



N° LGB 09/262

The Department of Foreign Affairs and Trade presents its compliments to the Embassy of The United States of America in Canberra and has the honour to refer to the Embassy's Note N° 09-149 dated 27 October 2009 requesting Public Vessel Status for the vessel *RV Melville* to conduct research activities within the Australian Exclusive Economic Zone (EEZ) from 9 November to 5 December 2009, and to call at the Australian ports of Brisbane during the period 14 – 21 November 2009 and for the researchers and crew to disembark.

The Department has the honour to inform the Embassy that the Australian Government, in accordance with the *United Nations Convention on the Law of the Sea*, has approved marine scientific research by the vessel. The Department has the honour to remind the Embassy that, in accordance with Australia's Foreign Research Vessels Guidelines and Article 249(b) and (d) of the *United Nations Convention on the Law of the Sea*, it is a condition of approval that the results of any research be made available to the Department of Foreign Affairs and Trade as soon as practicable.

The Department has the honour to inform the Embassy that the Australian Government has approved the request to call on the Australian port of Brisbane, and for the researchers and crew to disembark, subject to the following conditions:

Berthing

The vessel is a public vessel and thereby exempt from the *Maritime Transport and Offshore Facilities Security Act 2003*. However, in berthing the vessel shall comply with directions of the local port authorities. The port is a security regulated area, and as such, the vessel is obliged to comply with a request from the port operator for the vessel to enter into a risk treatment strategy in terms of its Port or Port Facility Security Plan(s).

Quarantine

All vessels must submit a Quarantine Pre-Arrival Report (QPAR) to the Australian Quarantine and Inspection Service (AQIS) 12-96 hours prior to arrival and are required to hold a valid Ship Sanitation Control or Ship Sanitation Control Exemption Certificate.

Vessels that intend to discharge ballast water inside Australia's territorial sea must manage that ballast water in accordance with AQIS requirements. Unmanaged ballast water from foreign sources is deemed to pose a high-risk to Australia's marine environment and must not be discharged in Australian ports or waters. Ships must keep real-time records of their ballast water management operations and complete the AQIS Ballast Water Management Summary (form 26). These documents must be made available for inspection by AQIS during the routine vessel inspection and throughout the vessel's stay in Australian waters.

A routine vessel inspection will be conducted on arrival and involves an assessment by AQIS of any potential animal, plant or human quarantine issues that the vessel may pose. AQIS may bond, seize and/or treat items that present a quarantine risk. These items may include food, personal effects, waste, live plants and live animals.

AQIS has increased general surveillance of all vessels (including crew) and prior permission to remove goods from vessels is required. AQIS will also ensure that all quarantine waste arrangements are being strictly adhered to by visiting vessels.

All vessels, passengers and crew (both disembarking and day tripping) are subject to quarantine clearance. Those persons found to be in contravention of quarantine

requirements by failing to declare quarantine items on the 'Incoming Passenger Card' and/or giving false information to a quarantine officer, in relation to goods being taken off the vessels, may face penalties of up to \$220, and/or prosecution and/or imprisonment.

Please Note: Vessels intending to enter an Australian non-proclaimed port of call must seek prior approval in writing from AQIS under section 20AA of the *Quarantine Act 1908*.

For further information, including Fee for Service charges and quarantine forms please refer to the Seaports Program web.site at www.aqis.gov.au/shipping

Fisheries

All fishing gear must be stowed and secured while in the Australian Fishing Zone. The vessel's freezer plans are to be made available for inspection on request. No fish are to be unloaded. A copy of the vessel's declaration of catch is to be provided to the Australian Fisheries Management Authority.

Customs

Normal customs procedures will be followed on arrival of the vessel at port. Personnel from the vessel will be permitted to land only after they have been fully cleared by Customs. No goods may be landed on any Australian islands without the approval of Customs. Customs has the power to request a written account of goods on board a public vessel. The vessel's master is expected to observe Australia's legal requirements by delivering an account of goods (other than stores), marks and numbers thereof and the names of shippers and consignees, and to answer questions relating to such goods when requested to do so by an authorised officer.

Immigration

The Maritime Crew Visa (MCV) has been mandatory since 1 January 2008. Crew must now hold:

- A valid national passport;

- An MCV granted for the same passport;
- Another document that establishes the crew member's employment on the vessel (for example, crew list, articles, seaman's book, contract).

The MCV also extends to include supernumerary crew of non-military ships and crew under an employment contact with the vessel including scientific personnel.

Foreign crew who fail to meet the above requirements may be restricted on board the vessel. The master and agent may also be liable for a \$5000 infringement for each person who is refused immigration clearance.

Should crew changes occur prior to the vessel's arrival in Australia, the master and agent must ensure that new crew hold a MCV or they will face a fine of \$5000 for each person as outlined above.

There are two ways to apply for the MCV: via the internet or by sending a paper application to Brisbane (Australia). The quickest way to apply for an MCV is to lodge an internet application online at www.immi.gov.au/sea/MCV. Internet applications require one electronic form to be completed and are lodged and processed faster than paper applications. Most internet applications are expected to be finalised within three days.

With the knowledge and consent of applicants, a third party, such as a shipping agent, can complete and lodge an application based on information provided to the third party by the applicant.

Communication

In accordance with normal procedures, the vessel is requested to comply with the Australian Ship Reporting System (AUSREP) while in Australian waters. Radio frequencies requested are approved for use with the exception of the following:

- 1) radiation on frequencies other than those requested is not approved;
- 2) the use of any emitters in the band 400 – 420 MHZ is not approved;

3) the following frequencies are used as distress and safety calling only and should not be used for any other purpose: 2187.5 KHz, 4207.5 KHz, 4177.5 KHz, 6312.0 KHz, 8414.5 KHz, 12577.0 KHz and 6695.0 KHz.

Radars may be used provided the following guidelines are adhered to:

- (i) the operation of high powered radars when alongside, secured to a buoy or anchored in any port in Australia will cause interference;
- (ii) the radars are to be radiated only for essential maintenance and then at minimum power to achieve aims;
- (iii) transmission into dummy loads is to be used whenever possible.

Changes to approved itinerary

In the event that the approved vessel proposes to enter an Australian port other than that or those to which this approval applies, a revised itinerary should be provided as soon as possible to the Department of Foreign Affairs and Trade, under cover of a diplomatic note.

The Department has the further honour to inform the Embassy that the Australian Government has determined that the vessel enjoys Public Vessel Status for the requested port visit.

The Department of Foreign Affairs and Trade avails itself of this opportunity to renew to the Embassy of The United States of America the assurances of its highest consideration.



CANBERRA

6 November 2009