

## Law review for sea crimes

costs for Australia's maritime cargo interests. ReCAAP provides a vehicle to facilitate closer engagement with regional states to mitigate risks to those interests and Australia's vital trade routes.

"Engagement with this organisation will further enhance Australia's reputation as a responsible maritime security nation and underline our commitment to regional counter-piracy initiatives."

DFAT also noted that joining the group would not impose a significant cost burden on the government as Australia already fulfils many of the requirements.

"Many obligations are already met through existing activities, including Australian Defence Force surveillance programs and Customs and Border Protection sponsored capability and capacity building events," DFAT said.

"Australia's maritime compliance and reporting regime is strong and effective. The measures described above demonstrate that Australia's current framework is sufficient to meet the essential information-sharing objectives."

DFAT's analysis said industry had been consulted about the treaty and there was general support for it.

"Overall, industry's response has been positive, as there is common recognition of the benefits.

"The maritime industry, seafarers and the maritime law enforcement community all stand to benefit from enhanced communications and information exchange among participating governments. Maritime industry involvement can greatly assist in the improvement of incident response by Contracting Parties, help to provide more accurate statistics on piracy and armed robbery incidents, and enhance maritime domain awareness." •

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**A**ustralia can beef up protections for cruise ship passengers without contravening its obligations under international conventions, a parliamentary inquiry has been told.

The House of Representatives Social Policy and Legal Affairs Committee is investigating the adequacy of current laws and arrangements which cover crimes committed at sea.

The inquiry was established following recommendations made by the NSW coroner in the wake of the high-profile case of Dianne Brimble, who died on a cruise ship in 2002.

The investigation and prosecution of crimes committed at sea can prove difficult due to issues such as overlapping jurisdictions, the location of the ship, where the ship is flagged and the nationality of the accused and victim.

The coroner's report into Ms Brimble's death recommended that the government consider adopting similar laws to ones in place in the United States, which mandate certain requirements for cruise ships entering US waters.

The government has expressed concern that a similar move could be inconsistent with its obligations to an international convention which covers foreign flagged vessels in Australian waters.

However, maritime law expert Associate Professor Kate Lewins said this is not necessarily the case. Dr Lewins believes there is room to move under the requirements of the convention Australia is a signatory to.

"Of course we want to encourage cruise ships as it is a big industry and cruising is something our citizens enjoy, so one has to bear in mind the views of the cruise ships' people," she told the inquiry.

"But I do not believe that measured regulations would interfere with our obligation to allow innocent passage through territorial waters."

Dr Lewins said several recommendations of the coroner's report into Ms Brimble could be implemented to provide better safeguards to passengers.

"We can implement the requirements about how to deal with medical

emergencies, notification, perhaps advising passengers of what to do in certain circumstances and CCTV would obviously be an enormous boon for any authorities investigating something that is happening on board," she said.

According to Dr Lewins, while the international convention says coastal states should not be regulating on some matters such as a ship's structure, it does provide for countries to make regulations once ships are proceeding into inland waters.

"Effectively, once a ship visits the port, we have an entitlement to require it to adhere to our laws. That is the jurisdictional peg," she said.

Some companies, like P&O, have already implemented measures such as the introduction of CCTV and the screening of passengers for weapons and drugs.

Dr Lewins also told the inquiry that Australians are "woefully unprotected" when it comes to seeking compensation for any serious injuries sustained on a cruise ship.

She would like to see a passenger liability scheme introduced.

"Cruise ship lines carry passengers according to their own conditions of carriage, and that may require people to sue in overseas countries, it may require them to sue in a place that does not have English as an official language," she said. •

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SEA CHANGE: Law reform to protect cruise ship passengers