

National Interest Analysis [2023] ATNIA 11

with attachment on consultation

Amendments to the Annex of the Convention on Facilitation of International Maritime
Traffic, 1965

(London, 13 May 2022)

[2023] ATNIF 12

NATIONAL INTEREST ANALYSIS: CATEGORY 1 TREATY

SUMMARY PAGE

Approval for amendments to the Annex of the Convention on Facilitation of International Maritime Traffic, 1965

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Nature and timing of treaty action

1. The proposed treaty action is the acceptance of the amendments to the Annex to the Convention on Facilitation of International Maritime Traffic, 1965 (the FAL Convention) adopted by the International Maritime Organization (IMO) on 13 May 2022.
2. This treaty action is an amendment to an existing treaty, of which Australia has been a signatory since 27 June 1986.
3. The amendments to the Annex to the FAL Convention were adopted by the 46th FAL Committee meeting in accordance with Article VII(2)(a) of the FAL Convention.
4. In line with the acceptance provisions of the FAL Convention (which establish that a State is bound by the amendments unless it expressly objects), these amendments shall enter into force for Australia on 1 January 2024 unless, prior to 1 October 2023, Australia notifies the Secretary-General of the IMO in writing that it does not accept the amendments.

Overview and national interest summary

5. The FAL Convention is a multilateral agreement that facilitates international maritime traffic, preventing unnecessary delays in maritime traffic, aiding co-operation between Governments and securing the highest practicable degree of uniformity in maritime procedures and formalities. The Annex to the FAL Convention contains the “Standards’ and “Recommended Practices” on formalities, documentary requirements and procedures which should be applied on arrival, stay or departure of ships, their crews, passengers, baggage and cargo. It also includes implementation procedures and appendices that provide additional information to the FAL Convention.
6. Updating the Annex to the FAL Convention is critical to ensuring uniformity in the introduction of the electronic exchange of information, which would reduce the regulatory reporting burden on vessels entering or departing Australia. The amendments would also ensure uniformity in response to public health events involving maritime crews and passengers.
7. The amendments under the FAL Convention would improve efficiencies for maritime industry and the Australian Government by reducing administrative burdens and decreasing the amount of time required to comply with Australian regulatory reporting by maritime vessels.

8. Increasing electronic transmission of reporting and adoption of a maritime single window would support the wider digitalisation of the maritime industry, enabling the sector to meet its emissions targets, reduce supply chain uncertainties and increase supply and quality of ships to Australia.
9. As the international maritime industry adopts new digital technology within global shipping fleets to support green shipping corridors, it will be important that Australia has a maritime single window to accommodate more efficient and effective digital ships.
10. The establishment and use of a maritime single window would benefit Australia's visibility of maritime activity and security in the Asia Pacific. International maritime single windows will share data on maritime activities, giving Australian border agencies greater certainty over the movement of ships and crews for security and biosecurity purposes.
11. The proposed treaty action is consistent with Australia's strong commitment to the IMO and to international cooperation in the maritime industry more generally.
12. Australia is continuing to scope this work in consultation with relevant agencies in order to meet its obligations as a Party to the FAL Convention.

Reasons for Australia to take the treaty action

13. The FAL Convention is a multilateral agreement that entered into force generally on 5 March 1967 and for Australia on 27 June 1986. The FAL Convention arose from recognition that international cooperation is essential to simplify and reduce to a minimum the formalities, documentary requirements and procedures on arrival, stay and departure of ships engaged in international voyages.
14. Ninety-nine per cent of Australia's imports and exports are moved by sea. Australia is not a large ship owning country and has little influence on maritime standards outside of the IMO. Participation in the FAL Convention advances Australia's domestic and regional interests by ensuring Australia's position to influence the maritime industry and contracting governments in alignment with Australia's values of fairness and a rules-based global order.
15. The adoption of the amendments to the Annex of the FAL Convention would support Australia to modernize its engagement with the maritime sector, in line with international standards related to digitalisation. This would lead to increased efficiencies for both industry and government, and create greater opportunities for the adoption of new maritime technologies such as the establishment of green and digital corridors, improving supply chain certainty, and growing the economy.
16. Australia is seeking re-election to Category B of the IMO in November 2023. The FAL Convention is a key IMO treaty. Implementation of the amendments would signal Australia's commitment to the IMO and strengthen the chances of re-election.

