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Committee Secretary
Joint Standing Committee on Treaties
Parliament House, Canberra

Via email: jsc@aph.gov.au

Via webform:

https://www.aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission/Submit

Dear Committee Secretary

RE: Inquiry into the Nairobi International Convention on the Removal of Wrecks

We write today to provide our submission to the above inquiry.

About Shipping Australia

Shipping Australia is an industry association that represents the participants in Australia's international supply chain. We have over 30 full members, which includes large ocean shipping lines and shipping agents active in Australia.

We have over 40 corporate associate members, which generally provide services to the maritime industry in Australia. These services include port and terminal operations, pilotage, insurance, and legal advice among other things.

Our members handle the vast majority of containerised seaborne cargo imports and exports to and from Australia. They also handle a considerable volume of our car trade and our bulk commodity trade. Our members employ more than 3,000 Australians.

Shipping Australia comments in relation to Australia's potential accession to the Nairobi International Convention on the Removal of Wrecks (the "Nairobi Convention" or "the Convention" as appropriate) are as follows:

1. Noting that:
 - a. the Nairobi Convention was adopted by the global regulator for international shipping, the International Maritime Organization;
 - b. the purpose of the Convention is to provide a uniform international set of rules aimed at ensuring the prompt and effective removal of wrecks (which, in this context, also includes the losses of objects from ships, such as shipping containers) beyond the Territorial Sea;

- c. Countries may opt to apply certain provisions to their territory, including their Territorial Sea;
- d. wrecks present hazards to safety of life, to the marine and coastal environment, and to navigation;
- e. the Convention provides a sound legal basis for Countries to tackle wreck removal;
- f. the Convention provides a pathway for recovery of costs through making shipowners financially liable, by requiring owners to take out appropriate insurance (or other financial security), and by providing Countries with a legal right of direct action against insurers;

2. Shipping Australia therefore recommends that:

- a. the Nairobi Convention be adopted in full;
- b. the Australian Federal Government make use of the opt-in provision in Article 3 of the Convention and extend the application of the Convention to wrecks located within Australia's territory; and
- c. Australia's translation of the Nairobi Convention into domestic law should be as closely aligned as possible with international law so as to keep inconsistencies to a minimum and to achieve international uniformity.

Authorised by:

Capt Melwyn Noronha

CEO, Shipping Australia