

標題

連続最大乗船期間に関する AMSA の対応について

ClassNK

テクニカル インフォメーション

No. TEC-1221
発行日 2020年11月27日

各位

COVID-19 の影響下、AMSA(Australian Maritime Safety Authority)は、乗組員の連続最大乗船期間に関する暫定的な取扱いについて、Marine Notice 10/2020 を発行しましたのでお知らせいたします。当該 Marine Notice において、AMSA は COVID-19 下における暫定措置を 2021 年 2 月 28 日まで延長するとしています。概要は下記の通りですが、詳細は添付原文をご覧ください。これにより、ClassNK テクニカルインフォメーション No.TEC-1211 を絶版といたします。

- 乗組員の連続乗船期間は、原則として 11 ヶ月未満であること。
- 連続乗船期間が 11 ヶ月以上の乗組員であって、有効な船員雇用契約書(SEA)を持つ者に対しては、旗国により承認された、連続乗船期間が 14 ヶ月を超えない送還計画書の提示が要求される。
- 有効な SEA を持たない乗組員に対しては、有効な SEA あるいは送還を手配すること。
- 14 ヶ月を超える乗船期間の延長は、乗組員の送還のためのあらゆる可能な努力がなされたにもかかわらず適わなかったこと、当該乗組員が了解していることが書面にて示されていること、および 1 ヶ月以内の送還計画が用意されていることを条件に認められる。
- 2021 年 2 月 28 日より後は、Marine Notice 17/2016 の取り扱いによることとする。

現在、オーストラリアでは、法制上、乗組員の交代は可能とのことですが、COVID-19 の影響により、平常時に比べ時間を要することなどが想定されます。オーストラリアにおける乗組員交代について、Australian Border Force から FAQ も発行されておりますので、添付をご参照ください。

なお、オーストラリア以外の PSC Inspection においても、SEA の有効期限切れ等による指摘が相次いでおり、乗組員を交代するまでの間、長期間にわたり船舶が拘留されるケースも報告されております。

また、IMO/ILO/UNCTD その他団体から、国連加盟国に対し、乗組員交代に関する問題を解決するための早急な対策を求める共同声明が出されております(IMO Circular Letter No.4204/Add.30 on 11 September 2020)。本 Circular に強制力はありませんが、加盟国に対し、11 ヶ月を超える SEA の延長の承認を控えることを要請する記載もあります。これを受け、すでに SEA の 11 ヶ月を超える延長を認めないとする旗国も出てきております。

(次頁に続く)

NOTES:

- ClassNK テクニカル・インフォメーションは、あくまで最新情報の提供のみを目的として発行しています。
- ClassNK 及びその役員、職員、代理もしくは委託事業者のいずれも、掲載情報の正確性及びその情報の利用あるいは依存により発生する、いかなる損失及び費用についても責任は負いかねます。
- バックナンバーは ClassNK インターネット・ホームページ(URL: www.classnk.or.jp)においてご覧いただけます。

各船舶管理会社におかれましては、乗組員の交代は、十分に早い段階から計画を立てて実施することを、改めて強く推奨いたします。やむを得ず、連続乗船期間が 11 ヶ月を超える場合には、雇用契約書の延長及び具体的かつ迅速な送還計画等に関し、旗国の承認を得るとともに、その他関連の証拠書類を PSC 検査官に対して提示できるよう準備することを、あわせて強く推奨いたします。ただしこの処置が受け入れられるかにつきましては、状況に応じ PSC 検査官の判断となりますことにご注意ください。

なお、本件に関してご不明な点は、以下の部署にお問い合わせください。

一般財団法人 日本海事協会 (ClassNK)

本部 管理センター 船舶管理システム部

住所: 東京都千代田区紀尾井町 4-7 (郵便番号 102-8567)

Tel.: 03-5226-2173

Fax: 03-5226-2174

E-mail: smd@classnk.or.jp

添付:

1. AMSA Marine Notice 10/2020
2. ABF Maritime Crew Changes in Australia (excluding Cruise Ships) FAQ
3. IMO Circular Letter No.4204/Add.30 dated on 11 September 2020
Coronavirus (COVID-19) - Joint Statement calling on all Governments to immediately recognize seafarers as key workers, and to take swift and effective action to eliminate obstacles to crew changes, so as to address the humanitarian crisis faced by the shipping sector, ensure maritime safety and facilitate economic recovery from the COVID-19 pandemic



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
11 November 2020
Australian Maritime Safety Authority
GPO Box 2181
CANBERRA ACT 2601



Australian Government
Department of Home Affairs



Australian
BORDER FORCE

Maritime Crew Changes in Australia (excluding Cruise Ships)

Frequently Asked Questions

Overview

The health, welfare and safety of Australians, both at home and overseas, is the highest priority of the Australian Government.

