



# SEACARE AUTHORITY QUARTERLY REPORT

Report 01/2002

## Outcomes of Seacare Authority Meeting 39 of 19 February 2002

### Review of Seacare Scheme Legislation

The Authority considered a progress report on stakeholder comments on the legislation review. The Australian Shipowners Association (ASA) and Australian Mines and Metals Association (AMMA) advised of a strong interest in the review and that a comprehensive response is under joint preparation by the ASA and AMMA. A concern raised by employers for consideration in the context of the legislation review is high insurance premiums and a lack of competition in the private insurer market serving the shipping industry, adding to company operating costs.

Likewise the unions represented on the Authority, the MUA and AIMPE, both indicated they will be making submissions to the review.

An issues paper identifying key issues for consideration by scheme stakeholders as part of the review has been circulated to key stakeholders to assist in briefing their constituencies. It is also available on the Seacare Authority website.

A **deadline** for submissions to the review has been set as **26 April 2002** – companies and seafarers are urged to contact their employer association or union to provide input.

### Changes to Exemption Guidelines under the *Seafarer Rehabilitation and Compensation Act 1992* (Seafarers Act)

The Authority agreed in principle to a substantial revision of its current exemption policy. The revised exemption policy, to be published as the Authority's exemption guidelines, are expected to be available on the Seacare Authority website by end March 2002. All new applications for exemption beyond 19 February 2002 will be considered in accordance with the new guidelines.

Some key features of the new guidelines are:

- Intra-NT voyages (and all intra-Territorial voyages) will be treated in future in the same way as intra-State voyages, and, subject to consideration of an application for exemption from operators of ships operating solely within a Territory, would be expected to be granted an exemption;
- Fishing ships, and fishing fleet support ships, because of the predominance of share catch arrangements, will also in future, be expected to be favourably considered for an exemption from the operation of the Seafarers Act – again subject to an application from an operator of such ships;

- note that pearling, oyster, abalone and aquaculture ships or ships involved in servicing these sectors are not considered by the Authority to fit the share catch model and therefore will not as a general rule be exempted – this does not preclude an operator seeking an exemption – each case will be considered on its merits.
- A primary factor that will be considered by the Authority in considering whether to grant an exemption is the nature of the ship's operations and the voyage arrangements of the prescribed ship or ships eg without limiting the circumstances in which the Authority may exempt employment on a particular prescribed ship from the operation of the Seafarers Act, the Authority may consider granting an exemption from the operation of the Act in the following circumstances:
  - the prescribed ship's proposed voyage or voyages do not constitute a regular trading pattern; or
  - the prescribed ship is expected to voyage between two places outside Australia over a period of 12 months or more, and the majority of crew on the prescribed ship are not residents of Australia; or
  - the voyages undertaken by the prescribed ship or ships which make the prescribed ship or ships subject to the operation of the Seafarers Act are incidental to the primary operations of the prescribed ship/ships:
    - for example, a prescribed ship engaged in a particular industry is required to undertake inter-State voyages so that the prescribed ship can engage in and perform those industry operations/activities i.e. undertaking inter-State voyages cannot be considered to be a primary part of or integral to the operations of the ship.

As a consequence of the above changes the existing exemption policy has been withdrawn. Operators should continue to use the existing application for exemption form, available on the Seacare Authority website.

### **Sea Safe-Work Awards**

The industry will soon receive details about the Seacare Authority's Sea Safe-Work Awards. The Sea Safe-Work Awards will be annual event recognising seafarers and their employers who are leading the way in occupational health and safety and rehabilitation practice and performance.

The award categories are:

- Seafarer OHS Achievement Award
- Occupational Health and Safety Committee Achievement Award
- Large & Small Off-Shore Employer Achievement Award (2 Awards)
- Large & Small Shipping Employer Award (2 Awards)
- Best OHS Solution to a major risk
- Best Rehabilitation and Return To Work program
- Best OHS Training Program

The Awards will be announced at a presentation ceremony and dinner at the Melbourne Aquarium in March 2003. A half-day OHS conference with the theme "OHS Best Practice in the Australian Maritime Industry" will precede the Awards ceremony at Crown event facilities.

If you would like to sponsor the Awards please contact the Seacare Authority Secretariat (details at end of Report).

