



Australian Government  
Australian Maritime Safety Authority

# MARINE ORDER 11 REVIEW

## Consultation report

November 2024





# Marine Order 11 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 11 (Living and working conditions on vessels) 2024 (MO11)* is issued under the *Navigation Act 2012* and gives effect to the *Maritime Labour Convention, 2006 (MLC)* and sets out the requirements for:

- a. seafarers working on vessels
- b. conditions of employment
- c. accommodation, food, and catering
- d. health protection, medical care, welfare, and social security protection
- e. noise levels on board vessels
- f. additional requirements for living and working conditions on regulated Australian vessels.

The 2022 amendments to the Code of the MLC, were approved by the 110th session of the International Labour Conference on 6 June 2022.

In May 2023 AMSA commenced the MO11 review primarily giving effect to the 2022 amendments to the MLC, which enter into force on 23 December 2024. In summary, the amendments to the MLC that have been addressed relate to:

- a. recruitment and placement
- b. repatriation
- c. accommodation and recreational facilities
- d. food and catering
- e. medical care on board ship and ashore
- f. health and safety protection and accident prevention
- g. reporting and collection of statistics
- h. evidence of financial security.



The review has also considered items in the Direct Request provided to Australia by the International Labour Organisation's (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR).

CEACR provide Direct Requests after evaluating the level of compliance by a signatory to an ILO Convention. Australia agreed to make minor amendments to MO11 to provide further clarity to certain questions raised in the Direct Request.

The summary of additional key changes is:

- a. clarifying adequacy of insurance coverage to compensate seafarers for monetary loss incurred during the recruitment and placement process
- b. ensuring that financial security to provide for repatriation of seafarers is sufficiently established
- c. clarifying requirements for non-commercial, commercial and fishing vessels to which the MLC does not apply
- d. clarifying the application of MO11 to vessels less than 200 GT and vessels between 200-500 GT
- e. better expressing the application provisions throughout the order, consistent with modern drafting practices.

## 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 8 weeks.



## Summary of submissions

Activity	Received	Confidential	Public
Public Consultation	5	3	2

## 3. Public Consultation

### Overview

Public consultation on the MO11 review took place between 3 June and 28 July 2024, where a copy of the draft Marine Order was placed on AMSA's website. Around 130 stakeholders were also contacted by email and invited to comment. These stakeholders included seafarer representative organisations, vessel operators, shipping industry peak bodies, Shipping Consultative Forum members and relevant government agencies. The review was also advised on social media and as an AMSA news article.

AMSA received five submissions during the external consultation period, generally giving opinions, general comments, and some recommendations for amendments, not requiring any significant changes to the draft order. One late submission was received after the specified consultation closing date, which was also taken into consideration.

### Key issues arising from feedback

During the process of reviewing the feedback from industry, AMSA identified six key issues and worked through them to find suitable solutions to the issues raised by industry. These issues and the solutions adopted are outlined below.

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

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- Some parts of industry were concerned that only the vessel owner can exclusively apply for an exemption or an equivalent.

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.



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## Key issue 2: Recruitment and placement service to be based in Australia

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- Some parts of industry were concerned that an applicant for a seafarer recruitment and placement service must be based in Australia for AMSA to register the party.

AMSA's interpretation of the Maritime Labour Convention (MLC) Regulation 1.4 is that a Member to the MLC Convention can register such a service operating in the Member's territory. AMSA is also of the view that for evaluating to register the service and ensuring ongoing quality of service, the service is required to be based in Australia.

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## Key issue 3: Maximum of 11 months duration for a seafarer to be on board

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- Some parts of industry were concerned that the proposed changes to the Marine Order would result in a seafarer's work agreement only being able to last 11 months.

AMSA has amended the wording in the Marine Order to clarify that an agreement can be ongoing, but the individual's duration on board must not exceed 11 months at a time.

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## Key issue 4: Seafarer's agreement termination event for repatriation

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- Some parts of industry were concerned with the note providing an example of the visa expiring as an event for a sea seafarer no longer being able to carry out their duties, warranting repatriation.

AMSA reworded the note to provide clarity to the example.

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## Key issue 5: Shipowners liability

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- Some parts of industry were concerned that AMSA combined liability requirements in the MLC standards A2.5.2 and A4.2.1 into one section of the order – also raising difficulties for the industry to obtain suitable cover, and that multiple insurance policies are required.

MLC standards A2.5.2 and A4.2.1 have many common elements in their respective financial security requirements, including requiring:



- a. at least 30 days-notice is to be given to the Administration for cessation of any financial security
- b. documentary evidence of financial security to be placed on board in a suitable location for perusal by a seafarer without having to ask for it
- c. financial security documents to be written in English or translated in English.

Therefore, AMSA is of the view that it is better drafting practice to avoid duplication by including them in two separate sections in the order. AMSA will also provide further advice to ship owners and work with the industry to address issues.

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### Key issue 6: Application of the MLC to certain vessels in section 6 to include the new provision, food and drinking water

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- Some parts of industry were concerned that the new section 59 on food and drinking water was not included in the table of section 6 as a requirement for vessels that MLC does not apply.

AMSA included section 59 in the table of section 6.

### Other responses

Some respondents provided feedback on items that already existed in the 2015 MO11 but has been further enhanced in the 2024 MO11 for clarity. Some opted to provide general feedback, providing general observations and making recommendations on how AMSA can further improve the regulatory requirements in the Marine Order. AMSA will take this feedback on board for continuous improvement and to evaluate during future reviews.

## 4. Summary of outcomes

The new *Marine Order 11 (Living and working conditions on vessels) 2024* will commence on 23 December 2024. It includes the content that was previously contained in *Marine Order 11 (Living and working conditions on vessels) 2015* with the following key changes:

- a. compliance with the amendments to the MLC
- b. clarifying adequacy of insurance coverage to compensate seafarers for monetary loss
- c. ensuring that financial security to provide for repatriation of seafarers is sufficiently established



- d. clarifying requirements for non-commercial, commercial and fishing vessels to which the MLC does not apply
- e. clarifying the application of MO11 to vessels less than 200 GT and vessels between 200-500 GT
- f. better expressing the application provisions throughout the order, consistent with modern drafting practices.

## 5. 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](#) for the MLC application and [here](#) for seafarer welfare.

If you require further information, please contact [AMSA Connect](#).