



Australian Government

Seafarers Safety, Rehabilitation  
and Compensation Authority

Issue: 8 - October 2004

# SEACARE NEWS

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### Comment from the Chairperson

By the time this issue of Seacare News is published I hope you have registered for the Sea Safe-Work Awards and/or the Seacare Authority OHS Conference 2004. The Award finalists have now been chosen and final preparations are being made for what should be a great night of celebration for the maritime industry.

The Authority has been heartened by the generous support from sponsors for the Awards and Conference. Our sponsors are highlighted in this issue of Seacare News.

The Seacare Authority Annual Report 2003-04 will be tabled in the Parliament shortly, and it then becomes a public document. Copies will be widely distributed in the industry and it is also available on the Seacare Authority website at [www.seacare.gov.au](http://www.seacare.gov.au). I commend the Report to you as a valuable resource in examining all facets of the Seacare scheme of occupational health and safety, rehabilitation and compensation.

Geoff Gronow ED  
Chairperson

### Sea Safe-Work Awards 2004

The Seacare Authority Sea Safe-Work Awards Judging Panel, comprising Simon Billing (employer representative, Australian Mines and Metals Association), Eddie Seymour (employee representative, Maritime Union of Australia) and Noel Swails (government representative, Deputy Chairperson, Seacare Authority) ably supported by Phil Beaumont, Assistant Manager Seacare, have chosen the Award finalists.

The Award Finalists for 2004 are in three categories:

- OHS Leadership Award
- Best Solution to a Major OHS Risk
- Best Rehabilitation and Return to Work Program.

The finalists represent a cross section of employers in the bluewater and offshore sectors, as well as a rehabilitation provider.

### Seacare Authority OHS Conference 2004

The theme for the 2004 Conference is "A healthy workforce means a safer workplace". The Seacare Authority has been fortunate to attract four highly regarded and authoritative industry speakers to open the OHS Conference:

- Peter Bremner, General Manager Shipping, CSR Ltd and employer member, Seacare Authority;
- Paddy Crumlin, National Secretary, Maritime Union of Australia;

- Heather Bailey, Marine Standards Coordinator, Woodside Energy Ltd; and
- Kieran Quilty, Marine Safety Coordinator, Team Gemini, Teekay Shipping (Australia) Ltd.

The afternoon session of the OHS conference is participatory, involving a round table session and a panel session. The topic for the round table session is: "Meeting the OHS performance improvement targets for the maritime industry - what more needs to be done?", while the topic for the Panel session is: "Seafarer health and wellbeing - how important an issue is this for the industry?"

Panellists include:

- Neal Butt - Farstad Shipping (Indian Pacific) Ltd
- Lawrence Gardner - CSR Shipping Ltd
- Danielle Griffiths - Allianz Insurance Australia
- Brad Groves - Australian Maritime Safety Authority
- Eddie Seymour - Maritime Union of Australia
- David Trainor - W.G. McNally Solicitors

There are still places available for the Conference and Awards. If you wish to register, go to [www.seacare.gov.au](http://www.seacare.gov.au) and click on <http://www.seacare.gov.au/News/pdf/Seacare-Awards-Conference-Registration-Brochure-2004.pdf> to download the registration form, or call (02) 6275 0070.

**The cost of the Conference is \$350 while the cost of the Awards presentation and dinner is \$100. A discount price of \$400 is available for attendance at both events.**

Seacare has arranged special accommodation prices at the following hotels:

- Crowne Plaza Darling Harbour - ask for in-house reservations on 02 9261 1188 and quote "Seacare Conference"
- Somerset Darling Harbour - call reservation on 1800 766 377.

### Sea Safe-Work Awards and OHS Conference 2004 - sponsors

The Seacare Authority acknowledges the following sponsors of the Sea Safe-Work Awards and OHS Conference 2004:

Gold Sponsors: ASP Ship Management Pty Ltd Teekay Shipping (Australia) Pty Ltd National Occupational Health and Safety Commission

Silver Sponsors: CSL Australia Pty Ltd Comcare

Bronze Sponsors: Allianz Australia Insurance Ltd Australian Maritime Safety Authority Department of Employment and Workplace Relations

Supporters: Australian Shipowners Association Oceania Sea Carriers

### Seacare Authority Annual Report 2003-04

The Annual Report contains a wealth of information about the Seacare Authority, its members and deputies and committees formed by the Authority as well as on its operation over 2003-04. Importantly the Report contains vital information about the performance of the Seacare scheme and the Seafarers Safety Net Fund.