### **Revised Guidelines for the Accreditation of OHS Representatives Training Courses**

The Authority agreed to revised standards for the accreditation of OHS representatives training courses. The new standards will be published in revised guidelines for the accreditation of OHS representatives training courses on the Seacare Authority website from mid March 2002.

### **Rehabilitation and Return To Work Best Practice Guidance publications**

The Authority has now released and circulated a package of four best practice publications on Rehabilitation and Return To Work for the Australian shipping industry. A B5 folder to accommodate future guidance material has also been issued by the Authority and is available on request.

If you require further copies of the publications please contact the Secretariat at [seacare@dewr.gov.au](mailto:seacare@dewr.gov.au)

### **Release of New Notices**

Three new Seacare Authority notices have been issued. They are:

Notice 01/2002 Indexation – Increase in Benefits from 1 July 2002

Notice 02/2002 Advice on Mileage Rate

Notice 03/2002 Maximum Level of Benefits

### **Draft Permanent Impairment Guide being released for comment.**

Under Section 42 of the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act) the Minister approved the current Guide to the assessment of the degree of permanent impairment (the PI Guide) in 1993. The Seacare Authority PI Guide is identical to the PI Guide developed for, and adopted by, Comcare. The current Guide can be accessed on the Seacare Authority website at [www.seacare.gov.au/publications](http://www.seacare.gov.au/publications). The revised draft is available on the home page of [www.comcare.gov.au](http://www.comcare.gov.au)

Following a lengthy consultation process, Comcare has now developed a revised draft PI Guide to replace the current PI Guide. It has invited the Seacare Authority to comment on the revised Guide, which, if approved by the Minister for application by Comcare, would, on past practice, become the new PI Guide for application under the Seafarers Act.

Accordingly, the Seacare Authority Secretariat will be circulating the revised PI Guide to representatives of stakeholders to obtain views and comment as background for a discussion at the next meeting of the Seacare Authority on 21 May 2002. Seacare Authority views will then be provided to Comcare to enable finalisation of a new PI Guide for Comcare, and subsequently, by the Seacare Authority, subject to Ministerial approval.

### **Seacare Authority statistics and performance reports 2001-2002**

Note: Due to unavailability of some data, not all the usual performance reports are included in this Quarterly Report.

**Table 1: Claims Data**

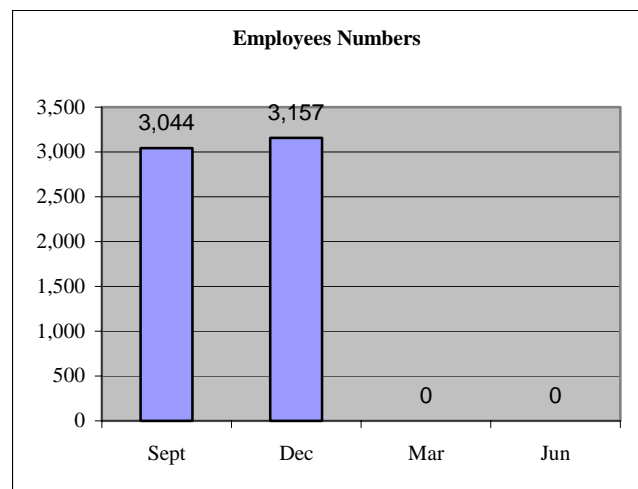
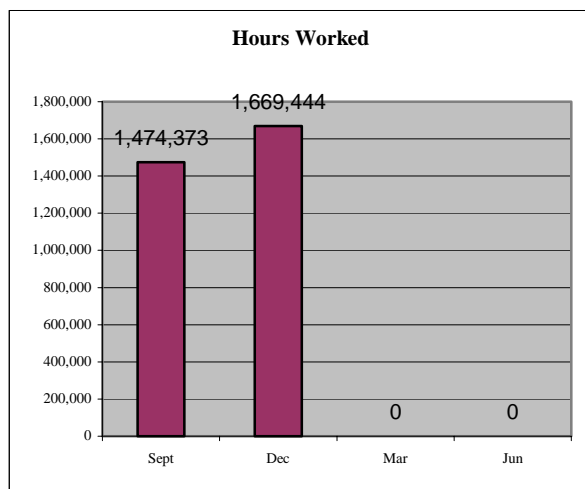
Claims data at end of each quarter	Sep	Dec	Total	Annual Estimate	Previous Year
Total claims reported to AMICA	48	61	109	218	203
Claims accepted	31	47	78	156	179
Total claims accepted less property claims	30	46	76	152	NA
Claims rejected	1	4	5	10	19
Claims pending	16	10	26	52	5
Claims accepted - on duty	28	44	72	144	166
Claims accepted - off duty	2	1	3	6	3
Claims accepted - other (travel, study)	1	2	3	6	10
Active or continuing claims	NA	NA	NA	NA	62
Claims of 5 or more days duration		NA	NA	NA	151

