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LEGISLATION COMMITTEE

Reference: Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006

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SENATE
RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION
COMMITTEE
Friday, 26 May 2006

Members: Senator Heffernan (*Chair*), Senator McEwen (*Deputy Chair*), Senators Ferris, Milne, Nash and Sterle

Participating members: Senators Abetz, Adams, Allison, Bartlett, Bernardi, Mark Bishop, Boswell, Brandis, Bob Brown, George Campbell, Carr, Chapman, Coonan, Crossin, Eggleston, Chris Evans, Faulkner, Ferguson, Fielding, Hogg, Hutchins, Joyce, Lightfoot, Ludwig, Lundy, Ian Macdonald, Sandy Macdonald, Mason, McGauran, McLucas, Nettle, O'Brien, Payne, Polley, Robert Ray, Santoro, Siewert, Stephens, Trood, Watson and Webber

Senators in attendance: Senators Ferris, Heffernan, McEwen, O'Brien, Siewert and Sterle

Terms of reference for the inquiry:

Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006.

WITNESSES

**PARKINSON, Mr Jeremy, Acting General Manager, Maritime Security, Department of
Transport and Regional Services 1**

**SHERRIN, Ms Melanie, Acting Director, Maritime Security Policy, Department of
Transport and Regional Services 1**

Committee met at 9.37 am**PARKINSON, Mr Jeremy, Acting General Manager, Maritime Security, Department of Transport and Regional Services****SHERRIN, Ms Melanie, Acting Director, Maritime Security Policy, Department of Transport and Regional Services**

CHAIR (Senator Heffernan)—I declare open this public hearing of the Senate Rural and Regional Affairs and Transport Legislation Committee. The committee is hearing evidence on the committee's inquiry into the Maritime Transport and Offshore Facilities Security Amendment (Security Plans and Other Measures) Bill 2006.

These are public proceedings and a *Hansard* transcript of the proceedings is being made. I remind witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. Any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. The Senate has resolved that an officer of a department of the Commonwealth or a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. I ask everyone to turn off their phones or make them inaudible. I welcome the officers from the Department of Transport and Regional Services and invite you to make an opening statement.

Mr Parkinson—The department welcomes the opportunity to appear before the committee today. I will keep my opening remarks very brief, given that you have just read the submission we have provided. The department apologises for the lateness of receipt of the submission. This week has been busy, but probably not as busy as your week has been. In brief, the bill does not propose to vary any of the policy settings underpinning the maritime security regime. It is essentially a procedural bill that proposes to simplify procedures in two areas, the first being simplifying the process for making changes to maritime ship and offshore facility security plans, and the second is to simplify the process to establish security zones.

CHAIR—They say you are getting old when the police and doctors look too young; you look too young to be the acting manager but, anyhow, there you go.

Senator FERRIS—That is a compliment coming from him.

CHAIR—That is a compliment. Senator O'Brien?

Senator O'BRIEN—The legislation makes certain amendments in relation to notification of details of the appointed security officer. Could you explain those for us, please?

Mr Parkinson—The requirements for content of maritime security plans currently require that a maritime security plan have the contact details for security officers in ports, ships and offshore facilities. As you would understand, those contact details change quite frequently. We are talking about changes to phone numbers, addresses, facsimile numbers, emails, et cetera, and it has been agreed with industry that it is impractical to have those sorts of details in the

marital security plan; those details would be better being attached to the plan so that they can be changed easily. The change proposed in the bill is essentially that the plan will set out by name or by position who the security officers are so that the contact details for those security officers can then be located outside the plan.

Senator O'BRIEN—It sounds like that is something that could slip through the net. What are the implications if there is a change in the personnel but no notification? Presumably this is information that is required for a purpose, so I want to find out what the implications are if port X decides it is going to replace its labour with contract labour or change the contract or someone leaves and they engage new people but forget to put the paperwork in. What happens?

Mr Parkinson—That situation exists currently in that there is an obligation on the maritime industry participant to advise the secretary of any changes to the names or contact details of the security officer. What we are trying to do in this amendment is to simplify the process for advising of that change. The obligation to advise of the change remains, and that obligation is enforceable by law.

Senator O'BRIEN—The obligation to advise the names will not change, it just will not be in the plan?

Mr Parkinson—The contact details will not be in the plan.

Senator O'BRIEN—But the names will be?

Mr Parkinson—The option is for names or positions.

Senator McEWEN—That could just be something like 'Security Officer Level 1', as opposed to 'John Smith'?

