



Marine notice 04/2020

## Maximum period of shipboard service for seafarers during COVID-19 pandemic

### Purpose

This marine notice provides information to vessel owners, operators and seafarers about AMSA's approach to applying the Maritime Labour Convention, 2006 (MLC, 2006) requirements for the maximum continuous period that a seafarer can serve on board a vessel without taking leave during the period of disruption that has been caused by COVID-19.

### Background

In 2016, AMSA issued [marine notice 17/2016](#), which outlined Australia's position on the maximum continuous period that a seafarer can serve on board a vessel without taking leave. It also outlined AMSA's compliance and enforcement approach for these issues.

The environment in which the maritime industry is currently operating has created challenges for crew changes as countries are tightly managing their external and internal borders. To date, both flag and port States have been flexible and accepted extensions to continuous periods of service, without the seafarer taking leave.

While this flexibility has been essential to supporting international trade, it cannot continue indefinitely, as it will increasingly affect maritime safety and seafarer welfare. There is a limit to reasonable continuous periods of service.

### Compliance and enforcement

The following paragraphs outline AMSA's approach to the maximum continuous period that a seafarer can serve on board a vessel during the period 1 July 2020 to 1 October 2020. After 1 October 2020, AMSA will revert to the compliance and enforcement approach outlined in marine notice 17/2016.

- Where inspectors identify that a seafarer has a valid seafarer employment agreement (SEA), which is signed by all parties and is being complied with, and has served on board a vessel for less than 11 months without taking leave, no action will be taken.
- Where inspectors identify that a seafarer has a valid SEA and has served continuously on board a vessel for more than 11 months, and less than 13 months without taking leave, the master will be required to provide a plan for the seafarer's repatriation which is approved by the flag State, and results in the repatriation of the seafarer before they have served a maximum continuous period of 14 months.
- Where inspectors identify that a seafarer has a valid SEA and has continuously served on board a vessel for more than 13 months, the vessel will be prohibited from departing port until AMSA is provided with a plan for the seafarer's repatriation which is approved by the flag State and results in the repatriation of the seafarer before they have served a maximum continuous period of 14 months.
- Where inspectors identify that a seafarer does not have a valid SEA, the master will be required to

arrange repatriation of the seafarer. This may require accommodating the seafarer ashore until repatriation can be arranged. If the departure of the seafarer means that the vessel's minimum safe manning requirements cannot be met, the vessel will be prohibited from departing port. However, the vessel may be allowed to move to another berth within the port or conduct port operations.

No extensions of service without taking leave beyond 14 months will be accepted by AMSA unless the master or owner or both demonstrate satisfactorily to AMSA that all possible efforts have been expended to repatriate the seafarer without success and the seafarer has provided written confirmation accepting the extension.

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