Amendments to the Annex

17. Increasing electronic submission of regulatory reporting required under the FAL Convention would reduce the administrative burden of regulatory reporting for both maritime vessels and the Australian Government.
18. Amendments relating to public health measures would align health responses to the World Health Organization in the event of public health incident.

Obligations

19. Amendments to the Annex to the FAL Convention include both amended Recommended Practices and Standards that fall within several broad categories of standards: definitions, digitalisation of vessel reporting requirements, treatment of stowaways and public health requirements. The following obligations summarize the amended standards only as recommended practices are not compulsory.

Definitions and general provisions (Sections 1A, 1B)

20. Section 1A sets the definition of key terminology relevant to the interpretation of standards within the Annex.
21. Section 1B sets general provisions in conjunction with paragraph 2 of Article V of the FAL Convention, which allows public authorities to take appropriate measures beyond the requirements of the Annex. This includes requesting additional information to address special problems constituting a grave danger to public order, public security or public health.
22. Section 1B sets requirements that public authorities shall require only the minimum necessary information in relation to formalities, documentary requirements and procedures on the arrival, stay and departure of ships on international voyages.

Illicit activities (Sections 1D, 1E)

23. Section 1D sets recommended practices and standards for improving abilities to combat illicit activities such as drug smuggling and illicit trafficking of wildlife.
24. Section 1E sets standards for reducing the risks of corruption associated with ship to shore interactions in ports through development of preventative measures to strengthen the integrity, transparency and accountability of public authorities.

Digitalisation of vessel reporting requirements (Sections 1C, 2A, 2B, 2C, 2D, 2E, 2G)

25. Section 1C sets standards related to the electronic exchange of information. Contracting governments will be required to establish, maintain and use systems for the electronic exchange of information for vessel arrival, stay and departure, which would be transmitted through a maritime single window.
26. This amendment would require the Australian Government to develop and implement an Australian Maritime Single Window, in which regulatory agencies would streamline reporting requirements in line with the FAL forms and the principles of the single window concept. This would also require enabling electronic communication

for regulatory procedures such as signed declarations (through an electronic signature) and communication between vessel and shore in the case of a public health measure.

27. Sections 2A to 2G set standards related to the reporting and data collection related to the arrival, stay and departure of ships.
28. Section 2G also sets standards related to notification by public health authorities to shipowners regarding the application of public health control measures to a ship and persons on board, and measures to facilitate ships calling at ports to put ashore persons requiring emergency medical treatment.

Identification (Sections 3A, 3B, 3G)

29. Section 3A amends the existing standards relating to the formalities for arrival and departure of crew and passengers including to set a valid passport as the basic identification document for individual passengers on ships arriving or departing.
30. Sections 3B and 3G set standards related to expediting the clearance of passengers, crew and baggage, including that foreign crew are not required to obtain visas or permits for shore leave.

Treatment of Stowaways (Sections 4A, 4B, 4C, 4E)

31. Sections 4A, 4B, and 4C and 4E amend standards for the treatment of stowaways including reporting stowaways, removing and treating stowaways, and providing greater protection for stowaways who claim refugee status, including the right to confidentiality and right to refuse disembarkation in the stowaway's home country should there be extenuating safety, security, health or compassionate reasons.

Public health (Sections 3A, 3D, 6A, 6B, 7B, 7C)

32. Section 3A sets standards regarding identification documents and vaccination proof for travelers.
33. Section 3D amends the standard for public authorities to grant pratique by electronic means to a cruise ship when health authorities for the intended port are of the opinion it will not result in the introduction or spread of a disease or any other significant public health risk.
34. Section 3D also amends the standard for duty-free ship's stores to be allowed aboard ship for cruise passengers during the ship's stay in port in accordance with national law.
35. Section 6A and 6B set public health standards that ensure information is provided to ships related to public health measures including those related to emergencies of international concern, and align the standards for border control measures in response to public health incidents with reform to the World Health Organization's International Health Standards.
36. The standards also set requirements for the treatment of ship's crew that require medical care and require the public health authorities of contracting governments to ensure ongoing operation of vessels and ports and allows increased powers for public

health authorities to inspect ships, cargo and baggage in the case of a public health emergency.

