

Maritime Security Bill Ahoy!

Dear All

After much discussion and publicity, the proposed Maritime Security Legislation was introduced into Federal Parliament. The Legislation is consistent to Australia's obligations as part of the International Maritime Organization to enact domestic regulation to comply with amendments to the Safety of Life at Sea Convention ("SOLAS") including the new International Ship and Port Facility Security Code.

Essentially the Bill prescribes a new series of security regulations, requiring individual shipping operators to develop security plans and measures to be approved by the Department of Transport and Regional Services ("DOTARS"). That Department will then be responsible for enforcing those individual measures alongside Government measures. This may create some interesting interaction with the types of powers over shipping and port facilities traditionally exercised by Customs.

A major concern is that much of the details of the new measures will be contained in regulations, which have yet to be developed.

Enforcement will rely on the traditional combination of offences and penalties, including the use of strict liability and Infringement Notices. DOTARS will be able to turn away International ships not observing security requirements. Operators subject to the regulation will be able to employ "Maritime Security Operators" to assist in enforcing their obligations.

I anticipate the usual battle in the Senate as to whether the regulation constitutes a proper exercise and implementation of Government obligations. More detail on the Legislation and its progress will follow shortly.

Kind Regards

Andrew Hudson