



Australian Government

**Seafarers Safety, Rehabilitation
and Compensation Authority**

SEACARE AUTHORITY NOTICE AND COMPLIANCE PROCEDURES

(Agreed at Meeting 86, 26 August 2010)

Seacare Management Section (SMS) will follow these procedures to ensure employer compliance with statutory obligations where there is no statutory procedure specified and to meet Seacare Authority's reporting requirements.

Notice prior to the compliance date

Step 1

Approximately one month prior to the compliance date, the SMS will issue an initial notice to all relevant employers to confirm their reporting obligations and the compliance date.

Step 2

Five business days prior to the specified compliance date the SMS will notify the usual contact person for each entity.

Step 3

On the specified date of compliance, the SMS will notify the usual contact person for each entity.

Compliance procedures

Step 1

On expiry of five working days past the specified compliance date, a follow-up email or phone call will be made by the SMS to the usual contact person advising

- (a) the timeframe for provision of the information has passed
- (b) the company is in breach of the legislation or the Authority's reporting requirements (whichever is applicable)
- (c) if the company has not provided the required information within five working days, the SMS will contact the company CEO in relation to the issue.

Step 2

If no response is received after a further five working days, the SMS will inform Chairperson of the Seacare Authority of the non-compliance. The Director, SMS or Chairperson of the Authority will then dispatch a signed follow-up letter to the CEO/General Manger of the company.

This correspondence will:

- (a) outline the communication between the SMS and the company to date
- (b) advise the timeframe has passed
- (c) advise the organisation is in breach of the legislation of the Authority's reporting requirements
- (d) if a response is not received with five working days, advise that action will need to be initiated to ensure compliance.

Step 3

The SMS prepares a brief of evidence for review by the General Counsel, Legal Services Branch, Comcare. The brief is submitted by the Chairperson (for offences under the Seafarers Act) or Comcare's CEO (for offences under the Levy Collection Act) to the Commonwealth Director of Public Prosecutions (CDPP) for consideration. The CDPP may then undertake prosecutorial action, as recommended by the Chairperson or CEO, Comcare, in the relevant State court with federal criminal jurisdiction.

Employer Reporting Requirements and Timelines:

Report	Requirement	Section	Frequency	Falls due	Compliance date	Initial notice
ESD	Employee numbers, hours worked and ship details (six monthly) and employees by age and occupational grouping (annually)	106	Biannual	1 Jan	15 Jan	15 Dec
				1 Jul	15 Jul	15 Jun
Berths and Levy	Report number of berths on all ships and payment of levy per berth	106	Quarterly	1 Jan	15 Jan	15 Dec
				1 Apr	15 Apr	15 Mar
				1 Jul	15 Jul	15 Jun
				1 Oct	15 Oct	15 Sep
Claim update reports	Report on all claims that are active or have been finalised in preceding 6 months	106	Biannual	1 Jan	31 Jan	Late Dec
				1 Jul	31 Jul	Late Jun
Insurance	Details of workers compensation insurance arrangements	94	Periodically	When insurance is renewed or reissued	Within 14 days of insurance issue or renewal	1 week prior to expiry

Note: These procedures are to be reviewed by the Authority if the SMS considers they are not achieving the intended outcome.