

Maritime Union of Australia

Submission on “Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other measures) Bill 2005”

Background

The Maritime Union of Australia has supported the federal government’s initiative on securing the safety of maritime workers and Australia’s critical maritime infrastructure.

One recurring issue however is the union’s concern that workers rights are not traded off under a pretext of security. It is our view that rights and security are not mutually exclusive in a regulated maritime security framework, and that each works to complement the other.

Ports, port facilities and ships are workplaces for many thousands of Australian workers. The maritime security framework is crucial to protecting the safety of these workers. Workers play an important role in implementing maritime security – simply on the basis that they know their work environments well and can be on the look out for any unusual or unsafe activities.

Purpose of the legislation before the Committee

The MUA understands the existing requirements and responsibilities for maritime security guards and that the amendments seek to build on these to support the effectiveness of the guards.

However, it is important to recognise that in the process of enhancing the effectiveness of the guards, additional powers will be bestowed upon them. It is these additional powers that the Committee needs to consider, and the level of training that is appropriate.

The MUA understands that the detail of how the bill will operate in practice will be included in regulations. These regulations have not been made available to the MUA, or to any industry representatives and we suggest it may be appropriate for the Committee to see the draft regulations before completing its inquiry into this Bill.

Reasons for removal of people from secure zones

When the MSIC cards come into effect only those who have both an MSIC card and an access card (or are being monitored by someone) can be in a maritime secure area. The union has no issue with this but raises the question of foreign seafarers transiting through Maritime secured zone.

What form of identification would a foreign seafarer need to satisfy a maritime security guard when trying to access shore leave? In most cases foreign seafarers are required to surrender their passports to the master of the ship for the duration of their

contract, which could be in excess of 12 months. Often passport are the only form of photographic identification many seafarers have.

A ridiculous situation could arise whereby a foreign non English speaking seafarer is removed from a security zone on an Australian wharf and not permitted to reboard his/ her ship.

Of further concern to the MUA is the reasons that a security guard might use to remove people from a secure zone. It is unclear to the union whether there would be scope under the proposed legislation and/or the regulations for a security guard to remove people (who are authorised by their employers to be in secure areas) from a secure zone in the event that they were participating in industrial action.

Training

Given that the bill proposes a range of new powers for maritime security guards, it is the view of the MUA that this be accompanied by a requirement that guards achieve an appropriate level of training.

Clearly, maritime security guards are operating at a different level of responsibility to say a guard on a gate at factory or outside a shop. On this basis there must be a requirement for a higher standard of training. This training level should be consistent across the state jurisdictions to allow for consistency and portability of qualifications.

The MUA are of the opinion that the position of maritime security guard should be a dedicated position, with a mandated qualification level, so as to avoid the dilution of the authority and effectiveness of the guard.

By way of comparison the union is advised that industry in Canada has requested that a dedicated maritime security police force be reintroduced after it was recently abolished.

If a guard is sourced by a labour hire company he/she could feasibly be responsible for a council swimming pool one day and guarding our critical maritime infrastructure on another.

A maritime security guard will need to be fully cognisant of all occupational health and safety regulation for all forms of transport entering a zone as well as understanding the definitions relating to their responsibilities, Therefore there is a very real case for dedicating a worker to the position and ensuring that they are trained to a high standard.

Consultation

While consultation in relation to many aspects of the maritime security framework has been of a high standard, this has not been the case in relation to the Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other measures) Bill 2005. The Working Group has not been consulted on issues in relation to the role and/or training of security guards, nor has it seen the draft regulations.

The union believes that consultation on these important issues must be streamlined, and that all proposed legislation and regulations needs to be circulated to working group members for comment. Industry and union representatives have high level of working knowledge in relation to the maritime industry and many of the issues currently before the committee could well have been resolved with adequate consultation.