

**International Chamber of Shipping**

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Committee Secretary  
House of Representatives Standing Committee on  
Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

Dear Sir / Madam,

**International Chamber of Shipping Comments to Australian House of  
Representatives Committee Inquiry into the arrangements surrounding  
crimes committed at sea**

The International Chamber of Shipping (ICS) is the principal international trade association for the shipping industry, representing all sectors and trades including containership operators, tanker operators and dry bulk carriers, and passenger ship operators, as well as specialised trades such as chemical carriers and car carriers. The membership of ICS comprises national shipowners' associations from 36 countries. ICS represents over 80% of the world's merchant shipping tonnage.

ICS is grateful for the opportunity to comment on the important issue under investigation of the response to serious crimes occurring at sea and submits a few brief remarks from an international perspective.

ICS has no comment on cross jurisdictional issues facing States, Territories and the Commonwealth, including the overlap of various coronial jurisdictions, other than to support the Australian Government's assessment of its obligations under international law on page 9 of its document 'Government Response to the Recommendations of the NSW Coroner following the Inquest into the Death of Ms Dianne Brimble'.

With regard to whether improvements could be made in relation to the reporting, investigation and prosecution of alleged crimes committed at sea, ICS would like to emphasise the need to be mindful of the type of ship and the resources on

board when considering the practicality of possible improvements. Not all measures will be practical, or indeed necessary for all types of ship. While the current inquiry has been established in response to an incident on a cruise ship, which typically have large crews, other types of ship have much smaller crews and not all have the same level of resources to manage an incident. Nor in many cases is the probability of such an incident as likely. In addition, it is important to ensure that any obligations to be imposed, on the ship's Master/crew and the shipping company, should be proportionate to their roles, and recognise that they are not law enforcement officers. It is for the Flag State Authority to conduct a proper investigation of any crime occurring at sea, and the Master/ crew's involvement should be limited to facilitating this.

Finally, ICS would like to draw the Committee's attention to the work that is currently under way at the International Maritime Organization Legal Committee to develop voluntary guidance in relation to the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and for the pastoral and medical care of victims. ICS is supportive of this work and is currently participating in correspondence work to develop guidance. A copy of the current working document and our comments are attached to this submission for information.

We thank you in advance for your close attention to our above comments

Sincerely

Peter Hinchliffe  
Secretary General

Cc. Ms. Sarah Cerche, Australian Shipowners' Association