

SHIPPING | AUGUST 2021

WESTERN AUSTRALIA GETS TOUGH - COVID SHIPS MAY BE BARRED, POSSIBLE NEW CRIMINAL OFFENCES AND INCREASED PENALTIES TO BE INTRODUCED

Due to the ongoing COVID-19 Pandemic and in particular the new and highly infectious Delta strain, the Western Australian Government has issued a "Notice to Shipping Industry" which warns that vessels may be barred from entry to the State should proper COVID-19 prevention protocols not be implemented or recorded on board the inbound vessel.

New "Notice to Shipping Industry"

The new "Notice to Shipping Industry" has come about because of two vessels recently arriving in Western Australia from Indonesia with a significant number of the crew on board the respective vessels being infected with the Delta Strain of COVID-19.

The Notice puts vessel owners, charterers, masters, exporters, importers and the shipping industry generally ("Shipping Industry") on notice that they "must take all reasonable steps to prevent COVID-19 outbreaks prior to, and during, the journey to Western Australia and to ensure that no vessel arrives in Western Australia with COVID-19 on board."

High-risk jurisdictions in the line of sight

Due to the serious nature of the outbreak in Indonesia, the Western Australian Government has put the Shipping industry on notice that vessels arriving in Western Australia from "high risk jurisdictions" (yet to be defined) are likely to be subjected to requirements that are even more stringent. Vessels arriving from "high risk jurisdictions", among other requirements, are not to complete any crew changes in a "high risk" jurisdiction, must wear PPE during port visits, all maritime workers (including shore based workers) are to undergo PCR COVID-19 testing and receive a negative test result before boarding, crew must undergo daily COVID-19 testing before arriving in Western Australia and evidence of results may be demanded upon arrival in Western Australian waters. Should COVID-19 be suspected or confirmed to be on board, or protocols to prevent COVID-19 not be implemented or recorded, the vessel may be barred from entry.

HFW is aware of consultations between Federal and State authorities and the Shipping Industry, however, despite only 5 out of 15,000 ships arriving with suspected COVID-19 on board since the pandemic began, we consider it likely that new restrictions will be implemented in Western Australia with respect to ships arriving from "high risk jurisdictions" such as Indonesia. Protocols for how and why jurisdictions will be classified as "high risk" is not clear.

Further tough measures may follow

The Notice also foreshadows possibly creating a new criminal offence for knowingly or recklessly bringing COVID-19 into Western Australia, increase to penalties for providing false or misleading information, pursuing maritime claims under the Admiralty Act 1988 (which might lead to vessel arrests), and preventing vessels operated by a particular company that have arrived repeatedly with COVID-19 outbreaks from subsequently being granted permission to berth.

Statutory force? Watch this space

As of today, the Western Australian Government has not yet published a declaration, which would give statutory force to the foreshadowed requirements but we anticipate that a draft declaration will be released by the end of this

week. We understand however that should a vessel be scheduled to arrive from a jurisdiction considered to be "high risk", the vessel may simply be barred from entry despite no formal declaration having been made.

To read the full WA Government "Notice to Shipping Industry" please click [here](#)

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