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early in 2001–02.
## CONTENTS

Letter of Transmission to Minister ........................................... v
Mission Statement and Statutory Purpose/Objects ................... vi
Chairperson’s Report ............................................................... vii
Seacare Authority: Major Achievements in 2000–01—a Snapshot of the Year ................................................................. ix
Overview of the Seacare Scheme 2000–01—Selected Statistics .......... x

### Chapter 1: Overview of the Seafarers Safety, Rehabilitation and Compensation Authority

1.1 Functions of the Authority ....................................................... 1
1.2 Membership of the Authority in 2000–01 ................................. 1
1.3 Recent membership changes ................................................. 3
1.4 Meeting attendance ............................................................. 3
1.5 Equal employment opportunity in appointments ................... 3

### Chapter 2: The Seacare Authority—Performance of its Statutory Functions

2.1 Strategic directions ............................................................. 4
2.2 Administration of the Seafarers Act and OH&S(MI) Act .............. 7
2.3 An efficient and effective Seacare scheme .............................. 13
2.4 Other activities undertaken by the Authority .......................... 17

### Chapter 3: Seacare Scheme Performance Reports

3.1 Data sources used in this annual report ................................ 19
3.2 Methodology behind performance reports ............................ 20
3.3 Date of extraction of 2000–01 data ....................................... 21
3.4 Seacare scheme performance relative to previous years .......... 21
3.5 Seacare scheme OHS and workers’ compensation performance relative to other schemes/industries ....................... 44

### Chapter 4: Legislation Administered by the Seacare Authority

4.1 Seacare scheme legislation .................................................. 51
4.2 Related legislative matters arising in 2000–01 ......................... 51

### Chapter 5: Significant Administrative Appeals Tribunal Decisions and Court Judgments

5.1 Administrative Appeals Tribunal .......................................... 53
5.2 Federal Court of Australia ..................................................... 54
5.3 High Court of Australia ....................................................... 54
Appendices

1 Data Tables 56
2 Acts Administered by the Minister through the Seacare Authority 63
3 Publications issued by the Seacare Authority 2000–01 64

Index to Government Reporting Requirements 66

List of Abbreviations, Acronyms and Terms 67

Figures
1–25 Chapter 3

Tables
1 Seacare Authority members/deputies meeting attendance 2000–00 Chapter 1
2–4 Chapter 2
5–22 Chapter 3
23–35 Data tables Appendix 1
The Hon Tony Abbott, MP
Minister for Employment, Workplace Relations and Small Business
Parliament House
CANBERRA ACT 2601

Dear Minister

Pursuant to Section 125A(1) of the Seafarers Rehabilitation and Compensation Act 1992 (Seafarers Act) and subsection 34C(2) of the Acts Interpretation Act 1901 I am pleased to present the Annual Report on the activities of the Seafarers Safety, Rehabilitation and Compensation Authority for the financial year ended 30 June 2001.

This Annual Report also includes a report on the operation of the Occupational Health and Safety (Maritime Industry) Act 1993 (OH&S(MI) Act) and Occupational Health and Safety (Maritime Industry) Regulations 1995 (as amended) pursuant to Section 114(1) of the OH&S(MI) Act.

Yours sincerely

Geoff Gronow ED
Chairperson
5 October 2001
The mission of the Seafarers Safety, Rehabilitation and Compensation Authority is:

- to promote injury prevention, and high levels of occupational health and safety, compensation and rehabilitation/return-to-work performance in the maritime industry; and
- to monitor external factors affecting the performance of the scheme which the Authority will need to consider in the performance of its statutory functions.

The purpose of the Seafarers Rehabilitation and Compensation Act 1992

The purpose of the Seafarers Act is:

- to provide a scheme of workers’ compensation and rehabilitation for seafarers who are injured or contract an illness in the course of their employment.

The objects of the Occupational Health and Safety (Maritime Industry) Act 1993

The objects of the OH&S(MI) Act are:

- to secure the health, safety and welfare at work of maritime industry employees;
- to protect persons at or near workplaces from risks of health and safety arising out of the activities of maritime industry employees at work;
- to ensure that expert advice is available on occupational health and safety matters affecting maritime industry operators, maritime industry employees and maritime industry contractors;
- to promote an occupational health and safety environment for maritime industry employees that is adapted to their health and safety needs; and
- to foster a cooperative consultative relationship between maritime industry operators and maritime industry employees on the health, safety and welfare of maritime industry employees at work.
I am pleased to report on the activities of the Seafarers Safety, Rehabilitation and Compensation Authority—otherwise known as the Seacare Authority—for the year ending 30 June 2001. I commenced as Chairperson of the Authority on 1 September 1999.

The 2000–01 year has again been a period of considerable achievement for the Authority, its clients and stakeholders. It has been a period of consolidation for the Authority, operating to an approved and focused work program. We have built on the foundation of work begun during the last couple of years, particularly in the important areas of rehabilitation and return to work.

During the year the Authority sponsored two fora on rehabilitation and return to work—a symposium in Melbourne in November 2000 and a roundtable in Fremantle in March 2001—both were highly successful events. We have continued to participate in the Australasian Return to Work Monitor, a national survey of the return to work experience of injured seafarers, which is giving us a new insight into return to work performance in our industry.

I and a number of staff from the Secretariat represented the Authority at the 5th International Congress on Work Injuries Prevention, Rehabilitation and Compensation in Adelaide in March 2001.

During 2000–01 the Authority began an examination of Seacare scheme costs. The initial focus has been on workers’ compensation insurance premium costs. We want to understand the cost drivers in workers’ compensation and to identify opportunities to assist the industry in reducing costs whilst improving the performance of the scheme.

I reported last year that the building blocks for data collection, storage, analysis and reporting were in place to improve reporting on the performance of the Seacare scheme. I can confidently report that scheme performance reporting has dramatically improved. A set of detailed performance reports are now analysed at each meeting of the Seacare Authority and quarterly performance reports are now provided to our key stakeholders.

In addition, the Seacare Authority has maintained its participation in the National Comparative Performance Monitoring project, enabling the Authority to confidently compare our performance against other schemes and other industries. Comparative analysis is an important driver to help achieve our overall objective of reducing injuries and achieving better and safer return to work outcomes, while at the same time ensuring an efficient and viable scheme—one that is less costly in terms of injuries to seafarers and in terms of financial costs to employers.

Performance reporting would not be possible without access to workers’ compensation claims data collected by the Australian Maritime Industry Compensation Agency (AMICA) Ltd. The Authority places a high value on the data management function undertaken by AMICA supported by the Australian Shipowners Association. This function is critical to the operation of the Seacare scheme.

We have continued to explore ways of effectively communicating with the industry. As a result we introduced a quarterly report to stakeholders. We have published two new brochures on seafarer entitlements under the Seafarers Act and on rehabilitation and return to work, and we have begun another redesign of the Authority’s web site.
During 2000–01 the Authority concentrated on approaches to the prevention of injuries at work and on work-related illness, and to ensure that effective safety management systems are in place. Data emerging over the year suggests that the injury rate is climbing for the first time in more than five years. As a result, the Authority has committed to a comprehensive package of prevention and compliance initiatives in the period ahead, to be implemented in partnership with the Australian Maritime Safety Authority (AMSA). We will build on our strategic partnership with AMSA which continues to perform the Inspectorate role under the Occupational Health and Safety (Maritime Industry) Act 1993.

I would like to acknowledge the valuable contribution made by all members (and their deputies) of the Seacare Authority throughout the year. Without their wisdom and expert contributions the achievements that I have reported upon would not have been possible. I also wish to place on record my appreciation of the dedicated staff in the Secretariat and in the Department of Employment, Workplace Relations and Small Business who provide high-quality policy, legal and administrative support to the Authority, and high levels of service to the industry.

Geoff Gronow
ED
Chairperson
October 2001
Seacare Authority: Major achievements in 2000–01—A snapshot of the year

• Adoption of a three-year Strategic Plan to guide the Authority’s annual work plans. Key elements of the Strategic Plan focus on workers’ compensation costs, occupational health and safety prevention and compliance, and a review of Seacare scheme legislation.

• Successful implementation of a rehabilitation and return to work strategy involving:
  – the first major review of rehabilitation in the industry since the Seafarers Act commenced in 1993; and
  – Seacare Authority sponsorship of two industry fora on rehabilitation and return to work—a symposium in Melbourne in November 2000 and a roundtable in Fremantle in March 2001.

• A strategic analysis of Seacare scheme workers’ compensation insurance premiums.

• Continued participation in the National Comparative Performance Monitoring project.

• Contracting with the Australasian Return to Work Monitor to obtain data on seafarer’s return-to-work experience under the Seacare scheme and to enable comparison of return-to-work performance with other Australian schemes and with New Zealand.

• Regeneration of the Safety Performance Indicators for the Shipping Industry Committee (SPISIC) to develop and implement positive OHS performance indicators in selected companies covered by the OH&S(MII) Act.

• Consolidation of new data collection, management and reporting systems which enabled the production and distribution of a range of new performance indicators on the Seacare scheme.

• Production and distribution of two new information brochures entitled Rehabilitation and Return to Work and Entitlements Under the Seafarers Act setting out rights and responsibilities under the Seafarers Act.

• Upgrading of the Authority’s web site and commencement of a redesign of the site.

• Agreement on a revised service charter for the Authority.

