



ADSTEAM MARINE LIMITED

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Ms Maureen Weeks
Committee Secretary
Senate Rural and Regional Affairs
and Transport Legislation Committee
SG62, Parliament House
CANBERRA ACT 2600

Dear Ms Weeks,

Inquiry into the Administration of the *Maritime Transport Security Amendment Bill 2005*

We are pleased to respond to the invitation to make a submission to the Committee's inquiry into the Maritime Transport Security Amendment Act 2005.

About Adsteam Marine Limited

Adsteam is the largest provider of ship assist services in Australia, operating in 36 ports around the country and employing approximately 900 personnel, 700 of whom work in marine classifications.

Because of the size of our workforce and the geographical spread of our operations the introduction of the Maritime Transport Security Bill 2005 and the implementation of the Maritime Security ID Card presents our company with a number of significant challenges.

Adsteam does however, recognise the crucial relationship between securing our ports and the ongoing safety of the nation. For that reason we welcome the new measures. We have worked closely with DOTARS since the establishment of the MSIC working group in late 2004 to assist in the development of a scheme that is appropriate for the maritime industry.

In your letter, you refer to a number of issues that the Committee will focus on in its inquiry. We will not submit responses on all those issues, suffice to say that we support the submissions of the Australian Shipowners Association. However, in respect of the issues where we may be of assistance we offer the following.

Whether the regulatory framework to be implemented adequately protects privacy interests

A key area of concern for Adsteam (and we understand other employers) is whether when fully implemented, issuing bodies will also be required to act as vetting authorities in circumstances of a qualified response from AFP and ASIO.

The scheme, as currently proposed, interposes the involvement of DOTARS to make the determination of whether an applicant is issued an MSIC in such circumstances. However, that involvement is not scheduled to continue beyond 30 June 2006.

In our submission, such Governmental involvement is essential to the protection of individual privacy.

Further, uniting responsibility for both issuance and vetting within the same organisation(s) may lead to a number of wholly unsatisfactory outcomes.



Firstly, it is unlikely that many organisations will be prepared to act as an issuing body for anyone other than their own employees as a consequence of potential liability issues associated with the vetting process.

Secondly, there is a possibility that over time standards would become fragmented from issuing body to issuing body allowing applicants to choose a location known to be less rigorous.

Thirdly, employers acting as issuing bodies would potentially be subjected to industrial pressure to accept applications that really should be rejected.

Finally, there is the potential for employers acting as issuing bodies to impose their own character test through the vetting process.

The appropriateness of the cost recovery model in respect to such an important area of national security

In principle, Adsteam Marine Limited has no difficulty with participating in the scheme on a cost recovery basis.

Whether collected through the taxation system or from the maritime industry itself, the reality is that the costs of the scheme will ultimately be borne by Australian consumers.

It should be noted that Adsteam may not be able to recover all of the costs of managing and administering the scheme as it is currently conceived due to pre existing contracts and arrangements – many with government or semi-government bodies who have proven reluctant to allow these costs to be passed on to end users.

We believe that this issue needs to be addressed by the Government.

The fair operation of security checks with respect to existing employees

The role to be played by DOTARS during the implementation phase is crucial in ensuring that there is a third party (ie. independent) approval mechanism and therefore overtly fair process.

We do not imagine that any employer would seek to take advantage of the introduction of the MSIC regime to remove individuals from the workforce. However, that may not be the perception in what remains a highly unionised and industrially focussed sector of the economy.

Just as important as the role of DOTARS in the initial implementation phase will be the role of a Government vetting agency during renewal.

As such fairness is best achieved through an open third party approval process into the future.

We hope that our comments will be of some assistance to the Committee and again thank you for the opportunity of providing a response.

Yours sincerely

Melos Sulicich
**Executive General Manager –
Adsteam Australasia**