



Australian Government

Seafarers Safety, Rehabilitation and Compensation Authority

SEACARE NEWS

Issue: 5

December 2003

On 6 November 2002, the Seacare Authority released its OHS Strategy for OHS improvement. Central to this strategy are the OHS targets of zero work-related fatalities to 2012 and a 20% reduction in the incidence of injury over 5 years to 2007 and a 40% reduction over 10 years to 2012. In the first complete year of data (2002-03), the industry achieved a 7% reduction in the incidence of injury (the number of accepted claims per 1000 seafarers). This is a great result for the industry and reflects the efforts of companies to improve their own injury prevention performance. We would like to encourage continued efforts by companies to further reduce injury rates because on initial information received from the first quarter in 2003-04 the number of accepted compensation claims is higher than for the same period the previous year.

Geoff Gronow
Chairperson
Seafarers Safety, Rehabilitation and Compensation Authority

What is in this issue?

Information on the following matters is included in this issue of *Seacare News*:

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- New OHS(MI) Regulation
- Authority commences Stage two of the review of Seacare scheme legislation
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- Quarterly Reporting – update
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Chairperson meets with the Minister

The Chairperson met with the Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP, on 17 December 2003 to discuss a range of Seacare scheme matters, including the legislation review, the Seafarers Safety Net Fund, scheme performance and the Minister's attendance at the 2004 Sea Safe-Work Awards. A full report will appear in the next issue of *Seacare News*.

Seafarers Safety Net Fund

Despite a comprehensive market search, the Seacare Authority insurance broker has been unable to secure a policy of insurance for the Fund. In the circumstances it appears that unless insurance becomes available or legislation is amended, the Seacare Authority will continue to manage the Fund for the foreseeable future, notwithstanding that the objective is to return the Fund to industry management as soon as possible.

The focus of the Authority is now on consideration of alternative management and underwriting options for the Fund, with a view to development of advice to the Minister.

Stakeholders are assured that the lack of insurance does not impact on the viability of the Fund or on its ability to meet its liabilities. However, new actuarial advice is being sought to assist the Authority is providing advice to the Minister on the future rate of levy. The rate of levy remains at \$53 per seafarer berth per quarter until further advised.

New OHS(MI) Regulation

On 31 December 2003 a regulation to prohibit the use of asbestos in Australian maritime industry workplaces will commence. The regulation will be titled the Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003 (NS Regulations). The NS Regulation is expected to be gazetted on 19 December 2003. Once gazetted, the Seacare Authority will include a link on the Seacare website at www.seacare.gov.au to the NS Regulations.

Seacare has developed 'Guidance on the Prohibition on Use of Asbestos in Australian Maritime Industry Workplaces' to assist with the implementation of the NS Regulations. The guide is available from the Seacare website.

Authority commences Stage two of the review of Seacare scheme legislation

At meeting 49 of the Authority on 18 November 2003 Mr Trevor Griffett, Deputy Member to Capt Warwick Norman (and Manager, Policy Development and Labour, Australian Shipowners Association – ASA) tabled a “Submission on the Review of the *Seafarers Rehabilitation and Compensation Act 1992 (Cth)* by the bluewater and offshore employers of the Australian maritime industry”, jointly prepared by the ASA and the Australian Mines and Metals Association (AMMA).

The proposals put forward in the joint ASA/AMMA submission, together with deferred proposals arising from an Issues Paper on the legislation review released as part of Stage one, circulated by the Authority in March 2002, and including new matters, will all become part of the Stage two legislative review. Stage two of the review will also need to take into account the Government’s response to the Final Report of the Productivity Commission (PC) Inquiry into Workers’ Compensation and OHS Frameworks, expected in March 2004.

To help progress the review, the Authority has established a **Legislation Review Task Force** comprising the Chairperson of the Authority, Geoff Gronow, the Deputy Chair of the Authority, Noel Swails, an employer representative, Trevor Griffett, an employee representative, Martin Byrne and AMSA, represented by Bob Evans.

It is expected that the February 2004 meeting of the Authority will consider the consultation arrangements for addressing Stage two proposals.

The Department of Employment and Workplace Relations is preparing advice for the Minister on the Stage one package of Seacare legislative reform proposal.

Key Outcomes of Seacare Authority Meeting 49 – 18 November 2003

The Authority agreed:

- to advise the Minister that the levy rate for the Seafarers Safety Net Fund should remain at \$53 per berth per quarter with a further review at its next meeting in February 2004;
- that a training course on the Seafarers Act be developed;
- to seek approval from the Minister for Employment and Workplace Relations to increase the kilometre rate under the Seafarers Act to 47 cents per kilometre;
- that selected Registered Training Organisations be invited to express interest in the flexible delivery of HSR training courses;
- to new data definitions for reporting against performance indicators; and
- to investigate opportunities to hold a Sea Safety day each year.

