

AMSA Regulatory Review

Marine Order 28 (Operations standards and procedures) 2015 review and reissue – public consultation.

Who does this Marine Order apply to?

Marine Order 28 (Operations standards and procedures) 2015 (MO28) is issued under the *Navigation Act 2012* and sets out key provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the requirements for the responsibilities of seafarers and vessel owners on:

- watchkeeping standards,
- minimum hours of rest,
- drills and emergency operations, and
- alcohol limits.

This marine order also gives effect to regulation 14 of Chapter V of SOLAS in relation to minimum manning and the working language of the vessel.

This marine order applies to:

- a regulated Australian vessel — other than section 15, and
- a foreign vessel — other than section 6, subsection 8(4) and sections 9, 10, 14 and 17.

What are the key changes?

The main changes 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.
- c) Application of contemporary drafting practices.

Commencement

The effect date for the reissued Marine Order 28 (2025) is 1 September 2025.

The table below compares Marine Order 28 (2015) and the draft Marine Order 28 (2025).

Existing text of Marine Order 28 (Operations standards and procedures) 2015 MO28 issue F2017C00971	New text as modified by draft Marine Order 28 (Operations standards and procedures) 2025 reissue MO28 issue 241016A	Notes on changes
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<p>Division 1 Preliminary</p> <p>1 Name of Order</p> <p>This Order is <i>Marine Order 28 (Operations standards and procedures) 2015</i>.</p>	<p>1 Name of Marine Order</p> <p>This Marine Order is <i>Marine Order 28 (Operations standards and procedures) 2025</i>.</p> <p>1A Commencement</p> <p>This Marine Order Commences on 1 September 2025.</p> <p>1B Repeal of Marine Order 28 (Operations standards and procedures) 2015</p> <p><i>Marine Order 28 (Operations standards and procedures) 2015</i> is repealed</p>	<p>“Marine” added before the word “Order” for clarity.</p> <p>Title updated with intended issue year.</p>

<p>2 Purpose</p> <p>(1) This Order provides for the safe navigation and operation of vessels by giving effect to:</p> <p>(a) the following provisions of the STCW Convention:</p> <p>(i) Regulation I/14;</p> <p>(ii) Regulation VIII/1;</p> <p>(iii) Regulation VIII/2; and</p> <p>(b) the following provisions of the STCW Code:</p> <p>(i) Section A–I/14;</p> <p>(ii) Section A–VIII/1;</p> <p>(iii) Section A–VIII/2;</p> <p>(iv) Section B–I/14;</p> <p>(v) Section B–VIII/2.</p> <p><i>Note</i> The latest edition of the STCW Convention and the STCW Code (including the amendments to the annex to the Convention known as the 2010 Manila Amendments) can be purchased from the International Maritime Organization. See the IMO website at http://www.imo.org/publications. The STCW Convention (ATS series number [1984] ATS 7) and STCW Code (ATS series number [1997] ATS 33) including any amendments in force are in the Australian Treaties Series accessible from the Australian Treaties Library on the AustLII website at http://www.austlii.edu.au.</p> <p>(2) This Order also gives effect to SOLAS in relation to the safe navigation and operation of vessels.</p>	<p>2 Purpose</p> <p>(1) This Marine Order provides for the safe navigation and operation of vessels by giving effect to:</p> <p>(a) the following provisions of the STCW Convention:</p> <p>(i) regulation I/14;</p> <p>(ii) regulation VIII/1;</p> <p>(iii) regulation VIII/2; and</p> <p>(b) the following provisions of the STCW Code:</p> <p>(i) section A–I/14;</p> <p>(ii) section A–VIII/1;</p> <p>(iii) section A–VIII/2;</p> <p>(iv) section B–I/14;</p> <p>(v) section B–VIII/2.</p> <p><i>Note</i> The latest edition of the STCW Convention and the STCW Code (including the amendments to the annex to the Convention known as the 2010 Manila Amendments) can be purchased from the International Maritime Organization. See the IMO website at www.imo.org/publications. The STCW Convention (ATS series number [1984] ATS 7) and STCW Code (ATS series number [1997] ATS 33) including any amendments in force are in the Australian Treaties Series accessible from the Australian Treaties Library on the AustLII website at www.austlii.edu.au.</p> <p>(2) This Marine Order also gives effect to regulation 14 of Chapter V of SOLAS in relation to minimum manning and the working language of the vessel.</p>	<p>“Marine” added before the word “Order” for clarity</p> <p>Reword 2(2) to standardise terminology used and include relevant SOLAS reference</p>
<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Order to be made:</p> <p>(a) section 58 which provides that the regulations may provide for hours of work, and hours of rest, of seafarers on regulated Australian vessels;</p> <p>(b) paragraph 339(2)(m) which provides that the regulations may provide for records relating to compliance with this Act;</p> <p>(c) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS;</p> <p>(d) paragraph 340(1)(h) which provides that the regulations may give effect to the STCW Convention;</p>	<p>3 Power</p> <p>(1) The following provisions of the Navigation Act provide for this Marine Order to be made:</p> <p>(a) section 58 which provides that the regulations may provide for hours of work, and hours of rest, of seafarers on regulated Australian vessels;</p> <p>(b) paragraph 339(2)(m) which provides that the regulations may provide for records relating to compliance with this Act;</p> <p>(c) paragraph 340(1)(a) which provides that the regulations may give effect to SOLAS;</p> <p>(d) paragraph 340(1)(h) which provides that the regulations may give effect to the STCW Convention;</p>	<p>“Marine” added before the word “Order” for clarity</p>