• Production of revised accreditation procedures for occupational health and safety representatives’ training courses.
There are 27 employers covered by the Seafarers Rehabilitation and Compensation Act 1992 (Source: Seacare Authority)

There are 29 employers covered by the Occupational Health and Safety (Maritime Industry) Act 1993 (Source: Seacare Authority)

Four insurance companies wrote seafarer workers’ compensation business in 2000–01. In addition, some employers re-insure with protection and indemnity associations (Source: Seacare Authority)

There are 2,895 employees covered under the Seafarers Act — 2,026 (70%) engaged on ships in the merchant sector and 869 (30%) on ships servicing the offshore oil and gas sector (Source: Seacare Authority)

These employees are engaged on 131 ships — 62 (47%) in the merchant sector and 69 (53%) in the offshore sector (Source: Seacare Authority)

There were 61 accidents and eight dangerous occurrences (incidents) reported to AMSA over the year (Source: AMSA)

There were 203 workers’ compensation claims reported to AMICA over the year, of which 179 were accepted by employers at the extraction date (31 August 2001) (Source: AMICA)

The cost, or payments made to and on behalf of employees in relation to claims lodged over the year, is $1,504,357 (Source: AMICA)

There are 62 active claims at 30 June 2001 (Source: AMICA)

The worker’s compensation premium pool is approximately $6.95m pa (Source: Seacare scheme insurers/Taylor Fry Pty Ltd)

The premium pool is based on a wages/salary pool of approximately $199.8m (Source: Seacare scheme insurers/Taylor Fry Pty Ltd)

The average premium across the industry is 3.48% (Source: Seacare scheme insurers/Taylor Fry Pty Ltd)

The incidence of injury rate [injuries of five days or more compensated per 1,000 employees] of seafarers (35 in 1999–00) remains higher than in other high-risk industries — mining 26.4, construction 25.4 and transport 28.9 (Source: Third Comparative Performance Monitoring Report, August 2001)

The frequency of injury [injuries of five days or more off work per million hours worked] of seafarers (16.6 in 1999–00) remains high, but is reducing towards the frequency rates in other high-risk industries — mining 11.6, construction 12.4 and transport and storage 14.4 (Source: Third Comparative Performance Monitoring Report, August 2001)
CHAPTER 1: Overview of the Seafarers Safety, Rehabilitation and Compensation Authority

1.1 Functions of the Authority

The Seafarers Safety, Rehabilitation and Compensation Authority (known as the Seacare Authority) is a statutory body established under the Seafarers Rehabilitation and Compensation Act 1992 (Seafarers Act). The Authority performs functions under the Seafarers Act as well as functions conferred on it by the Occupational Health and Safety (Maritime Industry) Act 1993 (the OH&S(MI) Act).

The functions of the Authority are to:

- monitor the operation of the Seafarers Act;
- promote high operational standards of claims management and effective rehabilitation procedures by employers;
- cooperate with other bodies or persons with the aim of reducing the incidence of injuries to employees;
- publish material relating to the above-mentioned functions;
- formulate policies and strategies relating to the occupational health and safety (OHS) of employees;
- accredit OHS training courses for the purposes of section 47 of the OH&S(MI) Act;
- advise the Minister for Employment, Workplace Relations and Small Business about matters relating to the Authority’s functions and powers and other matters relating to the compensation and rehabilitation of employees including:
  - the most effective means of giving effect to the objects of the OH&S(MI) Act;
  - the making of regulations under the OH&S(MI) Act;
- ensure compliance with the obligations imposed by the OH&S(MI) Act and Regulations;
- advise operators, employees or contractors, either on the Authority’s own initiative or on being asked, on OHS matters;
- collect, interpret and report information relating to OHS; and
- liaise with other bodies concerned with OHS.

1.2 Membership of the Authority in 2000–01

The Seacare Authority has seven members, six of whom are appointed by the Minister. The Minister appoints a chairperson, deputy chairperson, two members representing employers and two members representing employees. The Chief Executive Officer of the Australian Maritime Safety Authority (AMSA) is an ex officio appointee to the Authority.
Membership of the Authority as at 30 June 2001 is as follows:

**Geoff Gronow**
Chairperson

Mr Gronow is a consultant with the Melbourne law firm Middletons, Moore & Bevins. He is a barrister and solicitor with the High Court of Australia, the Supreme Court of Victoria and the Supreme Court of the Australian Capital Territory.

**Derrice Dillon**
Member

Ms Dillon is the Executive Director — Corporate, Mermaid Marine Australia Ltd. She represents the interests of employers servicing the offshore oil and gas sector.

**John Rowling**
Deputy Chairperson

Mr Rowling is the Assistant Secretary, Safety and Compensation Policy Branch, Department of Employment, Workplace Relations and Small Business. Mr Rowling’s appointment as Deputy Chairperson commenced on 1 July 2000.

**Martin Byrne**
Member

Mr Byrne is the Assistant Federal Secretary of the Australian Institute of Marine and Power Engineers. He represents the interests of seafarers.

**Warwick Norman**
Member

Captain Norman is the Process and Policy Manager, Marine, for BHP Billiton Transport and Logistics. He represents the interests of employers in the merchant or bluewater sector.

**Padraig Crumlin**
Member

Mr Crumlin is the National Secretary of the Maritime Union of Australia. He represents the interests of seafarers.

**Clive Davidson**
Member

Mr Davidson is the Chief Executive Officer of the Australian Maritime Safety Authority.
1.3 Recent membership changes
Ms Derrice Dillon was appointed as a member of the Authority on 27 August 2000 to replace Mr David Smith, whose appointment expired on 24 August 2000.

Mr Clive Davidson was appointed as the Chief Executive Officer of the Australian Maritime Safety Authority for a further three years with effect from 4 May 2001 and therefore remains on the Seacare Authority as an ex officio member.

1.4 Meeting attendance
The Seacare Authority met four times during 2000–01 as required by the Seafarers Act. Table 1 outlines attendance at those meetings.

1.5 Equal employment opportunity in appointments
There were no appointments made to the Authority under equal employment opportunity criteria.

Table 1: Seacare Authority members/deputies meeting attendance 2000–01

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<tr>
<td>John Rowling (Deputy Chairperson)</td>
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<td>✓</td>
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<td>Warwick Norman</td>
<td>x</td>
<td>✓</td>
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<tr>
<td>David Smith</td>
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<td>NA</td>
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<td>Derrice Dillon</td>
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<td>Martin Byrne</td>
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<td>Padraig Crumlin</td>
<td>✓</td>
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<tr>
<td>Clive Davidson</td>
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<tr>
<td>David Parmeter (vice Capt Norman)</td>
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<td>David Harrod (vice Mr Davidson)</td>
<td>✓</td>
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<td>Michael Doleman (vice Mr Crumlin)</td>
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<td>Graham Mapplebeck (AMSA)</td>
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<td>Camille Ryan (AMICA)</td>
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<tr>
<td>John Flood (AMMA)</td>
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✓ – attended meeting in full capacity  ob – attended meeting as an observer
x – did not attend the meeting  NA – not applicable (appointment ceased)
2.1 Strategic directions

The Seacare Authority operates within a national framework for workers’ compensation, rehabilitation and OHS. It is guided in its directions and draws upon policy and practice from a range of policy and advisory bodies and from a family of Commonwealth, State and Territory schemes operating within the national framework. As a Commonwealth statutory authority it is also guided by Commonwealth Government policy.

2.1.1 Seacare Authority strategic plan

The Authority adopted a three-year Strategic Plan (2000–01 to 2002–03) in March 2001. The Strategic Plan built on the Authority’s Directions Statement which had helped establish the Authority’s priorities in the period up to March 2001.

The Authority’s three-year Strategic Plan is structured to comply with public sector reporting requirements given that the Authority is located within, and resourced by, the Commonwealth Department of Employment, Workplace Relations and Small Business. The Strategic Plan is built around achievement of two key outputs—an efficient and effective Seacare scheme, and efficient scheme administration.

An effective and efficient Seacare scheme refers in particular to the operation of the workers’ compensation scheme: for example—on the costs side—premium trends and premium policy, other scheme costs such as medical, rehabilitation and review of decisions costs; and—on the benefits side—a benefits structure that achieves fair outcomes.

Efficient scheme administration refers in particular to the operation of the existing legislation.

Within this framework the Strategic Plan places a high priority on policy development and practical initiatives aimed at:

**Workers’ compensation and rehabilitation**
- reducing Seacare scheme insurance premiums and maintaining competition in the private insurance market;
- reducing scheme medical, rehabilitation and review of decision costs;
- maintaining a benefits structure comparable to standards applying under Commonwealth legislation;
- improving claims management practices and return to work outcomes.

**Occupational health and safety**
- promoting OHS prevention as the primary means of reducing the financial and human cost of injury and disease;
- ensuring strong accountability within a flexible, performance-based systems approach to compliance with the duty of care and legislative/regulatory requirements, utilising modern risk management and modern compliance/enforcement techniques applicable to OHS in the maritime industry.

**Training**
- ensuring that OHS representatives’ training and OHS course accreditation standards promote competency standards equivalent to the highest national standards.

**Communication**
- development and maintenance of a suite of high-quality information and awareness-raising products, including the Seacare Authority web site.
Legislation

- reviewing Seacare scheme legislation to align with national and international best practice.

2.1.2 Seacare Authority Workplan 2000–01

The Seacare Authority annual Workplan for 2000–01 was endorsed in May 2000. In the absence of a strategic plan at the time, the Workplan derived from the Seacare Authority directions statement. The key initiatives included:

Implementation of new performance reporting arrangements

The Authority worked closely with AMICA to introduce new data collection and reporting arrangements for the Seacare scheme, following the introduction of a new AMICA database during 1999–00. The result has been that from the second Seacare Authority meeting in 2000–01 (in November 2000, being the first meeting after a quarter of the financial year had elapsed) a new package of performance reports has been available to report on and analyse scheme performance.

The main reports, which now form a package of standing reports to the Authority, address:

(i) employee numbers and hours worked in relation to employees covered by the Seafarers Act;
(ii) compensation claims data reported to AMICA, including a breakdown of the status of claims;
(iii) data on OHS incident reports to AMSA;
(iv) ships covered by Seacare scheme legislation;
(v) employer insurance details i.e. compliance with S94;
(vi) extensions of time and reconsiderations (relating to compensation claims made under the Seafarers Act);
(vii) applications for exemption from the Seafarers Act i.e. S20A;
(viii) incidence of injuries;
(ix) frequency of injuries;
(x) return to work and rehabilitation outcomes;
(xi) Seacare Authority client contact details.

In addition, the Authority and AMICA jointly developed a new Claim Update Report which employers are required to complete six-monthly. The data from these reports have been critical to improved performance reporting.

The Authority also engaged an actuarial firm, Taylor Fry Pty Ltd (Taylor Fry), to report on Seacare scheme workers’ compensation insurance premiums. The Taylor Fry report of March 2001 not only provided the first comprehensive and reliable data of premium costs in the industry, but formed the basis of Seacare scheme input to the third national Comparative Performance Monitoring report, due for publication early in the new financial year.