Employer ESD Reporting - update

The following changes have been made to employer employee and ship details (ESD) reporting since the last quarter. The changes are as follows:

- ESD reporting is now only required 6 monthly at January and July.
- In addition to employee numbers and hours worked being reported for seafarers under the Seafarers Act, the Authority now requires employee numbers and hours worked for seafarers covered by the OHS(MI) Act on a 6 monthly basis instead of separate annual reports.
- Employee numbers are now calculated using a Full Time Equivalent (FTE) formula.
- Hours worked are now calculated using a formula based on 24 hours per day.
- The Authority will require information on industry subsectors such as bluewater sector or offshore sector in which ships operate.

All employers and operators to whom the application provisions of the Seafarers Act **AND** the OHS(MI) Act apply are required to report 6 monthly to the Seacare Authority. The main requirements of the reports are as follows:

- Employee numbers and hours worked are reported every 6 months (Seafarers Act and OHS(MI) Act);
- Employee numbers by gender, age, occupation and industry sector where employed are reported annually (Seafarers Act only);
- Details of ships covered by the Seafarers Act and OHS(MI) Acts should be reported every 6 months; and
- Insurance arrangements must be provided within 14 days of a policy or renewal being issued.

The new formula to be used by employers in calculating hours worked for ESD reporting is:

The standard complement of seafarers engaged on each ship at any one time (i.e. ship berths) X the number of hours (on average) per day the crew are on board, whether at work or not X the number of days the ship was operational (and was operating under the Seafarers Act) in the reporting period = hours worked

The formula for calculating a FTE employee is as follows:

The standard complement of seafarers engaged on each ship at any one time (i.e. ship berths) X the number of hours (on average) per week the crew actually work (according to the relevant industrial Award, Agreement or AWA) / 35 = FTE employees.

Full details will be emailed to ESD contacts on 1 January 2004.

Publication Update

- The Seacare Authority Annual Report 2002-03 was published on the Seacare website on 16 October 2003.
- Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces is available on the Seacare website.
- The Workplace Relations Ministers' Council Comparative Performance Monitoring 5th Report is now available from www.workplace.gov.au.
- The National Occupational Health and Safety Commission (NOHSC) released a passive smoking guidance note in October 2003. This guidance note is available from the NOHSC website at www.nohsc.gov.au.
- NOHSC is seeking public comment on its proposal to amend the National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC:2007 (2000)]. The public discussion paper and submission details are available from the NOHSC website.

Seacare Authority Annual Report 2002-03

The 2002–03 Annual Report of the Seafarers Safety, Rehabilitation and Compensation Authority is now available. The Annual Report contains:

- the Chairperson's report;
- the Authority's major initiatives in 2002-03;
- an overview of the Authority;
- Seacare scheme performance reports; and
- a report on the Seafarers Safety Net Fund.

To obtain a hard copy please contact the Authority.

Manual Handling Guidance Material

At meeting 49, on 18 November 2003, the Authority agreed to consult on the most appropriate mechanism to introduce guidance material on manual handling to support the introduction of a manual handling regulation. The consultation will be coordinated by members of the Standards Task Force, Mr Trevor Griffett (ASA), Mr Martin Byrne (AIMPE) and Mr Bob Evans (AMSA).

OHS Practitioners Networks

Regional maritime industry OHS networks in NSW, Victoria and WA are being established to assist in the dissemination and sharing of information. Everyone with an interest in maritime injury prevention and management is welcome to join. This can be done by contacting one of the following representatives: in Victoria (Mr Dominic Panetta 0404 031 585) and WA (Mr Roy Graham-Measor 08-9144 4099). We are also seeking an interested person to convene the meetings in NSW. Further information can be obtained by contacting the Seacare Management Group on 02-6275 0070.

Earth Leakage Circuit Breakers (ELCBs)

AMSA is considering issuing a Marine Notice warning of using electrical equipment containing ELCBs to protect from possible electrocution on merchant vessels. ELCBs, also known as Residue Current Devices (RCD) are specifically designed for shore side work using the shore side power supply and are not suitable for use with a ship's power supply.

ELCBs rely on electrical systems having an earth return to the supply input. Ships' electrical power is provided by insulated neutral systems that have no earth return, so this type of circuit breaker will not function on board ships. Therefore equipment incorporating an ELCB provides no protection against electrocution for users and should not be used on board ships.

Ship operators need to ensure that crew and in particular contractors working on board their vessels are fully aware that ELCBs do not provide protection from electrocution. Issues relating to ELCBs should be fully covered in a vessel's operators contractor induction process.

Ship operators should consider other ways of reducing the risk of electrocution such as the use of low powered electrical lighting and battery or air operated power tools.

Fraud in Workers' Compensation

The issue of fraud in the Seacare scheme of workers' compensation arises from time to time. It was an issue considered during Stage one of the Seacare legislation review. During Stage one, the Department of Employment and Workplace Relations advised the Seacare Management Group that it did not consider the Seafarers Act required amendment as there is scope within the Crimes Act to address fraud in the Commonwealth jurisdiction.

