



Australian Government
Australian Maritime Safety Authority

MARINE ORDER 28 REVIEW

Consultation report

March 2025





Marine Order 28 (Operations standards and procedures) Review

Consultation Report

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1. Introduction

This report provides an overview of the consultation process, key issues raised during public consultation and the key changes to the marine order.

Marine Order 28 (Operations standards and procedures) 2025 (MO28) is issued under the *Navigation Act 2012* and ensures the safe navigation and operation of regulated Australian vessels (RAVs) and foreign vessels by implementing key provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the International Convention for the Safety of Life at Sea (SOLAS).

MO28 sets out the requirements for the following:

a. **STCW Convention:**

- i. Regulation I/14: responsibilities of companies,
- ii. Regulation VIII/1: fitness for duty,
- iii. Regulation VIII/2: watchkeeping arrangements, and

b. **STCW Code:**

- i. Section A–I/14 - responsibilities of companies,
- ii. Section A–VIII/1: fitness for duty,
- iii. Section A–VIII/2: watchkeeping arrangements and principles to be observed,
- iv. Section B–I/14: guidance regarding responsibilities of companies and recommended responsibilities of masters and crew members,
- v. Section B–VIII/2: Guidance regarding watchkeeping arrangements and principles to be observed, and

c. **SOLAS:**

- i. Chapter V, Regulation 14, addressing minimum manning and the working language of vessels.

The 2010 Manila Amendments to the STCW require Administrations to implement a prescribed alcohol limit, in accordance with the provisions of section A–VIII/1 of the STCW Code. Australia, as a signatory to the STCW Convention and Code has an obligation to implement this amendment into Australian legislation.



In June 2024 AMSA commenced the MO28 review primarily to give effect to the alcohol limit. The main changes in MO28 are:

- a. introduction of a new section, incorporating an alcohol provision to reflect the 2010 Manila Amendments to the STCW Convention and Code,
- b. clarification and improved expression of STCW and SOLAS provisions throughout the marine order, and
- c. application of contemporary drafting practices - restructuring and formatting in line with the most current drafting style, updating definitions as appropriate and removing repetitions.

2. Consultation approach

The commercial vessel industry has diverse interests, business models and widespread geographic distribution. These elements need to be considered when developing new and amended regulations and standards. Therefore, consultation plays a critical role in the development of robust and fit for purpose regulation.

Consultation also plays an important role to ensure safety standards and regulations adequately and appropriately address risks associated with commercial vessel operations and the impact of changes on other sectors.

To facilitate industry input AMSA established a public consultation process, requesting the public to comment on the revised draft order through a period of six weeks. During this period diverse stakeholders were contacted by email and invited to comment.

3. Public Consultation

Overview

Public consultation on the MO28 review took place between 21 October 2024 and 2 December 2024. A copy of the draft MO28 was placed on the AMSA website for public comment.

Notification of public consultation was also emailed to around 110 diverse stakeholders including service providers, vessel operators, seafarer representative and welfare organisations, industry associations, unions, registered training organisations, Shipping Consultative Forum members and relevant government departments and agencies inviting them to comment. The review was also advised on social media and as an AMSA news article.



AMSA received three submissions during the public consultation period, generally giving opinions, general comments, and some recommendations for amendments, not requiring any significant changes to the draft order.

One of the submissions expressed full support for the proposed new MO28. One submission sought clarification of the application of the new alcohol clause. The third submission also sought clarity regarding the alcohol provision, and other comments including exemption applications and hours of rest. It also suggested consideration be given to anticipated changes resulting from the STCW Comprehensive Review that is currently undertaken by the International Maritime Organization.

Key issues arising from feedback and AMSA's response

During the process of reviewing all the feedback from industry, AMSA identified three key issues which were primarily seeking clarification and AMSA worked through them to find suitable solutions to the issues raised by industry. These issues and solutions are outlined below.

Key issue 1: An “Owner” instead of a “person” having to apply for an exemption or an equivalent

- There was uncertainty if only the vessel owner can exclusively apply for an exemption or an equivalent.

Response: AMSA confirms that the owner includes an owner's approved representative. Additionally, the definition of owner in the *Navigation Act 2012* includes a person who has overall general control and management of the vessel.

Key issue 2: Application of the penalty under section 17 for breaching the alcohol limit

- There was uncertainty whether the penalty under the new section 17 applies to the owner, the seafarer or both, if the alcohol limit of 0.05% is breached.

Response: Section 17 is titled “Owner responsibility in relation to alcohol use” and subsection 17(1) states “The owner of a regulated Australian vessel must ensure that a seafarer does not have a blood alcohol limit that exceeds 0.05% or an alcohol limit of 0.25 mg per litre of breath.”

MO28 does specify that the penalty provision applies only to the owner, but for clarity we have also captured this in paragraph 39 of the Explanatory Statement (ES). The ES can be found on the Federal Register of Legislation.



Key issue 3: Currently, some vessels implement an alcohol limit below what is prescribed in section 17

- There was uncertainty whether the owner can apply an alcohol limit lower than what is prescribed in subsection 17(1) of the order.

Response: AMSA added a note below subsection 17(1) of the order to make it clear that a lower alcohol limit than what is prescribed in MO28 can be applied by the owner.

Further Information

AMSA will update the guidance material on the website as required to reflect the changes in the revised marine order when it comes to effect. For more information, please visit AMSA's website [here](#). If you require additional information, please contact [AMSA Connect](#).