

The Senate

Rural and Regional Affairs and
Transport Legislation
Committee

Regulatory framework under the *Maritime
Transport Security Amendment Act 2005*

August 2005

© Commonwealth of Australia

ISBN 0 642 71565 3

This document was prepared by the Senate Rural and Regional Affairs and Transport Legislation Committee, and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

Membership of the Committee

Members

Senator the Hon. Bill Heffernan	LP, New South Wales	Chair
Senator Jeannie Ferris	LP, South Australia	
Senator Anne McEwen	ALP, South Australia	
Senator Julian McGauran	NPA, Victoria	
Senator Christine Milne	AG, Tasmania	
Senator Glenn Sterle	ALP, Western Australia	

Participating Members

Senator Abetz	Senator Eggleston	Senator Mason
Senator Allison	Senator Evans	Senator McLucas
Senator Bartlett	Senator Faulkner	Senator Nettle
Senator Bishop	Senator Ferguson	Senator O'Brien
Senator Boswell	Senator Hogg	Senator Payne
Senator Brown	Senator Hutchins	Senator Ray
Senator G Campbell	Senator Lightfoot	Senator Santoro
Senator Carr	Senator Ludwig	Senator Stephens
Senator Chapman	Senator Lundy	Senator Watson
Senator Coonan	Senator S MacDonald	Senator Webber
Senator Crossin	Senator Mackay	

Committee Secretariat

Ms Maureen Weeks, Secretary
Ms Sharon Babyack, Research Officer
Ms Rosalind McMahon, Executive Assistant

Parliament House, Canberra
Telephone: (02) 6277 3511
Facsimile (02) 6277 5811

Internet: www.aph.gov.au/senate
Email: rmat.sen@aph.gov.au

TABLE OF CONTENTS

Membership of the Committee	iii
Table of Contents	v
List of Abbreviations	vii
Chapter 1.....	1
The Committee's Inquiry.....	1
Conduct of the Inquiry.....	1
Purpose of the Amending Act	1
The Maritime Security Identification Card (MSIC).....	2
The Regulations.....	3
Chapter 2.....	5
Implementation.....	5
Introduction	5
Consultation.....	5
Maritime Security Relevant Offences: deciding the level of criminality	8
Operation of Security Checks.....	10
Disqualifying or Exclusion?	10
Consistency in IB assessments	12
Privacy and Security Checks	13
Issuing Bodies' access to personal information	15
Data storage	17
Cost Recovery	19
Card Use	20
Infrequent users of the MSIC	21
Competition between Issuing Bodies	22
Redundancy	22
Chapter 3.....	25
Administration	25
Introduction	25
Law Enforcement and Compliance Mechanisms	25
Inspecting facilities to enforce the MSIC regime.....	25

Display of the MSIC	27
Inequitable penalties for incorrectly displaying the MSIC?	27
OH&S standards for display of the MSIC.....	28
Issuing MSICs at short notice.....	29
Skills base and foreign workers.....	30
Live background checks of the MSIC	31
Monitoring Non-MSIC Holders	32
Enforcing the MSIC in circumstances involving an emergency	34
Boarding a vessel as part of a recreational activity	35
Foreign Seafarers.....	35
Flags of convenience and the Coastal Permit System	37
Other Matters	39
Container Inspections and high consequence dangerous goods.....	39
Chapter 4.....	41
Conclusions and Recommendation	41
ADDITIONAL COMMENTS BY LABOR SENATORS	43
Appendix 1	49
List of Submissions	49
Appendix 2	51
Witnesses who appeared before the Committee at the Public Hearings.....	51
Appendix 3	53
Maritime Transport and Offshore Security Amendment Regulations 2005....	53