Rehabilitation and return to work strategy

Following preparation of a major research paper on rehabilitation and return to work in 1999–00, the Authority endorsed a rehabilitation and return to work strategy in late 2000. The strategy contained three elements:

- an industry symposium in Melbourne with consideration to be given to a follow-up forum in Western Australia subject to the outcome of the Melbourne event;
- production of guidance material on best-practice rehabilitation and return to work, aimed specifically at the shipping industry; and
- that consideration be given to a series of port-level briefings to promote the guidance material and to raise awareness of best-practice rehabilitation at the operational level in companies.

The Authority sponsored a highly successful rehabilitation symposium in Melbourne and followed this with an equally successful rehabilitation roundtable in Fremantle. In
addition, the Authority has endorsed in principle a rehabilitation and return to work guidance note for the industry which is expected to be given final clearance for publication at the first Authority meeting in 2001–02. At 30 June 2001 the Authority had not yet considered sponsorship of port-level briefings.

Review of the Navigation Act 1912

The Authority identified the need to closely follow the Government response to the Review of the Navigation Act 1912 (the Navigation Act) which was under way as the year began. The Authority noted the wide-ranging terms of reference of the Review and was conscious of the issues raised in a discussion paper issued by the Review which could directly affect the Seacare scheme legislation.

Following consideration of the final report of the Review of the Navigation Act, the Authority, through the Department, wrote to the Commonwealth Department of Transport and Regional Services outlining the matters that the Authority wished to discuss with the Department of Transport. Discussions are yet to commence.

Maritime Legislation Amendment Bill 2000

The Authority recognised the need to maintain a close watching brief on legislative progress of the Maritime Legislation Amendment Bill 2000 (MLA Bill) and to provide advice to the department because of the implications of the MLA Bill for Seacare scheme legislation. The MLA Bill, if passed, will result in new coverage provisions in Seacare scheme legislation and impose additional administrative functions on the Authority.

The Authority has acknowledged the new responsibilities if the Bill is passed. First, it would undertake, in cooperation with AMSA, an education and awareness-raising program among employers about the implications of the Bill on coverage and, in particular, inform industry about the implications for employers during the transition to full implementation.

Second, it would jointly participate with AMSA in the decision-making process to assess applications from operators for a declaration to opt out of the Commonwealth jurisdiction. The Authority recognised that it would also need to liaise closely with the States and the Northern Territory about coverage if the Bill was not passed.

Safety performance indicators for the shipping industry

The Authority agreed that it needed to reconstitute the Safety Performance Indicators for the Shipping Industry Committee (SPISIC) to progress the 1999 Access Economics report which proposed the implementation of positive performance indicators in the industry.

Late in 2000 a reconstituted SPISIC was formed and a project plan aimed at completing the project was endorsed by the Authority. Implementation of the SPISIC work began in February 2001.

Claims management practices

In the Workplan, the Authority identified the need to examine compensation claims management practices in the industry with a view to exploring opportunities to improve claims management, particularly given the high propensity of claimants to use the Administrative Appeals Tribunal (AAT) review mechanisms. This issue was first identified in the 1999–00 Annual Report.

Due to other priorities this work was not progressed during 2000–01.

Administration of the legislation and communication with the industry and stakeholders

The 2000–01 Workplan identified a raft of proposals for improving the administration of the legislation and to improve communication between the Authority and companies/other stakeholders.
Some of the key initiatives taken in this regard include:

- simplification of data collection procedures, particularly through improvement of Seacare Authority forms;
- greater use of electronic data and information exchange;
- a review of Seacare Authority delegations and decision-making procedures;
- the inclusion of performance reports in the Authority’s quarterly reports to the industry to assist industry benchmarking; and
- an updated Guide to Reporting.

2.1.3 Heads of Workplace Safety and Compensation Authorities

The Heads of Workplace Safety and Compensation Authorities (HWSCA) role is to coordinate consideration by workers’ compensation schemes of key policy issues which have an impact across all schemes. The Seacare Authority is represented on HWSCA.

The key issue and development which HWSCA has been dealing with that are specific in terms of the effect on the Seacare Authority include cross-border workers’ compensation arrangements. While this remains a State matter and is likely to have minimal impact on the scheme, it will require the Seacare Authority to communicate with the States and the Northern Territory about the precedence of Commonwealth law over State/Territory law in circumstances where employers may appear to have a choice of jurisdiction.

The Seacare Authority presented a scheme report to each of the two HWSCA meetings during 2000–01, outlining key policy and operational initiatives being undertaken by the Authority. Providing this information in such a high-level policy forum allows the Authority to share the platform with other schemes and with New Zealand.

HWSCA produces a number of booklets of assistance to Seacare scheme practitioners including the Comparison of Workers’ Compensation Arrangements in Australian Jurisdictions and the National Compendium of Medical Costs in Australian Workers’ Compensation. These publications are available on the HWSCA web site at www.hwca.org.au.

2.1.4 Workplace Relations Ministers Council

The Authority, through the Department of Employment, Workplace Relations and Small Business, was not required to provide any specific advice to WRMC on workers’ compensation or OHS issues during 2000–01.

Nevertheless, WRMC maintained its commitment to development of reliable comparative performance monitoring by agreeing to develop and publish the third Comparative Performance Monitoring (CPM) report. WRMC also endorsed proposals for further development of CPM, including an analysis of high-level outcomes based on the agreed framework; analysis of linkages between premium rates and incidence of injuries; the levels of benefits paid to injured employees; and indicators to compare OHS enforcement outcomes. The Seacare Authority will continue to benefit from the policy directions established by WRMC.

2.2 Administration of the Seafarers Act and OH&S(MI) Act

2.2.1 Coverage

The 1999–00 Annual Report advised that following an analysis of the 1997 Tiwi Barge decision of the Federal Court, and receipt of legal advice on that decision, coverage under the Seafarers Act is considerably wider than had originally been understood. The 1999–00 Annual Report also advised that, because of the expectation that the MLA Bill (which was ultimately introduced into the Parliament in August 2000) would be passed early in
2000–01 for commencement from 1 January 2001, the Authority had not taken active steps to ensure that the wider coverage under the Seafarers Act was being fully observed by the industry.

Similarly, during 2000–01, there has been some hesitation in taking active steps to ensure that all companies to which the Seafarers Act applies are aware of their obligations under the Seafarers Act following the Tiwi Barge decision. Again, this results from the expectation that the MLA Bill would be passed in early 2001. This did not occur. The MLA Bill, if passed, will alter coverage under the Seafarers Act and OH&S(MI) Acts so that, in the main, the Seafarers Act will only apply to ships of 500 gross tonnage or above engaged in interstate and overseas voyages.

Despite uncertainty about the timing of passage of the MLA Bill, the Authority has, during 2000–01, continued to ensure the application of the Seafarers and OH&S(MI) Acts to employers and operators where it becomes aware of a new employer or operator, or of a new ship, or new voyage pattern that would bring the company or ship under the Seafarers Act. The result is that the Act has been extended to apply to some tourism ship operators in northern Australia and to some fishing industry operators, particularly in the Northern Territory.

The Authority has also been able to obtain certainty about the application of the Seafarers and OH&S(MI) Acts to some operators servicing the offshore oil and gas industry that had previously been considered to have been marginally connected to the legislation by virtue of their industrial agreements. Many industrial agreements applying in the shipping industry specify that the Seafarers Act shall apply to the employees of these companies. Such industrial provisions establish an industrial requirement to apply the provisions of the Seafarers Act, which would be enforceable under the Workplace Relations Act 1996, but they do not impose statutory obligations under the Seafarers Act.

A survey of shipping operators has confirmed that, due to their voyage patterns, many of the ships that were considered to have only an industrial connection to the Seafarers Act are in fact clearly covered by the Seafarers and OH&S(MI) Acts.

The Authority has also begun to examine coverage in relation to operators who advise that their crew on ships that would otherwise be covered by the Seafarers and OH&S(MI) Acts are engaged under partnership arrangements, which results in crew falling outside the definition of an employee under the Seafarers Act. Irrespective of the final outcome of this examination (which is expected to be completed in the first half of the new financial year), such operators remain covered by the OH&S(MI) Act and are required to comply with the duty of care provisions of that legislation.

### 2.2.2 Exemptions under Section 20A of the Seafarers Act

An employer may, by applying to the Authority using the approved form, seek an exemption under section 20A from the application of the Seafarers Act with respect to a particular employee, group of employees, or employees on a particular ship. The Authority has in place a policy identifying procedural requirements as well as circumstances under which it will consider granting an exemption.

Any request for an exemption should be accompanied by evidence which identifies that the employees will be covered by a valid workers’ compensation policy (under State or Northern Territory workers’ compensation legislation) for the duration of the voyage or period of the requested exemption.

If a voyage undertaken falls within the jurisdiction of the Seafarers Act and does not have an insurance policy under the Seafarers Act or a certificate from the Seacare Authority
exempting the voyage from the application of the Act, the employer risks prosecution for failure to have a policy of insurance in accordance with the Seafarers Act and may be liable for payment of all costs associated with any claims that arise in the course of the particular voyage.

During 2000–01 the Authority received sixteen requests for exemption. Fifteen requests were granted (see summary table below) and one request was not finalised before the end of the reporting period. The purpose of the voyages being granted exemptions was usually a one-way delivery voyage interstate or from a place outside Australia, though, in two instances, the exemption was granted for other than a single voyage.

2.2.3 Extension of time for consideration of compensation claims

Employers may request an extension of time to consider or reconsider a claim for compensation on application to the Authority. Requests must be in writing, stating the circumstances concerning, and the reasons for, the employer’s request for an extension of time to make a determination. Requests must be submitted within the statutory time limits.

If an extension of time is not sought, and a decision is not made on a claim, the claimant is entitled to pursue their claim at the next level of the review procedure.