Mr Parkinson—Yes, it would probably normally be something like 'Port Facilities Security Officer', as opposed to 'John Smith'.

Senator McEWEN—So there would be no mention of a name at all in the plan or anywhere else?

Mr Parkinson—Some of the maritime industry participants may choose to put names in, but of course as people move on they will then need to revise that plan to account for the change of person. Others would probably prefer to designate a position so that, as people move on, they simply have to update the contact details for that position.

Senator McEWEN—But not the name of the person occupying the position?

Mr Parkinson—They would need to advise of the change of name, along with the change of contact details.

Senator STERLE—I was recently up in the port of Dampier. There are five wharves up there with a number of operators running on and off. They have people coming and going all the time. It is a transient workforce. Would it not be a huge impost on them every time? Because of the construction going on up there as well, and the job supply on the rigs, they are going through personnel regularly.

Mr Parkinson—The requirement relates to designated security officers, and the act requires a port facility security officer for a port facility. That would be usually one person

and, in some cases, it may be more than one, but it is a designated position in the company. Likewise on board a ship, there will be one person who is designated as the ship's security officer. Often that person is the master of the ship, for example. While the security officer may change, we would hope that they would not be changing too frequently.

Senator O'BRIEN—Do you envisage that someone will just send an email to the department saying, 'We have changed the person'?

Ms Sherrin—It needs to be in writing and there would need to be formal records kept. If there is not a facility to receive it either way, the department would confirm that that change has been made.

Senator O'BRIEN—Would an email qualify as being in writing?

Ms Sherrin—Yes, that can be 'in writing'.

Senator SIEWERT—Would it not be better to have a form? Or do you have a form? Is there a standardised process that says, 'These are the names of our new contact officers,' and everybody has them?

Ms Sherrin—There is a range of requirements set out under the act for the form and content of the maritime security plan. Most of the systems have their own format in the way that they structure that, but the information is set down within the regulations and the act about what they need to provide, and industry has been putting that information in to us already and seems to be quite comfortable with the form of the information being provided.

Senator SIEWERT—Have you done an assessment to actually know that people are updating regularly with this security detail and so on?

Mr Parkinson—That is an essential part of the auditing process of maritime security plans. We have a fairly comprehensive process of auditing, inspecting and making visits to maritime industry participants to check against many aspects of their plans, including that they have kept contact details up to date.

Senator O'BRIEN—If someone sends you a notice by email, will you, by regulation, designate an address that they have to send it to? I am not sure how often the secretary of the department would check their emails.

Mr Parkinson—My understanding is that this is normally done in writing on a signed letter. I think that that would not preclude a maritime industry participant from commencing the process by email if that was more convenient to them, but we would certainly be communicating with them to confirm the details that they provided.

Senator O'BRIEN—If legal compliance is sending an email, some may choose, perhaps because they have a regular turnover in security officers, to do it the easy way and send an email. I asked the question to find out whether it would comply. It seems that it would. Which particular provision in the act regulates that? Or would that be by a regulation that would be promulgated?

Mr Parkinson—The means of transmission of information?

Senator O'BRIEN—Yes, the requirements for the transmission of that information. Which provisions in the act are we talking about?

Mr Parkinson—The act requires that the notice be given in writing. As I said, that is usually by form of letter.

Senator O'BRIEN—Which section of this bill are we talking about?

Ms Sherrin—I will look it up for you.

Senator O'BRIEN—Clause 66(1)(c) is repealed and substitute with 'designate by name or reference'. That is the change requirement in the plan.

Mr Parkinson—That is correct.

Senator O'BRIEN—Can you point me to the provision that relates to—

Mr Parkinson—There is a series of provisions in the act relating to amendments to plans and the requirement to submit amendments by written notice. My colleague Ms Sherrin is looking at those right now.

CHAIR—An amendment is proposed to fix the technical legal status of a security zone. Is everyone comfortable that the amendment will fix that problem?

Mr Parkinson—Yes.

CHAIR—Has there been any adverse reaction to that amendment?

Mr Parkinson—No.

Senator O'BRIEN—I would like to see the specific provision that relates to this 'notice in writing'.

Mr Parkinson—A number of provisions in the bill require the giving of notice in writing. For example, in providing a maritime security plan for approval, section 15, which is on page 4 of the bill—

Senator O'BRIEN—Yes, I see that.