Source: AMICA, Seacare Authority

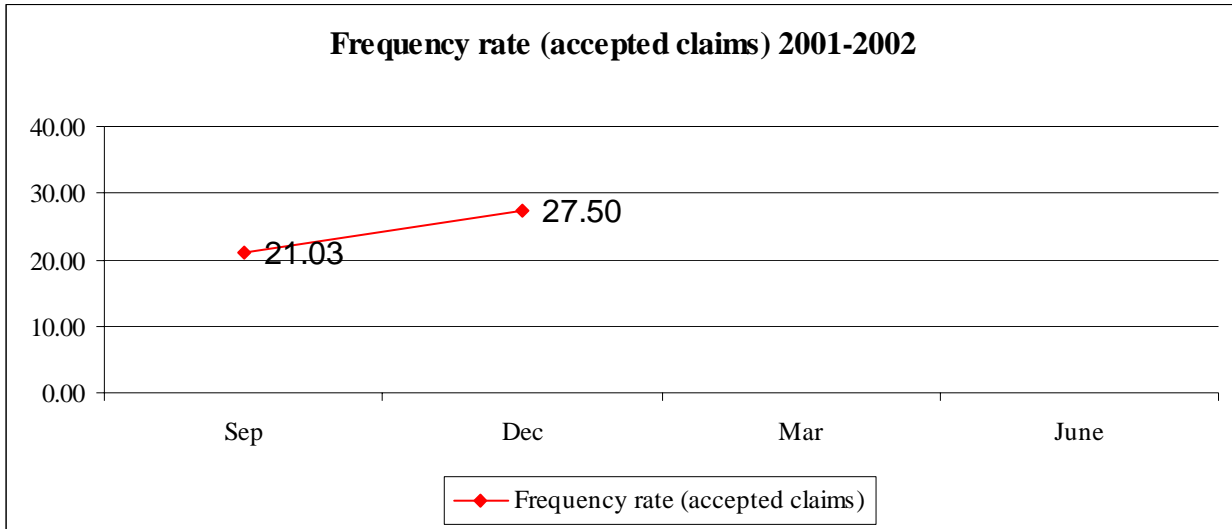
**Table 2: OHS Inspectorate Activity 2001-2002**

	Sep	Dec	Mar	June	Annual Estimate	Previous Year
Incidents reported to AMSA	17	14			62	69
Dangerous occurrences notified	2	1			6	8
Investigations of incidents	4	5			18	12
Improvement notices issued	3	0			6	0
Prohibition notices issued	0	2			4	0
Number of OHS inspections	0	0			0	0
Number of OHS inspect. Trained	0	0			0	0
Prosecutions commenced	0	0			0	0
Prosecutions concluded	0	0			0	0

Source: AMSA, Seacare Authority

**Chart 1: Hours Worked and Employee Numbers**

The above charts indicate an increase in both hours worked and employee numbers in the second quarter of 2002.

**Chart 2: Frequency Rate of Claims (number of accepted claims per 1 million hours worked)**

There has been an increase in the frequency of claims over the past quarter from 21.03 up to 27.50. With last years average at 25.70 this gives a projected end of year result at 24.26, an improvement on the previous year.

#### **Next Seacare Authority meeting**

The next meeting of the Seacare Authority will take place in Fremantle on Tuesday 21 May 2002. If you wish that a matter be placed on the agenda for discussion, please forward your item to the Seacare Authority Secretariat by e-mail at [seacare@dewr.gov.au](mailto:seacare@dewr.gov.au) or telephone on (02) 6121 7120.

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#### **HOW TO CONTACT THE SEACARE AUTHORITY**

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**Geoff Gronow**  
 Chairperson

**ISSUED: 27 March 2002**

**Visit the Seacare Authority Website at [www.seacare.gov.au](http://www.seacare.gov.au)**