

Question on Notice and other relevant information**Response to JSCOT public hearing on 9 September 2003**

Reference: Inquiry into the Convention for the Safety of Life at Sea, 1974, and the Ship and Port Facility Security Code (ISPS)

1. *When did Fremantle Port Authority receive its copy of the exposure draft?*

The package was sent by Platinum Express Post to Mr Eric Atkinson at Fremantle Ports, 1 Cliff Street, Fremantle, on Thursday, 31 July 2003, and it was delivered on Friday, 1 August 2003, at 11:22 am.

2. *Timing of T Status Bill and relevant dates*

T Status Bills are time critical bills that need to be introduced and passed during one parliamentary sitting period. The Australian Government considered it necessary to make the Maritime Transport Security Bill a T Status Bill to ensure its passage before the end of 2003 in consideration of the 1 July 2004 international deadline for compliance with the maritime security regime enshrined in Chapter XI-2 and the ISPS Code.

The last possible day for introduction of a T Status Bill into the House of Representatives in the current parliamentary sitting period is 18 September 2003. According to the Senate standing order 111, the cut-off date for the Senate is before the expiration of two-thirds of the total number of Senate sitting days for the sitting period that for this sitting is 28 October 2003.

3. *Which legislation stipulates the kind of pre-arrival information foreign ships need to provide for immigration purposes?*

The *Customs Act 1901* and the *Migration Act 1958*. Section 64ACA(1) of the *Customs Act* obliges the ship operator to report to Customs on the passengers who will be on board the ship at the time of its arrival at the port, and section 64ACB(1) obliges the ship operator to report to Customs on the crew who will be on board the ship at the time of arrival at the port. However, section 64ACC(1) states that if a ship operator has given the above information in accordance with section 245L of the *Migration Act*, then the operator need not report the information in accordance with the *Customs Act*.

4. *What immigration information does the Australian Government require from foreign crew?*

We are awaiting information from DIMIA on this question.

5. *Does the US Administration permit foreign vessels to ply their coasts?*

We are awaiting information from our US colleagues on this question.

6. *ISPS Code publication*

The purple covered ISPS Code booklet is available for £14 (+ postage and handling) from the IMO web site <http://www.imo.org/home.asp>. Select 'Publications' from the top menu bar, then 'Purchase IMO Publications Here' and scroll down to the ISPS Code booklet. Fill in details for mail order, etc.

7. *Draft port, port facility and ship security plans*

Current versions of the draft port, port facility and ship security plans are attached. Up to date versions will be on the DOTARS web site after the introduction of the Bill.

8. *In the recently introduced New Zealand Maritime Security Bill (NZ MSB), which gives effect to Chapter XI-2 of SOLAS and the ISPS Code, does the CEO of the relevant department have the power to approve plans?*

Under clause 21(3) of NZ MSB the chief executive has the power to approve ship security plans, and under clause 40 the chief executive has the power to approve port facility security plans. The 'chief executive' is defined as the CEO of the Designated Authority. Clause 7 provides that the Designated Authority will be appointed by the NZ Governor-General.