<p>(e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for the contravention of provisions of the regulations including the imposition of civil penalties.</p> <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that must or may be made by regulation.</p>	<p>(e) subsection 341(1) which provides that the regulations may provide for the imposition of penalties for the contravention of provisions of the regulations including the imposition of civil penalties.</p> <p>(2) Subsection 339(1) of the Navigation Act provides for regulations to be made prescribing matters required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to the Act.</p> <p>(3) Subsection 342(1) of the Navigation Act provides that AMSA may make a Marine Order about anything that must or may be made by regulation.</p> <p>(4) Subsection 342(4) of the Navigation Act allows a Marine Order to provide for a matter by applying, adopting or incorporating any matter contained in any instrument or document in force or existing from time to time.</p>	<p>Addition of Nav Act power to support new Section 17</p>
<p>4 Definitions</p> <p>In this Order:</p> <p><i>chief engineer</i> has the same meaning as <i>chief engineer officer</i> in Regulation I/1 of the STCW Convention.</p> <p><i>Note 1</i> Some terms used in this Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • Navigation Act • SOLAS • STCW Code. <p><i>Note 2</i> Other terms used in this Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • AMSA • inspector • master • owner (there is also a note about this term in <i>Marine Order 1 (Administration) 2013</i>) • port • regulated Australian vessel • seafarer 	<p>4 Definitions</p> <p>In this Marine Order:</p> <p><i>chief engineer</i> has the same meaning as <i>chief engineer officer</i> in regulation 1 of Chapter I of the STCW Convention.</p> <p>safe manning document means either:</p> <p>(a) a determination made under subsection 51(1) of the Navigation Act; or</p> <p>(b) a determination made under section 10 of <i>Marine Order 21 (Safety and emergency arrangements) 2016</i>, or</p> <p>(c) a minimum safe manning document or equivalent mentioned in regulation 14 of Chapter V of SOLAS.</p> <p><i>Note 1</i> Some terms used in this Marine Order are defined in <i>Marine Order 1 (Administration) 2013</i>, including:</p> <ul style="list-style-type: none"> • Navigation Act • SOLAS • STCW Code. <p><i>Note 2</i> Other terms used in this Marine Order are defined in the Navigation Act, including:</p> <ul style="list-style-type: none"> • AMSA • foreign vessel • inspector • master • owner (there is also a note about this term in <i>Marine Order 1 (Administration) 2013</i>) • regulated Australian vessel 	<p>“Marine” added before the word “Order” for clarity</p> <p>Addition of “safe manning document” for consistency of definitions within the suite of MOs</p> <p>Addition of “foreign vessel” to Note 2 definitions for consistency of definitions within the suite of MOs</p>

