



Australian Government

Seafarers Safety, Rehabilitation and Compensation Authority

SEACARE NEWS

Issue: 7

June 2004

The injury prevention performance of the maritime industry has been the subject of considerable public attention in the last few years, including by successive Commonwealth Workplace Relations Ministers. This attention has in part derived from Seacare scheme participation in the national Comparative Performance Monitoring (CPM) report which has shown a less than ideal OHS outcome for the Seacare scheme, relative to other schemes and other industries. I know that the industry is committed to continuous improvement in prevention of injury and disease, notwithstanding that there is still considerable scope for improvement.

One way the industry can showcase its commitment to improved injury prevention and highlight positive achievements in OHS, rehabilitation and training is through active participation in the Seacare Authority Sea Safe-Work Awards and OHS Conference 2004.

The Awards and Conference are being held at Dockside Darling Harbour on 17 November 2004. I trust that all sections of the industry have now seen the Awards Nomination Form and Sponsorship Packages and that consideration is being given to how each employer, health and safety committee, rehabilitation provider, OHS training provider and other groups are intending to participate. The Awards and Conference are events for the industry so we hope you will contribute to making them even more successful than in 2003.

Geoff Gronow ED
Chairperson
Seafarers Safety, Rehabilitation and Compensation Authority

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Sea Safe-Work Awards and OHS Conference 2004

Nominations for the Sea Safe-Work Awards 2004 are currently being sought and are due on **Friday 30 July 2004**. Time to prepare and submit an Award nomination is now limited.

Sponsorship of this prestigious event is also being sought. Sponsorship packages are now available and can be tailored to meet your company's, or your organisation's, needs.

The Sea Safe-Work Awards presentation and OHS Conference 2004 are to be held on Wednesday 17 November 2004 at Dockside, Darling Harbour Sydney. An Awards and Conference registration brochure will be published in July/August. The four Award categories are as follows:

- OHS Leadership;
- Workplace OHS Consultation;
- Best Solution to a Major OHS Risk; and
- Best Rehabilitation and Return to Work Program.

The Awards presentation will be preceded by a full day OHS Conference on best practice occupational health and safety in the maritime industry. The Conference program will be published in July/August.

For further information, visit the Seacare Authority website on: **www.seacare.gov.au** or contact Ms Evi Young, Assistant Manager on (02) 6275 0087.

Key Outcomes of Seacare Authority Meeting 51 held on 20 May 2004 in Perth

The Authority agreed to:

- proceed to develop a Memorandum of Understanding with the National Offshore Petroleum Safety Authority;
- extend the accreditation of the Australian Maritime Safety Consultant's HSR training course while it is awaiting reaccreditation by the Authority's accreditation adviser, AMC Search Ltd;
- request that AMSA commence reporting on pro-active investigations i.e. FSC and PSC inspections and ISM audits;
- Seacare Authority Strategic Objectives 2004-05 to 2009-10;
- the 2004-05 Business Plan and Budget allocation;
- request all operators to advise the Seacare Authority on compliance with the OHS(MI) Act and regulations;
- proceed with a request to the Department of Finance and Administration that interest be paid on Fund monies; and
- a package of promotion and pricing decisions to support preparations for the Sea Safe-Work Awards and Conference 2004.

OHS Practitioners' Networks

Victoria - *Seacare News 6* noted that a full report on the first Victorian Network meeting would appear in *Seacare News 7*. The first Victorian Network meeting on 15 March 2004, although not as strongly supported as the convenors (Dominic Panetta, Australian Maritime Safety Consultants and Graeme Peterson, Graeme Peterson & Associates) had expected, was nevertheless regarded by all participant as a positive first step.

The key discussion at the meeting focused on:

- OHS performance indicators - what are the most effective indicators to predict and guide prevention strategies; and
- Leadership to support a culture of OHS continuous improvement.