The following restrictions are in place at the Australian border:

- Non-Australian citizens and non-Australian residents are not permitted to enter Australia, via aircraft or sea vessel, unless an exemption applies.
- All Australian citizens and permanent residents are prohibited from departing Australia unless an exemption applies.
- All passengers arriving in Australia will be subject to the Australian Government's mandatory quarantine period of 14-days at their first Australian destination unless an exemption applies.

The following arrangements are in place for maritime crew:

- Maritime crew may enter Australia with the appropriate visa, and depart Australia.
- Maritime crew are not subject to the mandatory 14-day quarantine however, they will be required to comply with self-isolation requirements set out in this advice.
- Maritime crew may be subject to additional state and territory quarantine and controls.

The below Frequently Asked Questions are intended to help the holders of Maritime Crew (Subclass 988) visas (MCVs) undertaking crew changes in Australia. This is general advice and individuals should assess the information against their own personal circumstances.

Crew entering Australia by air

Do I need to apply to the Australian Border Force (ABF) Commissioner for an exemption from the travel restriction?

If you hold a Maritime Crew visa, you **do not** need to apply for an exemption from the ABF Commissioner provided you are travelling to Australia to join your vessel.

If you are a New Zealand citizen, eligible to be granted a Special Category (Subclass 444) visa on arrival in Australia, you do not require an exemption from the ABF Commissioner prior to travel to Australia.

Do I need to carry any additional documentation when travelling to Australia to prove that I am exempt from Australia's COVID-19 travel restrictions?

Those travelling to Australia for commercial maritime purposes are exempt from Australia's COVID-19 travel restrictions and do not need to seek an individual exemption from the Australian Border Force Commissioner.

When travelling to Australia for commercial maritime work, you should be ready to present your Seafarer's Identity Document, confirmation of your employment on a specific vessel and the dates that vessel will be in Australia, as evidence that your travel is for commercial maritime work purposes. This is in addition to your usual travel documents.

Do I need to complete a COVID-19 test before travelling to Australia?

You should not travel to Australia unless you are fit and well, and free of any COVID-19 symptoms.

As at 16 July 2020, you do not need to have a COVID-19 test as part of your visa application process or before travelling to Australia. However, individual State or Territory governments may impose their own health requirements that you will need to comply with on your arrival in Australia.

Pre-travel COVID-19 testing may be imposed without prior notice and so you should check relevant websites regularly when preparing to travel.

Please monitor individual State and Territory government health sites for details and updates on additional measures:

- Australia wide: <https://www.australia.gov.au/>
- NSW: <https://preview.nsw.gov.au/covid-19>
- ACT: <https://www.health.act.gov.au/about-our-health-system/novelcoronavirus-covid-19>
- VIC: <https://www.dhhs.vic.gov.au/coronavirus>
- TAS: <https://www.dhhs.tas.gov.au>
- SA: <https://www.sahealth.sa.gov.au>
- WA: https://ww2.health.wa.gov.au/Articles/A_E/Coronavirus
- NT: <https://coronavirus.nt.gov.au/>
- QLD: <https://www.qld.gov.au/health/conditions/health-alerts/coronaviruscovid-19>

Do I need to go into quarantine or isolation when I arrive in Australia?

You must follow the quarantine and isolation requirements of the Australian state or territory that you arrive in, even if you have an exemption from travel restrictions issued by the Australian Border Force Commissioner. Be aware that travel to multiple states or territories may invoke quarantine periods in each region.

Your employer may also require evidence of completing a quarantine period in Australia before joining your vessel.

For information, please follow the links in the State and Territory Government Information section

<https://www.australia.gov.au/>

I am arriving in to Australia by international aircraft to join a vessel, what process is in place?