<ul style="list-style-type: none"> STCW Convention. <p><i>Note 3</i> Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Order is available from the AMSA website Marine Orders link at http://www.amsa.gov.au.</p> <p><i>Note 4</i> For delegation of AMSA’s powers under this Order — see the AMSA website Marine Orders link at http://www.amsa.gov.au.</p>	<ul style="list-style-type: none"> seafarer STCW Convention. <p><i>Note 3</i> Information on obtaining copies of any IMO Resolution, IMO document or other document that is mentioned in this Marine Order is available from the AMSA website Marine Orders link at http://www.amsa.gov.au.</p> <p><i>Note 4</i> For delegation of AMSA’s powers under this Marine Order — see the AMSA website Marine Orders link at www.amsa.gov.au.</p>	
<p>5 Application</p> <p>(1) This Order, other than section 16, applies to a regulated Australian vessel.</p> <p>(2) This Order, other than section 6, subsection 8(8) and sections 9, 10 and 15, applies to a foreign vessel:</p> <p>(a) in an Australian port; or</p> <p>(b) entering or leaving an Australian port; or</p> <p>(c) in the internal waters of Australia; or</p> <p>(d) in the territorial sea of Australia, other than in the course of innocent passage.</p>	<p>5 Application</p> <p>This Marine Order applies to:</p> <p>(a) a regulated Australian vessel — other than section 15; and</p> <p>(b) a foreign vessel — other than section 6, subsection 8(4) and sections 9, 10, 14 and 17.</p>	<p>“Marine” added before “Order” for clarity.</p> <p>Update of relevant sections referenced to support MO restructure</p>
<p>6 Exemptions</p> <p>(1) A person may apply to AMSA, in accordance with <i>Marine Order 1 (Administration) 2013</i>, for an exemption of a vessel from a requirement of section 12 about minimum hours of rest for a seafarer.</p> <p><i>Note</i> An exemption may relate to several seafarers, or classes of seafarers — see paragraph 23(b) and subsection 33(3AB) of the <i>Acts Interpretation Act 1901</i>. It may also relate to more than 1 requirement of section 12 — see paragraph 23(b) of the Act.</p> <p>(2) AMSA may give an exemption only if satisfied that giving the exemption would be in accordance with Section A –VIII/1 of the STCW Code.</p> <p><i>Note</i> <i>Marine Order 1 (Administration) 2013</i> deals with the following:</p> <ul style="list-style-type: none"> making of an application seeking further information about an application the time allowed for consideration of an application notification of a decision on an application review of decisions. 	<p>6 Exemptions</p> <p>(1) A requirement mentioned in this provision does not apply in relation to a regulated Australian vessel if AMSA, under this section, gives an exemption from the requirement.</p> <p>(2) An owner of a regulated Australian vessel may apply to AMSA, in accordance with <i>Marine Order 1 (Administration) 2013</i>, for an exemption of a vessel from a requirement of section 12 about minimum hours of rest for a seafarer.</p> <p><i>Note</i> An exemption may relate to several seafarers, or classes of seafarers — see paragraph 23(b) and subsection 33(3AB) of the <i>Acts Interpretation Act 1901</i>. It may also relate to more than 1 requirement of section 12 — see paragraph 23(b) of the Act.</p> <p>(3) AMSA may give an exemption only if satisfied that giving the exemption would be in accordance with Section A –VIII/1 of the STCW Code.</p> <p><i>Note</i> <i>Marine Order 1 (Administration) 2013</i> deals with the following:</p> <ul style="list-style-type: none"> making of an application seeking further information about an application the time allowed for consideration of an application 	<p>Addition of subsection 6(3) to standardise the wording used in suite of MOs</p>

	<ul style="list-style-type: none"> notification of a decision on an application review of decisions. 	
Division 2 Responsibilities of owners and seafarers		
<p>7 Owner and seafarer general responsibilities</p> <p>Owners of vessels and seafarers each have responsibility for ensuring that the obligations mentioned in paragraph 1 of Section A-1/14 of the STCW Code are given full effect.</p>	<p>7 Owner and seafarer general responsibilities</p> <p>(1) The owner of a vessel must implement measures in accordance with section A-1/14 of the STCW Code to ensure that each seafarer assigned to the vessel has knowledge to contribute to the safe operation of the</p> <p>(2) For a seafarer who has not previously been assigned to the vessel — the owner of the vessel must:</p> <p>(a) provide adequate familiarisation related to the seafarer’s duties including:</p> <p>(i) the operation of equipment the seafarer will be using;</p> <p>(ii) watchkeeping, safety, environment protection and emergency procedures and arrangements for the vessel; and</p> <p>(b) ensure the seafarer receives instruction and information from a knowledgeable seafarer in the language the seafarer understands.</p> <p>(3) A seafarer must undertake familiarisation and training provided by the owner of the vessel in accordance with section A-1/14 of the STCW Code.</p>	<p>Section redrafted to expand current statement and improve enforceability of responsibilities</p>
<p>8 Owner responsibilities for seafarer assignment</p> <p>(1) The owner of a vessel is responsible for the assignment of seafarers for service in the vessel.</p> <p>(2) The owner of a vessel must ensure that:</p> <p>(a) each seafarer assigned to the vessel holds a certificate appropriate to the seafarer’s duties, in accordance with:</p> <p>(i) for a regulated Australian vessel — <i>Marine Order 70 (Seafarer certification) 2014</i>; or</p> <p>(ii) for a foreign vessel — the law of the country in which the vessel is registered and the STCW Convention; and</p> <p>(b) the vessel complies with the safe manning document issued to the vessel under paragraph 2 of regulation 14 of Chapter V of SOLAS; and</p> <p>(c) documentation and data relevant to all seafarers employed on the vessel are maintained and readily accessible, including documentation and data on their experience, training, medical fitness and competency in assigned duties; and</p>	<p>8 Owner responsibilities for seafarer assignment</p> <p>(1) The owner of a vessel must ensure that:</p> <p>(a) each seafarer assigned to the vessel holds a certificate appropriate to the seafarer’s duties, in accordance with:</p> <p>(i) for a regulated Australian vessel — <i>Marine Order 70 (Seafarer certification) 2014</i>; or</p> <p>(ii) for a foreign vessel — the law of the country in which the vessel is registered and the STCW Convention; and</p> <p>(b) the vessel has a safe manning document; and</p> <p>(c) documentation or data in relation to each seafarer employed on the vessel is maintained and readily accessible, including documentation or data in relation to their experience, training, medical fitness and competency in assigned duties; and</p> <p>(d) each seafarer assigned to the vessel, is familiarised with their specific duties, vessel arrangements, installations, equipment, procedures and vessel characteristics for the undertaking of routine or emergency duties; and</p> <p>(e) the vessel’s complement can effectively coordinate their activities:</p>	<p>Current subsection (1) omitted. Renumbering of the subsequent subsections of this provision containing the mandatory aspects of Reg 1/1 of STCW.</p>