Table 2: Exemptions approved by the Seacare Authority 2000–01

<table>
<thead>
<tr>
<th>Employer</th>
<th>Ship</th>
<th>Date exemption granted</th>
<th>Dates of exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tregenna Pty Ltd</td>
<td>Jodi Anne II</td>
<td>6/7/2000</td>
<td>12/10/00–14/11/00</td>
</tr>
<tr>
<td>Image Marine Group Pty Ltd</td>
<td>Alert 3</td>
<td>1/7/2000</td>
<td>31/7/00–15/8/00</td>
</tr>
<tr>
<td>Image Marine Group Pty Ltd</td>
<td>Falcon 3</td>
<td>1/7/2000</td>
<td>31/7/00–15/8/00</td>
</tr>
<tr>
<td>Image Marine Group Pty Ltd</td>
<td>Fearlews 3</td>
<td>1/7/2000</td>
<td>31/7/00–15/8/00</td>
</tr>
<tr>
<td>Waratah Towage Pty Ltd</td>
<td>Woona 3</td>
<td>1/7/2000</td>
<td>31/7/00–21/8/00</td>
</tr>
<tr>
<td>Waratah Towage Pty Ltd</td>
<td>Beltana</td>
<td>25/8/2000</td>
<td>25/8/00–27/9/00</td>
</tr>
<tr>
<td>Queensland Tug and Salvage Co Pty Ltd</td>
<td>Beltana</td>
<td>25/8/2000</td>
<td>25/8/00–27/9/00</td>
</tr>
<tr>
<td>Waratah Towage Pty Ltd</td>
<td>Bullara</td>
<td>25/8/2000</td>
<td>25/8/00–27/9/00</td>
</tr>
<tr>
<td>Port Lincoln Tugs Pty Ltd</td>
<td>Lucinda</td>
<td>30/11/2000</td>
<td>6/12/00–5/1/01</td>
</tr>
<tr>
<td>Mermaid Sound Port &amp; Marine Services Pty Ltd</td>
<td>Shelf Supporter</td>
<td>2/12/2000</td>
<td>12/12/00–11/12/01</td>
</tr>
<tr>
<td>Ocean Trek Charter Pty Ltd</td>
<td>Mustique</td>
<td>15/12/2000</td>
<td>17/12/00–24/3/01</td>
</tr>
<tr>
<td>Carpentaria Management Services</td>
<td>Aburri 2</td>
<td>23/1/2001</td>
<td>23/1/01–30/11/01</td>
</tr>
<tr>
<td>Port Lincoln Tugs Pty Ltd</td>
<td>MT Wandana</td>
<td>7/6/2001</td>
<td>11/6/01–1/7/01</td>
</tr>
</tbody>
</table>

Source: Seacare Authority

1 The exemption for the Shelf Supporter has strict conditions—this is not a blanket exemption for all voyages.
2 The exemption for the Aburri is limited to its operations from Bing Bong in the Northern Territory.
During 2000–01 the Authority received one request for an extension of time on an initial claim (under section 73 of the Seafarers Act). This request was denied as it did not provide the relevant information before the expiry of the statutory time limit.

### 2.2.4 Reviewable decisions under the Seafarers Act

The Seafarers Act entitles an aggrieved person or organisation to seek a review of a decision by the AAT in a number of circumstances. Two such circumstances are where: (i) an employer seeks an AAT review of a decision by the Authority where it refuses to grant an extension of time to determine a compensation claim; and (ii) a claimant requests an AAT review of a decision by an employer regarding a negative outcome of a request for a reconsideration of a claim. Applicants to the AAT may appeal against a decision of the AAT to the Federal Court on a point of law.

There were 66 new Seafarers Act matters lodged with the AAT in 2000–01, from a total number of 203 claims lodged with AMICA. As there were no applications for a review of a decision made by the Seacare Authority, the data indicates that about one in three claimants seek a review of a decision in the AAT. This is an extraordinarily high rate, and is a matter that has been identified for attention in the new financial year.

### 2.2.5 Insurance arrangements

Under section 93 of the Seafarers Act, an employer must have a policy of insurance from an authorised insurer or be a member of a protection and indemnity association that is approved in writing by the Authority. This ensures that the employers are insured or indemnified for the full amount of their liability under the Seafarers Act to all seafarers in their employ.

Under sections 94 and 95 of the Seafarers Act an employer is required to provide the Authority with information relating to their insurance coverage within 14 days of being issued with, or renewing, a policy of insurance or indemnity. During 2000–01 the Authority has worked to ensure that the majority of employers have provided the information required for compliance with section 94 of the Seafarers Act within the statutory time limit. As non-compliance is still an issue, the Authority is considering new administrative procedures to ensure compliance.

From the information provided to the Seacare Authority on their insurance arrangements, it is noted that there are four insurers providing policies under the Seafarers Act. There remains only one protection and indemnity association approved by the Seacare Authority—the Standard Steamship Owners’ Protection and Indemnity Association (Bermuda) Ltd.

The Authority considered the implications of the collapse of HIH on the Seacare scheme. It concluded that there were no immediate implications, though the Authority agreed to further examine the implications for the Seacare scheme if one of the existing scheme insurers were to become either insolvent or was wound up.

### 2.2.6 Australian Maritime Industry Compensation Agency Ltd—the Fund (nominal insurer)

Section 96 of the Seafarers Act provides for the Minister to approve a trading corporation to be the Fund. The Fund is in effect the nominal insurer. Its role is to provide a safety net to maintain workers’ compensation payments for compensable claims in the event that an employer (a company) was wound up with insufficient resources to meet its workers’ compensation liabilities. The Fund is not required to act as the insurer were there to be a collapse of a Seacare scheme insurer.

The (then) Minister approved AMICA Ltd to be the Fund in 1993 (gazetted on 23 June
To approve a trading corporation as the Fund, the Minister needed to be satisfied that:

- its participants represent not less than 80% of the seafarer berths on all prescribed ships;
- it has the management and resources to:
  - quickly process and determine claims for compensation under the Act; and
  - develop and manage rehabilitation plans under the Act;
- subject to Section 97 (which requires the Fund to have a policy of insurance or indemnity from an authorised insurer for any amount of the Fund’s liability which exceeds the prescribed amount—the prescribed amount is $2m, set in 1993) the Fund has access to sufficient funds to enable the prompt settlement of all liabilities that might arise under the Act.

AMICA Ltd was established as a company under Victorian corporations law to act as the trustee for the Australian Maritime Industry Compensation Foundation. The administration of the statutory obligations of the Foundation is undertaken by AMICA Ltd. There are 16 member companies of the Foundation. The Board of directors of AMICA Ltd are:

- Mr Bryan Putz, Finance Manager, ASP Ship Management (Chairman of Directors);
- Mr Bruce Watson, Commercial Manager — Shipping, CSR;
- Mr Bruce Nicol, Manager Commercial, BHP Transport and Logistics Pty Ltd;
- Mr Peter Barrow, General Manager Human Resources, P&O Maritime Services Pty Ltd; and
- Mr Graeme Phillips, Consultant, Brambles Marine Group (Directors).

The Authority has accepted AMICA advice that AMICA Ltd fulfils the conditions of approval under Sections 96 and 97 of the Seafarers Act as follows:

- S96(a) AMICA’s participants represent not less than 80% of seafarer berths on all prescribed ships—AMICA’s membership at 1 July 2001 was 88% of the berths on all prescribed ships affected by the Seafarers Act;
- S96(b) (i) and (ii) AMICA has management and resources to quickly process and determine claims and to develop and manage rehabilitation programs—AMICA advises it has in place an agreement with Allianz Australia to manage claims;
- S96(c) Fund has access to sufficient funds to enable the prompt settlement of all liabilities that might arise under the Act—AMICA advises that there are 16 member companies that are called upon for contributions to meet the financial obligations of the Fund; and
- S97(1) Fund to have a policy of insurance from an authorised insurer—AMICA advises that it has in place a policy with Allianz Australia that is unlimited in its liability coverage for claims in excess of the self insured retention of $500,000 for any one event.

### 2.2.7 Seacare Authority forms

The Authority currently has eight approved forms under the Seafarers Act and two approved forms under the OH&S(MI) Act. Authority forms are listed in Table 3 (see p.12). Samples of all forms are available to employers in the Guide to Reporting: Employer/Operator which is updated as required, as well as being available through the Seacare Authority web site. During 2000–01 the Authority introduced a stand-alone form for employers to provide their insurance arrangements. It is also available for electronic completion through the web site.

### 2.2.8 The Electronic Transactions Act

Throughout 2000–01 the Authority has worked to ensure compliance with the Electronic Transactions Act 1999 (the ET Act). While there is only one form (Insurance Arrangements) currently available on the web
site for electronic lodgment, other forms are available to print from the web site in PDF format. The availability of forms through email and access of PDF documents from the web site has ensured Seacare Authority compliance with the ET Act. The Authority is continuing to work to convert other forms for lodgment via the web site.

The Authority has sought, and was granted, an exemption from the ET Act for the compensation claim form/medical to be available for electronic lodgment. Other sections of the Seafarers Act that require a claimant to provide information relating to their claim for compensation are also exempt from the ET Act.

### Table 3: Seacare Authority Forms

<table>
<thead>
<tr>
<th>Name of Form</th>
<th>Form number</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Issued June 2000</td>
</tr>
<tr>
<td>Insurance Arrangements</td>
<td>02</td>
<td>Updated January 2001</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issued June 2000</td>
</tr>
<tr>
<td>Claim for Rehabilitation/Compensation</td>
<td>03</td>
<td>Updated March 2001</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issued July 1999</td>
</tr>
<tr>
<td>Claim for Permanent Impairment and Non-Economic Loss and/or Related Aids</td>
<td>04</td>
<td>Issued 1996</td>
</tr>
<tr>
<td>Claim for Compensation by Dependants of Deceased Employees</td>
<td>05</td>
<td>Issued 1997</td>
</tr>
<tr>
<td>Claim Update Form</td>
<td>06</td>
<td>Updated March 2001</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issued June 2000</td>
</tr>
<tr>
<td>Report on Employee and Ship Details</td>
<td>07</td>
<td>Updated April 2001</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issued June 2000</td>
</tr>
<tr>
<td>Section 20A application for exemption from the application of the Seafarers Rehabilitation and Compensation Act 1992</td>
<td>08</td>
<td>Updated Nov 2000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Issued June 2000</td>
</tr>
</tbody>
</table>

#### 2.2.9 Other activities

**Client survey**

The Authority undertook a client and stakeholder satisfaction survey during June 2001. The purpose of the survey was to explore how its clients, including those clients who are members of the Authority, view the Seacare Authority's performance. The survey, which received an 86% response rate, indicated that on a scale of 1:4 clients rated the Authority's performance at 3.15 (or 79%) satisfied.

