



Australian Government
Australian Maritime Safety Authority

AMSA MO 2018/12

**Marine Order 11 (Living and working conditions on vessels) Amendment
Order 2018**

I, Michael Kinley, Chief Executive Officer of the Australian Maritime Safety Authority,
make this Order under subsection 342(1) of the *Navigation Act 2012*.

5 December 2018

Michael Kinley
Chief Executive Officer

1 Name of Order

This Order is *Marine Order 11 (Living and working conditions on vessels) Amendment Order 2018*.

2 Commencement

This Order commences on 8 January 2019.

3 Amendment of *Marine Order*

Schedule 1 amends *Marine Order 11 (Living and working conditions on vessels) 2015*.

Schedule 1 Amendment

[1] Subsection 8(2)

substitute

- (2) AMSA may approve use of an equivalent if satisfied that:
- (a) the vessel has adequate arrangements to protect the working and living conditions of its seafarers; and
 - (b) approving the use of the equivalent would not contravene paragraph 4 of Article VI of the Maritime Labour Convention.

Note 1 For definitions of **use** and **equivalent** — see *Marine Order 1 (Administration) 2013*.

Note 2 Paragraph 4 of Article VI of the Maritime Labour Convention provides that an arrangement is equivalent if conducive to the full achievement of the general object and purpose of the MLC standard concerned.

[2] Section 38

substitute

38 Small vessels

This Division does not apply to a vessel <200 GT that:

- (a) complies with Section C1 of the NSCV in effect on 1 January 2016; and
- (b) is proceeding on a voyage other than an overseas voyage.

Note The effect of this section is that a vessel <200 GT complying with NSCV Section C1 is not subject to the requirements in this Division if the vessel only undertakes voyages to the outer limits of the EEZ.

[3] Paragraph 52(2)(a)

omit

of

substitute

on

[4] Paragraph 52(2)(b)

omit first mention of

of

substitute

on

[5] Section 79

substitute

79 Declaration of maritime labour compliance

AMSA may issue a declaration of maritime labour compliance in accordance with paragraph 10 of MLC standard A5.1.3.

Note 1 The form of a declaration of maritime labour compliance is available on the AMSA website at <http://www.amsa.gov.au>. Part II of the declaration is to be completed by the vessel owner.

Note 2 A person may apply for a declaration whether or not the vessel is required to have a maritime labour certificate (MLC).

[6] Paragraph 80(1)(b)

substitute

- (b) the maritime labour certificate (MLC) has attached a declaration of maritime labour compliance in accordance with paragraph 10 of MLC standard A5.1.3; and
- (c) a copy of the certificate carried on the vessel, and declaration if required by paragraph (b), is:
 - (i) written in English; and
 - (ii) displayed so that it is easily read by seafarers; and
 - (iii) made available on request to any seafarer, inspector, authorised officer in a port state or representative of the owner or of a seafarer.

Penalty: 50 penalty units.

[7] Section 83

substitute

83 Duration of maritime labour certificate (MLC)

- (1) A maritime labour certificate (MLC) is in force for a period, of no more than 5 years, determined by the issuing body.
- (2) However, for section 45 of the Navigation Act, an issuing body may vary the time a certificate ceases to be in force if:
 - (a) a renewal inspection has been completed before the expiry of the existing certificate; and
 - (b) the renewal inspection demonstrates compliance with the Maritime Labour Convention and this Order; and
 - (c) the new certificate cannot be issued and made available on board the vessel before the expiry of the existing certificate.
- (3) For subsection (2), a further period not exceeding 5 months from the expiry date of the existing certificate may be endorsed by the issuing body on the certificate.

Note Subsection 85(3) sets out the time when a new maritime labour certificate (MLC) comes into force after the renewal inspection.

[8] Subparagraph 88(a)(iii)

substitute

- (iii) the owner has assumed responsibility for the operation of the vessel which is new to that owner; and

[9] Section 92, note

substitute

Note The seafarer may take action under the *Fair Work Act 2009* to stop being bullied at work. *Guidance on Eliminating Shipboard Harassment and Bullying* published by the International

Chamber of Shipping and International Transport Workers' Federation is on the ICS website at www.ics-shipping.org.

Note

1. All legislative instruments and compilations of legislative instruments are registered on the Federal Register of Legislation under the *Legislation Act 2003*. See <https://www.legislation.gov.au>.