<p>(d) when each seafarer is assigned to the vessel, he or she is familiarised with his or her specific duties and with all vessel arrangements, installations, equipment, procedures and vessel characteristics that are relevant to his or her routine or emergency duties; and</p> <p>(e) the vessel's complement can effectively coordinate their activities:</p> <p>(i) in an emergency; and</p> <p>(ii) in performing functions vital to safety, security or the prevention or mitigation of pollution; and</p> <p>(f) each seafarer assigned to the vessel has received refresher and updating training as required by the STCW Convention; and</p> <p>(g) at all times on board the vessel, there is effective oral communication in accordance with paragraphs 3 and 4 of regulation 14 of Chapter V of SOLAS.</p> <p>Penalty: 50 penalty units.</p> <p>(3) An offence against subsection (2) is a strict liability offence.</p> <p>(4) A person is liable to a civil penalty if the person contravenes subsection (2).</p> <p>Civil penalty: 50 penalty units.</p> <p>(5) The owner of a vessel must give written instructions to the master of the vessel in accordance with paragraph 2 of Section A-I/14 of the STCW Code.</p> <p>Penalty: 50 penalty units.</p> <p>(6) An offence against subsection (5) is a strict liability offence.</p> <p>(7) A person is liable to a civil penalty if the person contravenes subsection (5).</p> <p>Civil penalty: 50 penalty units.</p> <p>(8) The owner of a vessel must provide a vessel-specific introductory program and training to assist each newly employed seafarer in accordance with paragraph 1 of Section B-I/14 of the STCW Code.</p>	<p>(i) in an emergency; and</p> <p>(ii) in performing functions vital to safety, security or the prevention or mitigation of pollution; and</p> <p>(f) each seafarer assigned to the vessel has received refresher and updated training in accordance with the STCW Convention; and</p> <p>(g) the working language must be determined and implemented at all times on board the vessel in accordance with paragraphs 3 and 4 of regulation 14 of Chapter V of SOLAS.</p> <p>Penalty: 50 penalty units.</p> <p>(2) The owner of a vessel must give written instructions to the master of the vessel in accordance with paragraph 2 of section A-I/14 of the STCW Code.</p> <p>Penalty: 50 penalty units.</p> <p>(3) The owner of a regulated Australian vessel must provide a vessel-specific introductory program and training to assist each newly employed seafarer setting out the matters in paragraph 1 of section B-I/14 of the STCW Code.</p> <p>Penalty: 50 penalty units.</p> <p>(4) An offence against subsection (1), (2) or (3) is a strict liability offence.</p> <p>(5) A person is liable to a civil penalty if subsection (1), (2) or (3) is contravened.</p> <p>Civil penalty: 50 penalty units.</p>	
<p>9 Master responsibilities</p> <p>The master of a vessel must comply with paragraph 3 of Section B-I/14 of the STCW Code.</p>	<p>9 Master responsibilities for newly employed or assigned seafarers</p> <p>The master of a regulated Australian vessel must ensure the familiarisation and training mentioned in paragraph 4 of section B-I/14 of the STCW Code is provided to a seafarer.</p> <p><i>Note</i> Paragraph 4 of section B-I/14 of the STCW Code provides that the master should take all reasonable steps necessary to implement any company instruction including identifying any seafarer who is newly employed, providing them familiarisation of the vessel and its equipment, and also providing appropriate supervision.</p>	<p>Redrafted to include RAV application reference and clarify master responsibilities of B-1/14 of the STCW Code and correct STCW</p>

