

20 July 2005

Senator Bill Heffernan
Chair
Senate Rural and Regional Affairs Committee
Australian Parliament House
Canberra ACT

Dear Senator Heffernan

**RE: INQUIRY INTO THE MARITIME TRANSPORT SECURITY AMENDMENT
ACT 2005**

We are writing to clarify some issues raised during the public hearings of the Senate Rural and Regional Affairs and Transport Committee on July 12 2005, as part of the Committee's inquiry into the regulatory provisions of the Maritime Transport Security Amendment Act 2005.

During the hearing, we raised concerns in relation to the Department's late inclusion of Part 2 of the Crimes Act 1914 in the regulations. We sought clarification about whether or not this would also mean that Part 2A of the Crimes Act would be included, and we welcome the unequivocal statement by the Departmental official that this would not be the case.

However, we wish to ensure that the Committee remains aware of the primary concern that we raised in relation to inclusion of Part 2 of the Crimes Act. Specifically, the inclusion of this broad Part of the Crimes Act has the effect of including a series of new offences that had not previously been discussed. This calls into question the basic principle that had been worked through in great detail as part of the Working Group process - that only offences with a direct relationship to security/terrorism would be used as a basis for assessing eligibility for an MSIC. The list of offences for inclusion in the regulations had been agreed to by the Working Group, and we are concerned that this has been broadened unilaterally by the Department - on the basis of ease of drafting (as was admitted during the hearings by the Departmental official).

The principle under which the Working Group operated and the regulations were drafted was that this process had the clear objective of at improving security

outcomes at Australian ports. We believe that it is important that the regulations are targeted to this objective. Any "blurring" of this objective on the basis of ease of drafting could in fact have the impact of weakening the security framework.

Yours sincerely

Danni Whyte
Policy Officer
Transport Workers Union

Dean Summers
National ITF Coordinator
Maritime Union of Australia

**Cc Ms Maureen Weeks
Committee Secretary**