When you arrive by air into Australia to join your vessel, there are specific processes in place that you will be asked to follow. You must firstly follow any instruction given to them by biosecurity officers, state or territory health authorities, or Australian Border Force officers, at the time of disembarkation. You must also check any domestic quarantine and isolation requirements and exemptions with the relevant State or Territory Health Authority if transiting domestically. Be aware that travel to multiple states or territories may invoke quarantine periods in each region.

- On arrival at an Australian airport, crew must declare to an ABF officer they are joining a vessel or offshore installation. They will then be directed to a biosecurity officer.
- Crew may take a domestic flight/s to their final destination to meet their vessel but must self-isolate at their accommodation if they have a layover at any time.
- Crew must proceed directly to the vessel and self-isolate in their accommodation.
- Crew experiencing any signs of illness must not join the vessel and should seek medical assistance.
- Once on the vessel, crew may leave the vessel to undertake vessel functions and must wear PPE while performing these functions.

When I arrive in Australia via aircraft to join a vessel, what precautions do I need to take when with other people on, or around the vessel?

Once you have joined your vessel, you are required to use appropriate Personal Protective Equipment (PPE) when around others, including port workers and other crews who will be leaving the vessel for shore leave or sign-off).

Please also:

- Practice good personal hygiene and clean/sanitise surfaces and common areas.
- Use separate facilities to other crewmembers (where possible)
- Maintain appropriate social-distancing and avoid public transport

What if my itinerary includes a domestic leg?

Where a vessel is undertaking domestic legs, the 14 day self-isolation requirements recommences for the vessel and all crew on board where a crewmember joins prior to completion of their 14-day self-isolation period.

Vessel masters must update Human Health reporting in the Maritime Arrivals Reporting System.

I need to complete a quarantine period before joining my vessel, which visa should I apply for?

You will need to hold a valid visa that allows you to enter and remain in Australia for the full duration of your stay. If you hold a Maritime Crew visa (MCV) and a Transit visa, you have **5 days** after arrival in Australia to sign on to your vessel. If you expect to remain in Australia for longer than 5 days before signing on to your vessel, then a Transit visa will not meet your needs. You will need a visa that allows you to stay lawfully in Australia longer than 5 days. For example, a Visitor visa may be an appropriate option for you.

For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

Any visa you apply for should be applied for well in advance of your travel to Australia, or you may not be granted it in time.

If you already hold another visa, in addition to your MCV, you should check the visa conditions and how long that visa lets you stay in Australia at:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

Do I need to hold a visa with work rights while I meet my quarantine requirements in Australia?

No. You do not need to apply for a visa with work rights to cover the transit period. Crew who are meeting their quarantine requirements, and are solely waiting to sign-on to their vessel, are not considered to be working.

Can I get an exemption from the state or territory government quarantine requirements?

It depends. Please check the links to the State and Territory Government information at the bottom of this document.

Visas

Can I fly to Australia holding only a Maritime Crew visa (MCV)?

No. Holding an MCV does not allow you to arrive in Australia by air. If you hold an MCV and are seeking to travel to Australia by air to join your vessel you must:

- hold another valid visa that permits arrival by air into Australia, such as a Visitor visa; and
- the visa must remain valid until signing on to the vessel.

For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

What if I don't have all the information to fill in the visa application form?

You must complete your application as fully and accurately as possible. If you fail to do so, your application may be delayed, where further information is requested, or refused where the application is assessed on the basis of the information that you initially provided.

Where you are asked for travel details as part of your application but flights have yet to be confirmed, you should enter your expected travel details for both your travel into, and out of, Australia to the best of your knowledge.

You will need to provide a statement from the vessel's shipping or handling agent. That statement must include:

- your name
- the name of the person you are replacing where known
- the name of the company employing you
- the name of the ship you will join
- the date you expecting to arrive in Australia
- the port and date you expect to join the ship
- the scheduled dates and ports that ship will be in Australia and when it will depart, and
- if the person writing the statement is not the ship's owner, a copy of the request for crew from the ship's agent in Australia.

If I arrive in Australia with a Maritime Crew visa (MCV) and a Transit visa, how long do I have to sign-on to my vessel?

If you have arrived in Australia holding an MCV and a Transit visa, you have five days to sign-on to your vessel otherwise your MCV will cease.

Please check if a quarantine period is required in Australia prior to sign-on. You may require a different visa to a Transit visa if you cannot sign-on within five days.