		Code para references Note developed for guidance
<p>10 Newly assigned seafarer responsibilities</p> <p>(1) A seafarer who is newly assigned to a vessel must comply with paragraphs 4 and 5 of Section B-I/14 of the STCW Code.</p> <p>(2) Subsection (1) applies even if the seafarer was assigned to the vessel on a previous occasion.</p>	<p>10 Newly assigned seafarer responsibilities</p> <p>(1) A seafarer who is newly assigned to a vessel must:</p> <p>(a) immediately become familiar with the matters mentioned in paragraph 5 of section B-I/14 of the STCW Code; and</p> <p>(b) identify any matter mentioned in paragraph 6 of section B-I/14 of the STCW Code.</p> <p><i>Note 1</i> Paragraph 5 of section B-I/14 of the STCW Code provides that any seafarer who is newly assigned to a ship should take full advantage of every opportunity provided to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties. Immediately upon arriving on board for the first time, each seafarer has the responsibility to become acquainted with the ship's working environment, particularly with respect to new or unfamiliar equipment, procedures or arrangements.</p> <p><i>Note 2</i> Paragraph 6 of section B-I/14 of the STCW Code provides that any seafarer who does not promptly attain the level of familiarity required for performing their duties has the obligation to bring this fact to the attention of their supervisor or to the attention of the crew member designated and to identify any equipment, procedure or arrangement which remains unfamiliar.</p> <p>(2) Subsection (1) applies even if the seafarer was assigned to the vessel on a previous occasion.</p>	Redrafted to clarify seafarer responsibilities of B-1/14 of the STCW Code and correct STCW Code para references. Notes developed for guidance
<p>Division 3 Standards for watchkeeping</p>		
<p>11 Owner responsibilities for watchkeeping</p> <p>(1) The owner of a vessel must ensure that sections 12 to 17, if they apply to the vessel under section 5, are complied with for each seafarer assigned to the vessel.</p> <p>Penalty: 50 penalty units.</p> <p>(2) An offence against subsection (1) is a strict liability offence.</p> <p>(3) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>		Section deleted; obligations included in the subsequent sections of Division 3

	<p>11 Watchkeeping schedules</p> <p>(1) The owner of a vessel must ensure that updated watchkeeping schedules are displayed in areas of the vessel easily accessible by each seafarer on board.</p> <p>(2) The schedules must be in a standardised format in:</p> <p>(a) the working language of the vessel; and</p> <p>(b) if the working language of the vessel is not English — in English</p> <p>(3) An offence against subsection (1) is a strict liability offence.</p> <p>(4) A person is liable to a civil penalty if the person contravenes subsection (1).</p> <p>Civil penalty: 50 penalty units.</p>	<p>This section includes content of section 14 of the current order.</p> <p>Renumbered and reworded slightly for improved readability.</p> <p>Penalty provision included due to deleting Section 11 of the current order.</p>
<p>12 Minimum hours of rest</p> <p>(1) The minimum hours of rest for a seafarer must be:</p> <p>(a) 10 hours in any 24 hours; and</p> <p>(b) 77 hours in any 7 days.</p> <p>(2) The minimum hours of rest may be divided into 2 periods, of which 1 period must be at least 6 hours.</p> <p>(3) The interval between consecutive periods of rest must not exceed 14 hours.</p>	<p>12 Minimum hours of rest</p> <p>(1) The owner of the vessel must ensure minimum hours of rest for a seafarer that are:</p> <p>(a) 10 hours in any 24 hours; and</p> <p>(b) 77 hours in any 7 days.</p> <p><i>Note</i> The calculation of hours of rest do not include short breaks or time during which a seafarer is required to do work for the vessel.</p> <p>(2) The minimum hours of rest may be divided into 2 periods, of which 1 period must be at least 6 hours.</p> <p>(3) The interval between consecutive periods of rest must not exceed 14 hours.</p> <p>(4) An offence against subsection (1) is a strict liability offence.</p> <p>(5) A person is liable to a civil penalty if the person contravenes subsection (1).</p>	<p>Reworded slightly for improved readability.</p> <p>Note developed for clarity.</p> <p>Penalty provision included due to deleting Section 11 of the current order.</p>
<p>13 Emergency or drill or other overriding operational conditions</p> <p>(1) This section applies in any of the following circumstances:</p> <p>(a) an emergency, including:</p> <p>(i) a situation affecting the immediate safety of the vessel, persons on board or cargo; or</p> <p>(ii) giving assistance to other vessels or persons in distress at sea;</p> <p>(b) if a drill is being conducted;</p>	<p>13 emergency or drill or other overriding operational conditions</p> <p>(1) This section applies in any of the following circumstances:</p> <p>(a) an emergency, including:</p> <p>(i) a situation affecting the immediate safety of the vessel, persons on board or cargo; or</p> <p>(ii) giving assistance to other vessels or persons in distress at sea;</p> <p>(b) if a drill is being conducted;</p>	<p>Minor amendments to improve clarity of section and correct MO63 reference</p>

