



Consultation Feedback Report

Marine Order 11 (Living and working conditions on vessels) Amendment Order 2021

Outline

The Australian Maritime Safety Authority (AMSA) has recently amended *Marine Order 11 (Living and working conditions on vessels) 2015*. The amendment commences on 1 June 2021 and is given effect by *Marine Order 11 (Living and working conditions on vessels) Amendment Order 2021* which is available in the AMSA website.

The amended Marine Order provides the following:

1. Implementation of the Maritime Labour Convention 2006 (MLC) amendments to ensure:
 - seafarers' employment agreements continue to have effect while a seafarer is captive due to acts of piracy or armed robbery against ships;
 - wages and other entitlements continue for the period of captivity; and
 - entitlement to repatriation does not lapse due to captivity.
2. Definitions for *armed robbery against ships* and *acts of piracy* are now included in section 4.
3. Inclusion of sub-sections 27(7) and 27(8) to ensure compliance with the seafarer wage requirements, even if the seafarer is in captivity due to piracy or armed robbery including where the work agreement has expired.
4. Inclusion of paragraph 31(1)(g) and amendment to sub-section 34(2) to ensure compliance with the seafarer repatriation requirements, even if the seafarer was in captivity due to piracy or armed robbery.
5. Inclusion of paragraph 15 and amendment to paragraph 16 of schedule 3 to ensure the work agreement includes the seafarer's entitlements if the seafarer is in captivity due to piracy or armed robbery.

Consultation Feedback

A copy of the draft amendment to the Marine Order was made available on the AMSA website for public comment on 14 February 2021 for a 4-week consultation period.

Over 120 stakeholders including ship operating companies, seafarer representative organisations, classification societies, shipping industry peak bodies and interested government departments and agencies were invited to participate in the consultation process.

AMSA received one submission with 3 questions, the content of which did not relate to the proposed changes. Those comments have been captured so that they can be considered in a future review of this marine order.

Marine Order 11 Amendment – Feedback

Submission	<p>Question 1: Division 4: Engagement and working conditions of seafarers a. The owner of a vessel must: establish a system for enabling a seafarer to send a proportion of the seafarer’s earnings to the seafarer’s family by bank transfer or similar means; and Comment – Why is only a portion of earnings transferred to the family? And what is the portion and who decides the portion? The Seafarer may be the only money maker in the family.</p> <p>Question 2: 31 Repatriation, 1d the owner of a vessel is unable to fulfil his or her legal or contractual obligations to the seafarer as an employer because of: i. insolvency; or ii. sale of the vessel; or Comment - consider the seafarer to be repatriated prior to sale of vessel? This is an extensive process, there should be time.</p> <p>Question 3: There are multiple points that mention the seafarer won’t be repatriated if their homeport is a warzone. Comment - Where do they go then? It’s not mentioned</p>
AMSA’s response	<p>Thank you for your comments. Your comments are noted for future reviews and the questions will be answered separate to this review.</p>