The report also contains important reference material about the size of the scheme, the number of ships covered, the application of the Seafarers Act as well as listing all court and tribunal cases that have arisen from scheme legislation since the scheme commenced in 1993.

A snapshot of Seacare scheme performance over 2003-04, drawn from the Annual Report is provided below.

Seacare scheme performance showed mixed results in 2003-04. On a number of indicators, performance has improved in 2003-04 relative to 2002-03 and previous years, while on other indicators performance has deteriorated.

The key indicators which reveal improved or stable performance include:

- the scheme has completed another year without a work-related fatality;

- the injury frequency rate<sup>1</sup> has declined<sup>2</sup>;
- days lost per seafarer continue to trend down, even though there was an increase in total days lost and in days lost per seafarer in 2003-04 relative to 2002-03;
- the cumulative cost of workers' compensation claims per seafarer declined in 2003-04 relative to 2002-03;
- the number of incidents reported to AMSA has remained stable, and dangerous occurrences reported declined significantly in 2003-04 compared to 2002-03;
- the return to work rate and durable return to work rate in the Seacare scheme, derived from the National Return to Work Monitor survey results, show an improvement in 2003-04 relative to 2002-03 and are comparable with, or exceed, the national average;
- the proportion of seafarers who returned to the same duties following an injury, derived from the National Return to Work Monitor survey results, remained the same as in 2002-03, is higher than the national average and is the highest of any scheme in Australia in 2003-04;
- the number of long tail claims<sup>3</sup> being supported by scheme insurers is lower than at any time over the past five years; and
- the average time taken from lodgement of a matter with the AAT, until a decision, fell considerably in 2003-04 relative to 2002-03.

The key indicators which reveal a deterioration in performance include:

- the injury incidence rate<sup>4</sup> has worsened relative to previous years;
- on present trends the Seacare scheme is unlikely to meet the five year or 10 year injury reduction targets set in 2001-02 for the maritime industry;
- the claim frequency rate<sup>5</sup>, which shows the likelihood of receipt of a compensation claim, has risen in 2003-04;
- the number of workers' compensation claims reported to AMICA in 2003-04 has increased, as have accepted compensation claims;
- the number of claims lodged by employees in the older age groupings (over 45) increased in 2003-04 relative to 2002-03;
- the number of OHS incidents reported to AMSA involving an incapacity of an employee for five or more successive days off work increased in 2003-04 relative to 2002-03;

<sup>1</sup> The injury frequency rate reports the number of compensation claims (a proxy for injuries) per million hours worked by seafarers covered by the Seafarers Act. The *lower* the rate the better the performance on this measure. Compensation claims includes all accepted claims except journey claims and property only claims (see row 11 of Table 7).

<sup>2</sup> The injury frequency result for 2003-04 is influenced by a change in the hours of work calculation method which commenced on 1 July 2003 (see the explanation at section 4.3.3 and Note 2 under Table 7).

<sup>3</sup> Long tail claims are claims of one or more year's duration.

<sup>4</sup> The injury incidence rate reports the number of accepted compensation claims (a proxy for injuries) per 1 000 employees covered by the Seafarers Act. The *lower* the rate the better the performance on this measure. Compensation claims includes all accepted claims except journey claims and property only claims (see row 11 of Table 7).

<sup>5</sup> The claim frequency rate is the ratio of seafarers employed under the Seafarers Act to the number of claims lodged (see row 1 of Table 7). It shows the number of compensation claims that can be expected to be lodged relative to seafarer numbers. The *higher* the rate the better the performance on this measure.



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- the total cost of compensation claims lodged in 2003–04 and the cost per seafarer has increased relative to 2002–03;
- the average premium rate paid by Seacare scheme employers rose significantly in 2002–03 relative to 2001–02 (premium rate data remains one year behind most other data reports);
- the second tier (AAT) dispute rate has increased in 2003–04 relative to 2002–03; and
- rehabilitation and return to work performance remains problematic

If you have not received a copy of the Annual Report by the end of November 2004, you can access it on the Seacare Authority website at [www.seacare.gov.au](http://www.seacare.gov.au) or order a hard copy by emailing [seacare@comcare.gov.au](mailto:seacare@comcare.gov.au).