Mr Parkinson—If the question is whether an email would be an acceptable form of written notice, we could certainly get back to you on what is the current process within the department on that.

Senator O'BRIEN—I am looking for the provision. If someone neglects it and you have to do something about it, I want to know how you would enforce it, and that is why I want to know which provision we are talking about and what it says. If it is not in there, would it be a matter for the regulations and, if so, in what form?

Mr Parkinson—The regulations set out the form and content of maritime security plans, which include those sorts of process details. I, unfortunately, do not have a copy of the regulations. I think Ms Sherrin does. We can get that to you fairly shortly.

Senator O'BRIEN—If it is not in the bill now, do you intend to promulgate a regulation to give effect to that?

Mr Parkinson—My expectation, which I will confirm in a moment, is that we would not need to promulgate an additional measure, because that is already provided for in the regulations. It is not where I thought it was. I might have to get back to you on that one.

Senator O'BRIEN—I would appreciate that.

CHAIR—Just to clarify, would there be some people in the department who could find that out before we conclude this hearing? We hope to get this settled pretty quickly, in a strategic sense. If we could get the answer, if someone could make a phone call, or whether they are listening—we are not on a broadcast, are we?

Mr Parkinson—I do not believe so.

Senator O'BRIEN—It would be good to know. Rather than have a debate about what the provisions are—we can see what the provisions are—if there is some problem with it we will have to debate it.

CHAIR—We will have a morning tea break and see.

Senator O'BRIEN—In the meantime, there is a reference to a map. Are there any specific provisions in the Acts Interpretation Act that would clarify the meaning or specify what the term 'map' would be taken to mean in interpreting the provision?

Mr Parkinson—We have certainly received maps of a range of style and quality, all of which have proven to be acceptable, provided we can define from that map the boundary of the proposed security zone. What I am saying is that it is an outcomes based focus.

Senator O'BRIEN—Again, it is because of the question over the enforceability of the provision that I wanted to see whether you had received advice that the term would be enforceable and have the meaning that is desired were there to be a dispute about what constituted a map.

Mr Parkinson—The regulations do provide requirements for the boundaries of maritime security zones. They set out requirements such as fences and so on, which assist to define exactly where the boundary is. The map would be indicative of those boundaries.

Senator O'BRIEN—Are you saying that the term is superfluous; that it does not matter that it is in the bill, because the regulations say what has to be provided and that is what would be enforced?

Mr Parkinson—No, the map is essential, but we have not prescribed any particular form of map or any particular detail.

Senator O'BRIEN—That is why I am asking the question. I understand that. You have used the term a 'map', and I just want to be clear that that gives sufficient force to the government's intent. If ever there is a dispute about whether someone is in a port security zone, I suspect that if a map is appended setting out the zone this will be the basis for legal action at some stage. If you ever wanted to rely on this provision, would there be any difficulty, for example, through the Acts Interpretation Act giving it some meaning that you do not want it to have or giving it less of a meaning than you thought it would have? Perhaps you can take that on notice and give us a considered response. Again, this is not an attack on the provision as such but a question about the enforceability of the provision. It may well be that you have completely adequate advice on that, which was the purpose of my question, or it may be that the draftsman who did this has taken that into account. I do not know and that is why I am asking the question.

Mr Parkinson—We are certainly happy to take that one on notice. My expectation, based on my experience with developing other legislation, is that the drafter would normally have

sought and received the appropriate advice for those sorts of details. I would expect that that is the case, but I will certainly confirm that.

Senator O'BRIEN—I can assure you that we have had plenty of legislation drafted that has been less than perfect. Part of this process is to have a look at that and, if a question comes to mind to us, it would certainly come to the mind of a lawyer who wants to use a deficiency in the legislation for a purpose that the government would not like.

Ms Sherrin—There are two parts in the act where we specify the form of the maritime security plans. For example, section 49 states:

The maritime security plan must be in writing and prepared in accordance with the requirements set out in the regulations.

That is the plan itself.

Senator O'BRIEN—But this provision is outside the plan.

Ms Sherrin—I thought we were talking about the other issue?

Senator O'BRIEN—No, sorry.

Ms Sherrin—I thought we were talking about the issue that I—

Senator O'BRIEN—Yes, we are, but this is a notice that is provided outside the plan.