37. Section 7B amends the standard relating to tariffs applied for medical examinations of persons on ships requiring assistance, ensuring that no charges are made for medical examination required to ascertain the health of persons onboard or for quarantine purposes (except in cases for inspections for the issue of a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate or extensions thereto). Where charges are imposed for health measures other than those necessary, they shall be charged as a single tariff and not exceed the actual cost of the service rendered or differ based on nationality, residence of persons onboard or registry or ownership of ship.
38. Section 7C amends the facilitation standard relating to emergency assistance, specifically that public authorities shall facilitate the arrival and departure of ships engaged in, among other things, public health response activities.

Implementation

39. On 1 January 2024, when the amendments enter into force, Australia would be **compliant** with at least 11 of 59 standards (**Attachment A**). Further consultation is underway regarding an additional 23 standards (**Attachment B**). As at October 2023, Australia would be **non-compliant** with 25 of 59 standards (**Attachment C**).
40. Standards where Australia is currently **non-compliant** primarily relate to the establishing a maritime single window and customs and biosecurity border reporting.
41. The Government is currently considering how to implement a maritime single window to streamline maritime reporting. Following a decision by Government on its implementation, Australia's compliance to the standards may increase.
42. Australia may continue to be **non-compliant with some standards** related to customs and biosecurity because Australia requires additional information to support stricter biosecurity reporting requirements beyond the requirements set out by the Annex.
43. In respect of the Standards that Australia would not be compliant with at the time of entry into force, the FAL Convention allows a State to submit a Statement of Differences where a Contracting Government finds it impractical to comply due to formalities, documentary requirements or procedures currently required.
44. A Statement of Differences is a process provided for under Article VIII of the FAL Convention. It allows States to notify the Secretary-General of the IMO where their domestic processes and legislation would be different from the requirements of the FAL Convention. These statements are published on the IMO website, and should generally include as much detail on the differentiation as possible.
45. Since Australia became a signatory, the Annex to the FAL Convention has been amended 11 times. Australia has submitted a Statement of Differences on four occasions - in 1986, 1993, 2007 and 2018. The 2018 Statement of Difference remains in effect.

46. Accepting the amendments to the FAL Convention Annex would require the Government to submit a Statement of Differences to the Secretary-General of the IMO following 1 January 2024. This Statement would outline non-compliance with specific standards. The exact number of non-compliant standards will be determined by relevant agencies but are expected to relate to the maritime single window, the electronic exchange of information, and Customs and biosecurity border reporting.
47. Australia may need to make legislative changes to support the implementation of a maritime single window. Consultation on the nature of legislative changes required to meet obligations under the FAL Convention is in progress.
48. Following a notification, Australia can consider any necessary actions required across the regulatory agencies and implement a maritime single window. Once Australia has implemented legislation to become compliant to standards relating to a maritime single window and the electronic exchange of information, a new notification would be made to the IMO.

Costs

49. The costs of implementing the amendments to the Annex of the FAL Convention would be calculated as part of the process of identifying the legislative changes required across Government, and through implementation of a maritime single window.

Impact Assessment

50. The Office of Impact Analysis has advised that an Impact Analysis is not required until a domestic enabling framework is established to implement amended standards and associated changes to legislation after 1 January 2024 (OIA23-05134).

Future treaty actions

51. The FAL Convention's Articles VII and IX provide the procedures for amendment: Article VII relates to amendments to the FAL Convention's Annex and Article IX relates to amendments to other provisions of the FAL Convention.
52. Amendments to the FAL Convention can be made by a conference of Contracting Governments at the request of at least one-third of Contracting Governments. Such amendments are to be adopted by a two-thirds majority vote of the Conference.
53. The amendments enter into force one year after their acceptance by two-thirds of the Contracting Governments, except in relation to Contracting Governments that, prior to an amendment's entry into force, make a declaration that they do not accept the amendment. The Conference may decide that a future amendment is of such a nature that a Contracting Government that does not accept it within a year of it entering into force, will cease to be a Party to the FAL Convention.
54. Amendments to the Annex can be initiated by a Contracting Government, either by an individual proposal or by a conference convened for this purpose. The amendments automatically enter into force 15 months after the Secretary-General circulates the proposed amendment to Contracting Governments, unless, within 12 months of the

communication, one third of Contracting Governments notify the Secretary-General that they do not accept the proposal under Article VII(2)(b). Contracting Governments that do not accept the amendments are not bound by them but must follow necessary notification procedures under Article VIII of the Convention. Article VIII provides for notification to the Secretary-General when a Contracting Government finds it impracticable to comply with any Standard prescribed by the Convention or its Annex.