Information of a qualitative nature was also collected on areas including Authority publications and web site, performance reports on the scheme, requests for exemptions and extensions of time, and support for the big picture stratégic direction of the Authority. Comments were productive and gave praise to the high standard of publications, the consistent improvement in the quality of information provided to the
Authority for decision-making as well as the improvement in strategic thinking and planning under the current Chairperson. Future challenges for the Authority include improving stakeholder’s accessibility to performance reports, having a greater role in injury prevention, addressing scheme workers’ compensation costs and continuing with improvement of the web site.

**Service charter**

At Seacare Authority Meeting 31 on 24 May 2000 the Authority gave in-principle agreement to a service charter. At Meeting 32 on 24 August 2000 the Authority noted a final version of the Service Charter. The Charter was finalised, and made available on the web site (as well as in hard copy from the Secretariat) from January 2001.

Consistent with the Seacare Authority Workplan 2000–01 as endorsed by the Authority at Meeting 33 on 21 November 2000, a review of the Authority’s Service Charter has been conducted. The Service Charter has been updated in harmony with the Government’s *Client Service Charter Principles* as published by the Department of Finance and Administration in June 2000 as well as to reflect the concerns of those in the shipping industry.

At the 35th Seacare Authority Meeting on 21 May 2001, members endorsed the revised Service Charter to commence from 1 July 2001. It was also noted that reporting performance against the Service Charter standards will be on a six-monthly basis commencing in the 2001–02 reporting year.

### 2.3 An efficient and effective Seacare scheme

#### 2.3.1 Workers’ compensation

In 2000–01 the Authority began a detailed examination of the key workers’-compensation issue of insurance premiums. The Authority’s efforts have initially concentrated on obtaining reliable and comprehensive insurance premiums data as a basis to undertake internal and comparative analysis. Late in 2000 the Seacare Authority engaged Taylor Fry Pty Ltd, an actuarial consultant, to collect comprehensive Seacare premium data from Seacare scheme insurers for 1999–00. Taylor Fry obtained comprehensive data from each of the three major Seacare scheme insurers. The data collected revealed an average premium level of 3.48%, down from 4.98% in the two previous years (note that as different data collection methods were used in previous years, the comparison of pre 1999–00 data with the present and future may not be reliable. Additionally, these figures have not been adjusted to account for the large excesses typical in the Scheme).

Taylor Fry also obtained comprehensive data on the policy excesses negotiated by Seacare scheme employers in seafarer workers’ compensation insurance policies, and on the extent of identified burning cost policies. The data shows that excesses for each claim range from zero up to $100,000, with the majority in the range of $5000 to $25,000 per claim.

Seacare scheme premiums, or income derived from the premium, contributes primarily to payment of weekly compensation, medical and other rehabilitation costs, when the claim exceeds the excess. Premium income does not contribute towards the cost of scheme services such as those listed below, unlike the arrangements in some of the centrally managed schemes, where for example the premium or scheme income contributes towards:

- provision of OHS services—in the Seacare scheme OHS Inspectorate services are provided by the Australian Maritime Safety Authority (AMSA)( AMSA meets the costs of this function through revenue raised from the application of the *Marine Navigation (Regulatory Functions) Levy Act 1991*);
• dispute resolution costs—to the extent that dispute resolution rests with the AAT in the Seacare scheme, this cost, leaving aside legal representation, is met by the Commonwealth Government, which supports the AAT through budget appropriation; and
• claims administration costs—in the Seacare scheme these are largely met by employers and insurers (though presumably insurers include claims and premiums administration costs in the cost of the policy).

However, in some circumstances, the Seacare premium covers employers, at their request, for liabilities that may arise from the application of Section 132 of the Navigation Act 1912. That section imposes obligations on employers to pay the wages of seafarers where the seafarer is left on shore sick or injured. In future analysis of premiums, an attempt will be made to identify this cost.

2.3.2 Rehabilitation and return to work
The Seacare Authority has a strong commitment through its functional responsibilities under the Seafarers Act to promote a high operational standard of claims management and effective rehabilitation procedures by employers. The Seacare Authority 2000–01 Workplan aims to improve rehabilitation and return to work (RTW) outcomes through early intervention strategies tailored to the Australian shipping industry.

In meeting these commitments the Seacare Authority sponsored a rehabilitation and RTW symposium held in Melbourne in November 2000 and a rehabilitation and RTW roundtable held in Fremantle in March 2001. The symposium and roundtable brought together employers, unions, insurers, approved rehabilitation providers, medical professionals, lawyers and government bodies to discuss ways to improve rehabilitation and RTW outcomes in the shipping industry. The outcome of these fora was a commitment by the shipping industry to the objective of successfully rehabilitating injured seafarers and securing their safe return to work in a timely manner. As a consequence of the practical nature of the discussion and commitments arising from the symposium and roundtable, a guidance note on best-practice rehabilitation and RTW in the Australian shipping industry is under development. It is expected to be released towards the end of 2001.

The guidance note is designed to assist employers not only to meet their obligations under the Seafarers Act, but to go further, by providing guidance on best-practice rehabilitation over and above the statutory minima. In particular it is designed for smaller enterprises in the Australian shipping industry, which have few rehabilitation cases and therefore limited experience and resources, to develop rehabilitation and RTW programs.

The Seacare Authority is convinced that an improvement in shipping industry performance in this vital area will bring major benefits to the industry and to those who work in it.

2.3.3 Australasian Return to Work Monitor
The Seacare Authority has continued its participation in the Australasian Return To Work Monitor (ARTW Monitor). The ARTW Monitor is an Australian and New Zealand survey of the RTW experience of injured workers, including seafarers.

All workers’ compensation schemes in Australia, with the exception of Western Australia, and now including New Zealand, participate in the survey. The ARTW Monitor is managed by a private consultancy firm, Stephen Campbell Research and Consulting.

In addition to interviewing injured seafarers, the ARTW Monitor analysed compensation payments data collected for the Seacare Authority by AMICA relating to seafarers who participated in the survey, to ascertain compensation costs per claim.
Reports provided by the ARTW Monitor are proving a useful source of qualitative and quantitative data on RTW experience in the Seacare scheme.

2.3.4 Occupational Health and Safety
An overview of OHS activities
In March 2001 the Seacare Authority adopted a Strategic Plan which added greater focus to the OHS functions of the Seacare Authority. The Authority’s 2000–01 Workplan, derived from the Strategic Plan, also outlined its future objectives in this area as being:
- to promote prevention as the primary means of reducing human and financial cost of injury and disease, identifying and targeting priorities and evaluating results;
- to develop and maintain a robust Memorandum of Understanding (MoU) with AMSA; and
- to ensure strong accountability within a flexible, performance-based systems approach, utilising modern risk management and enforcement and compliance techniques.

As a means of creating a pro-active environment to reduce workplace injuries, SPISIC was reconstituted late in 2000 under the convenorship of a deputy member of the Authority, Mr David Parmeter. SPISIC includes trade union and AMSA representation and has been guided by expertise from NOHSC. The Authority endorsed a project plan aimed at reaching agreement on a trial of safety performance indicators in a number of shipping companies through 2001–02. Four companies are currently participating in a trial which will be evaluated at the end of 2001–02 for possible extension to a wider range of companies.

Work on development of an MoU between the Seacare Authority and AMSA has begun. The proposed MoU aims to strengthen the relationship between the Seacare Authority and AMSA, to provide a framework to develop a more strategic approach to OHS in the industry, to clarify the roles and responsibilities of the two agencies, to improve the level of service to the Australian shipping industry and to ensure high standards of compliance with the OH&S(MI) Act.

A brochure entitled *Occupational Health and Safety* is being developed consistent with other Seacare Authority information brochures. This brochure is designed to assist employers and employees understand their general duties of care under the OH&S(MI) Act.

As part of the Seacare Authority Workplan, further OHS developments are focused on exploring the potential of an OHS award scheme, an OHS symposium, development of OHS specific guidance material for the industry and the possible development of an OHS audit program in conjunction with AMSA.

Pursuant to Section 114 of the OH&S (MI) Act the Authority must cause to be prepared a report on the operation of the OH&S(MI) Act and the regulations.

AMSA performs the OHS Inspectorate function as provided in Section 82 of the OH&S(MI) Act. The functions of the Inspectorate are:
- to ensure, in accordance with the Act and regulations, that the obligations imposed by or under the OH&S(MI) Act or the regulations are complied with;
- to advise operators, employees or contractors, on OHS matters; and
- to provide the Authority with such information as is asked for.

AMSA marine surveyors, who are trained in OHS, are appointed as inspectors under the OH&S(MI) Act and perform a range of functions under the Act, including investigations of accidents and dangerous occurrences, issuing prohibition notices, issuing improvement notices and advising employers of their duty of care as well as on approaches to safety prevention.
There were 13 investigations undertaken by the OHS Inspectorate in 2000–01.

In addition to its responsibility for OHS for flag state control inspections, AMSA has a responsibility to audit ship operators under the International Ship Management (ISM) Code. During these audits, AMSA surveyors check that a suitable company OHS policy is in place with appropriate procedures to support that policy. At the same time, a check is made to ensure that the minutes of shipboard OHS committee meetings are documented and that any OHS issues raised have been satisfactorily addressed.

In previous years, inspections have concentrated on slips, trips and falls hazards as well as signage, machine guarding and lifting gear. During the last two years, it has become evident that manual handling issues are significant, and the OHS Inspectorate is currently considering how these may be addressed during future inspections.

Accredited occupational health and safety representatives training courses—outcomes

There are now three OHS representatives’ training courses approved by the Seacare Authority, sponsored by three organisations. The courses and course sponsors are:

- Maritime Industry Health and Safety Representatives Distance Learning Course, sponsored by the Australian Centre for Work Safety (this course is also now delivered face-to-face);
- CSR Shipping Health and Safety Representatives Training Course, sponsored by CSR Shipping (only delivered in-house at this stage); and
- Safety Practitioners’ Health and Safety Representatives Training Course, sponsored by Safety Practitioners, Specialists in OHS.

