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26 August 2005

Committee Secretary
Senate Rural and Regional Affairs and Transport Legislation Committee
SG 62
Parliament House
Canberra
ACT 2600

Dear Ms Weeks,

Find enclosed P&O Ports submission to the Senate Sub-committee in relation to the Maritime Transport Security Act 2005. P&O appreciates the opportunity to provide a submission to the Committee on issues relating to the extension of powers available to Maritime Security Guards. P&O has particular concerns regarding:

- Where the powers will have effect; and
- The Maritime Security Guard qualification and training requirements.

P&O has also reviewed the report from the Committee's Inquiry of August 2005 and has included in the submission concerns of the outcomes of that inquiry relating to:

- The vetting of applicants; and,
- The management of disqualified individuals.

Yours sincerely

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**Submission to the Senate Rural and Regional Affairs and Transport
Legislation Committee**

Inquiry into the Maritime Transport and Offshore Facilities Security
Amendment (Maritime Security Guards and Other Measures (Bill) 2005

Maritime Security Guards – Increased Powers

The Maritime Transport and Offshore Facilities Security Act 2003 is being amended to incorporate an increase in the powers available to Maritime Security Guards operating within maritime security zones.

P&O's has concerns in respect of:

- Where the powers will have effect; and
- The Maritime Security Guard qualification and training requirements.

P&O has reviewed the report from the Committee's Inquiry of August 2005 and P&O remains concerned with regard to:

- The vetting of applicants; and,
- The management of disqualified individuals.

Maritime Security Zones

The draft amendment restricts Maritime Security Guards to only having the power to identify and remove vehicles or persons after they have entered a security zone. In effect, a breach of the zone has occurred before action can be taken.

We would prefer that these powers be extended to include areas immediately adjacent to perimeter of the maritime security zone. In particular we would support Maritime Security Guards having the power to:

- a. require the production of ID for people in the vicinity of the perimeter of a security zone; and,
- b. have unattended vehicles, parked within 50 metres of the perimeter of a security zone, removed

The addition of these powers would ensure Maritime Security Guards provide a frontline defence to facility security.

Qualification and Training

The regulations should include details of the qualification and training required to be a Maritime Security Guard. It is essential that specific training be provided to ensure that the Maritime Security Guards are capable of responding, within the scope of their powers, to all potential maritime incidents.

Vetting of Applicants

The effectiveness of the new Maritime Security Identification Card (MSIC) is underpinned by the overall integrity of the security system. As we have indicated previously we believe that the function of the MSIC is compromised by the present intention of Government to have Issuing Bodies conduct the vetting of background checks post the implementation period. Government should continue to be responsible for the vetting of background checks post rollout of the MSIC.

Disqualification

The issue of how to manage individuals who are disqualified from holding a MSIC remains a concern. In our earlier submission we identified this issue as having the potential to trigger claims of unfair dismissal and place additional financial burden on industry. While we acknowledge and support the recommendations of your report of 10 August 2005 in respect of extending the Working Group through the rollout period to consider this issue, the Working Group lacks the power or authority to direct Government policy on this issue. Implementing a change to policy during the rollout will also be difficult.

We reiterate our concerns that a disqualification of an employee under this legislation will almost certainly trigger claims of unfair dismissal. We again recommend this legislation be granted superior legislation status therefore overriding the industrial or discrimination laws or alternatively that a system of compensation be considered as part of the Government's approach.

We appreciate the support and work of the committee in reviewing both the Act and the Regulations.



TIM BLOOD
Managing Director
P&O Ports, Australia & New Zealand

26 August 2005