

## **NOTICE TO SHIPPING INDUSTRY**

### **COVID-19 PROTOCOLS AND STANDARDS FOR COMMERCIAL VESSELS ARRIVING AT WESTERN AUSTRALIAN PORTS**

Since the beginning of the COVID-19 pandemic, the Western Australian (WA) Government has implemented stringent measures to successfully manage the risks associated with, and limit the spread of, COVID-19 through the arrival of commercial vessels in our ports. All vessels are currently treated by ports, health and government authorities as potential carriers of COVID-19. This risk management approach is outlined in existing port protocols, Marine Notices and Emergency Directions already in place.

In taking this approach, the WA Government continues to support the rights of international seafarers to join and leave vessels as per their contractual rights and as practicable under Commonwealth and State Government border controls. The WA Government further acknowledges that seafarers, including international seafarers, are entitled under international and Australian law to timely medical and emergency dental care, including treatment related to disease, on arrival at a WA port.

Over 15,000 commercial vessels have visited Western Australia since March 2020, with only a small number of COVID-19 incidents in Western Australian ports. Those incidents have been successfully managed by WA authorities with no resulting community transmission.

However, rising case numbers around the world and the increase in more transmissible and virulent strains of SARS-CoV-2, such as the Delta strain, mean that the risk profile is changing. Currently, the risk is particularly high in countries from which many seafarers are sourced, or through which vessels transit en-route to Australia. Indeed, recently, there has been an increased incidence of COVID-19 on-board vessels entering Western Australian ports.

Entry into WA by international air arrivals is subject to stringent conditions with respect to testing and mandatory hotel quarantine. It is equally important that entry into WA by international vessels continues to be subject to appropriate conditions that reflect the nature of the risk those arrivals pose to the Western Australian community.

The WA Government will continue to be vigilant in protecting the community from the transmission of COVID-19, and our ports will continue to be part of the frontline in our battle with the pandemic.

Given the above, the WA Government gives notice to vessel owners, charterers, masters, exporters, importers and the shipping industry generally (**the shipping industry**) of the WA Government's expectations and approach in managing COVID-19 risks from commercial shipping, and the measures which might be adopted if those expectations are not met.

The shipping industry plays a critical role in supporting the safety of the WA community and a responsibility to proactively manage the risks associated with COVID-19. Should



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the shipping industry not meet these expectations then the WA Government may need to implement additional protective measures to mitigate risks.

These general principles serve as a framework for the existing protocols and directions that have already been put in place by the State Emergency Coordinator, WA Health and individual port authorities and for future measures that may be introduced to respond to evolving risks.

## **WA GOVERNMENT'S EXPECTATIONS OF VESSEL OWNERS AND INDUSTRY**

When visiting Western Australia, the shipping industry **must** take all reasonable steps to prevent COVID-19 outbreaks prior to, and during, the journey to Western Australia and to ensure that no vessel arrives in Western Australia with COVID-19 on-board.

As a minimum, the shipping industry **must**:

- Provide full, accurate and transparent reporting and disclosure, including information required prior to arrival as part of the Commonwealth's biosecurity processes and for compliance with individual port authority protocols.
- Ensure safe and well-documented crew change practices at previous ports of call and during passage to WA including:
  - the vaccination of crew;
  - suitable quarantine of crew overseas prior to embarking the vessel, with safe transfer to the vessel;
  - use of accredited COVID-19 testing of crew for early and ongoing detection; and
  - keeping records of quarantine, testing and vaccination of all crew;
- Ensure, where practicable, any vessel with positive COVID-19 infection cases on-board does not continue on to WA.
- Ensure that any crew member who reports symptoms or exhibits signs of COVID-19 follows safe practices (including isolation measures) to limit the risk of transmission to others on-board.

## **EXPECTATIONS OF VESSEL OWNERS AND INDUSTRY USING PORTS OF HIGHER RISK**

The rapidly changing worldwide epidemiology of the disease and the variable nature of protective measures put in place at different ports of origin mean that the risk posed from some vessels will be greater than those of other vessels.