The table below summarises the outcome of training delivered during 2000–01 under each of the three accredited courses.

2.3.5 Information and awareness raising

Brochures

The Seacare Authority released two brochures during 2000–01: Entitlements under the Seafarers Act (brochure 3) and Rehabilitation and Return to Work (brochure 5). Brochures 1 and 2 (Employee Rights and Responsibilities and Employer Rights and Responsibilities) were released during 1999–00. The remaining brochure in the series, Occupational Health and Safety (Brochure 4), is expected to be released in September 2001.

The brochures are designed to improve understanding within the industry of the operation of the Seacare legislation and the Seacare scheme. The brochures have been distributed throughout the maritime industry. They are aimed at employers and employees covered by the Seacare scheme. Brochures are also provided to interested parties and the general public on request. Seacare Authority

Table 4: Outcomes from accredited training course delivery—2000–01

<table>
<thead>
<tr>
<th>Courses delivered</th>
<th>Commencements</th>
<th>Completions</th>
<th>Completion rate %</th>
<th>Certificates issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Face to face course</td>
<td>9</td>
<td>83</td>
<td>80</td>
<td>96.4</td>
</tr>
<tr>
<td>Distance Course</td>
<td>NA</td>
<td>76</td>
<td>26</td>
<td>34.2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>9</td>
<td>159</td>
<td>106</td>
<td>66.7</td>
</tr>
</tbody>
</table>
brochures are available from the Authority free of charge in hard copy, as well as being available on the web site.

**Internet/web site**

The Seacare Authority maintains its own web site at www.seacare.gov.au. The primary purpose of this site is to provide access to information about the Seacare Authority, the Seacare scheme, and the Seacare Authority’s activities and publications/forms, as well as news on current events affecting the operation of the Seacare scheme.

The Seacare Authority’s web site contains sections on:
- who we are
- membership of the Seacare Authority
- our functions and the direction
- our contact details
- relevant legislation
- related sites
- publications
- forms
- exemptions
- rehabilitation
- what’s new!

Continual improvements have been made to the web site throughout the year, including making information easier to access when lodging forms electronically. On June 2001 figures, the website is attracting approximately 2000 hits per annum.

2.4 Other activities undertaken by the Authority

2.4.1 Social justice

A social objective of the Seafarers Act is to ensure that seafarers are not unfairly disadvantaged because of work-related injuries. The Authority reinforces this objective by providing information about the scheme to seafarers, employers, maritime unions, industry associations, insurance brokers and the legal profession.

In 2000–01, the Authority has improved access to information on rights, entitlements and obligations under the Seafarers Act by:

- maintaining its internet site (www.seacare.gov.au) (the web site contains information on the role and functions of the Authority, membership details, publications and forms, accreditation of OHS training courses, exemption from the application of the Seafarers Act, contact details, relevant legislation, related sites as well as the latest news of the scheme);
- maintaining a separate email address (seacare@dewrsb.gov.au) for general enquiries and as a means for corresponding with the Authority;
- maintaining a dedicated voicemail service to ensure that all enquiries are dealt with in an efficient and timely manner;
- developing and distributing:
  - brochures to employers covered by the Seacare scheme and other interested parties;
  - a Guide to Reporting: Employers/Operators which sets out employers’ reporting obligations under the Seafarers Act, OH&S(MI) Act and OH&S(MI) Regulations; and
  - producing Notices to Maritime Industry and Other Interested Parties when required.

2.4.2 Access and equity

The Seacare Authority provides information, free from prejudice, to all members of the public. All publications are currently being reviewed to provide information relating to access to interpreter services.
2.4.3 Internal and external scrutiny
In 2000–01, the Authority received no requests for information under the Freedom of Information Act 1982, nor any enquiries from the Commonwealth Ombudsman or in relation to matters under the Privacy Act 1988.

2.4.4 Requests for information
Members of the public may obtain information about the Authority or advice on how to lodge a request for information under the Freedom of Information Act by contacting:

Secretariat
Seafarers Safety, Rehabilitation and Compensation Authority
GPO Box 9879
CANBERRA ACT 2601
Phone: (02) 6121 7120
Fax: (02) 6121 7907
Email: seacare@dewrsb.gov.au

2.4.5 Administrative support
The Authority does not employ its own staff. The Secretariat function for the Seacare Authority is provided by staff from the Department of Employment, Workplace Relations and Small Business. The costs of administering the Authority are met through the department’s annual appropriation.

2.4.6 Consultancy services
In 2000–01 the Seacare Authority commissioned two consultancies. Taylor Fry Pty Ltd was engaged to undertake a review of Seacare scheme worker’s compensation insurance premiums and scheme liabilities. The cost of the consultancy was $6000. In addition, the Authority contracted with Campbell Research and Consulting to have the Seacare scheme included in the ARTW Monitor which surveys and reports on the RTW experience of injured workers (seafarers). The cost of the contract was $11 370.
3.1 Data sources used in this annual report

The primary source of data used for reporting on scheme performance is compensation claims data. It is nationally recognised that compensation claims data is the most reliable available data for reporting on OHS, as well as on compensation and rehabilitation, performance.

3.1.1 Compensation claims data

Compensation claims data used in this report is collected and recorded by AMICA, which operates under the auspices of the Australian Shipowners Association. AMICA receives data on all claims lodged with an employer by employees, irrespective of whether the claim is lodged with an insurer (the significant insurance excesses which are a feature of workers’ compensation insurance policies under the Seafarers Act means that employers are often directly liable for the initial costs of the claim—excesses range from $5000 to $100 000 [majority in the range $5000 to $25 000]—and in such cases the employer does not lodge a claim with their insurer).

The claims data used in most tables and figures in this report are accepted claims, which excludes claims that are pending, in dispute, withdrawn or rejected. As some of the pending, disputed or rejected claims become accepted during the course of the following year, they are reported the following year as accepted claims. This explains the variations in accepted claims in the tables reporting claims each financial year.

3.1.2 Occupational health and safety incident data

Compensation claims data used in this report are complemented by data on accidents and dangerous occurrences collected and recorded by the Australian Maritime Safety Authority (AMSA) in its capacity as the OHS Inspectorate under the OH&S(MI) Act. Incidents that result (or are likely to result) in five days incapacity or more are reported to AMSA. Shipping operators covered by the OH&S(MI) Act are required by the OH&S(MI) Act and regulations to notify an accident or dangerous occurrence to AMSA within four hours (within two hours in the case of a death) and to report in detail on those notified accidents and dangerous occurrences within 72 hours. The initial notification is known as the incident alert and the follow-up report as the incident report.

Data for 1999–00 varies from that in the previous annual report as a result of AMSA’s reassessment of some incident reports.

3.1.3 Seacare Authority data

The Seacare Authority maintains responsibility for collecting and recording data on the number of employees covered by the Seacare legislation (sometimes also referred to as the population or exposure data) and on hours worked by employees. The Authority also collects ship details—for example, the number of days a ship is operational during the year.

3.1.4 Comparative Performance Monitoring Report data

Comparative performance data is extracted directly from the 3rd national Comparative Performance Monitoring (CPM) report, published by the Commonwealth Department of Employment, Workplace Relations and Small Business under the auspices of Workplace Relations Ministers Council.
3.1.5 Australasian Return to Work Monitor data

Some RTW data used in this report is derived from the Australasian Return to Work Monitor (ARTW Monitor). The ARTW Monitor establishes a national benchmark for measuring RTW and durability of RTW across Australian and New Zealand workers’ compensation schemes. In 2000–01 the ARTW Monitor summarises the findings of a survey of 65 injured seafarers who made a workers’ compensation claim under the Seafarers Act. The seafarer interviews were conducted in August and November 2000 and February and May 2001.

The ARTW Monitor produces a Seacare scheme report that surveys all seafarers who lodged a compensation claim in the seven to nine months prior to each survey period, where the injured seafarer had not participated in a previous workers’ compensation survey for the ARTW Monitor in the previous 12 months and the injured seafarer had been paid more than 10 days compensation.

3.2 Methodology behind performance reports

3.2.1 Coverage

In previous years the Authority’s annual report has recorded employee numbers in two parts; a total figure and a lesser figure—the lesser figure representing the number of seafarers who were, at the time, on ships thought to be covered by the Seafarers Act. The balance were described as seafarers serving on ships where the entitlements and benefits of the Seafarers Act are applied through an industrial award or agreement. These seafarers, wholly in the offshore sector, were considered, up until the 1998–99 Annual Report, to be excluded from coverage by the Seafarers Act. In each year up until 1998–99 the higher figure was nevertheless used as the basis of reporting in the annual report.

At the time of preparation of the 1998–99 Annual Report, legal advice on the implications of the Tiwi Barge decision in the Federal Court for Seafarer Act coverage was not conclusive. Nevertheless, a decision was taken that the annual report should only report on employees who were considered to be clearly covered by the Seafarers Act. As a result, the lesser figure was used in the 1998–99 Annual Report. This meant that some employees on ships in the offshore sector were excluded for reporting purposes. However, to maintain the time series data for comparative purposes, the 1998–99 Annual Report included an Appendix 4 which sought to maintain time series data using the higher (or offshore-included) employee figure.

As the legal advice on the Tiwi Barge decision now clearly indicates that employees on ships in the offshore sector are potentially covered by the Seafarers Act, the pre 1998–99 time series tables were restored in 1999–00, without the need to qualify the data. It also means that only one employee figure is necessary for the 1999–00 and subsequent annual reports. This pattern continues in this report.

3.2.2 Employee numbers

The methodology used to obtain employee numbers data prior to this annual report was as follows. The Authority obtained a quarterly written return from each employer identifying its ships, the number of crewed berths on each ship and the days the ship was operational over the quarter. The berth details were then multiplied by the percentage of the year the ship operated which was then multiplied by the crew-to-berth ratio (CBR—obtained from the Bureau of Transport Economics, or BTE) multiplied by the number of ships. This calculation revealed an annual employee figure. In the case of the 1999–00 Annual Report data, the CBR ratio was the average of the figures provided by the BTE for the September and December quarters 1999–00, after which the BTE discontinued production of the CBR.
Employee and hours-worked data used in this report are an aggregation of the quarterly data provided to the Authority in the Employee and Ship Details form by Seacare scheme employers.