On 2 June 2003 the House of Representatives Standing Committee on Employment and Workplace Relations released a report on its inquiry into aspects of Australian workers' compensation schemes, entitled *Back on the Job*, which addressed the issue of fraud in workers' compensation. It concluded that there is little evidence of significant fraud in workers' compensation, but noted the lack of reliable data. The report can be viewed at <http://www.aph.gov.au/house/committee/ewr/wkc/index.htm>. The Government has accepted most of the Committee's recommendations, a number of which are also being considered as part of the Productivity Commission Inquiry.

New Notices

Notice No.	Date of Effect	Subject
05/2003	13/11/2003	Maximum Level of Benefits

All Seacare notices are available from the Seacare website at www.seacare.gov.au/publications/notices/noticesInformation.htm

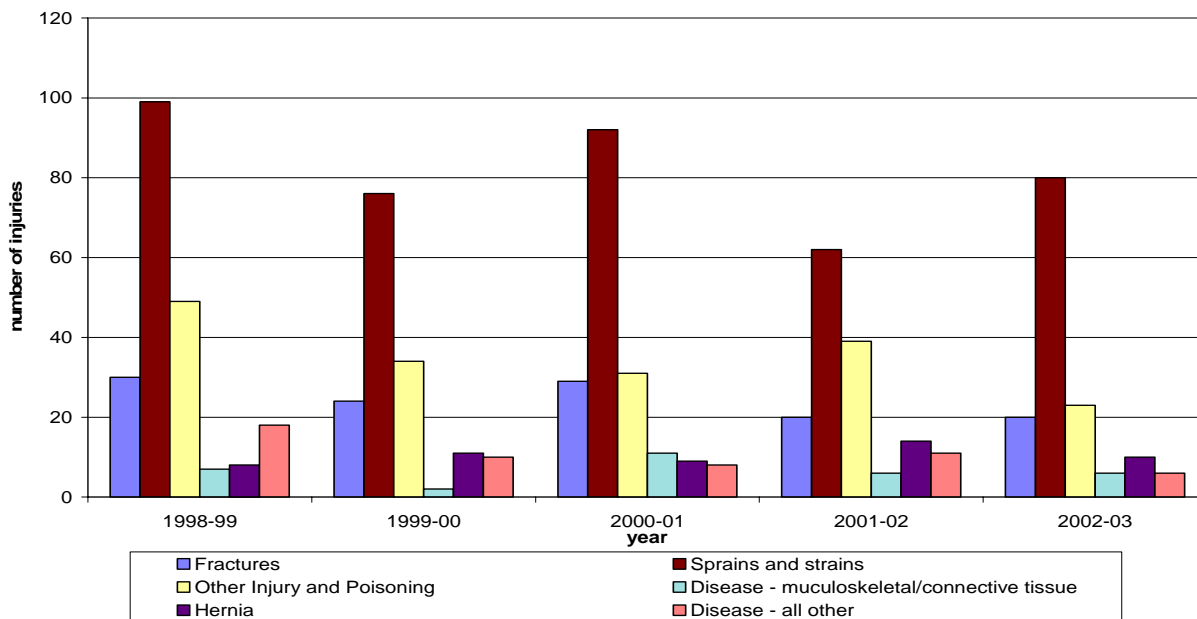
Key Seacare Authority statistics and performance reports

Table 1: Claims data

Claim type	1999-00	2000-01	2001-02	2002-03	July – Sept 03
Claims reported to AMICA	182	204	169	163	71
Accepted claims	157	180	152	145	49
Claims rejected	25	24	17	16	0
Claims pending	0	0	0	2	22
Claims accepted - on duty	143	167	138	126	46
Claims accepted - off duty	7	10	10	15	2
Claims accepted – other, travel, study	7	3	4	4	1
Claims accepted – 5 or more days duration	131	145	120	118	-
Claims accepted – excluding property claims	156	180	150	145	49
Work related fatality	0	0	0	0	0

Source: AMICA, Seacare Authority

Figure 1: Accepted claims by injury/disease type 1998-99 to 2002-03



Source: AMICA

Sprains and strains continue to be the major injury type and have risen relative to 2001-02. However, most other injury types have declined relative to 2001-02.

Seacare Contacts

Members:

Mr Geoff Gronow	Chairperson
Mr Noel Swails	Deputy Chairperson
Capt Warwick Norman	Employer member
Mr Mal Hearnden	Employer member
Mr Paddy Crumlin	Employee member
Mr Martin Byrne	Employee member
Mr Clive Davidson	Australian Maritime Safety Authority

Deputy Members

Mr Bob Evans	Deputy to Mr Clive Davidson
Mr Mick Doleman	Deputy to Mr Paddy Crumlin
Mr Trevor Griffett	Deputy to Capt Warwick Norman
Mr John Flood	Deputy to Mr Mal Hearnden
Mr John Wydell	Deputy to Mr Martin Byrne

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