If I arrive in Australia with a Maritime Crew Visa (MCV) and another visa, how long do I have to sign-on to my vessel?

If you have arrived in Australia holding an MCV and another visa that is not a Transit visa, you have as long as the period of stay allowed by the other visa to join the vessel. If you do not join your vessel within this time, your MCV will cease when the other visa expires.

Before travelling to Australia, you should check the conditions of your visa, including whether it will remain valid for any quarantine period you may need to complete when you arrive, before joining your vessel.

You can check your visa conditions and how long your visa lets you stay in Australia at:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

What if I need more time in Australia before joining my vessel?

Where your current visa does not provide sufficient time to complete a quarantine in Australia, you should apply for a further visa that will meet your needs. For example, a Visitor visa may be an appropriate option. For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

You should apply for your visa well in advance of your planned travel to Australia, or your visa may not be decided in time. You cannot apply for an MCV while in Australia.

Is the s408 an appropriate visa for Maritime crew who need to stay in Australia for longer than 5 days due to mandatory quarantine requirements as a result of COVID19?

No. The Temporary Activity (subclass 408) (Australian Government Endorsed Event) COVID-19 Pandemic Event visa is to support non-citizens who are not eligible to lodge a visa application while in Australia but who are unable to depart, or are required to remain in Australia to continue work in critical sectors during the COVID-19 pandemic.

As maritime crew travelling to Australia by air are able to lodge applications for other visas prior to their departure and there are other options for crew arriving by sea, the subclass 408 visa is not an available visa option for maritime crew to comply with quarantine or self-isolation periods.

I already hold a Maritime Crew visa (MCV) and a Transit visa, am I allowed to apply for a Visitor visa as well?

Yes. However, if you are granted a Visitor visa, it will replace your Transit Visa. Your MCV will stay in place.

Will applying for, or holding another visa affect my Maritime Crew visa (MCV)?

No. You can hold an MCV at the same time as holding another temporary visa. However, if you are in Australia and have not signed on to your vessel before the other visa ceases, your MCV will cease too.

What are my options if I cannot lodge an application for an Electronic Travel Authority (ETA) to travel to Australia?

Currently, applications for ETAs cannot be lodged online. You can still lodge applications for a range of other visas online, such as a Visitor visa or an eVisitor visa. For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

What can I do if I have been asked to provide the Department of Home Affairs with biometrics but the local collection centres are closed?

The officer processing your application has the discretion to waive the biometrics requirement where Visa Application Centres and Biometric Collection Centres have been closed. In these circumstances, you should attach a statement in ImmiAccount to your pending application, advising that you are unable to provide biometrics due to the closure of the collection centre and to request a waiver of this requirement.

ImmiAccount can be found here:

<https://online.immi.gov.au/lusc/login>

What if the information I used to apply for a visa changes? Do I have to update my application and if so how do I do this?

If your circumstances change after you have lodged your application but before it has been decided, you should submit a *Change in Circumstances* form through the ImmiAccount your application was lodged.

If your circumstances change after the visa is granted, you may need to apply for another visa, if you no longer meet the ongoing requirements of the visa you were granted.

A change in flight details does **not** require a new application to be lodged where a Transit or a Visitor visa has already been granted.

Further information can be found at:

<https://immi.homeaffairs.gov.au/change-in-situation>

What happens if my travel plans change while I'm in Australia and my visa is about to run out?

You must hold a valid visa to remain lawful in Australia. You should apply for another visa while in Australia before your current visa expires.

For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

You can only apply for another MCV after you have departed Australia. You cannot apply for an MCV while in Australia.

Crew entering Australia by sea

I am arriving in Australia on an international marine voyage. Am I required to complete quarantine?

It depends. If 14 days have passed since your last international port of call, you are not required to complete quarantine onshore. If your vessel arrives within 14 days from your last international port of call, you will need to follow these restrictions:

- Remain on-board while the vessel is berthed in Australia.
- Only disembark to conduct essential vessel functions and wear PPE while performing these functions.
- Restrict your interaction with non-crew members to those that are critical to the safe operation and loading/unloading of the vessel.
- You must also use PPE in public spaces on board the vessel while non-crew members are on-board.

These restrictions apply until 14 days has elapsed since the vessel departed the last foreign port before Australia, and where there are no reports of crew being or having been unwell, or there is a suspected case of COVID-19 on-board.

