



Marine Notice 16/2013

Maritime Labour Convention (MLC), 2006 Port and Flag State Control Inspections and Detentions

This Marine Notice is to advise vessel owners, vessel operators, Masters and Crews of the application of the Maritime Labour Convention on Regulated Australian Vessels (RAVs) and Foreign Flagged vessels in Australian waters.

The Maritime Labour Convention entered into force in Australia and internationally on 20 August 2013. In recognition of the scale of the task to certify in excess of one-third of the world's shipping fleet prior to 20 August 2013, the International Labour Organization at its 94th session in 2006 passed Resolution XVII. This Resolution deals with the practical implementation for the issue of MLC certificates when the Convention entered into force.

The Resolution requests Governments to:

1. *develop plans to ensure phasing in of certification requirements starting with bulk carriers and passenger ships by 20 August 2013; and*
2. *give due consideration to allowing ships to continue to operate without MLC Certification up to 20 August 2014, provided no evidence exists that the ships do not conform to the remaining requirements of the Convention.*

Whilst encouraging owners to ensure vessels that were not certified by 20 August 2013 are certified as soon as possible, AMSA will apply the recommendation of Resolution XVII and, until 20 August 2014, for the purpose of flag and port State control inspections, will not delay vessels without MLC certification. As such AMSA does not intend to detain vessels solely on the basis that they do not hold Maritime Labour Certificates or the associated declarations of maritime labour compliance.

For any foreign flagged vessel that does not have a Maritime Labour Certificate or the associated declarations of maritime labour compliance, and regardless of whether the flag State is a signatory to the Convention, AMSA wishes to make it clear that a vessel being subjected to a port State control inspection may be subjected to a more detailed inspection by the Inspector to the extent necessary to establish that the vessel complies with the requirements of the Convention.

This is in compliance with the ILO Resolution recommendation.

If a vessel does not have a Maritime Labour Certificate or the associated declarations of maritime labour compliance but the flag State has a mechanism that issues statements of compliance, or similar documentation demonstrating compliance, then this will be treated in the same manner as a Maritime Labour Certificate, and the associated declarations of maritime labour compliance, for the purpose of PSC RAVs must comply with all relevant legislation and Marine Orders.

RAVs that are in excess of 500 gross tonnage and which do not hold a Maritime Labour Certificate and the associated declarations of maritime labour compliance must not undertake overseas voyages. The owners and operators of RAVs that are required to carry Maritime Labour Certificates and associated declarations of maritime labour compliance and who have not yet obtained such documents are urged to have their vessels inspected and obtain MLC certification as soon as possible. These vessels may be subject to flag State control inspection on a similar basis to that outlined above in relation to port State control inspections.

Further information on the implementation of the Maritime Labour Convention in Australia, including the certification of RAVs can be obtained from AMSA's web-site at www.amsa.gov.au/forms-and-publications/publications/mlc_guide.pdf or by contacting LabourConventions@amsa.gov.au

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