From time to time, the Chief Health Officer may identify that vessels operated by a particular company or that have visited ports of certain jurisdictions pose a higher risk of bringing COVID-19 into the Western Australian community than other vessels.

In addition to the expectations outlined above, the WA Government expects the shipping industry (and specifically importers and exporters) make every effort to avoid interaction with higher risk jurisdictions wherever feasible, and will require the following



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measures to be in place for a vessel seeking to enter WA waters after having been in a higher risk location:

- There be no crew changes at a higher risk location;
- There be no onshore crew visits at higher risk locations involving the disembarkation and re-embarkation of crew at the location;
- Maritime workers boarding the vessel at the higher risk location must wear appropriate PPE;
- PCR COVID-19 testing of any maritime workers boarding the vessel at the higher risk location will need to return a negative result;
- Second daily rapid antigen COVID-19 testing to be conducted of the entire crew from the time of arrival at higher risk locations until just before entry into WA waters. Evidence of negative tests could be made a pre-condition of entering WA waters; and
- All crew members disembarking in WA from a higher risk location will be required to be vaccinated;
- A declaration of adherence to the measures outlined above by the vessel Captain prior to entry into WA waters.

#### **HOW THE WA GOVERNMENT WILL ADDRESS VESSELS THAT ARRIVE WITH COVID-19 ON-BOARD AND HOW IT WILL RECOVER COSTS**

Outbreaks on vessels present a risk to the WA community. To date, that risk has been managed through the use of a number of protective measures, including:

- Directions under the *Emergency Management Act 2005 (EMA)* prohibiting the entry of certain vessels suspected of having COVID-19 on-board and prohibiting the disembarkation of crew from those vessels into Western Australia;
- Requiring those who have arrived on a vessel with a declared COVID-19 outbreak on-board to comply with quarantine and other directions issued by the State Emergency Coordinator on advice from the Chief Health Officer; and
- Legislative amendment to the *Public Health Act 2016 (PHA)* to hold vessels legally accountable for paying the costs and expenses associated with cleaning and disinfecting vessels following a COVID-19 outbreak.

Further measures will be implemented, where necessary, to mitigate the very serious risks arising from these vessels, or where the expectations set out above are not met. Those measures include:

- Denying entry to WA ports for incoming vessels with suspected exposure to COVID-19 and the vessel instead being kept at anchor, where determined appropriate by the State Emergency Coordinator on advice from the Chief Health Officer;
- Imposing temporary prohibitions on entry of vessels which have been through higher risk ports into WA waters unless they can demonstrate that all proper measures have been taken to mitigate the risks to public health;



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- Preventing vessels operated by a particular company that have arrived repeatedly with COVID-19 outbreaks from subsequently being granted permission to berth;
- Introducing an offence to knowingly or recklessly bring COVID-19 into Western Australia via a commercial vessel, which carries with it a fine or potential term of imprisonment;
- Increasing penalties for providing false or misleading information;
- Pursuing maritime claims under the *Admiralty Act 1988* (which might lead to vessel arrests);
- Imposing port charges under the *Port Authorities Act 1999* to recover costs associated with services, provisions and equipment that is supplied to assist in the event a vessel has COVID-19 on-board;
- Continuing to engage with the Commonwealth Government to regulate the arrival of vessels from jurisdictions where COVID-19 is prevalent; and
- Amending legislation to further strengthen existing powers to restrict entry of vessels with COVID-19 on-board and to manage the costs incurred by the WA Government should they arrive in our ports.



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## LINKS TO OTHER DOCUMENTS

More information from the WA Government that is relevant to the maritime industry can be found here:

[COVID19 information for business and industry](#)

[Instructions for people awaiting COVID-19 test results](#)

Applicable directions that can be found here:

[Transport and Accommodation Services Exposed Maritime Worker Directions](#)

[Maritime Crew Member Directions](#)

[Exposed On Board Worker Directions](#)

[Rig or Platform Crew Member Directions](#)