



Appendix I – Vessel Flag States

Supplementary Submission 009.2

From: Peter Taylor/PandO/AU

Date: 07/06/2013 10:08 AM

Subject: Crimes at sea inquiry - request for information

Dear Thomas,

I am writing on behalf of Carnival Australia's CEO, Ann Sherry, in response to a request for additional information regarding our fleet of cruise ships from the Standing Committee on Social Policy and Legal Affairs in relation to its current inquiry into Arrangements Surrounding Crimes Committed at Sea.

I understand the Committee specifically seeks a list showing the name of each vessel in the Carnival Group fleet that is scheduled or likely to visit Australia in the next five years and the flag state of each of those vessels.

Please find below a table detailing ships within the Carnival Group only, that are booked to visit Australia until 2019. Please note, while the following list provides a reasonable indication of the range of ships scheduled to visit Australia in the next 5 years, it is by no means complete. Ship schedules are only confirmed 18 months to two years ahead of the departure date, so bookings beyond this time frame are tentative and it is quite possible other ships may be added.

I also note that this list of cruise ships covers the Carnival Group only. The other main operator of cruise ships to Australia is Royal Caribbean.

Finally, I also note in brief, points made in our original submission to the Committee that in the very few investigations we are aware of as having been reported to the flag state of our ships, the current legislation does provide a regime for dealing with crimes on foreign flagged ships.

If you have any further questions or require additional information please do not hesitate to contact me.

Kind regards,

Peter

Peter Taylor

Vice President Corporate Affairs

Carnival Australia

15 Mount Street, North Sydney NSW 2060

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<u>SHIPS NAME</u>	<u>CRUISE BRAND</u>	<u>FLAG STATE</u>
Amsterdam	Holland America	Netherlands
Arcadia	P&O UK	Bermuda
Aurora	P&O UK	Bermuda
Carnival Legend	CCL	Panama
Carnival Spirit	CCL	Malta
Costa Deliziosa	Costa Cruises	Italy
Costa Neo Romantica	Costa Cruises	Italy
Dawn Princess	Princess Cruises	Bermuda
Diamond Princess	Princess Cruises	Bermuda
Ocean Princess	Princess Cruises	Bermuda
Oosterdam	Holland America	Netherlands
Oriana	P&O UK	Bermuda
Pacific Dawn	P&O Australia	British
Pacific Jewel	P&O Australia	British
Pacific Pearl	P&O Australia	British
Pacific Princess	Princess Cruises	Bermuda
Queen Elizabeth	Cunard	British
Queen Mary 2	Cunard	British
Queen Victoria	Cunard	British
Sea Princess	Princess Cruises	Bermuda
Seabourn Odyssey	Seabourn	Bahamas
Seabourn Sojourn	Seabourn	Bahamas
Sun Princess	Princess Cruises	Bermuda
Volendam	Holland America	Netherlands



07 June 2013

Dr Ann Dacre
Secretary
House of Representative Standing Committee on Social Policy and Legal Affairs
Parliament House
CANBERRA 2600

Dear Dr Dacre,

Thank you for your letter of 3 June 2013 requesting the registration details of cruise vessels RCCL will be deploying in Australia over the next five years. Please be advised that we have published our cruise programs through to April 2015 and I am able to confirm details for those specific ships.

For the Committee's guidance Royal Caribbean International register their ships in the Bahamas, while Celebrity Cruises and Azamara Club Cruises are registered in Malta. The ships operating over the next two seasons and their nation of registration are set out below.

Royal Caribbean International:

Radiance of the Seas	Bahamas
Rhapsody of the Seas	Bahamas
Voyager of the Seas	Bahamas

Celebrity Cruises:

Celebrity Century	Malta
Celebrity Millennium	Malta
Celebrity Solstice	Malta

I would also like to take this opportunity to address issues that were raised in the media by the Chairman of the Committee, Mr Perrett over the last week concerning allegations that evidence of crimes is covered up by cruise companies.

The Sunday Telegraph on May 26 reported:

A "culture of cover ups" remains entrenched on Australia's cruise ships despite moves to improve safety and reduce crime, industry insiders claim.