<p>(c) essential shipboard work that:</p> <ul style="list-style-type: none"> (i) cannot be delayed for safety or environmental reasons; and (ii) could not reasonably have been anticipated when the voyage started. <p>(2) The master may:</p> <ul style="list-style-type: none"> (a) suspend the watch schedule; and (b) personally perform any hours of work necessary while the circumstances exist; and (c) require another seafarer to perform any hours of work necessary while the circumstances exist. <p>(3) As soon as practicable after the circumstances end, the master must:</p> <ul style="list-style-type: none"> (a) if the master performed work in a scheduled rest period while the circumstances existed — take a compensatory rest period; and (b) ensure that any other seafarer who performed work in a scheduled rest period while the circumstances existed is given a compensatory rest period. <p>(4) If a seafarer’s minimum hours of rest are disturbed by call outs to work while the seafarer is on call (eg when a machinery space is unattended), the seafarer must be given a compensatory rest period.</p> <p>(5) Musters, fire-fighting and lifeboat drills, and drills required by legislation or international instruments, must be conducted in a way that minimises the disturbance of rest periods and does not induce fatigue.</p> <p><i>Note 1</i> Under section 185 of the Navigation Act, the owner of a vessel must report marine incidents and dangers to navigation to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents and dangers to navigation to AMSA. Section 23A of <i>Marine Order 1 (Administration) 2013</i> prescribes matters in relation to reports under sections 185 and 186.</p> <p><i>Note 2</i> Section 221 of the Navigation Act enables requirements to be prescribed for reporting about movements of vessels. <i>Marine Order 63 (vessel reporting systems) 2015</i> prescribes the requirements.</p>	<p>(c) essential shipboard work that:</p> <ul style="list-style-type: none"> (i) cannot be delayed for safety or environmental reasons; and (ii) could not reasonably have been anticipated when the voyage started. <p>(2) The master may:</p> <ul style="list-style-type: none"> (a) suspend the watch keeping and hours of rest schedules; and (b) personally perform any hours of work necessary while the circumstances exist; and (c) require another seafarer to perform any hours of work necessary while the circumstances exist. <p>(3) As soon as practicable after the circumstances end, the master must:</p> <ul style="list-style-type: none"> (a) if the master performed work in a scheduled rest period while the circumstances existed — take a compensatory rest period; and (b) ensure that any other seafarer who performed work in a scheduled rest period while the circumstances existed is given a compensatory rest period. <p>(4) If a seafarer’s minimum hours of rest are disturbed by call outs to work while the seafarer is on call (eg when a machinery space is unattended), the seafarer must be given a compensatory rest period.</p> <p>(5) Musters, fire-fighting and lifeboat drills, and other drills must be conducted in a way that minimises the disturbance of rest periods and does not induce fatigue.</p> <p><i>Note 1</i> Under section 185 of the Navigation Act, the owner of a vessel must report marine incidents and dangers to navigation to AMSA. Under section 186 of the Navigation Act, the master of a vessel must report marine incidents and dangers to navigation to AMSA. Section 23A of <i>Marine Order 1 (Administration) 2013</i> prescribes matters in relation to reports under sections 185 and 186.</p> <p><i>Note 2</i> Section 221 of the Navigation Act enables requirements to be prescribed for reporting about movements of vessels. <i>Marine Order 63 (Vessel reporting systems) 2019</i> prescribes the requirements.</p>	<p>Note 1 corrected to reflect reporting requirements under section 185 and 186 of the Navigation Act.</p>
<p>14 — Watch schedules</p> <p>(1) The owner of a vessel must ensure that current watch schedules are displayed in areas of the vessel easily accessible by all seafarers on board.</p> <p>(2) The schedules must be in a standardised format in:</p> <ul style="list-style-type: none"> (a) the working language of the vessel; and (b) if the working language of the vessel is not English — in English. 		<p>Restructure of division for improved readability – refer to draft section 11.</p>

15 Records of hours of rest — regulated Australian vessels

- (1) A seafarer must record ~~his or her~~ hours of rest for the duration of the seafarer's assignment to a vessel.
- Note* For offences relating to false or misleading information or documents — see Division 137 of the *Criminal Code*.
- (2) For subsection (1), a seafarer must:
- (a) make a personal record of ~~his or her~~ hours of rest every day; and
 - (b) transfer the personal record to the records of the vessel within 7 days after the period of rest to which the record relates.
- (3) The owner of a vessel must keep records transferred ~~under paragraph (2)(b)~~ for at least the retention period.
- (4) The records of the vessel must be in a standardised format:
- (a) in the working language of the vessel; and
 - (b) if the working language of the vessel is not English — in English; and
 - (c) that provides for the endorsement by each seafarer and the master, or a person authorised by the master, of the record relating to the seafarer's hours of rest.

Note The standardised format may be the format mentioned in note 1 at the foot of this section.

- (5) The owner of a vessel must, on request by a seafarer during the retention period, give the seafarer a copy of the records relating to the seafarer endorsed by the master, or a person authorised by the master, and by the seafarer.
- ~~(6) The records must be available for inspection by an inspector during the retention period.~~
- (7) In this section:

retention period means the 12 months after the events have been recorded and transferred by the seafarer in accordance with subsection (2).