### Key outcomes of Seacare Authority meeting 52 of 30 August 2004

At its 52nd meeting on 30 August 2004, the Seacare Authority:

- agreed in principle to establish an industry accreditation panel to advise the Seacare Authority on health and safety representatives training courses presented for accreditation;
- agreed to establish a reference group from industry to participate in testing the new Seacare Authority Employee and Ship Details (ESD) on line reporting system due to commence from 1 January 2005;
- endorsed action being taken by Comcare and AMSA to engage senior counsel to advise on the application of Seacare scheme legislation;
- noted that AMSA has established a program to conduct OHS audits on ships (proactive investigations);
- adopt the NOHSC National Standard for Manual Handling, as amended to take account of maritime industry conditions, for implementation as a regulation under section 121 of the OHS(MI) Act; and agreed to recommend to the Minister that he to adopt the NOHSC Code of Practice for Manual Handling, as amended to take account of maritime industry conditions, as a code of practice under section 109 of the OHS(MI) Act;
- approved the Seacare Authority OHS Strategy for the Maritime Industry 2004-05 to 2006-07;
- noted Seacare scheme performance against the maritime industry targets after the first two years of the Seacare Authority OHS Strategy and that on the two year trend, the five year and ten year injury reduction targets for the industry are unlikely to be met;
- agreed to devote a special two hour session at the February 2005 meeting of the Authority, following the OHS Conference in November 2004, to undertake a detailed analysis of OHS performance in the Seacare scheme and to consider a plan for addressing the apparent static OHS performance; and
- agreed that Comcare proceed with a request to the Secretary Department of Finance and Administration seeking payment of interest on the monies held in the Seafarers Safety Net Fund and that Seacare and Comcare costs in administering the Fund be charged to the Fund.

### New Compensation Claim Form

The Seacare Authority is expected to approve a new workers' compensation claim form at its next meeting on 16 November 2004. The claim form has been under redevelopment for some time and has been the subject of comments from an employee and employer focus group convened by the Australian Maritime Industry Compensation Agency Ltd (AMICA) for the Seacare Authority, comprising: Camille Ryan – Australian Maritime Industry Compensation Agency Ltd;

Dianne Magee – formerly ASP Ship Management;

Darian Yeo – Farstad Shipping (Indian Pacific);

Graeme Coster – Patrick Shipping; and

John Brittain - ASP Ship Management.

In addition, employer and employee representatives and insurers commented on the form before finalisation.

Importantly, the new form has been redesigned as two forms. The first form is the claimant form. It contains considerably more guidance to assist the seafarer complete the form and to ensure it contains all information necessary to assist the employer determine the claim in a timely manner. The second form is the employer's determination form, also containing all the information to guide the employer decision maker.

If approved the new forms will be printed and circulated to the industry in December 2004 for circulation from January 2005, and will be also available for viewing from the Seacare website.

### Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces - Version 4

The Seacare Authority released Version 4 of Guidance on the Prohibition on the Use of Asbestos in Australian Maritime Industry Workplaces on 6 August 2004. Version 4 of the Guidance provides important information on the amended OHS(MI) (National Standards) Regulations 2004, which came into effect on 28 July 2004.

Version 4 of the Guidance refers to amendments that clarify that the NS regulations regulate the use of non chrysotile forms of asbestos (ie all asbestos), that is in situ, in the same way as in situ chrysotile asbestos was regulated in the period 31 December 2003 until 27 July 2004.

In summary, the use of all forms of asbestos that is in situ is permitted subject to the use of the in situ asbestos not constituting a risk to users. Version 4 also includes a definitions section and a section on asbestos management plans.

