

D/2013/118016

**ISSUE:**

Application by Carnival plc, trading as Carnival Australia for an exemption under the Age Discrimination Act 2004(Cth).

**BACKGROUND:**

The New South Wales Police Force (NSWPF), Marine Area Command (MAC) is aware that on the 21 December, 2010 Carnival Australia was granted an exemption under Section 44(2) of the Age Discrimination Act 2004, by the Australian Human Rights Commission. The exemption commenced on the 23 December, 2010 and was due to expire on the 22 June, 2013 and permitted Carnival Australia to lawfully restrict the ability of persons under the age of 19 years to take part in cruises without a responsible adult during the 'Schoolies' period, 1 November, to 31 January.

**CURRENT POSTION:**

The exemption period has expired and Carnival Australia are seeking a further exemption for 2.5 years to require persons under the age of 19, travelling on its cruise ships between 1 November and 7 January each year, to be accompanied by a responsible adult and from the 8 January to the 31 January each year to set a quota of 60 passengers under the age of 19 who may travel on a cruise without being accompanied by a responsible adult.

In support of its application, Carnival cites a number of statements contained in the House of Representatives Standing Committee on Social Policy and Legal Affairs (the Committee) report into its inquiry into the Arrangements Surrounding Crime Committed at Sea (the Inquiry), tabled on the 24 June, 2013.

At page 59 of the report the Committee makes the following statements:

***"Carnival Australia's decision to ban schoolies cruises is a responsible one"***

***"The Committee believes that operating 'schoolies cruises' is irresponsible"***

***"The Committee is fully supportive of Carnival's decision to ban schoolies cruises."***

Carnival also reports that it has observed a significant decrease in the number of alcohol related security incidents during the schoolies period since the granting of the exemption and provides the following example:

***On a single cruise in December, 2005, Carnival recorded 457 separate security incidents. In December, 2012, across all four Carnival vessels and across all cruises for that month, a total of 67 security incidents were recorded.***

Carnival Australia believes that the exemption has served to:

- a) discourage schoolies participants from making bookings for the purpose of engaging in improper behaviour and under age drinking; and
- b) reduced the likelihood of unmanageable large scale schoolies events organised through social networking; and
- c) promoted an understanding that Carnival Cruises will not tolerate improper behaviour and under age drinking on its cruise ships as part of schoolies celebrations.


I believe that the application made by Carnival is motivated principally by concerns for the health, safety and security of its passengers and crew. In the past schoolies events have been punctuated by incidents of anti-social behaviour, abusive behaviour, both sexual and racial, sexual harassment, dangerous behaviour, property damage, violence, fighting and substance abuse.

There appears to be clear evidence, on the material provided in the application by Carnival Australia, that the exemptions sought, for both the period 1 November to 7 January where all under 19's will be required to travel with a responsible adult, and 8 January to 31 January where a quota of 60 under 19s's will be able to travel, unaccompanied, serve to minimise the anti-social fallout of the schoolies celebrations.

It would appear that the granting of this further exemption is necessary to continue to afford Carnival Australia the support to continue this hard stance with respect to preventing schoolies cruises becoming a popular alternative to the land based celebrations.

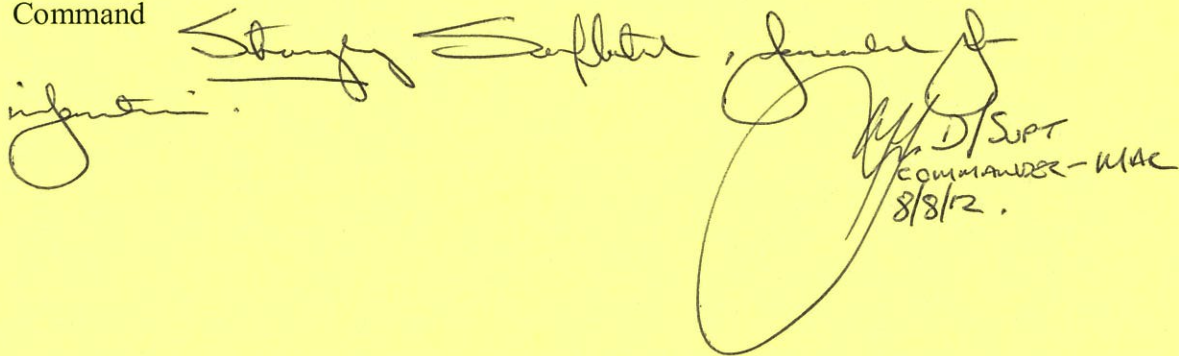
**RECOMMENDATION:**

The MAC supports a further 2.5 year extension to this exemption as sought in the application. It is likely that this exemption will continue to reduce the risk of large numbers of passengers below the age of 19 taking part in schoolie type celebrations on cruises and the subsequent Alcohol related crime issues that may occur on board.



Mick O'Keefe  
D/A/Inspector  
Crime Manger  
Marine Area Command  
2 August 2013

1. Detective Superintendent Hutchings - Commander, Marine Area Command



Handwritten signatures and stamps of Detective Superintendent Hutchings and another official. The signature of the second official includes the text: "D/SPT COMMANDER - MAC 8/8/12."