3.2.3 Compensation claims data
Readers should note that the explanation for different compensation claims figures applying to previous years and used in this Annual Report when compared to previous annual report data is that the status of some claims recorded at the extraction date in previous years have since been accepted, rejected, withdrawn or are in dispute. They are therefore now either included or excluded. For example, this report identifies the 1999–00 total claims accepted figure at 156, whereas it was 151 in the 1999–00 Annual Report—five claims have since been accepted.

Readers of this Annual Report are also alerted to a significant data mismatch between incidents reported to AMSA and compensation claims reported to AMICA. In 2000–01, 61 incidents were reported to AMSA (by definition, involving an incapacity of five days or more), while 151 claims involving five or more days incapacity were reported to AMICA. Prima facie, this indicates a significant level of under-reporting of incidents to AMSA. Incident data used in this report should be viewed in this context.

3.3 Date of extraction of 2000–01 data
The date of extraction for 2000–01 data from the AMICA database is 31 August 2001. The 31 August date of extraction means that employers were given until 31 August 2001 to lodge 2000–01 claims with AMICA. AMICA worked closely with employers to ensure that all claims lodged by employees in 2000–01 were forwarded to AMICA and included in the database by that date.

The date of extraction for AMSA data is 31 August 2001. AMSA data includes only those accidents and dangerous occurrences from 2000–01 notified and reported to AMSA by 31 August 2001. Any accidents and dangerous occurrences that occurred in the financial year but which were not notified or reported to AMSA by 31 August 2001 are not included.

Comparative data used in this report is obtained from the CPM report. The CPM report covered the period up to 1999–00. The date of extraction for the 1999–00 year is 31 December 2000. In other words, compensation schemes, including the Seacare scheme, had six months to make adjustments to data (for example, to include accepted or to delete rejected claims) for CPM reporting purposes, in contrast to the two-month period for 2000–01 data used in most sections of this report. The longer adjustment period available for CPM reporting purposes makes only marginal difference to AMICA figures reported for the Seacare scheme because of the high quality of data base management under AMICA.

3.4 Seacare scheme performance relative to previous years

3.4.1 The workers’ compensation (claims) data
Workers’ compensation claims data reported to AMICA pursuant to the Seafarers Act is summarised in Table 5 (see p.22).

Table 5 indicates that, for the first time in more than five years, there has been an increase in both the total number of workers’ compensation claims reported to AMICA and also in the number of accepted claims. Although an upward movement in claims could be expected in view of the increase in the number of seafarers employed, the claim rate (claims as a proportion of seafarers) has also increased for the first time in over five years.

The increase in the number of seafarers employed in 2000–01 compared to 1999–00 (a 3.4% growth) is somewhat unexpected given the prevailing view that the industry is in decline and that the number of seafarers is reducing.
Table 5: Seacare Scheme—core claims data for reporting purposes 1996–97 to 2000–01

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims reported to AMICA</td>
<td>519</td>
<td>380</td>
<td>220</td>
<td>182</td>
<td>203</td>
</tr>
<tr>
<td>Accepted claims</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
<tr>
<td>Claims rejected</td>
<td>38</td>
<td>24</td>
<td>8</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>Claims pending</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Claims accepted - on duty</td>
<td>480</td>
<td>349</td>
<td>185</td>
<td>149</td>
<td>169</td>
</tr>
<tr>
<td>Claims accepted - off duty</td>
<td>1</td>
<td>7</td>
<td>27</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>Employees (Seafarers Act)</td>
<td>4,130</td>
<td>4,060</td>
<td>3,530</td>
<td>2,800</td>
<td>2,895</td>
</tr>
<tr>
<td>Hours worked (Seafarers Act)</td>
<td>6,965,068</td>
<td>7,058,254</td>
<td>6,302,787</td>
<td>5,897,548</td>
<td>5,986,832</td>
</tr>
</tbody>
</table>

Source: AMICA and Seacare Authority Surveys
Note: The employee numbers and hours worked relate to employees covered by the Seafarers Act

Figure 1: Numbers of employees and accepted claims 1996–97 to 2000–01

Table 5 also indicates that the hours worked by these seafarers in 2000–01 has also increased over 1999–00 (by approximately 1.5%).

One explanation for the lower rate of reduction in hours worked relative to the reduction in employees over time is that, in earlier years, some employees were on the roster but were not engaged in work at all times.

Figure 1 graphically represents the upward movement in both claims and numbers of seafarers in the Seacare scheme in 2000–01.
Figure 2 indicates that the rate of increase in claims between 1999–00 and 2000–01 is occurring at a faster rate than the increase in seafarers. In other words, there is a definite increase in claims. The claim rate has climbed back over the rates of the previous two years. This increase is a matter that will require company analysis and action in 2001–02 if the increase is to be reduced. Figure 3 shows the claim rate using all claims lodged by seafarers. Lodged claims include claims that have been rejected, are currently in dispute or pending decision.
<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Incidents reported to AMSA</td>
<td>119</td>
<td>115</td>
<td>64</td>
<td>70</td>
<td>69</td>
</tr>
<tr>
<td>Dangerous occurrences notified</td>
<td>3</td>
<td>5</td>
<td>NA</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Investigations of accidents and</td>
<td>2</td>
<td>16</td>
<td>NA</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
<td>dangerous occurrences under S87</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibition Notices issued under S93</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Improvement Notices issued under S98</td>
<td></td>
<td>13</td>
<td>8</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Taking possession of plant,</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>substances or things S91</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directions given S92</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Appeals instituted against</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>inspectors’ decision S100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directions given by the</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Minister S114</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMSA surveyors trained in</td>
<td>15</td>
<td>15</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>enhanced OH&amp;S investigation techniques</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutions commenced</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutions completed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of full time equivalent</td>
<td>3 546</td>
<td>3 356</td>
<td>2 890</td>
<td>2 797</td>
<td>NA</td>
</tr>
<tr>
<td>employees (OH&amp;S(MI) Act)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hours worked (OH&amp;S(MI) Act)</td>
<td>6 460 600</td>
<td>4 534 659</td>
<td>492 960</td>
<td>5 936 119</td>
<td>NA</td>
</tr>
</tbody>
</table>

Source: AMSA and Seacare Authority Employer Survey.

4 Only incidents (accidents and dangerous occurrences) where the employee is incapacitated for a duration of five or more successive working days is required to be reported to AMSA.

5 An occurrence is a dangerous occurrence if it occurs at a workplace and resulted from operations that arose from an undertaking conducted by or for the operator of the workplace and could have caused death or serious personal injury or incapacity of an employee for five or more successive working days. Each dangerous occurrence is the subject of an investigation. Where necessary, appropriate recommendations will be made to the operator. These may involve a change of procedures, design modifications or other such measures to reduce the likelihood of a recurrence.

6 Full-time equivalent employees as reported by employers under the OH&S(MI) Act.

7 Employer data not available at time of publication.

8 Hours worked as reported by employers under the OH&S(MI) Act. Note however that the seafarer numbers on which the tables and figures in sections 3.4.4 to 3.4.8 and at Appendix 1 part 1.1.2 are based are those reported under the Seafarers Act set out in Table 5.

9 The hours worked figure is as reported in the 1998–99 Annual Report, and represents the result of the employer survey. It is accepted as being incorrect.

10 Employer data not available at time of publication.
3.4.2 The OHS (incident) data

The OHS incident data reported to AMSA pursuant to the OH&S(MI) Act and regulations is summarised in Table 6 (opposite).

Table 6 indicates that there has been a slight reduction in the number of incidents reported to AMSA in 2000–01 compared to 1999–00. This downward movement in incidents reported is in contrast to the upward movement in the number of claims reported to AMICA. A number of explanations for such an apparent discrepancy are possible.

First, only accidents or dangerous occurrences that cause an employee to be incapacitated for a period of five days or more, or where the dangerous occurrence could have caused death, or incapacity for more than five days, are required to be reported to AMSA. AMICA reported 151 claims of five or more days duration (see Tables 20 and 21, pp. 46 and 47) during 2000–01. Second, Seacare Authority analysis of the mismatch in claims and incident data from previous years has identified a degree of non-reporting of incidents by employers. The Seacare Authority and AMSA have agreed on a number of initiatives to attempt to improve non-reporting of incidents by employers.

A Seacare Authority analysis of 12 incident investigations undertaken by the OHS Inspectorate reveals injury types and injury causes that generally reflect the pattern of injury analysis which emerges from an analysis of claims data, as reported in section 3.4.5 of this report.

Falls (open catwalks and manholes were just some of the reasons for falls) and body stressing (due to torso twisting in confined spaces) comprised a significant proportion of incidents investigated by the Inspectorate, along with burns, being hit by objects, being crushed by objects and injuries from pressurised hoses.

The Inspectorate investigations of incidents resulted in a range of solutions to hazards being proposed for implementation by employers, supported by the OHS inspectors.

Table 7 indicates that injuries, measured by the incident rate, declined over the period 1996–97 to 1998–99 and then increased to just over 2% over the past two years.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Number of injuries</td>
<td>119</td>
<td>115</td>
<td>64</td>
<td>70</td>
<td>61</td>
</tr>
<tr>
<td>Number of seafarers</td>
<td>3 638</td>
<td>4 058</td>
<td>3 530</td>
<td>2 800</td>
<td>2 895</td>
</tr>
<tr>
<td>Incident rate (%)</td>
<td>3.27</td>
<td>2.83</td>
<td>1.81</td>
<td>2.50</td>
<td>2.11</td>
</tr>
</tbody>
</table>

Source: AMSA

Note: Injuries equates to accidents (not dangerous occurrences)—table assumes only one injury per accident.
Figure 4 indicates that the convergence of claims and incidents reported over the past four years has ceased, and that in 2000–01 there is a divergence of claims and incidents reported. This could demonstrate that the level of under reporting of claims is increasing. If AMICA data showed that the level of claims of five days or more had declined, this would explain this result; however, the number of claims for five days or more has increased since 1999–00 (see Tables 20 and 21).

