

# Seacare Authority

## Review of the Codes of Practice for Health and Safety in the Australian Maritime Industry

### Discussion Paper

December 2017





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# 1. Introduction

Section 109 of the *Occupational Health and Safety (Maritime Industry) Act 1993* (the OHS (MI) Act) enables the Minister to approve codes of practice prepared by the Seafarers Safety, Rehabilitation and Compensation Authority (the Seacare Authority) or any other body for the purpose of providing practical guidance to operators of vessels on how to comply with the duties under the OHS(MI) Act.

Section 110 of the OHS (MI) Act provides that a court may use a code of practice as evidence of whether or not a duty or obligation of the Act has been complied with. Duty holders may choose to meet those duties and obligations in ways other than set out in the Code.

The *Seacare Authority Code of Practice 1/2000* (the Code) was approved by the Minister for Employment, Workplace Relations and Small Business in May 2000. It incorporated in identical terms the content of the *Australian Offshore Support Vessel Code of Safe Working Practice* and the *Code of Safe Working Practice for Australian Seafarers*, as issued by the Australian Maritime Safety Authority (AMSA) in 1997 and 2000 respectively.

The Code covers the health and safety of seafarers, contractors and other persons on board prescribed ships to which the OHS(MI) Act applies.

## Why is this review being undertaken?

The Code has not been reviewed since it was adopted by the Seacare Authority in 2000. The Code was due to sunset on 1 April 2017 under section 51 of the *Legislation Act 2003*. At the request of the Seacare Authority, the Minister for Employment extended the approval of the Code for two years pending completion of a review and preparation of updated guidance for the maritime industry.

The Code aims to help reduce work-related injuries and fatalities amongst seafarers by providing information on safe work practices on board vessels. While the serious injury incidence rate for seafarers under the Seacare scheme has trended downwards since 2011-12, it is still significantly higher at 30.2 claims per 1000 employees in 2016-17<sup>1</sup> than that of other high risk industries such as construction (16 claims), mining (9.2 claims) and agriculture, forestry and fishing (17.5 claims).<sup>2</sup>

The most common causes of injuries for seafarers are body stressing (38%), slips, trips and falls (30%) and hitting or being hit by moving objects (26%). Half of all injuries occur on deck spaces.<sup>3</sup>

The aim of this review is to update the information in the current Code so that it:

- provides clear and practical guidance for the maritime industry on common hazards and effective control measures that reflect modern work practices, and
- is consistent with work health and safety codes already in operation.

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1 Seacare Authority Annual Report 2016-17, p.15

2 Safe Work Australia Key Work Health and Safety Statistics 2017, p.10

3 Seacare Authority Annual Report 2016-17, p.15

## Consultation

The Seacare Authority established a working group to review the Code and prepare a revised draft for broader industry comment. The working group consists of representatives from the Australian Maritime Safety Authority and employer and employee representatives (Maritime Industry Australia Ltd, the Australian Institute of Marine and Power Engineers, the Maritime Union of Australia and the Australian Maritime Officers Union).

This Discussion Paper is seeking stakeholder's views on the following:

- the content in the draft *Code of Practice for Health and Safety in Shipboard Work*, which is a revision of the Code of Safe Working Practice for Australian Seafarers (see section 2 of this Discussion Paper), and
- the type of information that should be included for offshore support vessels to replace the *Australian Offshore Support Vessel Code of Safe Working Practice* (see section 3 of this Discussion Paper).

The Seacare Authority welcomes written submissions on the questions posed in this Discussion Paper by **25 January 2018**. See section 4 for further information on how to submit your comments.



## 2. Draft Code of Practice for Health and Safety in Shipboard Work

The original Code of Safe Working Practice for Australian Seafarers was based on the International Labour Organisation (ILO) code of practice entitled *Accident prevention on board ship at sea and in port* (1996) and was given effect by AMSA in Marine Order 61 (Safe working on board ships).

Marine Order 61 ceased on 1 July 2013 when the Navigation Act 1912 was repealed. The Code of Safe Working Practice for Australian Seafarers remains in force only under the OHS(MI) Act.

This Code has now been revised and renamed to the *Code of Practice for Health and Safety in Shipboard Work*. It aims to:

- be an authoritative source of information for duty holders on reasonably practicable ways to eliminate or minimise health and safety risks commonly found when working on ships, and
- be applicable to all types of ships and units prescribed under the OHS(MI) Act, including offshore support vessels

### What changes have been made?

The technical content of the original Code has been largely retained. The revised draft includes the following key changes:

- language has been simplified and repetition removed
- definitions and abbreviations section moved to an appendix
- aligned relevant terminology with current work health and safety terms, for example ‘accident’ changed to ‘incident’
- added new information on:
  - managing risks (in chapter 2)
  - air quality, fatigue, hazardous and restricted areas (in chapter 3)
  - pre-operational inspection of cranes; storage and securing of cargo (in chapter 16)
- reviewed the use of the words ‘must’ and ‘should’ to clarify mandatory requirements
- reordered paragraphs in some sections to improve the flow of information and to reflect the ‘hierarchy of control’ where more effective control measures are listed first, and
- updated references and added links to relevant documents.