Where can I find further information on the COVID-19 quarantine requirements imposed by the Australian Government?

Information relating to quarantine requirements can be found on the ABF website.

<https://covid19.homeaffairs.gov.au/coming-australia>

For general information concerning COVID-19 please refer to the Department of Health website

<https://www.health-topics/nove-coronavirus-2019-ncov>

Can I leave the vessel within the 14 day quarantine period for any reason?

You can leave the vessel within the 14 day period in the following circumstances:

- To depart Australia, however you must proceed directly to the airport and depart; or you must self-isolate at your accommodation until the time you proceed to the airport.
- To join another vessel but you must self-isolate at your accommodation for the remainder of the 14 day self-isolation period or until signing on to the next vessel.

Please also check any domestic isolation requirements and exemptions with the relevant state or territory health authority if transiting domestically through Australia.

The period you spend at sea prior to your arrival in Australia counts towards the 14 day period of self-isolation. For example, if your vessel has travelled for ten days since last being in a foreign port, your period of self-isolation would be four days.

Australian crew and Australian permanent residents can travel to their home and complete self-isolation.

Do I need to hold a visa with work rights while I met my quarantine requirements in Australia?

No. Crew members in Australia to sign on to a vessel, and are solely meeting the quarantine requirements, are not considered to be working by the Department of Home Affairs. You do not need to apply for a visa with work rights to cover the transit period.

I already hold an Maritime Crew visa (MCV) and Transit visa, am I allowed to apply for a Visitor visa as well?

Yes. However, if you are granted a Visitor visa while already holding a Transit Visa, your Transit visa will cease and will be replaced with the Visitor visa. Your MCV will stay in place.

Will applying for another visa affect my Maritime Crew visa (MCV)?

No. You can hold an MCV at the same time as holding another temporary visa.

Crew departing Australia by air

I am leaving my vessel in Australia, what visa do I need?

If you hold a MCV when signing off your vessel at an Australia port, you have five days to depart Australia or sign-on to another non-military ship. If you do not depart or sign-on within the sign-off period, your MCV will cease automatically and you will become an unlawful non-citizen.

If you are not able to depart Australia within five days, you will need to either:

- hold another visa that allows you to remain lawfully in Australia until such time you can depart, or
- apply for an extension of this time, or
- apply for another visa that allows you to remain lawfully in Australia until such time you can depart.

How can I have the sign off period of my Maritime Crew visa extended?

An extension of your MCV sign-off period can be requested via email and should be lodged along with **Form B521 Seaports – Notification of Sign-off**. This is completed by the Master and/or Agent of the vessel, and is sent through to the Australian Border Force (ABF) at the Port of Arrival.

If the Master and/or Agent requires contact details they can contact the relevant District Office. District Office details are found on the ABF website at

<https://www.abf.gov.au/entering-and-leaving-australia/entering-and-leaving-by-sea/ports-of-entry>.

An ABF officer has the authorisation to extend your onshore period of stay up to 30 days *from the date of your most recent arrival* in Australia. If approved, the ABF officer will inform the Master and/or Agent of the vessel that the extension has been granted, including the new end date to the sign off period.

What can I do if I still need longer in Australia?

Should you require more than 30 days to depart, you will need to apply for any other visa that allows you to remain in Australia. You must complete the application **before your Maritime Crew Visa (MCV) extended period of stay expires**.

If you apply for another visa while you are in Australia, you will, in most cases, be given a Bridging visa that allows you to remain lawfully in Australia until your application is decided, or you depart Australia.

Crew who have signed off a vessel, and are solely waiting to depart Australia, are not considered to be working by the Department of Home Affairs. You do not need to apply for a visa with work rights to cover the transit period.

For information on which visa may best suit you, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

If you hold another visa, in addition to your MCV, you should check the visa conditions and how long that visa lets you stay in Australia online at:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

If only hold an MCV and you do not depart or sign-on within the sign-off period, your MCV will cease automatically and you will become an unlawful non-citizen.

If you hold another hold another visa, in addition to your MCV, you should check the conditions of that visa to see how long that visa may let you stay in Australia.

You can check your visa conditions online at:

<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

Do I need to hold a visa with work rights while I meet my quarantine requirements in Australia?

