

About AMSA

The Australian Maritime Safety Authority is an independent Commonwealth statutory authority which regulates safety and environmental standards for domestic and international commercial ships in Australia, maintains a network of aids to navigation in Australian waters and coordinates marine pollution response and search and rescue operations.

AMSA certifies Australian seafarers, ships and operations, and inspects international ships visiting Australian ports. AMSA leads the Australian delegation to the International Maritime Organization, the United Nations specialised agency responsible for developing global shipping standards, alongside representatives from Australian Government departments.

AMSA's support to the maritime industry during the COVID 19 pandemic

The Australian Government identified the need to ensure that the shipping industry could continue to operate early in the pandemic and established regular coordination meetings across government. Within our remit, the Australian Maritime Safety Authority (AMSA) implemented multiple measures to ease regulatory burden on seafarers and the maritime industry during the COVID-19 pandemic, including:

- an automatic extension to the validity of certificates of competency issued under the International Convention on Standards of Training Certification and Watchkeeping (STCW) and the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* (National Law) from March-October 2020. This permitted seafarers to continue to perform their duties even if their certificate had expired.
- issuing individual risk-based exemptions for operators and seafarers unable to comply with the National Law requirements due to COVID-19. These included crewing levels, crew duties, vessel surveys, equipment certification, compass adjustment, vessel operations, first aid certificates, and suspension of certificates.
- applying a pragmatic approach to docking surveys and International Safety Management code certification for RAVs.
- working with ship operators to facilitate crew changes and repatriation of seafarers, and where this was not possible, providing exemptions to allow seafarers to remain working onboard their ship for up to 14 months continuously, if the seafarer willingly accepted the extension and there was a plan to repatriate the seafarer within one month on conclusion of the 14-month term.
- leading research into seafarer's mental health during the pandemic and releasing guidance on the link between seafarer fatigue and safety incidents.

Seafarers are critical to the operation of the global supply chain of essential goods and equipment. Seafarer welfare was impacted by challenges with crew changes, repatriation, and medical evacuations during the COVID-19 pandemic.

Australia was one of the first countries to require repatriation of seafarers by ship operators, including by chartering flights, diverting to crew change hubs (Philippines), and crew change prior to arrival or delaying departure to facilitate crew change; however, it was sometimes impossible to enforce standard working conditions, including the limit of 11 months

consecutive service onboard a ship, as required by the Maritime Labour Convention 2006 (MLC). It was also often difficult to arrange medical evacuations for seafarers with State and Territory Governments.

These issues highlight the importance of early coordination with State authorities and alignment of requirements to ensure Australia continues to comply with its obligations under international law.

Extended periods at sea and inconsistent access to medical assistance impacted seafarer's health and wellbeing. Recognizing this, AMSA conducted research and ran campaigns focusing on mental health at sea during the pandemic. The campaigns included sharing guidance and resources on seafarer mental health. It also raised awareness of AMSA's strong commitment to seafarer welfare and reinforced the importance of looking after the mental health of seafarers at all levels in the maritime industry.

During the pandemic AMSA identified shortfalls in data relating to global deaths at sea. As a result, AMSA submitted a proposal under an international convention to mandate the requirement to report all fatalities at sea at the Maritime Labour Convention Special Tripartite Committee (STC) meeting. The STC agreed to the proposal which is a significant positive outcome for the maritime industry and the first-time mandatory reporting will be collated by the International Labour Organization (ILO) on deaths from any sector in the world.

As a result of lessons learned during the pandemic, the ILO MLC STC, at its fourth session in 2022, adopted amendments to the MLC to provide further clarity around issues such as entitlement to food and water, medical care, access to internet services and repatriation. AMSA is amending relevant subordinate legislation (marine orders) to give full effect to these amendments which will enter into force globally in December 2024.

The United Nations and International Maritime Organization

The IMO developed guidance to facilitate international shipping from the beginning of the pandemic. The IMO Secretary-General expressed concerns about the humanitarian and safety issues experienced by seafarers and made repeated calls to nations to designate seafarers and maritime personnel as 'key workers' to help facilitate crew changes, repatriation and medical evacuation.

From September 2020, IMO technical committees, followed by the Assembly, adopted Resolutions relating to crew change, access to medical care and seafarer travel during the COVID-19 pandemic. The issue was also raised at the 75th session of the UN General Assembly during high-level week, resulting in an UNGA Resolution. IMO established the Seafarer Crisis Action Team (SCAT) which advocated on behalf of seafarers in distress to IMO member governments.

These challenges were global, but some nations were able to more quickly articulate procedures for crew changes, repatriation, and medical assistance. This challenge was particularly acute for Australian delegates due to State-based differences in pandemic management, the speed of change in the requirements during the pandemic, and the number of portfolios involved in the decision-making.

AMSA's activities

State and territory travel restrictions and quarantine requirements affected AMSA's maintenance work program, causing delays to maintenance works for critical navigational infrastructure. Travel of technicians was authorised but with significant delay. AMSA's audit and inspection oversight program could not be conducted. There were also supply chain constraints that impacted availability of spare parts.

Medical evacuations and search and rescue activities were heavily impacted by increased regulations from the various jurisdictions. It was necessary for AMSA to increase its coordination across Government agencies and contractors to navigate through the extra requirements and enable repatriation to their home state or territory where viable. Some incidents involving foreign nationals required repatriation to their home country and additional coordination through foreign embassies.

Lessons learned to improve Australia's preparedness for future pandemics.

- A flexible and risk-based approach to regulation ensured the maritime industry could continue to operate more easily during the pandemic. Communication of available exemptions and extensions through AMSA connect, operational staff, our website and other channels worked well.
- Strong communication between Australian Government and State and Territory counterparts is critical during major events.
- Like many nations, Australia faced challenges facilitating crew changes and providing medical evacuation and assistance to international crew. This has implications for supply chain security, crew welfare and ship safety. It would be useful to develop a nationally agreed plan to address these challenges and to protect the safety and wellbeing of maritime industry personnel during future emergencies.
- It was difficult to clearly communicate Australia's arrangements for crew changes and medical evacuation in international forums. Maintaining clear and concise communication internationally during a crisis is important to safeguard our reputation and reassure seafarers travelling to our shores.
- AMSA is leading ongoing research into seafarer welfare, mental health, fatigue and safety, which may provide useful data to inform risk-based management in future emergencies.