



# Technical Circular

No.: 135/2020

Date: 18<sup>th</sup> November 2020

**Subject: AMSA Notice 10 / 2020 Reg. Temporary arrangements for the maximum period of shipboard service for seafarers during COVID-19 pandemic**

1. Australian Maritime Safety Authority (AMSA) vide Marine Notice 17/2016 requires that the maximum continuous period that a seafarer should serve on board a vessel (including any service extensions) without leave shall not exceed 11 months. However taking cognizance of the worldwide situation due to Covid-19, AMSA had issued Marine Notice 04/2020 providing its approach towards applying the Maritime Labour Convention, 2006 (MLC, 2006) requirements in respect of maximum continuous period that a seafarer can serve on board a vessel without taking leave. Marine notice 04/2020 outlined AMSA's compliance and enforcement approach for the period **1 July 2020 to 1 October 2020**.
2. AMSA has now issued Marine Notice 10/2020 which supersedes 04/2020 and outlines the compliance and enforcement approach on subject **until 28 February, 2021**. All Ship owners / Ship managers must ensure compliance as same will be verified by Australian port state authorities. The AMSA will accept the validity of a SEA under the following circumstances:
  - a. Where a seafarer has a valid seafarer employment agreement (SEA), which is signed by all parties and is being complied with, and seafarer has served on board a vessel for less than 11 months without taking leave - no action will be taken.
  - b. Where a seafarer has a valid SEA and has served continuously on board a vessel for more than 11 months - the master will be required to provide a plan for the seafarer's repatriation which is approved by the flag State, and results in the repatriation of the seafarer before having served a maximum continuous period of 14 months.
  - c. Where a seafarer does not have a valid SEA - the master will be required to facilitate a valid SEA or otherwise repatriate the seafarer.
  - d. No extensions of service without taking leave beyond 14 months will be accepted by AMSA unless the master or owner demonstrate to AMSA;
    - that all possible efforts were made to repatriate the seafarer without success;
    - the seafarer has provided written confirmation accepting the extension and
    - a plan to repatriate the seafarer within a month has been put in place.



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3. After 28th Feb, 2021, AMSA will revert to the compliance and enforcement approach outlined in marine notice 17/2016, meaning that AMSA inspectors will verify compliance with Regulation 2.4 of the MLC, 2006 to ensure seafarers serve no longer than 11 months continuously on board a ship
4. Ship owners/ operators and masters are advised to be guided by above.

**Enclosure:** AMSA Notice No. 10 of 2020.

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Marine notice 10/2020  
Supersedes 04/2020

## UPDATED: Temporary arrangements for the maximum period of shipboard service for seafarers during COVID-19 pandemic

### Purpose

This marine notice provides information to vessel owners, operators and seafarers about AMSA's updated approach to applying the Maritime Labour Convention, 2006 (MLC, 2006). It outlines the requirements for the maximum continuous period that a seafarer can serve on board a vessel without taking leave, during the COVID-19 pandemic.

### Background

In 2016, AMSA issued [marine notice 17/2016](#), which outlined Australia's position on the maximum continuous period that a seafarer can serve on board a vessel without taking leave. It also outlined AMSA's compliance and enforcement approach for these issues.

On 26 June 2020, AMSA issued [marine notice 04/2020](#). This outlined AMSA's approach to the maximum continuous period that a seafarer can serve on board a vessel in response to increasing concerns about maritime safety and seafarer welfare in the context of the COVID-19 pandemic. It also outlined AMSA's compliance and enforcement approach for the period 1 July 2020 to 1 October 2020.

COVID-19 continues to cause significant disruptions to seafarers and is impacting on maritime safety and seafarer welfare due to long periods of service at sea without regular breaks.

Continuous periods that a seafarer can serve on board a vessel without taking leave need to return to sustainable and safe levels. There is evidence that, with planning, viable solutions to repatriate seafarers are generally available. AMSA is also aware that some flag States are taking action on their flagged ships to promote timely repatriations.

### Arrangements under MN 04/2020 will be extended until 28 February 2021

The following paragraphs outline AMSA's temporary approach to the maximum continuous period that a seafarer can serve on board a vessel until 28 February 2021.

- 1) Where inspectors identify that a seafarer has a valid seafarer employment agreement (SEA), signed by all parties, and has served on board a vessel for less than 11 months without taking leave, no action will be taken.
- 2) Where inspectors identify that a seafarer has a valid SEA and has served on board a vessel for more than 11 continuous months, the master will be required to provide a plan for the seafarer's repatriation, approved by the flag State. The plan must result in the repatriation of the seafarer before having served a maximum continuous period of 14 months.
- 3) Where inspectors identify that a seafarer does not have a valid SEA, the master will be required to facilitate a valid SEA or otherwise repatriate the seafarer.

- 4) No extensions of service without taking leave beyond 14 months will be accepted by AMSA unless the master or owner demonstrate to AMSA that:
  - a. all possible efforts have been made to repatriate the seafarer without success;
  - b. the seafarer has provided written confirmation accepting the extension; and
  - c. a plan to repatriate the seafarer within a month has been put in place.

### After 28 February 2021

After 28 February 2021, AMSA will revert to the compliance and enforcement approach outlined in [marine notice 17/2016](#).

This means that AMSA inspectors will verify compliance with Regulation 2.4 of the MLC, 2006 to ensure seafarers serve no longer than 11 months continuously on board a vessel. This will include verification that any service extensions do not result in seafarers serving on board for more than 11 months.

### Cancellation

This marine notice will be cancelled on 28 February 2021.

Sachi Wimmer

Deputy Chief Executive Officer

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Australian Maritime Safety Authority

GPO Box 2181

CANBERRA ACT 2601