



The Maritime Union Of Australia

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Mr Roger Beale AO
Chair
Quarantine and Biosecurity Review
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601

Dear Mr Beale

Re: Maritime Union of Australia submission to the Quarantine and Biosecurity Review

The Maritime Union of Australia (MUA) represents stevedoring workers and seafarers whose employment coincides with critical points in the transport and logistics supply chain, both international and domestic. It is from this vantage point that we provide a submission to the Review.

It is our view that, in principle, a risk assessment and industry self regulation approach to quarantine and biosecurity risk management is not a complete solution in relation to those sections of the international freight supply chain where Australia does not have legislative reach, and therefore regulatory and compliance control.

We put the view that this is the situation in relation to those elements of the supply chain from the import/export wharf, extending out to international shipping, where we lack control over the ships, ship inspection and quarantine arrangements and standards, loading of cargo, and over crews.

It is our submission that it is within the control of Australian policy and practice to adopt a proactive risk minimisation strategy that would complement the risk assessment approach that currently prevails in quarantine and biosecurity management.

The central proposition in the risk minimisation strategy we suggest is that there is a much higher probability of compliance with acceptable standards in relation to quarantine and inspection associated with foreign ships and cargoes entering Australia (and Australian waters) if the ships are registered in quality shipping registers. The corollary is that there is a

much greater risk of failure or breakdown in quarantine and biosecurity requirements, and greater risk of regulatory failure (outside Australia's legislative reach) if ships are registered in substandard registries.

Our submission is that the test of a quality registry is one that is not listed on the internationally recognised Flag of Convenience (FOC) list determined by the International Transport Workers Federation (ITF). At present there are 32 countries that have been declared FOCs (at April 2008) by the ITF Fair Practices Committee. These are listed at **Attachment A**.

We put the view that not only are the ships better managed and operated to higher standards when registered in non FOC registries, as evidenced for example by the higher levels of ratification of International Maritime Organisation (IMO) and International Labour Organisation (ILO) Treaties by non FOC registry nations, but that the crew on such ships are of a higher standard, are better qualified and more reliable. A much stronger reliance can be placed on the crews of non FOC ships to conform with higher quarantine and biosecurity practices.

Accordingly, it is our submission that quarantine and biosecurity threats are heightened, and are more difficult to risk manage, let alone control, where the ships are flagged in an FOC registry, where adoption of general maritime security and safety standards invariably do not meet IMO standards, let alone the higher Australian standards.

We say therefore that an Australian quarantine and biosecurity strategy should adopt a graduated or two tiered risk assessment procedure that requires a higher level of scrutiny assessment and surveillance in relation to foreign vessels that are flagged in FOC registries.

In addition, there is a second practical measure that Australia could adopt, which also revolves around the reliability of ships crews. We have proposed in the MUA submission to the current House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government Inquiry into Australian coastal shipping policy and regulation that a modified Maritime Crew Visa (MCV) be introduced. It is our proposal that a new visa category would provide a visa for seafarers engaged on foreign vessels where the seafarers are not transiting Australia to join an international voyage, but who are engaged on vessels issued with permits to engage in the coasting trade under Part VI of the *Navigation Act 1912*, so that the visa checks of such seafarers are of the same standard as apply to holders of a Maritime Security Identification Card (MSIC) arising from implementation of the *Maritime Transport and Offshore Facilities Security Act 2003* (MTOFSA).

What we are saying is that where Australia can exercise legislative power, it should do so as part of the risk minimisation strategy. In the case of ships to which permits are issued to engage in the coasting trade, particularly those issued with Continuing Voyage Permits (CVPs) which are almost exclusively operating on the coast, but which undertake international voyages from time to time, there is scope to require such ships to adopt higher standards and this opportunity should be actively pursued.

We submit to this review that a consistent approach to maritime security from an immigration perspective, quarantine and biosecurity perspective and an overall maritime security perspective would be a value adding and sensible policy approach.

We trust that these views will be considered and adopted in the Review report. We would be happy to discuss this submission in more detail with the Review team.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paddy Crumlin', written in a cursive style.

Paddy Crumlin
National Secretary

International Transport Workers Federation (ITF) – 32 countries that have been declared FOCs (at April 2008) by the ITF Fair Practices Committee

Antigua and Barbuda
Bahamas
Barbados
Belize
Bermuda (UK)
Bolivia
Burma
Cambodia
Cayman Islands
Comoros
Cyprus
Equatorial Guinea
French International Ship Register (FIS)
German International Ship Register (GIS)
Georgia
Gibraltar (UK)
Honduras
Jamaica
Lebanon
Liberia
Malta
Marshall Islands (USA)
Mauritius
Mongolia
Netherlands Antilles
North Korea
Panama
Sao Tome and Principe
St Vincent
Sri Lanka
Tonga
Vanuatu