55. Future amendments to the FAL Convention or its Annex would constitute a treaty action and would be subject to Australia's domestic treaty making requirements.

Withdrawal or denunciation

56. Article XII of the FAL Convention provides that Contracting Governments may denounce the Convention after three years of its entry into force.
57. Any denunciation by Australia would constitute a treaty action and would be subject to the domestic treaty making requirements.

Contact Details

Maritime Single Window and Trade
Surface Transport Emissions and Policy
Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

ATTACHMENT ON CONSULTATION

Amendments to the Annex to the Convention on Facilitation of International Maritime Traffic, 1965.

London, 13 May 2022

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CONSULTATION

Consultation with Industry

58. Consultation with industry to date has focused on the implementation of a maritime single window.
59. From 7 July 2022 to 8 August 2022, the Department, in collaboration with an independent consultancy, collected data in the form of an anonymous survey that was sent to industry about how maritime regulatory reporting under the FAL Convention is currently implemented in practice.
60. Responses from the survey showed:
 - a. An average rating of 3.5 out of 5 for experiences using current Government systems for reporting and submitting declarations.
 - b. Email is the second most popular way to report and submit declarations, behind the current Government systems in place.
 - c. It takes up to 60 minutes to complete and send reports and declarations to the appropriate parties for a single journey.
61. Responses have been considered and will be used when scoping an Australian Maritime Single Window.

Consultation on Design of the Maritime Single Window

62. On 27 July 2022, the Department, in collaboration with an independent consultancy, hosted a meeting with Commonwealth Agencies to discuss the impact a maritime single window would have on those agencies.

Consultation across Government

63. Consultation with relevant Commonwealth departments on the broader standards contained within the amendments is ongoing.
64. Consultation has focused on whether existing legislative and policy frameworks comply with the standards as amended. This consultation is ongoing to determine the status of 23 standards.

LIST OF NON-GOVERNMENT ORGANISATIONS CONSULTED

CSL Ships

Gulf Agency Company

IOSA

Leeward and Group

Maritime Industry Australia Limited

Maritime and Port Authority of Singapore

Monson Offshore

Ports Australia

Port Authority of New South Wales

Seacorp

Shipping Australia Limited

Sturrock Grindrod

Victoria Ports

Wilhelmsen

LIST OF GOVERNMENT DEPARTMENTS AND AGENCIES CONSULTED

Attorney General's Department

Australian Border Force

Australian Maritime Safety Authority

Department of Agriculture, Fisheries and Forestry

Department of Health and Aged Care

Department of Home Affairs

ATTACHMENT A – List of Standards with which Australia is currently compliant.

REFERENCE	STANDARD
1.3 <i>bis</i>	Public authorities shall establish, maintain and use systems for the electronic exchange of information.
1.3 <i>quart</i>	Public authorities shall, during the transitional period referred to in 1.3 <i>ter</i> , accommodate the provision of required information for clearance processes by alternative means. When introducing new electronic message formats, public authorities shall continue to allow for the usage of existing electronic message formats for a time period to be determined in consultation with the parties concerned.
2.1.2	Public authorities shall develop procedures for the provision of pre-arrival and pre-departure information to facilitate processing of such information for the expedited subsequent release/clearance of cargo and persons.
2.13.1	If in case of exceptional circumstances public authorities determine that the only option available for transmitting the declarations provided for in this Annex is in paper form, they shall accept documents conveyed by any legible and understandable medium, including documents handwritten in ink or indelible pencil or produced by the use of information technology.
2.16.1	Public authorities shall accept a signature, when required, by any electronic means consistent with national laws.
3.7	A traveller in possession of an International Certificate of Vaccination or Prophylaxis that conforms to the International Health Regulations containing proof of vaccination against yellow fever shall not be treated as suspect, even if coming from an area where the World Health Organisation has determined that a risk of yellow fever transmission is present. The list of countries and territories requiring proof of yellow fever vaccination and the countries at risk of yellow fever is available on World Health Organization's public website.
6.1.1	Public authorities of a State not Party to the standards and regulations set out by the World Organization for Animal Health and the International Plant Protection Convention shall endeavour to apply the provisions of these standards and regulations relevant for international shipping.
6.4	Public authorities shall seek the cooperation of shipowners to ensure compliance with any requirements, including those in the International Health Regulations, that illness on a ship is to be reported promptly by electronic means to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.
6.4.1	Ships shall not be refused free pratique by Contracting Governments (public health authorities) for public health reasons; in particular, they shall not be prevented from embarking or disembarking, discharging or loading cargo or stores, or taking on fuel, water, food and supplies. Contracting Governments may subject the granting of free pratique to inspection and, if a source of infection or contamination is found on board, the carrying out of necessary disinfection, decontamination, disinfection or deratting, or other measures necessary to prevent the spread of the infection or contamination.
7.4	No charge shall be made by a health authority for any medical examination, or any supplementary examination, whether bacteriological or otherwise, carried out at any time of the day or night, if such examination is required to ascertain the health of the person examined, nor for visit to and inspection of a ship for

