

Dissenting Report: Australian Greens

1.1 Preventing serious and organised crime in our ports and airports is a critical issue. Recent attacks in Brussels highlight the need for a robust security and regulatory environment to protect workers and civilians, and the Final Report of the Ice Taskforce¹ revealed the role of our ports and airports in the illegal import of controlled substances. The Greens acknowledge the need for a well-regulated security framework for our aviation and maritime infrastructure.

1.2 The Greens believe that this Bill does not adequately balance these concerns with other community expectations, and therefore fails in its intention. Although the Greens see merit in trying to align the powers of the Aviation Transport Security Act 2004 and the Maritime Transport and Offshore Facilities Security Act 2003, we have serious concerns with the legislation in its current form.

1.3 We believe that some of the Department of Infrastructure and Regional Development's indicated changes for MSIC and ASIC eligibility criteria make very little sense.² For example, they would bar those who have ever had a jail sentence, for any length of time, because of a prior tax evasion conviction. Yet those with a prior arson conviction that did not result in 12 months or more of prison time are eligible.

1.4 Additionally, the Australian Greens also believe it is excessively punitive that someone who may have once been convicted of drug possession will no longer have access to the identification pass required for most roles within the maritime sector. Access to employment is very important for those with a history of drug or alcohol abuse and should not be denied to people who have successfully rehabilitated their lives.

1.5 We believe these problems stem from the changed definition of the role of the Aviation Transport Security Act 2004 and the Maritime Transport and Offshore Facilities Security Act 2003 that the legislation will make. As the submission by the Maritime Union of Australia points out, the MSIC is designed to be an identification card, not just a security card.³ By attempting to add a secondary purpose to the MSIC regime it will unreasonably exclude work opportunities for a large pool of already disadvantaged Australians seeking work. If the Government does seek to change the security criteria for specific access zones, there are other pathways they could take.

¹ Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Final Report of the National Ice Taskforce*.

² Department of Infrastructure and Regional Development; *Submission 4*.

³ Maritime Union of Australia; *Submission 1*.

1.6 The Greens also believe that this Bill does not go far enough in tackling security holes identified by multiple submissions⁴ in regards to:

- existing flaws and loopholes in the Maritime Crew Visa background and security checks, exclusion of foreign aviation workers from the need for ASIC cards;
- the regulation of the increasingly common Flags of Convenience ships in our domestic shipping industry and city based ports; and
- exclusion of managers from stevedoring companies and trucking companies who are responsible for recruitment, rosters, allocation of ship berthing and directing security. These are the positions which are most vulnerable to infiltration.

1.7 It is indicative of this Government's priorities that they would first look at tackling organised crime by going after worker eligibility rather than strengthening the current regulatory regime on flags of convenience ships that undercut wages and freeze out union representation.

1.8 Because the Bill fails to deal with the above problems, the Greens recommend a vote against the Bill in its current form.

Recommendation 1

That the Bill not be supported in its current form.

Recommendation 2

That the Government consult further with the sector to develop alternative solutions.

Senator Janet Rice
Australian Greens Senator for Victoria

⁴ Maritime Union of Australia; *Submission 1*; Australian Maritime Officers Union; *Submission 2*.