



Australian Government
Australian Maritime Safety Authority

AMSA MO 2021/[number]

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

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

May 2021

[DRAFT ONLY — NOT FOR SIGNATURE]
Chief Executive Officer

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Section 1

1 **Name of Order**

This Order is *Marine Order 11 (Living and working conditions on vessels) Amendment Order 2021*.

2 **Commencement**

This Order commences on 1 June 2021.

3 **Amendment of *Marine Order***

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

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Schedule 1 Amendment

[1] Section 4, before definition of *adverse action*

insert

act of armed robbery against vessels means any unlawful act of violence or detention, or any act of depredation, or threat (other than an act of piracy) that is:

- (a) directed against a vessel, or against persons or property on board the vessel; and
- (b) done in a place within the jurisdiction of any country.

act of piracy has the same meaning as in section 51 of the *Crimes Act 1914*.

[2] Subsection 6(6), note

substitute

Note Enabling legislation for *Marine Orders — Part 14: Accommodation, Issue 1* was repealed by the *Navigation (Consequential Amendments) Act 2012*. The text of the Marine Order is available on the Federal Register of Legislation website at <http://www.legislation.gov.au>.

[3] Subsections 27(3A) to (6)

substitute

- (4) For subsection (3), if a proportion of the seafarer's earnings are sent by bank transfer or similar means:
 - (a) the rate of any currency exchange must be the exchange rate published by the Reserve Bank of Australia for the day transfer occurs; and
 - (b) the owner may charge a reasonable amount for providing the service.
- (5) An offence against subsection (1), (2) or (3) is a strict liability offence.
- (6) A person is liable to a civil penalty if the person contravenes subsection (1), (2) or (3).

Civil penalty: 50 penalty units.
- (7) If the seafarer is held captive on or off a vessel as a result of an act of piracy or act of armed robbery against vessels, an owner of a regulated Australian vessel must continue to comply with this section until the death or repatriation of the seafarer.
- (8) Subsection (7) applies whether or not the seafarer's work agreement has expired or terminated, or been suspended, during captivity.

[4] Paragraph 31(1)(f)

substitute

- (f) termination or interruption of employment:
 - (i) in accordance with an industrial award; or
 - (ii) in accordance with a collective agreement;
- (g) the seafarer has been held captive on or off the vessel as a result of an act of piracy or an act of armed robbery against vessels.

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[5] Subsection 34(2)

substitute

- (2) If the seafarer does not claim the benefit within the time mentioned in subsection (1), the owner of a vessel may refuse to pay the claim unless repatriation is following an act of piracy or an act of armed robbery against vessels.

[6] Schedule 1, subparagraph (b)(i)

substitute

- (i) a medical certificate of fitness in accordance with *Marine Order 76 (Health — medical fitness) 2017*;

[7] Schedule 3, clauses 15 to 19

substitute

- 15 The seafarer's entitlement to payment of wages and other benefits under the work agreement if the seafarer is held captive on or off the vessel as a result of an act of piracy or an act of armed robbery against vessels.
- 16 The seafarer's entitlement to repatriation including repatriation following an act of piracy or an act of armed robbery against vessels.
- 17 The seafarer's home port.
- 18 A mention of the collective agreement or award that applies to the seafarer.
- 19 If the collective agreement applies to the seafarer — how the seafarer can obtain a copy of the agreement.
- 20 A list of the geographic location of war zones, if any.

[8] Schedule 12, clause 4

substitute

- 4 Details of each inspection mentioned in sections 54 and 64.

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>.

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