



Confidential

12 February 2018

Athens Convention
Maritime and Shipping Branch
Department of Infrastructure and Regional Development
GPO Box 594
Canberra City ACT 2016

By email: Athensconvention@infrastructure.gov.au

Reference: Potential Ratification of Athens Convention

Dear Sir/Madam,

Thank you for the opportunity to comment on the Government's potential ratification of the Athens Convention as set out in the Discussion Paper of November 2017.

Executive Summary

While the decision to ratify the Athens Convention is that of the Australian Government, we note that the Protocol to the Convention has not been widely adopted. Only 17 countries have signed up to the protocol which excludes the US, New Zealand or any major Pacific country. This has largely been a European initiative which does not automatically suggest Australia needs to adopt it and therefore step out of line with the majority of other countries in the region.

We further believe that a combination of Australia's existing consumer protection laws together with the industry's approach to passage conditions, insurance etc. do provide cruise ship passengers with effective protection/rights that are as effective as those enjoyed by landside vacationers. We would therefore respectfully suggest that the existing consumer protection arrangements for cruise ship passengers do not in of themselves justify a decision to ratify the Athens Convention.

Introduction to Royal Caribbean

Royal Caribbean Limited (RCL) operates three global brands - Royal Caribbean International, Celebrity Cruises and Azamara Club Cruises - and is the second largest cruise company in the world. Our global fleet totals more than 40 cruise ships including the two largest classes of ships: Oasis Class (6,000 passengers) and Quantum Class (4,900 passengers).

This season we will deploy six ships in the region and will operate over 80 separate cruises from Sydney, Auckland and Fremantle throughout Australia, New Zealand and the South Pacific carrying over 300,000 guests. These are led by the biggest and newest cruise ship to ever visit Australia, Ovation of the Seas which conducted its maiden Australian season from December 2016 to March 2017, just six months after being launched in Europe.

RCL Cruises Ltd, Level 12, 157 Walker Street, North Sydney, NSW 2060

The Current Legal Framework/Industry Practice

The Department's discussion paper suggests that the current practices relating to passage conditions, jurisdictions and insurance requirements contribute to a perceived lack of protection for the cruise ship passenger.

RCL would respectfully suggest that this is not the reality of the situation and while RCL is unable to categorically confirm the policies of other cruise lines, we believe that all the major cruise lines operating in Australia have responsible and consumer-orientated policies that provide effective protection for the cruise passenger.

In this context we would confirm the following:

- That RCL's passage conditions acknowledge the jurisdiction of the Civil Liabilities Acts that apply in the various states and the limits for personal injury set out in those Acts.
- That RCL does not include an exclusive jurisdiction clause in its' passage conditions
- That RCL does not have passage conditions that are subject to the laws of a foreign nation
- That RCL's passage conditions do recognize the application of the Athens Convention where cruises booked in Australia are for cruises departing and returning to applicable European destinations.
- That the industry does have compulsory requirements regarding vessel/passenger insurance (P&I Liability Insurance)
- That the major cruise operators in the region do have a legal presence.

Royal Caribbean, representing over 25% of the Australian cruise industry, wishes to place on the record that neither of these conditions are contained in its' passenger contracts and copies of the Passage Terms and conditions for each of its' brands are included with this submission for reference.

RCL is of the view that the current Australian legal framework together with the passage conditions, insurance requirements and operating policies of the industry are designed to protect passengers from the negligence of the carrier in terms of personal loss or injury.

We have attached a copy of our Australian passage conditions for our three brands which appear in full on our website and in an abbreviated form in our advertising brochures.

Please do not hesitate to contact me if any of the issues raised in this response require further explanation or context.

Yours Sincerely



Adam Armstrong
Managing Director
Royal Caribbean Cruises