Federal Labor MP Graham Perrett, who is chairing a Parliamentary inquiry into crimes at sea, said evidence from cruise industry sources suggested a lack of transparency with reporting serious incidents.

"When you get on a cruise ship, people think that the long arm of the law covers them, but the reality is they are covered by a contract with the cruise company rather than the Crown and the police," Mr Perrett said.

He said concerns had been raised about cruise lines under-reporting crimes once ships left port.

We have certainly had evidence of people saying there is a culture of cover-up rather than revealing," he said.

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“It is the old problem – if the people doing the investigating are also the ones that would be in the firing line if things go wrong, it can lead to complications, he said.”

The basic premise of Mr Perrett’s comments regarding the coverage of criminal law is not correct. Whilst passengers on cruise ships are subject to the terms of their contract of carriage, this does nothing to displace the criminal law of the relevant jurisdiction applying at the time of any incident. I believe it is a serious overstatement to suggest that the “long arm of the law” does not apply on board cruise ships or any other ship for that matter.

In respect to the suggestions of a “culture of cover ups” and “under-reporting of crimes”, our examination of the publicly available evidence of the Committee does not reveal any statements to this effect from industry witnesses who gave evidence in open hearings. During the Canberra hearings the Chairman stated that the Committee had received evidence from a former security officer regarding alleged cover ups on board cruise ships. In response to that Mrs Duffy and I spelled out the current industry position in which all crimes are reported to the appropriate law enforcement authorities. Please see the transcript extract below. My concern is that the evidence received by the so called industry insiders does not reflect that contemporary situation. As it would appear that this evidence was made in private I am unable to determine whether the witness has recent experience of cruise ship security. I am quite certain that their comments do not reflect the security arrangements on board RCCL ships.

Mr Smith: In regard to Mrs Duffy’s response, the desire of the industry is to establish a global reporting regimen through the IMO, and, if the Australian delegation to the IMO could support that, we would be looking at a standard implementation of a reporting regime that would take away any doubt of any interpretation of the obligation to report crime. In my experience, cruise lines report crime, and jurisdiction is established very quickly between coastal waters, international waters and next port of call.

The cruise lines will report a crime to the next port in the event they need the support of the local law enforcement officers. They will report that crime in the case of anything around Australia and to do with an Australian citizen to the Australian Federal Police, or indeed the water police. If the ship was on a round trip; Sydney. If it was an itinerary, then it would be also reported to the water police. Then between those law enforcement agencies they would establish primacy, and that is very much based on practicality.

So, in the case of Mrs Brimble, New South Wales Water Police established primacy, and they travelled to Noumea to attend the vessel. The habit of cruise lines is to report and report very quickly. We do not judge crime. We report it and then we work with those law enforcement agencies as they establish primacy—and indeed attend the vessel on arrival at the port or on return to the port. It is a very well established practice.

CHAIR: We had evidence and information provided from people in the security industry to the committee saying that because reporting a crime is not something that is going to make it onto the brochure for the cruise line—that is just the reality; you do not want rape, assault and murder in your brochures—the idea is to conceal information. If there were crimes that could not be made public—

Mr Smith: Disclosed.

CHAIR: then it was in the best interests of those in the job to keep it quiet.

Mr Smith: From a practical sense I do not see how that could be reasoned because, if an individual has a crime committed against them and they seek recourse against either the individual or the company, I do not know how they can do that.

CHAIR: It is Joe Blow and Bill Blow coming to fisticuffs.

Mr Smith: Yes.

CHAIR: If it happened in the main street of Brisbane, the Crown would step in and say, 'You're both charged.'

Mr Smith: Yes.

CHAIR: Whereas, if it happens on a ship, the idea being: 'You lost a tooth; you lost a tooth. Let's just keep it that way.'

Mr Smith: I do not believe that to be the case because the greater behaviour of passengers is for them to return ashore, consult with their families and take action. They cannot take action if the matter has not been reported. The behaviour of the cruise companies is to report the crime. I have not read the accusation that cruise lines have not reported. I do not have a public account of a crime that has not been reported.