WA - Preliminary discussion took place between the Seacare Authority and a number of offshore operators in Perth on 19 May 2004 regarding establishment of a WA Network, with the assistance of Woodside who invited Seacare to address its contractor's forum. While there is support for the concept, no HSE or company officer has yet agreed to convene a WA Safety Network.

NSW - The Seacare Authority will be taking steps later in 2004 to establish a Network in NSW. Further information on the OHS Networks can be obtained by contacting Rod Pickette, Manager, Seacare on 02-6275 0082.

Seacare Authority endorses Strategic Objectives 2004-05 to 2009-10

The Seacare Authority has adopted a package of Strategic Objectives to guide its work over the next five years, and which will overarch the Authority's annual Business Plan. The Strategic Objectives are to:

- Assist the Australian maritime industry to eliminate work related injury and disease, and to avoid work related fatalities.
- Be an effective regulator for workers' compensation, rehabilitation/RTW and OHS in partnership with the Australian maritime industry, and to be recognised by the industry as effective.

- Ensure access to a viable and attractive national scheme of workers' compensation, rehabilitation and OHS for the Australian maritime industry.
- Be a source of high quality and authoritative advice on the legislative arrangements for national workers' compensation and OHS for the maritime industry which promote fair, efficient and effective outcomes for scheme stakeholders.
- Manage an efficient and effective Seafarers Safety Net Fund.

Seafarers Safety Net Fund

Seacare News 6 reported that the Minister for Employment and Workplace Relations advised the Chairperson of the Authority in April that the levy rate should be maintained (at \$53 per berth per quarter) until the Fund's reserve is built to the actuary's recommended upper reserve level of \$550,000. Accordingly, it is unlikely there will be a change to the rate of levy for the next 15 to 18 months. The expected balance in the Fund at 30 June 2004, net of known liabilities is \$393,000. It is expected that the reserve limit will be achieved later in 2005. There are currently no compensation claims being paid by the Fund.

The Authority has agreed to engage an insurance broker in the second quarter 2004-05 to once again commence a global search for insurance for the Fund. The Authority is also seeking to have the Commonwealth agree to pay interest on Fund monies held in a Special Account by the Commonwealth.

Update on stage two of the review of Seacare scheme legislation

The employee representatives on the Authority advised meeting 51 on 20 May 2004 that meetings between the three unions (AIMPE, MUA, AMOU) and employers on the joint ASA/AMMA submission of November 2003 were yet to proceed. The parties undertook to report back on progress of discussions at the August 2004 meeting of the Authority.

In response to a request by the Minister that the Authority obtain actuarial advice on the potential impact on insurance premiums of certain stage one proposals before he gives policy approval for preparation of a stage one Bill, officials from Seacare and the Department of Employment and Workplace Relations have agreed on the type of cost impact details that the Minister will require. Work on preparation of costings will commence shortly.

OHS(MI) (National Standards) Regulations 2003

It is still proposed that the Regulations be amended to treat all forms of in-situ asbestos identically. The Authority will keep the industry advised on developments. When amended, new Seacare guidance material on the operation of the regulation will be published.

Keeping of claim files and documents

Employers are urged to retain files containing evidence relating to permanent impairment where there is the possibility that the injury giving rise to that impairment was caused by negligence. This arises from a NSW Court of Appeal decision (*Hobbins V Commonwealth of Australia*) where it was held that the applicable State/Territory limitation period will apply from the date of election, not date of injury.

OHS Standards Task Force

The Authority's Standards Task Force is currently coordinating industry consultation on a Manual Handling Code of Practice to support the introduction of a Manual Handling regulation. In

addition, the STF is keeping a watching brief on the issue of shipboard crane operator certification which is being considered in the Heads of Workplace Safety Authorities (HWSA) forum. AMSA will jointly represent Seacare and AMSA in that forum.