No. You do not need to apply for a visa with work rights to cover the transit period. Crew who are meeting their quarantine requirements, and are solely waiting to sign-on to their vessel, are not considered to be working.

What can I do if my travel plans change after I sign-off my vessel?

You need to hold a valid visa for the whole time that you are in Australia. If a change in plans mean that you will not be able to leave Australia until after your current visa expires, you should apply for another visa. For example, an onshore Visitor visa may be an appropriate option to keep you lawful while you wait to leave Australia.

You have more options if you apply before your current visa expires. For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

If you apply for another visa while you are in Australia, you will, most likely, be given a Bridging visa that allows you to remain lawfully in Australia until your application is decided, or you depart Australia.

What do I do if I have the right visa but I need help until I can leave Australia?

If you are experiencing difficulties while awaiting to depart Australia that is not visa related, you should contact your country's Embassy or High Commission to see what support that they may be able to provide.

For the contact details of Embassies and High Commissions in Australia, see:

<https://protocol.dfat.gov.au/Public/MissionsInAustralia>

Visa Expiry

I am still on my vessel and my Maritime Crew visa (MCV) has expired while I have been at sea, how can I apply for a new MCV?

If your current visa has expired, you will need to be granted another visa before you will be able to enter Australia.

You, or someone you authorise, can lodge an application for an MCV online, before your vessel enters Australia. An MCV cannot be lodged for people already in Australia. For information on how to apply, see:

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/maritime-crew-988>

There may be other visa options available to you depending your own individual circumstances. For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

What happens if my travel plans change while I'm in Australia and my visa is about to run out?

You must hold a valid visa to remain lawful in Australia. You should apply for another visa while in Australia before your current visa expires.

For information on which visa may be most relevant to your circumstances, see

<https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-finder>

You can only apply for another MCV after you have departed Australia.

You cannot apply for an MCV while in Australia.

For further information from Australia states and territories

Please monitor individual state and territory government health sites for details and updates on additional measures:

- NSW: <https://preview.nsw.gov.au/covid-19>
- ACT: <https://www.health.act.gov.au/about-our-health-system/novelcoronavirus-covid-19>
- VIC: <https://www.dhhs.vic.gov.au/coronavirus>
- TAS: <https://www.dhhs.tas.gov.au>
- SA: <https://www.sahealth.sa.gov.au>
- WA: https://ww2.health.wa.gov.au/Articles/A_E/Coronavirus
- NT: <https://coronavirus.nt.gov.au/>
- QLD: <https://www.qld.gov.au/health/conditions/health-alerts/coronaviruscovid-19>

Local Port Authorities

The requirements outlined in this document are required to facilitate border clearance of vessels and their crew. Local port authorities may have additional requirements over and above those outlined.

Version 2 – issued 16 July 2020



E

4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

Circular Letter No.4204/Add.30
11 September 2020

To: All IMO Member States
United Nations and specialized agencies
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Coronavirus (COVID-19) – Joint Statement calling on all Governments to immediately recognize seafarers as key workers, and to take swift and effective action to eliminate obstacles to crew changes, so as to address the humanitarian crisis faced by the shipping sector, ensure maritime safety and facilitate economic recovery from the COVID-19 pandemic**

The Director-General of the International Labour Organization (ILO), the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), the Director-General of the International Organization for Migration (IOM), the Director-General of the Food and Agriculture Organization of the United Nations (FAO), the United Nations High Commissioner for Human Rights (OHCHR), the Secretary General of the International Civil Aviation Organization (ICAO), the CEO and Executive Director of the United Nations Global Compact and the Secretary-General of the International Maritime Organization (IMO) have jointly issued the attached statement to urge all United Nations Member States to take action to urgently resolve the crew change crisis to avert a humanitarian disaster that will also affect the safety of shipping, the protection of the marine environment, the continuation of efficient trade and the recovery of the world economy.

Member States are strongly encouraged to take urgent action to address this issue and bring the contents of this Circular Letter to the attention of the competent health, immigration, border control and maritime authorities, at both national and local levels, as well as all other parties concerned, in particular ports and airports.