The revisions to the Code aim to align it with safety guidance in more recent model Codes of Practice developed by Safe Work Australia. It also reflects requirements of relevant Marine Orders under the *Navigation Act 2012* and internationally accepted standards under the International Convention for Safety of Life at Sea and the Maritime Labour Convention. The revised draft provides guidance in the following areas:

1. General duties
2. Risk management
3. General working environment, including housekeeping, manual tasks, fatigue
4. Shipboard emergencies
5. Safe access to ship
6. Safe movement on board
7. Confined spaces
8. Tools and other equipment
9. Welding, flame cutting and other hot work
10. Painting
11. Working at heights
12. Working with electrical equipment
13. Hazardous substances and radiation
14. Carriage of dangerous goods
15. Wire and fibre ropes
16. Cargo operations
17. Anchoring, docking and mooring
18. Working in machinery spaces
19. Working in galleys, pantries and other food handling areas
20. Safety in living accommodation
21. Specific vessel types

## Consultation questions

- 2.1 Which safety procedures or equipment described in the draft Code are no longer considered good practice or have been superseded by safer, more effective control measures?
- 2.2 Which codes and/or guidance material (including international material) do you currently find useful in helping you comply with health and safety requirements on board ships, that could be referenced in the revised Code?
- 2.3 What changes could be made to make the information more user friendly and accessible?
- 2.4 Do any of the proposed changes affect your compliance costs? If so, describe the impact and estimated costs.

## 3. Offshore Support Vessels

The *Australian Offshore Support Vessel Code of Safe Working Practice* was given effect by AMSA in Marine Order 59 (Off-shore industry vessel operations).

In 2011, a new version of Marine Order 59 required compliance with the North West European Area (NWEA) Guidelines for the Safe Management of Offshore Supply and Anchor Handling Operations, instead of the *Australian Offshore Support Vessel Code of Safe Working Practice*.

Marine Order 59 has now been repealed. The *Australian Offshore Support Vessel Code of Safe Working Practice* remains in force only under the OHS(MI) Act and the information it contains is now twenty years out of date.

The Guidelines for Offshore Marine Operations (GOMO) are the most recent internationally accepted standards for ensuring the safety of personnel on board vessels servicing and supporting offshore facilities. These guidelines were released in November 2013 by the Marine Safety Forum of the United Kingdom and replace the NWEA Guidelines.

The GOMO is supported by regional supplements to enhance its relevance for specific geographic areas. AMSA has developed an Australian Supplement to the GOMO to “provide the minimum standard for the operation of offshore support vessels in Australian waters.”<sup>4</sup>

In comparison to the GOMO, the *Australian Offshore Support Vessel Code of Safe Working Practice* provides more information on equipment safety, whereas the GOMO is more focussed on safety procedures in offshore operations.

However, some of the equipment and work practices described in the *Australian Offshore Support Vessel Code of Safe Working Practice* are no longer considered good practice and do not reflect recent safety innovations that have occurred in the maritime industry. For example, the Code does not include guidance on software management and maintenance, which is in the GOMO.

The majority of Seacare Authority members agreed to replace the *Australian Offshore Support Vessel Code of Safe Working Practice* with a reference to the GOMO and its Australian Supplement in section 21 of the draft *Code of Practice for Health and Safety in Shipboard Work*.

However, the Seacare Authority noted concerns about completely relying on the GOMO as an alternative to the Code, given that some information in GOMO may not reflect Australian requirements and conditions. The Seacare Authority agreed to consider developing a specific chapter on offshore support vessels for inclusion in the *Code of Practice for Health and Safety in Shipboard Work* and to seek comments on this approach.

Once a draft of this chapter is completed, further industry comment will be sought. In the meantime, views are sought on the questions below.

### Consultation questions

- 3.1 Do you support replacing the *Australian Offshore Support Vessel Code of Safe Working Practice* with a reference to the GOMO and its Australian Supplement? Please provide reasons for your position.
- 3.2 What information regarding the safety of offshore support vessel operations is of significant importance for inclusion in the *Code of Practice for Health and Safety in Shipboard Work* that is not already incorporated?

<sup>4</sup> *Australian Supplement to Guidelines for Offshore Marine Operations, 2014, Australian Maritime Safety Authority*

## 4. How to have your say

The Seacare Authority welcomes written responses to the questions posed in this paper and comments on any other issues related to the review of the Code. Please email your submissions to:

Seacare Authority Secretariat

[Secretariat@comcare.gov.au](mailto:Secretariat@comcare.gov.au)

### Closing Date:

Submissions close at 5:00 pm (AEST) on **25 January 2018**.

### Confidentiality

Submissions will not be made publicly available as a matter of course. However, the Seacare Authority may choose to make your submission, or parts of your submission, public at its discretion. This may be, for example, on the Authority's website, in reports or other materials published by the Authority. If you do not wish to have your submission, or any part of it, made public, you must state in writing that your submission is 'confidential'. Legal requirements, such as those imposed by the Freedom of Information Act 1982, may affect the confidentiality of your submission.

## 5. Next steps

Submissions received in response to this consultation paper will be considered in the revision of the Code. Subject to industry views, further consultation will be undertaken regarding offshore support vessels in February 2018.

A final draft of the Code is scheduled for completion by 1 April 2018 for ministerial approval.