Training on the Seafarers Act

The Authority is currently developing a one day training program - an introduction to the *Seafarers Rehabilitation and Compensation Act 1992* - to be offered to all Seacare scheme stakeholders, most likely in the second half of calendar 2004. The course is designed for company officials with responsibility for claims management, injury management, workers' compensation insurance and Seacare ESD reporting, as well as for union officials, union delegates, lawyers, insurance brokers, insurers and rehabilitation providers who are required to operate under, or advise on, the legislation.

Watch the Seacare website and *Seacare News* for details.

Seacare Authority accredited health and safety representatives (HSR) training courses

Employers should be aware that there is currently only one Seacare Authority accredited HSR training course. That course is the Australian Maritime Safety Consultants HSR course, run by Dominic Panetta. The Distance Learning Course has not been reaccredited, and the CSR in house course is the subject of redevelopment by CSR Shipping.

The Authority will shortly be seeking expressions of interest from Registered Training Organisations (RTOs) who wish to deliver a Seacare Authority HSR training course in a flexible delivery mode.

Anecdotal evidence received by the Authority suggests there are many HSRs who have not been trained in a Seacare Authority accredited HSR course as required by the OHS(MI) Act. This will need to be addressed in the period ahead.

Training for approved rehabilitation providers delivering services to maritime employers

The Authority is currently developing a short training program which will form part of the Comcare training which **must** be undertaken by those employed or engaged by approved rehabilitation providers who wish to deliver services to maritime industry employers. It is expected that the training will be available from around late September or October 2004. Watch the Seacare website and *Seacare News* for details.

The training is planned to cover: the rehabilitation provisions in the Seafarers Act; the maritime work environment and industry specific issues such as the fitness for duty provisions prescribed by Marine Orders under the *Navigation Act 1912*; and Seacare Authority best practice rehabilitation and return to work.

NOPSA

The Seacare Authority and the National Offshore Petroleum Safety Authority (NOPSA) are currently negotiating a Memorandum of Understanding which will guide the Seacare-NOPSA relationship on commencement of its operations on 1 January 2005.

Claim settlements - arising from matters referred to the AAT

At its meeting on 20 May 2004 the Authority considered a report prepared by the Seacare Management Group on settlements associated with claims that had been referred to the

Administrative Appeals Tribunal (AAT) over the 5 years to 30 June 2003. The data for the report was provided by scheme insurers early in 2004. Some key outcomes from the report are:

- there have been on average, 11 claims settled per year over the last five years;
- the number of claims settled over the five year period as a proportion of all accepted claims is 6.5%;
- the number of claims settled as a proportion of all claims referred to the AAT for review over the five year period is 19.5%;
- the number of claims settled has fallen sharply in the last three years (settled claims over 2000-01 to 2002-03 represent only 22% of settled claims over the last five years);
- the total costs of settlements, including legal costs over the five year period is \$4.26m, of which \$3.83m (or 89.9%) was the settlement award to the employee, and \$.43m (or 10.1%) represents legal costs (both to the insurer and the employee);
- the average lump sum payment is \$69,554 over the last five years;
- the average legal cost per settlement is \$7,821 over the last five years;
- the average cost per settlement is \$77,375; and
- legal cost data (associated with settlements) for the period 1998-99 to 2001-02 showed that employee legal costs were on average 57% of total legal costs (based on data from one insurer).

Publications and national issues update

1. The National Occupational Health and Safety Commission (NOHSC) has declared the National Code of Practice for noise management and protection of hearing at work [NOHSC:2009 (2004)] 3rd Edition, available from www.nohsc.gov.au.

The national code was revised in line with best practice national and international guidance material and provides a practical risk management approach to noise control through guidance on:

- reducing occupational noise levels;
- promoting noise identification and assessment;
- systematic noise control measures; and
- consultative processes.

2. The Australian Government has proposed establishing a new body, the Australian Safety and Compensation Council (ASCC). The objective of the ASCC is to achieve better workplace health and safety for employers and employees and provides for workers' compensation issues to be considered in a national forum, to build on the work of NOHSC in OHS.

The Government has indicated that the ASCC will be a tripartite body, but with a broader consultation base than the current NOHSC arrangements, with representatives from federal, state and territory governments, along with employer and employee representatives.