ANNEX



International
Labour
Organization



INTERNATIONAL
MARITIME
ORGANIZATION



UNITED NATIONS
UNCTAD



Food and Agriculture
Organization of the
United Nations



International Organization for Migration (IOM)
The UN Migration Agency



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



ICAO - OACI - HKAO
國際民航組織



United Nations
Global Compact

Joint Statement calling on all Governments to immediately recognize seafarers as key workers, and to take swift and effective action to eliminate obstacles to crew changes, so as to address the humanitarian crisis faced by the shipping sector, ensure maritime safety and facilitate economic recovery from the COVID-19 pandemic

10 September 2020

The maritime shipping sector faces a humanitarian crisis

The maritime shipping sector moves more than 80 per cent of global trade and is a crucial component of the global economy. As a direct result of the COVID-19 pandemic this sector, and in particular the seafarers who drive it, are facing severe challenges in making the necessary crew changes of seafarers. This is due, among other reasons, to restrictions on travel, embarkation and disembarkation in ports; quarantine measures; reductions in available flights; and limits on the issuing of visas and passports.

It is because of the sacrifices of seafarers, who have continued working after their contracts have expired, that ports have remained open for trade, so allowing cargo operations to be carried out in a timely manner and goods to continue to circulate smoothly. The world owes a great debt to seafarers for maintaining supply chains throughout the pandemic.

Actions taken by many governments that limit or prevent ship operators from conducting crew changes is the single most pressing maritime operational challenge to the safe and efficient movement of global trade. This has created a humanitarian crisis, with approximately 300,000 seafarers trapped working aboard ships who cannot be repatriated, and an equal number of unemployed seafarers ashore because they are unable to board ships. Those on board have had their contracts extended, sometimes beyond 17 months, and are facing fatigue and physical and mental health issues, leading to fears of self-harm and suicide. The International Maritime Organization (IMO), International Labour Organization (ILO) and International Transport Workers' Federation (ITF) have received thousands of urgent calls for help from seafarers and their families.

The rights of seafarers, as enshrined in the Maritime Labour Convention, 2006 (MLC 2006), as amended, and other international instruments, have not been fully respected by all governments, notably their rights to shore leave, annual leave, a maximum period of service on board (11 months), repatriation, and access to medical care onboard and ashore.

The current rise in seafarer fatigue threatens the safety of maritime navigation. The efficient continuation of trade and the undisrupted functioning of supply chains will also be affected, because ships with fatigued seafarers cannot operate indefinitely. Commercial fishing, an important contributor to food security and livelihoods, is facing a similar crew change problem.

It is therefore essential that all governments urgently recognize seafarers as key workers and take immediate, concrete action to eliminate obstacles to crew changes, so addressing this humanitarian crisis, ensuring maritime safety and sustainable shipping, and facilitating economic recovery from the COVID-19 pandemic.

Social dialogue and coordinated action

Since the beginning of the crisis, ITF, the International Chamber of Shipping (ICS), and other key national and international actors have made unprecedented efforts to use collaboration and social dialogue, working continuously, creatively and tirelessly to address these issues. This has included the development of a framework of protocols for safe crew changes, as well as other guidance.

The United Nations specialized agencies have cooperated actively to address this situation. This has included endorsing the framework of protocols for safe crew changes and issuing a number of publications to ensure the protection of seafarers' rights during the pandemic. They have made individual and joint statements to draw attention to the urgency of the problem, and they have strategically approached key governments – including major flag States, port States and labour-supplying States – to eliminate obstacles to crew changes whilst ensuring public health and safety.

The urgent need to resolve the crew change crisis was highlighted in the Joint Statement of the International Maritime Virtual Summit on Crew Changes (9 July 2020)¹ and in the G7's statement on High-Level Transportation Principles in Response to COVID-19 (29 July 2020)².

In its Resolution 44/15, adopted on 17 July 2020, the Human Rights Council recognized the relevance of the Guiding Principles on Business and Human Rights in the context of global crises such as the coronavirus disease (COVID-19) pandemic, and the need for States to ensure responsible business conduct during the crisis and as part of a resilient recovery.

Urgent measures still to be taken

While many States have responded to these statements and calls for action, the rate of crew changes continues to be far below what is needed to avert a humanitarian disaster that will also affect the safety of shipping, the protection of the marine environment, the continuation of efficient trade and the recovery of the world economy. The issue requires increased and immediate government attention.