REFERENCE	STANDARD
	<p>quarantine purposes except inspection of a ship for the issue of a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate or extensions thereto, nor shall a charge be made for any vaccination of a person arriving by ship nor for a certificate thereof. However, where measures other than these are necessary in respect of a ship or its passengers or crew and charges are made for them by a health authority, such charges shall be made in accordance with a single tariff which shall be uniform to the territory concerned and every charge shall:</p> <p>(a) conform to this tariff;</p> <p>(b) not exceed the actual cost of the service rendered; and</p> <p>(c) be levied without distinction as to nationality, domicile or residence of any person concerned or as to the flag, registry or ownership of the ship.</p> <p>The tariff, and any amendment thereto, shall be published at least 10 days in advance of any levy thereunder.</p>
7.8	<p>Public authorities shall facilitate the arrival and departure of ships engaged in:</p> <ul style="list-style-type: none"> • public health response activities; • disaster relief work; • the rescue of persons in distress at sea in order to provide a place of safety for such persons; • the combating or prevention of marine pollution; or • other emergency operations designated to enhance maritime safety, the safety of life at sea, the safety of the population or the protection of the marine environment

ATTACHMENT B – List of Standards still being consulted on with relevant agencies.

REFERENCE	STANDARD
1.1	In relation to the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages, public authorities shall require only the minimum necessary information.
1.6 <i>bis</i>	For the electronic exchange of information to facilitate clearance processes, information required by public authorities for the arrival, stay and departure of the ship, persons and cargo shall be required to be submitted in conformity with internationally agreed standards, including UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) Standards, the World Customs Organization (WCO) Data Model or International Standards Organization (ISO) Standards, taking into account the guidance developed by the Organization.
1.9 <i>bis</i>	Contracting Governments shall encourage public authorities to assess the risks of corruption associated with the ship-shore interface in ports and address them by developing and implementing preventive measures to strengthen integrity, transparency and accountability. Public authorities shall also coordinate efforts to detect, investigate and sanction corruption related to ships' calls in the port, through national and international cooperation.
2.6.1	Where public authorities require information about the crew of a ship on its departure from the port, the Crew List declared on arrival at the port shall be accepted on departure, provided it is authenticated in accordance with Standard 1.8.2 to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.
2.8	The Dangerous Goods Manifest shall be the standard declaration providing public authorities with the information regarding dangerous goods.
2.9	Public authorities shall not require on arrival or departure of the ship any declaration in respect of postal items other than that prescribed in the Acts of the Universal Postal Union currently in force, provided the latter is actually produced. In the absence of such a declaration, the postal objects (number and weight) must be shown in the Cargo Declaration.
2.10	The Maritime Declaration of Health shall be the standard declaration, which will contain the information required by public authorities on the state of health on board a ship during the voyage and on arrival at a port. The Maritime Declaration of Health shall be in accordance with the International Health Regulations. In addition, in accordance with the International Health Regulations, a valid Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension shall be provided to public authorities to assess the risk of disease on board the ship.
2.10.2	The Advance Notification Form for Waste Delivery to Port Reception Facilities shall be the standard declaration providing public authorities with the information regarding the ship's waste reception needs.
2.11	In exceptional circumstances where means of electronic transmission are unavailable, public authorities shall have readily available alternative reporting means for a ship's arrival and departure. Public authorities shall make public any alternative reporting means available, to the extent possible.
2.19	If errors are found in the information transmitted, which has been authenticated by or on behalf of a shipowner or master, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities

REFERENCE	STANDARD
	that the errors were inadvertent, not of a serious nature, not due to the recurrent carelessness and not made with intent to violate the laws or regulations of the port State.
2.21	Public authorities shall, by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.
2.25bis	The public authorities under the International Health Regulations shall advise the shipowner as far in advance as possible of their intent to apply public health control measures to a ship, and shall provide, where available, written information concerning the methods employed.
3.1	A valid passport shall be the basic identification document providing public authorities with information relating to the individual passenger on arrival or departure of a ship.
3.31	Duty-free ship's stores shall be allowed aboard ship for cruise passengers during the ship's stay in port in accordance with national law.
4.4.1	Stowaway incidents shall be dealt with in a manner consistent with humanitarian principles, including those mentioned in Standard 4.1. Due consideration must always be given to the operational safety and security of the ship and the safety and well-being of the crew, the stowaways and any other persons present on board.
4.4.2	Contracting Governments shall require that shipowners and masters operating ships entitled to fly their flag, take appropriate measures to ensure the security, general health, welfare and safety of the stowaway while he/she is on board, including providing him/her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.
4.6.3	Contracting Governments shall instruct shipowners and masters operating ships entitled to fly their flag that when a stowaway declares himself or herself to be a refugee or an asylum seeker, this information shall be treated as confidential to the extent necessary for the security of the stowaway. When stowaways declare themselves to be a refugee or an asylum seeker, information regarding the declaration or intention of the stowaway shall not be shared with public authorities of the stowaway's country of origin or of habitual residence.
6.5	Public authorities shall make arrangements to enable all travel agencies and others concerned to make available to passengers, sufficiently in advance of departure, lists of the vaccinations or prophylaxis required by the public authorities of the countries concerned, as well as the International Certificate of Vaccination or Prophylaxis conforming to the International Health Regulations. Public authorities shall take all possible measures to have vaccinators use the International Certificate of Vaccination or Prophylaxis in order to assure uniform acceptance.
6.7	Public authorities shall ensure that health and phytosanitary measures are initiated forthwith, completed without delay, and applied without discrimination.
6.11	Contracting Governments and their relevant authorities shall, to the greatest extent possible, allow ships and ports to remain fully operational, in order to maintain complete functionality of supply chains during a public health emergency of international concern in line with the International Health Regulations and any relevant recommendations of WHO.

REFERENCE	STANDARD
6.15	Public authorities shall provide ships with relevant information, where available, about the applicable public health measures, prior to arrival at a port or anchorage in its territory, to enable ships to implement their relevant plans and procedures and to provide their crews with the necessary guidance.
6.18	Contracting Governments and their relevant authorities shall ensure to the greatest extent possible a safe ship-shore interface during a public health emergency of international concern.
6.22	Contracting Governments and their relevant authorities shall ensure that port workers and ship's crew, regardless of their nationality or flag of their ship, when in their territory, are designated as key workers (or equivalent) providing an essential service during a public health emergency of international concern.
6.23	Contracting Governments and their relevant authorities shall, in accordance with relevant international maritime regulations, continue to facilitate ship's crew changes to the greatest extent possible, including the travel and repatriation of crew, during a public health emergency of international concern applying appropriate public health measures, as well as to ensure access to visas in accordance with the applicable national legislation and procedures.

ATTACHMENT C – List of Standards with which Australia is currently non-compliant.

REFERENCE	STANDARD
1.3ter	1.3ter Standard. Public authorities, when introducing or changing systems for the electronic exchange of information to assist clearance processes, shall provide shipowners and other parties concerned with the necessary information about the systems requirements and give an adequate period of transition before the use of the systems is made mandatory. A period of no less than 12 months shall be given for transition to a new system from the time all functional and technical specifications have been published. Any new or changed system shall be technologically neutral and be compatible with other systems.
1.3quin	1.3quin Standard. Public authorities shall introduce arrangements to enable the provision of all the information required in accordance with Standard 2.1 to a "single window" by electronic means. Consideration shall also be given to such a single window serving as the mechanism through which the public authorities communicate decisions and other information covered by this Convention and other provisions, as appropriate.
1.3sxt	Public authorities shall combine or coordinate the electronic transmission of the data required on the arrival, stay and departure of ships, so as to ensure that information is submitted or provided only once and reused to the maximum extent possible.
1.8	Electronic transmission of required information shall be accepted from any location as long as the provider of the information has been certified and authenticated pursuant to the applicable requirements. Usage of a service provider in the jurisdiction to which the information is provided may not be required.
1.8.2	Public authorities shall accept the declarations referred to in Standard 2.1 when they are authenticated in a manner acceptable to the public authority concerned.
2.1	Public authorities shall not require on arrival or departure of ships to which the Convention applies any declaration other than those described in this section. These declarations could be transmitted separately or in a combined electronic format according to the message implementation guidelines and the requirements of the electronic data exchange system. The declarations for ship arrival and departure are: a) General Declaration b) Cargo Declaration c) Ship's Stores Declaration d) Crew's Effects Declaration e) Crew List f) Passenger List g) Dangerous Goods Manifest h) The special declaration for postal items as described in the Acts of the Universal Postal Union currently in force i) Maritime Declaration of Health as set forth by the International Health Regulations j) Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension as set forth by the International Health Regulations k) Security-related information as required under SOLAS regulation XI-2/9.2.2 l) Advance electronic cargo information for customs risk assessment purposes as set out in the WCO SAFE Framework of Standards