### Seacare Authority OHS Standards Task Force

Following an extensive industry consultation process on the National Occupational Health and Safety Commission (NOHSC) standard and code of practice for manual handling, led jointly by Trevor Griffett, Australian Shipowners Association and Martin



TEEKAY SHIPPING (AUSTRALIA) PTY LTD



Australian Shipowners Association

OCEANIA SEA CARRIERS

Byrne, Australian Institute of Marine and Power Engineers (both Standards Task Force members) the Seacare Authority agreed to proceed to recommend to the Minister to make a regulation and adopt a code of practice on manual handling.

### Seacare Authority OHS Strategy for the Australian Maritime Industry

The Strategy, endorsed by the Authority on 30 August 2004, reflects the National OHS Strategy endorsed by Workplace Relations Ministers' Council. It sets 5 and 10 year targets (2001-02 being the base year) against key OHS indicators - the injury incidence rate (compensation claims per 1000 employees), where the target is a 20% reduction by 2006-07 and a 40% reduction by 2011-12; and work related fatalities, where the target for the maritime industry is zero fatalities at both the 5 and 10 year milestones. The Strategy is available on the Seacare website.

### Seafarers Act – requirement to give written notice of injury

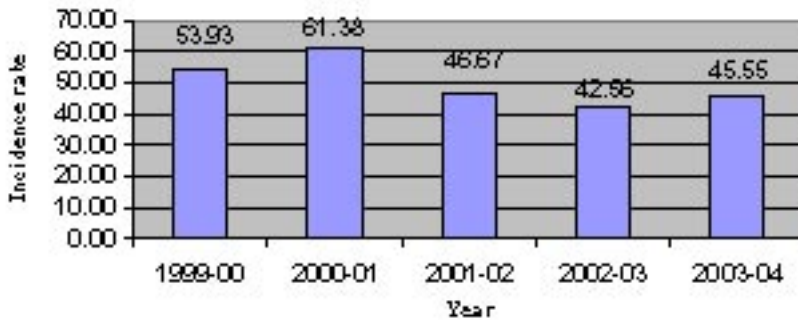
Recent cases where claim liability has been denied by employers has highlighted the importance of giving written notice of an injury to the employer. Section 62 of the Seafarers Act says that the Act “does not apply to an injury” unless written notice is given “as soon as practicable after the employee becomes aware of the injury”.

Notice of the injury can take the form of an oral or written report to a supervisor or the Master (or Master’s representative), a report to the company’s onshore office, a company incident report or a formal Incident Report to AMSA (using AMSA form 19). Oral reports must be documented however.

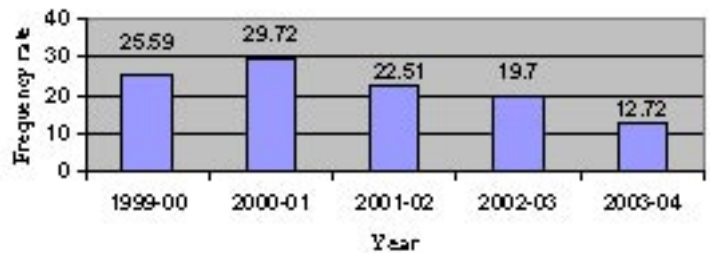
### Seacare Notice 05/2004

On 10 September 2004, the Seacare Authority issued Notice 05/2004 updating the maximum level of benefits for weekly incapacity payments after 45 weeks. The Notice can be viewed downloaded from <http://www.seacare.gov.au/news/pdf/Notice5-2004-MaxLevelofBenefits.pdf>.

Injury incidence rate - Seacare scheme 1999-00 to 2003-04



Injury frequency rate - Seacare scheme 1999-00 to 2003-04



### Seacare Contacts

#### Members:

Mr Geoff Gronow	Chairperson
Mr Noel Swails	Deputy Chairperson
Mr Peter Bremner	Employer member
Mr Mal Hearnden	Employer member
Employee member	To be appointed by Minister
Employee member	To be appointed by Minister
Mr Clive Davidson	Australian Maritime Safety Authority

#### Deputy Members:

Mr Trevor Griffett	Deputy to Mr Peter Bremner
Mr John Flood	Deputy to Mr Mal Hearnden
Mr Geoff Toomer	Deputy to Mr Clive Davidson

#### Seacare Management Group:

Mr Rod Pickette	Manager, Seacare
Mr Phillip Beaumont	Assistant Manager, Seacare

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