All United Nations member States are therefore urgently requested to undertake the following actions:

- designate seafarers as "key workers" providing an essential service, to facilitate safe and unhindered embarkation and disembarkation from their ships;

¹ <https://www.gov.uk/government/news/joint-statement-of-the-international-maritime-virtual-summit-on-crew-changes>

² <https://www.state.gov/g7-high-level-transportation-principles-in-response-to-covid-19/>

- undertake national consultations involving all relevant ministries, agencies and departments, to identify obstacles to crew changes, and establish and implement measurable, time-bound plans to increase the rate of such crew changes;
- consult with representative shipowners' and seafarers' organizations when developing and implementing measures related to, or that have an impact upon, crew changes of seafarers; in particular - for those States who have ratified the MLC (2006) - in relation to achieving full compliance with the obligations enshrined in the Convention;
- implement protocols for crew changes, drawing upon the latest version of the Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic³;
- refrain from authorising any new extension of seafarers' employment agreements beyond the default maximum period of 11 months, in accordance with the MLC, 2006;
- facilitate the diversion of ships from their normal trading routes to ports where crew changes are permitted;
- accept internationally-recognized documentation as evidence of their status as key workers and that the purpose of their travel and movement is to undertake crew changes. Examples of such documentation include certificates issued in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers; seafarers' identity documents issued in accordance with the Seafarers' Identity Documents Convention, 1958 (No. 108) and the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185). Letters issued by the seafarer's company or as part of the seafarer's employment agreement, (as carried by seafarers) should also be considered evidence that they are seafarers joining or leaving ships;
- provide seafarers with immediate access to medical facilities in the port State. When the required medical care cannot be provided in the port of call, facilitate the medical evacuation of seafarers in need of urgent medical attention. Address the situation of seafarers who, due to the unforeseen extension of their periods on board, are facing the expiration of essential medical prescriptions;
- review (working in conjunction with health, immigration and other relevant ministries, agencies and authorities) the necessity of any national and/or local restrictions that may continue to apply to the movement and travel of seafarers in relation to crew changes, including allowing exemptions from quarantine or similar restrictions in accordance with relevant international rules or health regulatory guidelines;

³ Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic
([http://www.imo.org/en/MediaCentre/HotTopics/Documents/COVID%20CL%204204%20adds/Circular%20Letter%20No.4204-Add.14%20-%20Coronavirus%20\(Covid-19\)%20-%20Recommended%20Framework%20of%20Protocols.pdf](http://www.imo.org/en/MediaCentre/HotTopics/Documents/COVID%20CL%204204%20adds/Circular%20Letter%20No.4204-Add.14%20-%20Coronavirus%20(Covid-19)%20-%20Recommended%20Framework%20of%20Protocols.pdf))

- increase access to commercial flights to and from the principal countries of origin of seafarers, and airports in reasonable proximity to seaports where crew changes are effected. Where scheduled commercial flights are not available, authorize landing slots for chartered flights, or include seafarers on other repatriation flights for citizens and permanent residents;
- permit seafarers to disembark from ships in port and transit through their territory (i.e. to an airport) for the purpose of crew changes and repatriation;
- allow seafarers who are their citizens or permanent residents to return home, and take all actions to expedite their return;
- facilitate the clearance of seafarers who are citizens or permanent residents of their State, so that they can travel to join ships;
- undertake bilateral and multilateral discussions between governments to eliminate obstacles to the movement of seafarers leaving or joining ships;
- implement guidance issued by the United Nations agencies and disseminate guidance developed by the maritime sector, aimed at ensuring safety and health of seafarers and the public;
- take any other actions deemed useful to address this issue.

We ask governments to bring the contents of this joint statement to the attention of the competent authorities and all others concerned.



Guy Ryder
Director-General
International Labour Organization
(ILO)



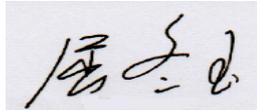
Kitack Lim
Secretary-General
International Maritime Organization
(IMO)



Mukhisa Kituyi
Secretary-General
United Nations Conference on Trade
and Development (UNCTAD)



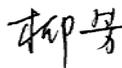
António Vitorino
Director General
International Organization for
Migration (IOM)



Qu Dongyu
Director-General
Food and Agriculture Organization of
the United Nations (FAO)



Michelle Bachelet,
High Commissioner for
Human Rights
(OHCHR)



Fang Liu
Secretary General
International Civil Aviation
Organization (ICAO)



Sanda Ojiambo
CEO & Executive Director
United Nations Global
Compact