Ms Sherrin—Yes. Participants may vary the plan by, again, giving it to the secretary. If you follow the way the act has been worded, 'has given the secretary a maritime security plan' and 'gives the secretary another maritime security plan', it is because they have been, in effect, replacing the first one. The practice of the department, where industry has expressed a preference, has been that they will accept via email, because that is a common way for many companies to do business, and we have a set email address that all these things come into, so there cannot be any incidents. Then we confirm back in writing to the company the changes that they have requested. That is a way of assisting industry with making sure that they can communicate quickly with us. It also means that we have got a soft copy of the document so that we can store it and access it more easily than having to scan it and not be able to search it. That is the practice, and it is set down. The reason it does not say 'submit the revision in writing' in the original act is that each time you were submitting a revision you were resubmitting the plan. Section 49 picks up that concept of being in writing, and we have deemed that to mean that we will accept emails.

Senator O'BRIEN—I understand those matters in relation to the plan, but if this bill passes the contact details of the security officer will not be in the plan. That is outside the plan, and that is why I was asking for the provision that would mandate the regular supply of those details and make that an enforceable provision. If it is not in the regulations now, is it in the bill? If it is not in the bill and it is not in the regulations, how do you propose to enforce it?

Mr Parkinson—That sort of detail would not normally be in the bill; it would normally be a matter for the regulations. As I said before, I have not been able to find that provision in the regulations here and now.

Senator O'BRIEN—I am happy for you to take it on notice. If we do not know today then we will not know today, but I just want to know the mechanism that will be used to make that a legally required action. It is interesting that you have a specific email address.

Ms Sherrin—That covers all emails coming from industry.

Senator O'BRIEN—I would be interested in seeing the form of any provision of a bill or a regulation that would make sure that, if someone sent an email to anyone in the department, it would not be deemed to be satisfactory. For example, presumably we want to gather the information so that there is a regular update of the contact details in case something is happening and so that you can get your fingers on it pretty quickly.

Senator FERRIS—Can you give me some idea of cost? Can you tell me the cost of lodging a plan? In the past, has it been the case that, if a new plan had to be lodged because of detail, as occurred under the old act, what cost was involved and how will it be changed now?

Mr Parkinson—The department does not charge for anyone to lodge a plan. Of course, there are costs associated with the preparation of a plan and those costs will vary.

Senator FERRIS—Are those costs industry costs?

Mr Parkinson—They are industry costs; that is right.

Senator FERRIS—If they have been amending a plan in a minor way now, which has involved the resubmitting of a whole plan, that is a cost that has been borne by industry and the department does not charge for the processing of a new plan and will not charge now for processing?

Mr Parkinson—That is correct.

Senator SIEWERT—Has the department given thought to just having a simple form, now that they are bringing in this easier process? You could have a simple online form that people fill in and email back; then they have given you exactly the information that you want. There is no issue about your having to go back and find out information.

Senator O'BRIEN—Let me put a spanner in the works with this email matter. Someone could mischievously send an email, just as anyone could send a false letter, I suppose. But if someone wanted to be mischievous or worse, you would need a secure—

Senator FERRIS—Password.

Senator O'BRIEN—password or some means of confirming that the advice is correct so that the details can be updated correctly. Perhaps that is being overly cautious.

Senator SIEWERT—I agree.

Senator FERRIS—How secure is the email address?

Mr Parkinson—The key thing, as Ms Sherrin said before, is that we go back in writing to each maritime industry participant to confirm the details that they have given us.

Senator SIEWERT—Writing is hard copy?

Mr Parkinson—Yes.

Senator FERRIS—Do they have a password to get into that email address?

Mr Parkinson—No, it is an email address.

Senator FERRIS—How secure is it?

Mr Parkinson—At our end it is secure, but of course we could not vouch for the security of an email that is coming in.

Senator FERRIS—Have you ever checked incoming mail on that secure hotline and found false applications?

Mr Parkinson—No, we have not.

Senator O'BRIEN—I suppose, though, you could jump at all sorts of shadows. I will leave my questions on that aspect as they stand and wait for the detail of how it will be an enforceable provision. If you are removing this provision from the act, as this bill does, and replacing it, I take it that the government would want that to be enforceable. I would like to know what provision makes it enforceable. For the purposes of the law, I would be interested in any information you would have in relation to how notice by email would comply with 'notice in writing'.

Mr Parkinson—Ms Sherrin has already answered that one, and that is that we do accept notice by email.

Senator O'BRIEN—I know you accept it, but if for some reason you were to find someone challenging it in the future—and I cannot immediately think of the reason that they would—I would like to know that that requirement is enforceable.

Mr Parkinson—Yes, Senator.