REFERENCE	STANDARD
	m) Advance Notification Form for Waste Delivery to Port Reception Facilities.
2.1 bis	For declarations mentioned in points (a) to (g) of Standard 2.1, public authorities shall not require more than the information shown in appendix 1.
2.1.1	Contracting Governments shall not require consular formalities, charges or fees in connection with information required for the clearance of ships, including the electronic provision of the information.
2.1.5	Public authorities shall reuse the pre-arrival and pre-departure information where the same information is required in subsequent procedures.
2.2	The General Declaration shall be the standard declaration on arrival and departure providing information required by public authorities relating to the ship.
2.3	Without prejudice to Standard 2.3.4, Recommended Practice 2.3.4.1 or advance electronic cargo information requirements for customs risk assessment purposes, the Cargo Declaration shall be the standard declaration on arrival and departure providing information required by public authorities relating to the cargo.
2.3.4	Public authorities shall, in place of the Cargo Declaration, accept the ship's cargo manifest, if it is provided electronically and contains at least the information required by the public authorities in accordance with appendix 1 and Standard 2.3.2 and is authenticated in accordance with Standard 1.8.2.
2.3.5	A new Cargo Declaration shall not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.
2.5	The Crew's Effects Declaration shall be the standard declaration providing information required by public authorities relating to crew's effects upon arrival. It shall not be required on departure.
2.7	The Passenger List shall be the standard declaration required by public authorities containing the information relating to passengers on the arrival and departure of a ship.
2.10	The Maritime Declaration of Health shall be the standard declaration, which will contain the information required by public authorities on the state of health on board a ship during the voyage and on arrival at a port. The Maritime Declaration of Health shall be in accordance with the International Health Regulations. In addition, in accordance with the International Health Regulations, a valid Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension shall be provided to public authorities to assess the risk of disease on board the ship.
2.10.1	The report of the security-related information shall be the standard declaration providing public authorities with the information regarding the status of the ship's security.
2.23	With regard to the ships calling at ports for this purpose and intending to leave again immediately, public authorities shall not require the declarations mentioned in Standard 2.1 with the exception of the Maritime Declaration of Health, and, if it is indispensable, the General Declaration. Public authorities shall in such situations waive the time limits, and any applicable penalties, for the provisions of the declarations.
2.24	With regard to ships calling at ports [to put ashore sick or injured crew members, passengers, persons rescued at sea or other persons for emergency medical treatment] and where public authorities require the General Declaration, the declaration shall not contain more information than mentioned in appendix 1 and, wherever possible, shall contain less.

REFERENCE	STANDARD
3.20	Public authorities shall authorize granting of pratique by electronic means to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a disease or any other significant public health risk.
4.2	Public authorities, port authorities, shipowners and masters shall cooperate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and secure that an early return or repatriation of the stowaway will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships for a significant period of time.
4.3.2.4	Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as practicable of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas. Such searches should take place as early as possible, as referenced in the ISPS Code, and after all cargo operations have finished.
4.7.1	Contracting Governments shall report all stowaway incidents of which they become aware to the Secretary-General of the International Maritime Organization, taking into account the relevant guidelines of the Organization.
6.8	Contracting Governments and relevant authorities shall ensure that ship's crew who require immediate medical care while in their territory are given access to medical facilities ashore and that ship's crew are able to replenish their medication during a ship's call.
6.10	Except in the case of an emergency constituting a grave danger to public, plant or animal health, a ship shall not, on account of any other public, plant or animal health reason, be prevented by the public authorities for a port from discharging or loading cargo or ship's stores.