



**Inquiry into the
Government's
Response to COVID-19**

15 December 2023

About MIAL

1. This submission is made on behalf of Maritime Industry Australia Ltd (MIAL). MIAL is the voice and advocate for the Australian maritime industry. MIAL is at the centre of industry transformation, coordinating and unifying the industry and providing a cohesive voice for change. MIAL's vision is for a strong, thriving and sustainable maritime enterprise in the region.
2. MIAL represents companies based in Australia which own or operate a diverse range of maritime assets from international and domestic trading ships; floating production storage and offloading units; cruise ships; offshore oil and gas support vessels; domestic towage and salvage tugs; scientific research vessels; dredges; workboats; construction and utility vessels and ferries. MIAL also represents employers of Australian and international maritime labour and operators of vessels under Australian and foreign flags.
3. MIAL represents the collective interests of maritime businesses, primarily those operating floating assets from Australia. MIAL is uniquely positioned to provide dedicated maritime expertise and advice, and is driven to promote a sustainable, vibrant and competitive Australian maritime industry and to expand the maritime enterprise in the region.

Introduction

4. This submission is made from the perspective of the maritime industry and the measures taken by the Federal Government in response to the COVID 19 pandemic including the impact on Australian maritime businesses. It also canvasses the effect on the international maritime industry as critical to the economic prosperity of Australia given the high reliance on shipping and other maritime activities to the nation.
5. Recognising MIAL's view that the inquiry terms of reference, excluding actions by states, provides for limitations in the overall effectiveness of the Federal Government Response, MIAL takes the opportunity to highlight how the measures that were implemented, as well as measures that were not implemented, impacted the industry including in the following ways:
 - a. Communication channels developed by government to provide industry with a level of certainty critical to business planning in the industry;
 - b. The movement of the maritime workforce, both domestically and internationally and the impacts on them;
 - c. Measures to ensure critical international workers who bear a significant load for ensuring the running of the maritime logistics system were able to receive vaccinations and have their rights, as determined by the Maritime Labour Convention 2006 (MLC) (which Australia has ratified) respected.
 - d. Recognition of the need to ensure services provided by the industry continued from both an economic (continuation of industries and services critical to the national economy) and health (the supply of critical PPE, vaccination, medications and ventilators) perspective.
6. MIAL does represent operators in the domestic and international cruise industry, whose businesses were severely impacted by the response of both state and federal governments. This submission does not seek to touch on those responses specifically but instead focuses on commercial maritime operations which continued to operate throughout the pandemic albeit with significant impediments to their usual operations.

Identification of the need to ensure continuity of operations in the maritime industry

7. As early as March 2020 the Australian government, to their credit, announced a raft of arrangements designed to ensure the maritime industry, particularly in so far as its international interface, was able to operate.
8. The mechanism to allow continued access to internationally based maritime crew despite border closures was announced as a decision from national cabinet, described as the “National Cabinet Class Exemption for non-cruise maritime crew”. This did provide states with the capacity to implement their own arrangements, which, ultimately, diminished how effective it was.
9. Additionally, the ABF published numerous fact sheets explaining to stakeholders:
 - a. The status of international maritime crew and their capacity to enter the country by air and on ships;
 - b. The treatment of international vessels, which varied as particular countries were identified as high risk, and clarity regarding health advice was achieved.
10. A maritime response phone hook up was orchestrated in a reasonably timely fashion. This was facilitated through the Department of Infrastructure and involved a large number of industry stakeholders. This:
 - a. Reflected a welcome opportunity for industry to provide inputs for how government would/should respond to emerging issues.
 - b. Generated networks within state and territory governments to escalate issues.
 - c. Demonstrated that on occasion there was little to no progress made on issues over extended periods.
 - d. Due to no fault of the participants, was the source of frustration when issues were not addressed expeditiously.
11. MIAL would recommend considering how the principal of industry level coordination could be retained and refined to ensure more effective outcomes were achieved in a timely way.

The movement of the maritime workforce

12. There are several welfare and human rights issues effecting the shipping industry that have arisen as a result of the COVID-19 global pandemic.
13. Two major factors contributed globally to an impossible situation for seafarers, shipowners and the world.
 - a. Countries closed their borders entirely or put in place measures to limit entries and departures.
 - b. Flights evaporated overnight.

Crew changes - International

14. The COVID-19 global pandemic caused severe seafarer welfare impacts as closure of national borders make it very difficult for crew changes to occur. Crew were frequently effectively captive on board ships in excess of their contracts and in contravention of the MLC. This also extended to the capacity to take shore leave due to restrictions applying.