3. The Productivity Commission's final report on its inquiry into workers' compensation and OHS frameworks was released on 24th June 2004. Details are on the Seacare website.

New Notices

Notice No.	Date of Effect	Subject
04/2004	20/05/2004	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

Claim trends and injury frequency - 2003-04 projections

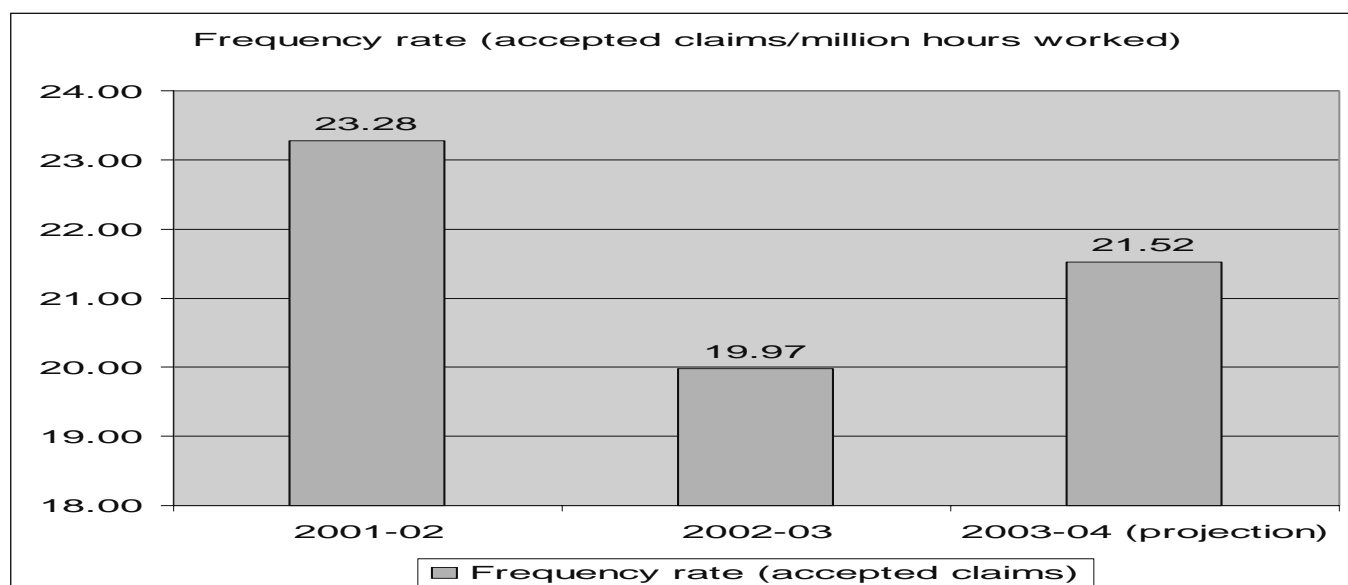
Table 1 below shows that by projecting claims data for the first 6 months of 2003-04, claims are increasing quite significantly relative to the two previous years. Based on the projections, accepted claims will increase by 17% relative to 2002-03. Using claims data as a proxy for injury suggests that injuries are increasing in 2003-04. Taking account of hours worked to obtain an injury frequency rate, Figure 1 below shows that the frequency rate is slightly above 2002-03 but below 2001-02.

Table 1: Seafarers Act - Compensation claims - 2001-02 to 2002-03, and 2003-04 (YTD)

Period	2001-02	2002-03	Sep-03	Dec-03	2003-04 (to 31 Dec)	2003-04 (projection)
Total claims reported to AMICA	164	163	54	45	99	198
Claims accepted by employers	152	145	50	35	85	170
Claims of 5 or more days duration	119	124	38	29	67	134

Source: AMICA, Seacare Authority

Figure 1: Seacare scheme injury frequency rate.



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

Seacare Management Group:

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