discussion is required by all stakeholders, including the relevant authorities at each port of facility, on how access can be monitored at a local level to achieve outcomes desired by the Bill.
8. We continue to be concerned that the tests for Australians to work on the Australian coast and in the local Australian shipping industry are far more onerous than the tests that apply to foreign seafarers in those instances.
9. Evidence to the Senate Regional Affairs and Transport References Committee Inquiry into the Increasing use of so-called Flag of Convenience shipping in Australia has highlighted instances where the differing standards of background checks between Australians requiring an MSIC and foreign seafarers on Maritime Crew Visas has, in the latter case, lead to serious security risks.
10. We note the response of the Department of Immigration and Border Protection to Questions on Notice from the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the increasing use of Flag of Convenience Shipping in Australia on 4 December 2015 where the Department detailed:

There have been 7732 vessels originating from overseas locations entering Australia from 1 July 2015 to 30 November 2015. These vessels are assessed in accordance to our intelligence led risk based practices in order to determine which will be subject to intervention. There have been 2587 vessel interventions during this same period. Depending on the nature of the vessel assessments interventions may include face to face checks, crew musters (to account for crew) or various search activities including ABF teams or dog units. The numbers of vessel interventions are not broken down further so that the number of face to face crew checks can be determined.

Subject to any conditions placed on the vessel by the Australian Border Force the master of a vessel has discretion regarding shore leave for crew. The Australian Border Force does not collect data on crew shore leave.

¹ <https://infrastructure.gov.au/security/identity/maritime-security-information/> accessed 24 March 2016

² Op cit

The total number of maritime crew deserters for 1 July 2015 to 30 November 2015 is 11. When a crew member has been deemed a deserter their maritime crew visa will cease, they become an unlawful non-citizen and when located may be placed in detention.

11. Further the Department of Immigration and Border Protection detailed that there have been two recent examples of foreign seafarers entering Australian ports without any appropriate visa:

The prescribed penalty for an offence under Section 229 of the Migration Act 1958 is \$5,000 in the case of a body corporate or \$3,000 in the case of a natural person.

On 17 November 2015 an Infringement Notice under Section 229 of the Migration Act 1958 was issued on a Master of a vessel that arrived at Portland Victoria with one crew member on board that did not hold an appropriate visa. The Master was fined \$5000.

On 31 December 2015 an Infringement Notice under Section 229 of the Migration Act 1958 was issued on a Master of a vessel that arrived at Thursday Island Queensland with one crew member on board that did not hold an appropriate visa. The Master was fined \$3000.

12. We find it extremely concerning that equal scrutiny of Australian seafarers and foreign seafarers does not occur.
13. As stated above, the AMOU is more than willing to discuss all maritime security issues at any time. We think these discussions, including the suitability of Australians to obtain MISCs and the vulnerability of security via the issuing of Maritime Crew Visas to foreign seafarers should occur immediately.

Recommendation:

That the *Transport Security Amendment (Serious and Organised Crime) Bill 2016* is withdrawn and that full stakeholder discussion occur seeking to identify all maritime security issues and to canvass solutions.