15. At its worst there were approximately 600,000 seafarers in the world on ships, who had reached the conclusion of their actual (and extended) SEA's. Movement of people which usually occurs seamlessly was restricted to a trickle and in some cases, despite the global recognition of the importance of maintaining international supply chain, stopped altogether.
16. Significant issues for maritime crew both entering the country to join a ship and departing the country to return to their homes was experienced. The specifics of these issues have been provided through submissions to other inquiries.
17. Exacerbating issues:
 - a. International passenger cap – crew are being bumped from flights which puts pressure on the entire system as this means that the crew they are relieving must stay (and therefore perhaps get closer to the expiry of their visas).
 - b. The system had at any one time many parts– the source nations, the flight schedules, the passenger cap, border closures, inconsistent hotel quarantine requirements – which all contributed to situations whereby seafarers found themselves in need of practical, flexible visa options. With the right visa options in place, the need for priority treatment and urgent issues would have reduced dramatically and lessen the workload on everyone.
18. The system itself was insufficiently flexible for maritime workers securing Australia's supply chains to ensure they had the necessary visas to lawfully work. Small but critical changes to accommodate extraordinary restrictions on travel should be reflected in visa options, with those having appropriate delegations within the machinery of government able to execute such changes.

Seafarer access to medical care

19. Throughout the pandemic there has been several circumstances whereby seafarers requiring non-COVID related medical care have not been provided it due to transmission fears. In fairness to the Australian government and health authorities this was much less prevalent in Australian than internationally. Nevertheless, there was active "discouragement" for seafarers accessing shore based medical care.
20. Furthermore, there were no nationally consistent protocols for the treatment of COVID positive cases that may arise on board a commercial vessel. While during the height of the pandemic there are very few cases globally, as the necessity to conduct crew changes has picked up and the frequency of changes increases the rate of cases is grew. Absence of consistent treatment of these cases created confusion, uncertainty and fear both on board ships and for shore-based workers.
21. Australia should have developed a nationally consistent approach, where possible, to the treatment of COVID positive seafarers, which recognises the human biosecurity risks to Australia and the ship concerned, but, most importantly, the health and welfare considerations of the seafarer/s concerned. Such an approach can then be applied in future instances.
22. The International Health Regulations state parties shall not refuse to grant 'free pratique' (permission to enter a port, embark or disembark, or discharge or load cargo or stores) for public health reasons, notwithstanding that granting of this may be subject to vetting.

23. Key solutions that industry needed delivered by Government(s) included the consistent acknowledgement for people working on ships and specialist shore side skills needed to support the continued operation of the industry, through a clear exemption from the various restrictions (i.e. passenger caps, airline prioritization requirements). Additionally, dedicated quarantine facilities for essential workers (such as what occurred in Queensland through the hard work of Maritime Safety Qld and the department of Health) should have been set up close to key ports.
24. Furthermore, international bodies (such as the International Maritime Organisation) developed key guidance (i.e. [crew change protocols](#)) which should have been adopted in members states such as Australia more quickly and consistently than was the case.

Access to vaccinations for international seafaring workforce

42. As has already been highlighted, it was critical through the pandemic that the international seafaring workforce continue to operate, and that their continuing to work was vital for Australia's supply chain.
43. Accordingly, it should have been readily apparent at all levels of government that there was an urgent need to ensure seafarers servicing the countries supply chain, in many cases in excess of their original contract commitment, had ready access to vaccines as and when they became available.
44. However, the individual rules and regulations implemented by states in many cases prohibited seafarers from leaving or going more than 13 meters from where the vessel was docked (and only to perform the business of the vessels). These rules, while not directly seeking to deny access to vaccinations, had the effect of doing just that.
45. As a result, it took longer to vaccinate seafarers that may otherwise be the case. Some state health authorities recognised the importance of ensuring international seafarers received vaccination and set up clinics at the port so that seafarers could receive vaccinations while not breaching health orders in various states. NSW, for example, put in place a program that while largely ad hoc and limited to specific ports did at least attempt to address the issues.
46. MIAL suggests that a key learning from the pandemic needs to be the consideration and allocation including the practicalities of administering vaccines for workers who through no fault of their own may be nonresidents but "stuck" working in Australia. The reality is the overwhelming majority of Australia's freight need is moved by foreign ships, operated by foreign seafarers.