Note 1 The IMO/ILO guidelines for the development of tables of seafarers' shipboard working arrangements and formats of records of seafarers' hours of work or hours of rest may be used for the watch schedules and keeping of records. The guidelines are available at <http://www.imo.org>. A sample form of notice of shipboard working arrangements is available on the AMSA website at <http://www.amsa.gov.au>.

Note 2 It is an offence for the owner of a regulated Australian vessel not to ensure that records of hours of rest of a seafarer are maintained in accordance with this Division and a copy is provided to the seafarer —

14 Records of hours of rest — regulated Australian vessels

- (1) A seafarer **on a regulated Australian vessel** must record **their** hours of rest for the duration of the seafarer's assignment to a vessel.
- Note* For offences relating to false or misleading information or documents — see Division 137 of the *Criminal Code*.
- (2) For subsection (1), a seafarer must:
- (a) make a personal record of **their** hours of rest every day; and
 - (b) transfer the personal record to the records of the vessel within 7 days after the period of rest to which the record relates.
- (3) The owner of a **regulated Australian** vessel must keep records transferred for at least the retention period.
- (4) The records of the vessel must be in a standardised format:
- (a) in the working language of the vessel; and
 - (b) if the working language of the vessel is not English — in English; and
 - (c) that provides for the endorsement by each seafarer and the master, or a person authorised by the master, of the record relating to the seafarer's hours of rest.

Note The standardised format may be the format mentioned in note 1 at the foot of this section.

- (5) The owner of a **regulated Australian** vessel must:
- (a)** on request by a seafarer during the retention period, **give** the seafarer a copy of the records relating to the seafarer endorsed by the master, or a person authorised by the master, and by the seafarer; **and**
 - (b)** **make the** records available for inspection by an inspector during the retention period.

- (6)** In this section:
- retention period** means the 12 months after the events have been recorded and transferred by the seafarer in accordance with subsection (2).

Note 1 The IMO/ILO guidelines for the development of tables of seafarers' shipboard working arrangements and formats of records of seafarers' hours of work or hours of rest may be used for the watch schedules and keeping of records. The guidelines are available at www.imo.org. A sample form of notice of shipboard working arrangements is available on the AMSA website at www.amsa.gov.au.

Note 2 It is an offence for the owner of a regulated Australian vessel not to ensure that records of hours of rest of a seafarer are maintained in

Amendments to improve readability

<p>see section 28 of <i>Marine Order 11 (Living and working conditions on vessels) 2015</i>.</p>	<p>accordance with this Division and a copy is provided to the seafarer — see section 28 of <i>Marine Order 11 (Living and working conditions on vessels) 2015</i>.</p>	
<p>16 Records of hours of rest — foreign vessels</p> <p>(1) The owner of a foreign vessel must keep records of daily hours of rest of each seafarer of the vessel that are maintained in accordance with Regulation 7 of Section A–VIII/1 of the STCW Code for the retention period.</p> <p>(2) The records must be available for inspection by an inspector during the retention period.</p> <p>(3) In this section: <i>retention period</i> means:</p> <p>(a) if the Administration for the vessel has specified a period of time for retention of the records — that period of time; or</p> <p>(b) in any other case — the 12 months after the daily hours of rest of the seafarer are recorded.</p> <p><i>the Administration</i> means the government of the country whose flag the vessel is entitled to fly.</p> <p><i>Note</i> Regulation 7 of Section A–VIII/1 of the STCW Code requires records of daily hours of rest of seafarers to be maintained in a standardised format in the working language or languages of the vessel and in English. It also requires seafarers to receive a copy of the records relating to them, which must be endorsed by the master or by a person authorised by the master and by the seafarer.</p>	<p>15 Records of hours of rest — foreign vessels</p> <p>(1) The owner of a foreign vessel must keep records of daily hours of rest of each seafarer of the vessel that are maintained in accordance with paragraph 7 of Section A–VIII/1 of the STCW Code for the retention period.</p> <p>(2) The records must be available for inspection by an inspector during the retention period.</p> <p>(3) In this section: <i>retention period</i> means:</p> <p>(a) if the Administration for the vessel has specified a period of time for retention of the records — that period of time; or</p> <p>(b) in any other case — the 12 months after the daily hours of rest of the seafarer are recorded.</p> <p><i>the Administration</i> means the government of the country whose flag the vessel is entitled to fly.</p> <p><i>Note</i> Paragraph 7 of Section A–VIII/1 of the STCW Code requires records of daily hours of rest of seafarers to be maintained in a standardised format in the working language or languages of the vessel and in English. It also requires seafarers to receive a copy of the records relating to them, which must be endorsed by the master or by a person authorised by the master and by the seafarer.</p>	<p>Section renumbered</p> <p>STCW reference corrected</p>
<p>17 Observance of STCW watchkeeping standards</p> <p>(1) The master, the chief engineer and any other person involved in watchkeeping duties on a vessel must comply with each requirement of Section A–VIII/2 of the STCW Code that applies to the person, taking into account the guidance given in Section B–VIII/2 of the STCW Code.</p> <p>(2) The master of a vessel must ensure that watchkeeping arrangements for the vessel are in accordance with paragraph 2 of Regulation VIII/2 of the STCW Convention.</p>	<p>16 Observance of STCW watchkeeping standards</p> <p>(1) The master, the chief engineer and any other person involved in watchkeeping duties on a vessel must comply with each requirement of section A–VIII/2 of the STCW Code that applies to the person, taking into account the guidance given in section B–VIII/2 of the STCW Code.</p> <p>(2) The master of a vessel must ensure that watchkeeping arrangements for the vessel are in accordance with paragraph 2 of regulation VIII/2 of the STCW Convention.</p> <p><i>Note</i> Paragraph 2 of regulation VIII/2 of the STCW Convention requires watchkeeping arrangements that are adequate taking into account that officers in charge of the navigational watch must be physically present on the navigating bridge or in a directly associated position; radio operators must be responsible for a continuous watch; officers in charge of an engineering watch must be immediately available and on call to attend the machinery spaces and physically present during periods of responsibility; watches must be maintained for</p>	<p>Section renumbered</p> <p>Note developed for guidance</p>

