



Risk Assessment Solutions

“Prevent, Don’t Cure”

Circular 02/03/15

Subject: Refusal of Access to Australian Ports - Important Issue!

Case: Recently it has been reported that for the first time the Australian Maritime Safety Authority (AMSA) banned a vessel from entering or using any Australian Port for a twelve month period. Since September 2014, the same vessel received **three detentions** in a row by AMSA. These detentions were related to failures of the vessel’s Safety Management System (SMS) and out of date nautical charts and publications. After the detentions, the vessel returned to Australia without carrying out the recommended corrective actions and as a result AMSA proceeded to a refusal of access.

In connection to the above and in order to assist our Clients to avoid similar cases, we would like to remind them that the *Navigation Act, Section 246 “Directions in relation to the vessels”* reads:

1. *“AMSA may, by notice in writing given to the master or the owner of a vessel, give any of the following directions:*
 - a) *that the vessel not enter or use any port, or a specified port or specified ports, in Australia or the exclusive economic zone of Australia;*
 - b) *that the vessel comply with specified requirements while it:*
 - i. *is approaching, entering, or using any port, or a specified port or specified ports, in Australia or the exclusive economic zone of Australia; or*
 - ii. *is in or is leaving any port, or a specified port or specified ports, in Australia or the exclusive economic zone of Australia.”*

The above section does not specify a minimum or maximum period of refusal of access. AMSA shall decide and specify the time interval of the direction **“not to enter or use any Australian Port”**, according to the severity of each case. The refusal of access may vary from **3 months** to **12 months** and in some cases it can also reach a **24 month** period, if a vessel has previously received two directions and been detained again within two years of the expiry of the *“refusal period”* under the second direction.

As per the above, every *Master or Manager / Operator* of a vessel calling Australian Ports shall bear in mind that, AMSA may issue a direction refusing access to Australia Ports, in the below listed situations:

- ❖ Where a vessel appears to have a poor Port State Control (PSC) record;
- ❖ There are concerns about the performance of the related vessel operator, in cases where the international standards are disregarded on a continuously basis;
- ❖ Where a vessel is not operated and managed to meet the applicable standards of Australian Ports; and
- ❖ Where the operation of a vessel is considered to pose an increased risk to the welfare and safety of seafarers, other vessels and the marine environment.

We remain at your disposal for more details,

Prevention at Sea