Mrs Duffy: I would just add that I think that was also the point made in the committee hearings held in Washington. Also, the FBI verified that all crimes are being reported. There has not been a case found where a crime went unreported by the cruise line. I do not know whether what you have heard is anecdotal or is actually backed by—

CHAIR: It was evidence presented to the committee.

Mrs Duffy: Okay.

The current state of industry practice was also referred to at the Sydney hearings by former NSW Police Commissioner Ken Moroney AO APM, who studied cruise industry security arrangements and dismissed the suggestion that those investigating on board incidents would be inclined to under report. The transcript extract is also repeated below:

“CHAIR: Would that mean that, if something happens on your watch, you would be more likely to cover up than to report it—if you are going to have your employment terminated whenever the data starts to show that there are some troubles in the ranks?

Mr Moroney: No, I do not think so.

CHAIR: That was a very leading question. I realise that.

Mr Moroney: I think potentially you would be terminated for not bringing issues to notice rather than covering them up. You might cover it up once or twice. Inevitably, as I know from my own background, the truth will surface. It may take a week, a month or a year, but it will surface. So, in that sense, it is that constant renewal of training and lifting the professional standards of the security staff, indeed valuing the security staff amongst the staff of a cruise ship itself. That is why I was so encouraged, as I said, to hear the captain of the ship that I was on—and I do not think it was said for my sake—say who you the security officer represent when you are simply walking through the bar or doing some other activity relevant to your duty. I think it is about the valuing of the job. Indeed, we see that land side, where there has been a complete re-evaluation of security staff. It is not about bulk and brawn anymore; it is about intellectual capacity. Physical capacity is important, given the nature of the confrontations you sometimes deal with.”

On the same day Michael Giglia, Director Fleet Security and Investigations, Global Security, Royal Caribbean Cruises Lines Ltd pointed out that RCCL not only reports all incidents to the appropriate law enforcement agency but publishes the number of alleged serious crimes in our annual Stewardship report, whether these result in prosecutions or not. Additionally Mr Giglia described in detail the training and procedures for security staff in reporting crime and crime scene prevention:

Mr Giglia: Most definitely. The training that you may be most interested in is training and crime reporting and crime preservation. We have always trained our security officers in that but the Cruise Vessel Security And Safety Act—a federal law passed in the United States, sometimes known as the Kerry act—requires that all of our ships have at least one person certified in a very specific course in crime reporting and evidence preservation. The course is known as the model course. The syllabus was produced by the United States Coast Guard, the United States Merchant Marine Academy and the Federal Bureau of Investigation. Every one of our chief security officers and deputy security officers must complete this government mandated course and be certified in order for a vessel to be allowed into United States ports.

It is a business decision—and I believe it is true in all the cruise lines: it is easier for us to train all of our security officers, regardless of what port they are going to. Every one of them is trained, because ships move around, as do our personnel.

CHAIR: Mr Giglia, are we able to have that document?

Mr Giglia: Indeed.

CHAIR: We will collect it and put it into evidence.

Mr VASTA: So it is a standardised requirement now?

Mr Giglia: Yes, it is. In addition to other regulatory requirements and other training required by company policy. This, again, is known as the 'model course' produced by those three United States government agencies.

Dr STONE: That is what I was going to say: it applies to your ships, obviously. Have you voluntarily adopted, then, the Kerry law protocols into your practice?

Mr Giglia: Yes, indeed.

CHAIR: For Australian waters?

Mr Giglia: Yes, indeed. Preceding Kerry in 2007, CLIA, the trade association, entered into a voluntary agreement with the FBI as to how evidence would be preserved and what sort of crimes the FBI needed reported and the manner in which they were to be reported. That volunteer agreement was in effect for three years, which we applied worldwide. Those were incorporated into the Cruise Vessel Security and Safety Act 2010, in which those same protocols became law. They are also applied universally."

In conclusion I would like to thank the Committee for its work in what, to our industry, is the most fundamental responsibility we have, the safety and security of our passengers and crew which remains our primary concern.

Yours sincerely

Gavin Smith
Regional Vice President