safety at all times taking into account nature of the vessels cargo, and watches must be maintained for security.

17 Owner responsibility in relation to alcohol use

(1) 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.

(1) Subsection (1) applies to a seafarer when undertaking duties that have been designated as safety, security or marine environmental duties in either: (a) the safety management system for the vessel; or (b) another record that is readily accessible on board the vessel.

Penalty: 50 penalty units.

(2) An offence against subsection (1) is a strict liability offence.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty: 50 penalty units.

Note A written procedure or policy setting out the usage of alcohol on board the vessel is an example of a record for paragraph (2)(b) — see paragraphs 6 and 8 of section B-VIII/1 of the STCW Code.

New section created to implement the STCW prescribed alcohol limit for regulated Australian vessels (RAVs)

Notes to Marine Order 28 (Operations standards and procedures) 2015

Note 1

Marine Order 28 (Operations standards and procedures) 2015 (in force under subsection 342(1) of the *Navigation Act 2012*) as shown in this compilation comprises *Marine Order 28 (Operations standards and procedures) 2015* amended as indicated in the following tables.

Table of Orders

Year and number	Registration date	FRLI number	Commencement date	Application, saving or transitional provisions
<i>Marine Order 28 (Operations standards and procedures)</i>	8 December 2015	F2015L019 47	1 January 2016	—

<p>2015 (MO 2015/8)</p> <p>Marine Order 81 (Administration amendment) 2016 (MO 2016/18)</p> <p>12 December 2016</p> <p>F2016L019 15</p> <p>13 December 2016</p> <p>-</p> <p>Marine Orders (Navigation Act) Administrative Amendment Order 2017 (MO 2017/5)</p> <p>10 October 2017</p> <p>F2017L013 36</p> <p>11 October 2017</p> <p>-</p>												
<p>Table of amendments</p> <p>ad. = added or inserted — am. = amended — rep. = repealed — rs. = repealed</p> <table border="1"> <thead> <tr> <th data-bbox="91 719 336 794">Provision affected</th> <th data-bbox="336 719 996 794">How affected</th> </tr> </thead> <tbody> <tr> <td data-bbox="91 799 336 831">1A.....</td> <td data-bbox="336 799 996 831">rep. <i>Legislation Act 2003</i>, s 48D</td> </tr> <tr> <td data-bbox="91 836 336 868">1B.....</td> <td data-bbox="336 836 996 868">rep. <i>Legislation Act 2003</i>, s 48C</td> </tr> <tr> <td data-bbox="91 873 336 904">2.....</td> <td data-bbox="336 873 996 904">am. 2016/18, am. 2017/5</td> </tr> <tr> <td data-bbox="91 909 336 941">13.....</td> <td data-bbox="336 909 996 941">am. 2016/18</td> </tr> </tbody> </table>	Provision affected	How affected	1A.....	rep. <i>Legislation Act 2003</i> , s 48D	1B.....	rep. <i>Legislation Act 2003</i> , s 48C	2.....	am. 2016/18, am. 2017/5	13.....	am. 2016/18		
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2.....	am. 2016/18, am. 2017/5											
13.....	am. 2016/18											

Consequential Amendments

Consequential changes will be required to update the name change of the Marine Order as it is mentioned in other Marine Orders. These changes will be in the form of a consequential amendment instrument, possibly together with other similar consequential changes arising from the recent remaking of Marine Orders by AMSA.