



Australian Government
Australian Maritime Safety Authority

AMSA MO 2016/23

**Marine Order 11 (Living and working conditions on vessels) Amendment
2016 (No. 1)**

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

8 December 2016

Gary Prosser
Acting Chief Executive Officer

1 Name of Order

This Order is *Marine Order 11 (Living and working conditions on vessels) Amendment 2016 (No. 1)*.

2 Commencement

This Order commences on 18 January 2017.

3 Amendment of *Marine Order 11 (Living and working conditions on vessels) 2015*

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

Schedule 1 Amendment

[1] After subsection 27(3)

insert

- (3A) For subsection (3), if a proportion of the seafarer's earnings are sent by bank transfer or similar means, the rate of any currency exchange must be the exchange rate published by the Reserve Bank of Australia for the day transfer occurs.

[2] After section 34

insert

34A Financial security to meet abandonment liability

- (1) A master or owner of a vessel must not take the vessel to sea if the vessel does not have on board documentary evidence of financial security to meet liability arising from abandonment of any seafarer of the vessel.
Penalty: 50 penalty units.
- (2) The documentary evidence of financial security must include the following information:
- (a) the name of the vessel;
 - (b) the home port of the vessel;
 - (c) the call sign of the vessel;
 - (d) the IMO number of the vessel;
 - (e) the name and address of the provider or providers of the financial security;
 - (f) the contact details of the person responsible for receiving requests and arranging seafarer assistance;
 - (g) the name of the owner of the vessel;
 - (h) the period of validity of the financial security;
 - (i) an attestation by the provider or providers of the financial security that the security meets the requirements of MLC standard A2.5.2.

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- (3) For subsection (1), abandonment is taken to have occurred if the owner of the vessel has not:
- (a) complied with any repatriation requirement mentioned in sections 31 to 33; or
 - (b) paid wages or other payments due to the seafarer for 2 months; or
 - (c) provided the necessary maintenance and support mentioned in paragraph 2(b) of MLC standard A2.5.2.

Note Paragraph 5 of MLC standard A2.5.2 provides that for paragraph 2(b) necessary maintenance and support includes adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.

- (4) The owner must ensure that documentary evidence of financial security is placed on board the vessel in a location where it is available for perusal, without the need for a seafarer to ask to access it.

Penalty: 50 penalty units.

- (5) An offence against subsection (1) or (4) is a strict liability offence.
- (6) A person is liable to a civil penalty if the person contravenes subsection (1) or (4).

Civil penalty: 50 penalty units.

[3] Subsection 36(1)

after

Register

insert

or Australian International Shipping Register

[4] Section 64

substitute

64 Medical care for seafarers on board

The owner of a vessel must put in place measures for the health protection, medical care and essential dental care for seafarers on board that:

- (a) give effect to:
 - (i) any requirements for occupational health protection and medical care relevant to their duties; and
 - (ii) any requirements for seafarers on board imposed by the country in which the vessel is registered; and
- (b) ensure seafarers have health protection and medical care as comparable as possible to that available to workers on shore, including prompt access to:
 - (i) necessary medicines, medical equipment and facilities for diagnosis and treatment; and
 - (ii) medical information and expertise.

[5] Schedule 5, clause 2, at the foot

insert

Note for subparagraph (c)(i) The height of the mattress is not included in this measurement.

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>.