

Safety Bulletin for Vessels Operating in Australian Waters

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Notice on the Protection of Seafarers' Shore Leave Rights and PSC Attention Points in Australia

Purpose

This article summarizes and analyses, based on the [“2024/07 MARINE NOTICE: Access to shore leave for seafarers”](#) issued by the Australian Maritime Safety Authority (AMSA), in combination with actual cases, and provides technical reminders.

I. Background and Recent Trends

Recently, in Australian ports, vessels have triggered seafarer complaints because the ship side set time windows or other restrictions on seafarers going ashore / shore leave. Following investigation by AMSA PSC, there have been MLC-related deficiency cases mainly concerning “systematic restriction / disguised denial of seafarers’ shore leave”: for example, a vessel was identified as having implemented a unified fleet-wide shore leave policy, allowing going ashore only within a certain time period, resulting in a significant proportion of crew members being unable to obtain reasonable shore leave, which was recorded by PSC as a deficiency and required rectification.

At the same time, it is understood that AMSA PSC inspectors will also directly ask seafarers during onboard interviews whether they are allowed to go ashore, whether there are restrictions, the reasons for the restrictions, and whether they can use shore-based seafarer welfare facilities.

II. Regulatory Basis and AMSA Position

In July 2024, AMSA issued the Marine Notice “*Access to shore leave for seafarers*”, reiterating the following key requirements and enforcement expectations:

1. Explicit Requirement of MLC 2006

Seafarers should be granted shore leave to benefit their health and well-being, consistent with the operational requirements of their positions.

2. Implementation in Australian Domestic Law

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The above requirements have been implemented in the Australian domestic legal framework, including the *Navigation Act 2012* and *Marine Order 11 – Living and working conditions on vessels*.

3. Company Responsibility and Risk Orientation

AMSA emphasizes that companies are responsible for the health, safety and well-being of seafarers; shore leave and access to shore-based welfare facilities are of great significance to physical and mental health and fatigue risk control.

4. Economic Factors Shall Not Be the Basis for Refusing Shore Leave

AMSA reminds that the decision whether to approve going ashore should not be based on economic / cost considerations.

5. PSC May Take Action

When there are clear grounds to believe that a vessel has not complied with MLC requirements regarding going ashore, AMSA PSC officers may take action.

6. If Shore-side Organizations Inform That “Going Ashore Is Not Allowed”, It Should Be Reported to AMSA

If a company is informed by an Australian shore-side organization that “going ashore is not feasible”, such information should be provided to AMSA so that it can investigate and verify the matter as the competent authority.

7. Risks Such as Infectious Diseases Are Not a Reason to Refuse Seafarers’ Shore Leave Applications

AMSA recognizes that infectious disease risks cannot be completely eliminated, but emphasizes that “appropriate and acceptable control measures” can be taken to allow seafarers to go ashore in a safe manner.

III. PSC Deficiency Case

In one deficiency case, the PSCO used the following situation as the core logic of the deficiency description:

- The company implemented a unified fleet-wide shore leave policy;
- Shore leave was restricted within a fixed time period;
- The restriction resulted in a significant proportion of crew members being systematically refused / unable to obtain shore leave;
- Action taken: Refer to Flag (MLC competent authority), and require the company to submit and implement corrective actions before departure to the satisfaction of AMSA.

IV. Compliance Recommendations for Companies / Shipowners / Ships

In order to reduce the risk of triggering MLC deficiencies during port calls in Australia, it is recommended that companies and vessels optimize from three aspects:

1. Institutional Level

- It is not recommended to establish rigid provisions at the company level such as “only allowing shore leave within a certain fixed time period” or “shore leave not allowed unless specially approved”.
- If operational / security / immigration / terminal requirements need to be considered, a risk assessment + batch arrangement method may be adopted (for example, arranging crew to go ashore in batches according to watchkeeping / operational risk, setting assembly points and return times, and ensuring coverage of key positions), rather than “systematic denial”;
- Do not use “entertainment facilities / internet provided onboard” as a long-term or general substitute reason for refusing shore leave.

2. Risk Assessment

Based on AMSA statements, it is recommended that companies establish:

- Gangway and embarkation / disembarkation safety: lighting, lifebuoys / lifejackets, compliant pilot ladder / gangway arrangement, watchkeeping arrangement;
- Security and personnel management: embarkation / disembarkation records under ISPS requirements, visitor passes, alcohol and prohibited item management, assembly point and return confirmation;
- Infectious disease control: personal hygiene reminders, provision of masks / disinfectants where necessary, arrangements and reporting chain for personnel with symptoms going ashore;
- Transport arrangements: confirm transport arrangements, timetables and assembly requirements with agents / seafarers centres.

3. Records and Evidence

It is recommended to establish and retain:

- Shore leave application / approval / refusal records (including reasons: operations, watchkeeping, terminal restrictions, immigration reasons, etc.);
- If shore-side / port restrictions result in inability to go ashore: retain written notices from port / terminal / agents;
- Information that can be verified during seafarer interviews: onboard notices, welfare facility information, seafarers centre contact information, transport

timetables, organizational arrangements, etc. (refer to Annex 1 of this article, “Port Hedland Seafarers Centre Brochure”, as an example).

V. Conclusion

AMSA has made it clear that shore leave is an important component of MLC requirements, and PSC will focus on this during interviews and record checks. Companies and vessels are advised to establish implementable and relatively flexible shore leave arrangement mechanisms to avoid complaints and deficiencies caused by systematic restrictions.

References

1. [AMSA Marine Notice \(2024/07\): Access to shore leave for seafarers](#)
2. Annex 1: Port Hedland Seafarers Centre: *Seafarers shore leave Brochure* (2024.11 v2)

CCS Australian Office
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Disclaimer:

1. The purpose of this document is to assist shipping companies in promptly understanding AMSA inspection requirements and better complying with relevant regulations in Australian waters.
2. For detailed information, please visit the AMSA website at www.amsa.gov.au or the CCS website at www.ccs.org.cn.
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