Senator O'BRIEN—Are you able to tell us that there are no significant cost implications in the changes imposed in this amending bill?

Mr Parkinson—Yes. Going back to Senator Ferris's question, the revised process proposed in this bill should save industry considerable amounts of money in preparation of plans.

Senator FERRIS—And time, presumably?

Mr Parkinson—Yes.

Senator O'BRIEN—These changes in relation to security details will, I take it, have no implications for the level of training, such as it is, that any maritime security officer will need to have?

Mr Parkinson—No, there are no implications there.

Senator FERRIS—Could you take us through the typical arrangement that has prevailed. For example, I notice your submission mentions security officers. How small would a change have to be to require a change in the whole plan and have it all submitted again? Can you tell us what sort of times it might take for you to respond and so on, or has this become something where you could see that it was small and it was a fairly instant tick-off? How much infrastructure time will be saved by the department and the industry as a result of this change?

Ms Sherrin—I have a few examples of the types of minor variations and amendments that have been done by industry. For example, some have included the incorporation of the

EMSEC issuing bodies and they have put some of the EMSEC requirements in their plans. These are just saying, ‘This person is our EMSEC issuing body,’ and it is a few words. But that means the company has to then look at their whole plan, resubmit their whole plan, and the department has to re-evaluate the whole plan. Each time a variation has gone in, the approval date and the start date of the five-year expiry starts again from the day the variation is approved. It is a rolling thing. That means that instead of just looking at the fact that you might want to say, ‘Here is our issuing body,’ you would then have to revise the whole plan. That would mean that you would have to go right back through your legal teams, the administrative basis—all that type of thing.

Whereas, if you start the five-year plan, unless you have a major change to your plan whereby you are changing some of the more important security settings, you are always changing it and it would be much harder for the department to say, ‘We want you to do a full revision of your plan every five years.’ That is how it works at the moment. Your plan is cancelled at the end of the five years. We think this is a much simpler way for industry, and they are very supportive of it. Other examples are the changes of a security provider. A local provider might change its name. If a new gate was installed that had a different access arrangement and a different type of key card—

Senator FERRIS—That would have involved a whole plan being resubmitted?

Ms Sherrin—Yes, that is right.

Senator FERRIS—How long would that have taken for approval?

Mr Parkinson—A long time.

Senator FERRIS—Weeks?

Mr Parkinson—Yes, at least weeks.

Senator FERRIS—That would mean the government department would have to go right back through every detail of the plan and see that it complied with the original plan and that this was the only change; is that what you are telling us?

Mr Parkinson—You can see why both the department and industry are very supportive of this change.

Senator FERRIS—I am just trying to establish how long it would take to review a whole plan based on the change to a lock on a security gate.

Mr Parkinson—In some cases given relatively minimal changes it has been possible to do it within days rather than weeks, but certainly not always.

Senator FERRIS—I can see why the letter to the committee suggests from industry that they are very pleased with the changes.

Senator McEWEN—How many plans are in existence overall?

Mr Parkinson—The number at the moment is around 250. That is covering some 400 maritime industry participants.

Senator McEWEN—Your submission says that there were 47 variations in the last financial year and 23 or so this year. A significant number of them have been varied.

Senator O'BRIEN—How many of those were changes of security officers?

Ms Sherrin—A few. We have that detail, just of the phone numbers and things like that.

Senator STERLE—I understand something simplistic like the change of a gate lock, but what if the ports were to incorporate new EMSEC security zones?

Mr Parkinson—The change to the process for amending plans and amending zones will cater for ports' requirements in amending maritime security zones in light of the EMSEC scheme.

Senator STERLE—I keep coming back to Dampier, because that really is—I am trying to put it as nicely as possible—

Senator FERRIS—Difficult.

Senator STERLE—Yes, it is difficult. There are boat ramps right next to the ports that are not security zones. But if they all of a sudden became security zones, there would have to be massive changes to the plans for the operators out of the Dampier five wharves.

Mr Parkinson—We are not proposing any changes to security zones, but we understand that some port operators and port facility operators may, in the light of the EMSEC scheme, wish to change security zones in their ports.

Senator STERLE—So after all the hard work that has been done so far by the operators in these ports, those plans will all have to be resubmitted and restarted, wouldn't they? They might not be minor changes; they could be quite major changes to their plans.

Mr Parkinson—They could be quite major changes, and we do expect in the normal course of events some ports to make quite major changes. Likewise some could be quite minor changes.

