



Amendments to Maritime Labour Convention, 2006

Instructions to Recognised Organisations

Background

Amendments to the *Maritime Labour Convention, 2006* (MLC, 2006) were adopted by a Special Tripartite Committee established under Article XIII of MLC, 2006, on 11 April 2014. These were subsequently approved by the 103rd Session of the International Labour Conference on 11 June 2014.

The amendments to MLC, 2006 are to Standards A2.5 and A4.2.

The addition of **Standard A2.5.2** adds new requirements to ensure the provision of:

- an expeditious and effective financial security system to assist seafarers in the event of their abandonment; and
- a financial security system that provides an abandoned seafarer with direct access to the system, coverage consistent with the standard and expedited financial assistance.

Standards A4.2.1 and A4.2.2 add provisions for a system that ensures that:

- seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated;
- shipowners carry and post in a conspicuous place on-board a ship a certificate, or other documentary evidence, of their financial security, issued by a financial security provider and that this be in English or accompanied by an English translation;
- financial securities shall not cease before the end of their period of validity unless the financial security provider has given prior notification of at least 30 days to the competent authority;
- effective arrangements are in place to receive, deal with and impartially settle contractual claims for compensation through expeditious and fair procedures; and
- the system of financial security may be in the form of a social security scheme or insurance or fund or other similar arrangement.

These amendments will automatically come into force for Australia on 18 January 2017, in accordance with Article XV of MLC, 2006.

Amendments to Marine Order 11

Amendments to Marine Order 11 (MO11) are currently in progress to incorporate new provisions to reflect the new requirements, and will be in force as at 18 January 2017.

Inspections and Certification Procedure commencing 18 January 2017

Declarations of Maritime Compliance Parts I and II and any Maritime Labour Certificate issued to a vessel in accordance with Marine Order 11 before 18 January 2017, will continue in force until the vessel's first renewal inspection, following entry into force of the amendments, for all regulated Australian vessels (RAVs).

This will not affect the rights and obligations of seafarers and ship owners, which includes an obligation to provide financial security in accordance with MLC, 2006, as amended, from 18 January 2017.

From 18 January 2017, all RAVs shall retain on board, financial security in accordance with Regulation 2.5 - Repatriation and Regulation 4.2 – Shipowners' liability and treatment of contractual claims of MLC, 2006, as amended. Compliance with these requirements will be verified during the first intermediate inspection or renewal inspection, whichever occurs first, carried out on or after 18 January 2017.

The Maritime Labour Certificates and Declarations of Maritime Compliance Parts I and II, issued from 18 January 2017, must reflect amendments from the first renewal inspection.

Australia's amended DMLC Parts I and II templates are available at <http://www.amsa.gov.au/forms-and-publications/international/forms/Seafarers/index.asp>.

All items in DMLC Part I, including amendments shall be incorporated into the interim, initial and renewal inspections in accordance with Declarations of Maritime Compliance Parts I and II, from 18 January 2017, when the amendments enter into force.

Any questions regarding Australia's implementation of the amendments to MLC, 2006 should be directed to fsc@amsa.gov.au.