5th April 2020.

The Hon. Gladys Berejiklian, MP

Premier of NSW

**AND**

Commissioner Michael Fuller

Commissioner of Police NSW

**BY EMAIL**

Dear Premier and Commissioner

On 2nd April the NSW Police instructed P&O Cruises vessel Pacific Explorer to leave Sydney Harbour.  As a result, “Pacific Explorer” departed White Bay and has gone out to sea. There is no illness on Pacific Explorer. No passenger or crew member has at any point tested positive for COVID-19. The action was, however, consistent with the NSW Police Force’s direction that all cruise ships must leave the state’s waters.

This action places the captains of these vessels in an untenable position noting some ships are unable to identify which port they can proceed to in this global pandemic. Captains have a responsibility to those on board for their health and safety and this may require shore side assistance in an emergency. The risk of a medical or other emergency beyond their resources is a possibility in their current situation. Ships’ captains and crews, and in one case passengers, depend in turn on shore support. Australia is party to international agreements and conventions to provide this. In addition, the actions taken towards the cruise industry could have a more general effect on the shipping industry.

On 5 April NSW Police announced the commencement of a criminal investigation into the Ruby Princess. This approach appears to start a process to criminalise seafarers for matters beyond their control.

The passenger ship / cruise industry has shown willingness and ability to adapt to changing circumstances. This is in line with the long history of this industry in Australia. For example, for over 160 years P&O ships have provided a consistent trade and passenger link with the rest of the world. During peacetime, war time and in response to the influenza pandemic of 1919, when P&O ships carried passengers to the quarantine station at North Head. The industry served Australia’s needs.

We have watched the COVID-19 situation shift the public perception of cruise ships from one of leisure and comfort to one of demonisation and criminalisation. Up to this point there was a relationship of trust and cooperation that can be verified by any of the state or federal agencies they did business with. They had earned a reputation of acting responsibly and ethically in matters of health, environment, safety and security. This trust is being destroyed in an environment of misunderstanding and misinformation.

Modern commercial shipping in the international domain is truly global, with strong oversight through the International Maritime Organization (IMO). 98.2% of Australia’s international trade is carried in the hulls of ships most of which are foreign flagged and crewed. The health of Australia’s economy and the well-being of its citizens relies almost entirely on foreign ships and their crews. These crews represent many different nationalities employed under the Maritime Labour Convention (MLC) to which Australia is a signatory.

With border closures on a global scale, ships and crews need, more than ever, a place of refuge. With difficulty carrying out crew changes, seafarers continue to serve long beyond their anticipated contract date. The Secretary General of the IMO has called for a pragmatic approach in these unusual times, including the need to facilitate the change of crew and resupply of vessels. Guidance from the IMO can be found in Circular Letter No. 4204/Add.6, issued on 27 March 2020 ([www.imo.org](http://www.imo.org))

More than ever, clear balanced thinking is required. **We earnestly urge that you engage with the maritime industry, especially the cruise ship companies, to identify options that are in line with the international shipping community, and support the objectives of Australia**. There is a long term view to be taken here.

I will be writing to Honourable Peter Dutton MP, Minister for Home Affairs requesting he review his order to evict cruise ships from Australian waters.

The Nautical Institute (NI) is an International organisation for maritime professionals. Its membership encompasses a broad range of experience across the maritime domain including cruise ship masters, maritime lawyers, marine pilots, harbour masters and more. We are an internationally acclaimed source of maritime expertise and a potentially valuable resource for the government and public service. The NI is an NGO at the International Maritime Organisation of the UN and regularly works with Australia and the wider global community on key issues of maritime safety. We are making ourselves available to offer assistance to you in these unique and testing circumstances and strongly encourage you to use us. We stand ready to assist and advise.

Yours aye,

Commodore Christopher Rynd FNI.

Chairman

Nautical Institute, SE Australia