Senator STERLE—On that, if there are major changes, there is going to be a true cost to the operators who have just gone through this process now?

Mr Parkinson—We would expect the operators to be continually revising their need for maritime security zones in the light of the prevailing security conditions.

Senator STERLE—Yes, I understand that. However, if they have sought clarification from DOTARS and given it but then there is a change in that five-year period, how do you go back and tell those people, 'Oh, sorry, but you'll have to start again and go through the whole process'? We should not have any grey areas in these ports. It should be determined now. I know security is a moving feast. I just ask DOTARS to be very mindful of that.

Mr Parkinson—As I said, we fully appreciate that, with the advent of the EMSEC scheme, some operators may look to change zones in their facilities. Obviously, when they put the zones in in the first place they were not aware of the EMSEC scheme. That was back in late 2003/early 2004, as these plans were being developed.

Senator O'Brien, I have some answers now to your questions about regulations. I had the opportunity to look at the regulations in more detail while Ms Sherrin was speaking. The regulations do set out the specific requirements for the document that is attached to the plan and the details that must be included in that document. Regulation 3.35 sets out the details in relation to a port operator. Regulation 3.100 sets out those details in relation to a port facility

operator and so on. Essentially, those regulations require that the accompanying document has to have the name of the port, contact details of the port operator, name of the chief executive officer and so on, including the name of the harbourmaster, the name of the port security officer, and the contact details for all of those people. That is in a document accompanying—

Senator O'BRIEN—Do you mind if I have a look at that? For port security officer it says 'name or position of the person'. It does not say that you have to name a person who is a port security officer. That is removing the designation of a specific individual to that responsibility. It does not actually tell you if there is anyone filling a position. If you can have a designated position, there may not be anyone occupying it.

Mr Parkinson—Given the role of the port security officer in the maritime security regime—

Senator O'BRIEN—You would think there would be, but that does not actually say the position needs to be filled. You would think that someone would be in the position and you would know who to contact, but it does not mean that there would be someone in the position.

Mr Parkinson—I would suspect that we would require the name.

Senator O'BRIEN—That doesn't say that.

Mr Parkinson—Given the change to the act, we would be looking to make a consequential change to the regulation to require that.

Senator O'BRIEN—If you could confirm that and let me know what that change is intended to be, I would appreciate it. It is in the context of this inquiry.

Mr Parkinson—Yes.

Senator O'BRIEN—The second thing is the issue of notice in writing in the form of an email. You may care to check whether there is or needs to be anything in the regulations, in the government's view, that specifies how that would be done or how it will comply with the law, which is the issue. In practicality, it may be very good. I can imagine why that would be the preferable way, particularly if you were to have the information almost at the same time as a person is appointed. That would be much more expeditious. But I am looking at it from the point of view of legal compliance.

Mr Parkinson—That is understood.

Senator O'BRIEN—I take it where there are amendments to a plan that, although they do not go through the same process as the lodgment of an initial plan or the replacement of a plan with another plan, there is a process within the department of reviewing the amendment and the impact that amendment might have on other provisions in the plan. Could you explain how that would work?

Mr Parkinson—That is correct.

Ms Sherrin—The requirements for approval of the variation under the new bill will be the same as requirements for approval of the original plan itself, so we have not changed those settings. The person who is looking at it and making a recommendation to the secretary will use the existing provisions under the act to check whether the variation is adequate.

Senator O'BRIEN—So it will not be a simple lodge-and-tick process?

Ms Sherrin—No.

Senator O'BRIEN—It will be a process of lodgment, departmental review, delegate approval and there is a formal notice that it has been approved and it goes on whatever file. I take it you will not be requiring an updated plan be lodged at the same time?

Ms Sherrin—No.

Senator O'BRIEN—There will be bits and pieces on the file. If it becomes an issue you will go to the file and look at the paperwork to see that all the approvals have been given effect to find out what the plan is at any particular time?

Ms Sherrin—That is correct.

Senator O'BRIEN—Is this material also going to be kept in what you described earlier as soft copy?

Ms Sherrin—Yes.

Mr Parkinson—Yes, it is all kept in soft copy.

Senator O'BRIEN—So you will keep hard copy and soft copy?

Mr Parkinson—Yes.

Senator O'BRIEN—I do not have any other questions.

CHAIR—There being no further questions, thank you very much. Could we get that further information quickly, please. We are very grateful for your attendance. I declare the hearing closed.

Committee adjourned at 10.23 am