3.4.3 Selected incident reports (reporting accidents and dangerous occurrences)

Figures 5–8 (see pp. 27–28), which follow, provide an overview of selected trends and patterns from incident data. The employee numbers used in Figures 7 and 8 (see p.28) are: 3638 in 1996–97; 4056 in 1997–98; 3530 in 1998–99; 2800 in 1999–2000; 2895 in 2000–01. These employee numbers differ in some years from those used in Seacare Authority annual reports as, in the past, there has been insufficient coordination between the Seacare Authority, AMSA and AMICA. All agencies now use common data sets.

Figure 5 indicates that most injuries continue to be in the deck/cargo spaces and machinery spaces. There is an increase in incidents in the gangway/pilot area. This increase is not, however, reflected in the claims data reported in Figure 13 (see p. 33). There appears to be a disproportionately high number of unknown incident locations from the incident data.

Figure 6 does not show any long-term pattern emerging. April and November are the months with the highest level of injuries according to 2000–01 data. The data may reflect ship voyage patterns.

Figure 7 (see p. 28) indicates that there has been a significant decrease in incident reports involving integrated ratings from 1999–00. This downward trend is not supported by claims data at Figure 11 (see p.31), which shows a plateauing of claims (injuries) in relation to integrated ratings. The increase in incidents involving engineers and catering staff, which began in 1998–99, is continuing. The increase in incidents involving engineers is supported by claims data at Figure 11.
Figure 5: Location of incidents 1996–97 to 2000–01

Source: AMSA

Figure 6: Percentage of injuries per month 1996–97 to 2000–01

Source: AMSA
Figure 7: Number of incidents, by rank as a proportion of seafarers 1996–97 to 2000–01

Source: AMSA

Figure 8: Number of incidents by ship type, as a proportion of seafarers 1996–97 to 2000–01

Source: AMSA
Figure 8 indicates that bulk carriers continue to record the largest number of incident reports. Tanker-chemical and passenger vessels have the lower numbers of reported incidents. There is an increase in incidents involving oil tankers over 1999–00 and 2000–01, with this ship type recording the largest increase in the number of incidents over the past five years.

### 3.4.4 Injury incidence and frequency data

The incidence of injury and frequency of injury are two nationally recognised high-level indicators that provide a useful analysis of OHS performance and can provide a helpful indicator of trends in a scheme’s OHS performance. The incidence and frequency rates recorded in this part of the report are based on all accepted claims as reported by compensation claims data. They should not be confused with the incident and frequency rates reported in section 3.5 which relate to claims involving five or more days compensated.

Figure 9 shows that the number of injuries per 1000 employees is high and that the incidence of injuries is increasing for the first time in five years. This figure, when combined with the increase in reported claims, the increase in accepted claims and the increase in the claim rate, suggests a deterioration in the OHS performance in the industry and that the Seacare Authority, AMSA and the industry will need to consider specific strategies to address this unwelcome increase.

Figure 10 (see p. 30), which identifies OHS performance from another perspective, confirms the direction identified in Figure 9 and analysed in the preceding paragraph.

### 3.4.5 Analysis of claims data

The following sections disaggregate claims data, enabling a more detailed analysis.

Two key observations can be derived from Table 8 (see p. 30). First, it shows that the industry has now been fatality-free for a period of five years. This is an outstanding record. Second, it shows that a relatively small proportion of claimants are participating in a rehabilitation program involving rehabilitation expenses. The variation in the nature of claims between 1999–00 and 2000–01 generally reflects the overall increase in claims over this period.

Figure 11 (see p. 31) identifies the number of claims and trends across the four key occupation groupings. This figure shows a
plateauing of claims made by deck officers, integrated ratings and catering occupations, but shows an increase in claims by engineers.

Figure 12(a) shows a consistent pattern of injury by age across each of the last five years. Both figures 12(a) and 12(b) (see p. 32) show the most frequent claimants being amongst the 40–54 age group. Significant increases have occurred during 2000–01 in the age groups 35–39 and 50–54.

Table 9 (see p. 33) indicates there has been an increase in both on- and off-ship claims in 2000–01 while there has been a decrease in claims relating to journey claims and claims

Table 8: Nature of claims

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Death</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aids or appliances</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Lost wages</td>
<td>402</td>
<td>317</td>
<td>186</td>
<td>122</td>
<td>137</td>
</tr>
<tr>
<td>Medical expenses</td>
<td>74</td>
<td>39</td>
<td>23</td>
<td>138</td>
<td>163</td>
</tr>
<tr>
<td>Non-economic loss</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Property loss</td>
<td>5</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>57</td>
<td>51</td>
</tr>
<tr>
<td>Travel expenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>65</td>
<td>61</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>410</td>
<td>445</td>
</tr>
</tbody>
</table>

Source: AMICA
Note: Claimants in 1999–00 and 2000–01 indicated they were seeking compensation for more than one claim category.
Figure 11: Accepted claims by job classification 1996–97 to 2000–01

![Graph showing accepted claims by job classification from 1996–97 to 2000–01.]

Source: AMICA

Figure 12(a): Accepted claims by age range 1996–97 to 2000–01

![Graph showing accepted claims by age range from 1996–97 to 2000–01.]

Source: AMICA
while attending training, compared to 1999–00. There appears to be an increase in the number of claims emanating from on-duty claims occurring off the ship, though not when journeying to and from work, or in training.

Figure 13 (opposite) shows that while there is a continuation in the decline in injuries occurring in deck spaces it still remains the most hazardous place on board ships. The continuing increase in injuries occurring in machinery spaces (which confirms the occupational data showing an increase in injuries to engineers) is of concern. There is also an increase in injuries in galley spaces. Figure 13 should be read in conjunction with Figure 5 (see p. 27).

Figure 14 (see p. 34) indicates that the parts of a seafarer’s body most likely to be subject to injury are the upper and lower limbs as well as the trunk area (including back injuries).

Figure 14 also indicates a significant increase over the five years in injuries to the upper limbs and a decrease in trunk injuries.

Figure 15 (see p. 34) shows a significant increase in body-stressing claims during 2000–01. If this is read in conjunction with Figure 14 it would appear that body stressing and upper limb areas continue to be the major mechanism and body part for injuries. There is a marked decline since 1999–00 in injuries arising from being hit or from hitting moving objects. Other types of injuries appear to be relatively constant.

Figure 12(b): Accepted claims by age range 1996–97 to 2000–01

Source: AMICA
Table 9: Location of person at time of injury 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>On ship (on or off duty)</td>
<td>475 98.8%</td>
<td>353 99.2%</td>
<td>208 98.1%</td>
<td>142 91.0%</td>
<td>172 96.1%</td>
</tr>
<tr>
<td>Off ship (on or off duty)</td>
<td>1 0.2%</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
<td>3 1.9%</td>
<td>4 2.2%</td>
</tr>
<tr>
<td>At training course</td>
<td>2 0.4%</td>
<td>1 0.3%</td>
<td>2 0.9%</td>
<td>2 1.3%</td>
<td>1 0.6%</td>
</tr>
<tr>
<td>Journey to or from ship/training</td>
<td>3 0.6%</td>
<td>2 0.6%</td>
<td>2 0.9%</td>
<td>5 3.2%</td>
<td>2 1.1%</td>
</tr>
<tr>
<td>Other</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
<td>4 2.6%</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>Total</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
</tbody>
</table>

Source: AMICA
Note: The figures in Table 9 are the number of accepted claims. The percentages represent claims as a proportion of all accepted claims made that year. Note also that items in Table 9 may not add to 100% due to rounding.

Figure 13: Accepted claims by location 1996–97 to 2000–01

Source: AMICA
### Figure 14: Accepted claims by body part 1996–97 to 2000–01

- **Head and neck**: 36%, 34%, 31%, 26%, 1%
- **Trunk**: 25%, 23%, 9%, 4%, 2%
- **Upper limbs**: 23%, 22%, 8%, 4%, 2%
- **Lower limbs**: 34%, 31%, 26%, 7%, 1%
- **Multiple locations**: 9%, 7%, 4%, 2%, 1%
- **Other**: 4%, 2%, 1%, 1%, 1%

Source: AMICA

### Figure 15: Accepted claims by mechanism of injury 1996–97 to 2000–01

- **Body stressing**: 40%, 26%, 21%, 14%, 8%
- **Falls, trips and slips**: 44%, 26%, 22%
- **Hit by moving objects**: 14%
- **Other**: 8%

Source: AMICA
3.4.6 Workers’ compensation data

Table 10 indicates that there has been a decline in the proportion of seafarers whose incapacity lasts for less than three months. In 1996–97, some 80.2% of claimants were incapacitated for three months or less, but this is at 70.2% in 2000–01, suggesting that claimant incapacity is increasing. The proportion of claimants who are incapacitated from 3–6 months ranges from 8.5% (1998–99) to 12.4 per cent (1997–98), while the proportion of claimants whose incapacity lasts from 6–12 months ranges from 3.2% (1999–00) to 5.7% (1998–99).

Table 10: Period of Incapacity for time lost claims (excluding rejected claims) 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3 months or less</td>
<td>386</td>
<td>272</td>
<td>165</td>
<td>119</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>80.2%</td>
<td>76.4%</td>
<td>77.8%</td>
<td>76.3%</td>
<td>72.1%</td>
</tr>
<tr>
<td>3–6 months</td>
<td>49</td>
<td>44</td>
<td>18</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>10.2%</td>
<td>12.4%</td>
<td>8.5%</td>
<td>10.3%</td>
<td>6.1%</td>
</tr>
<tr>
<td>6–12 months</td>
<td>23</td>
<td>17</td>
<td>12</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>4.8%</td>
<td>4.8%</td>
<td>5.7%</td>
<td>3.2%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Greater than 12 months</td>
<td>20</td>
<td>17</td>
<td>11</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>4.2%</td>
<td>4.8%</td>
<td>5.2%</td>
<td>1.9%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Continuing Incapacity(^{11})</td>
<td>3</td>
<td>6</td>
<td>6</td>
<td>13</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>0.6%</td>
<td>1.7%</td>
<td>2.8%</td>
<td>8.3%</td>
<td>17.9%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
</tbody>
</table>

Source: AMICA

\(^{11}\) Continuing incapacity means that a claimant who lodged their claim in the year indicated is still in receipt of incapacity payments as at 30 June 2001. The apparent high levels in 1999–00 and 2000–01 result from claims still working their way through the process.
Care should be taken when comparing past years’ data with the current year because it is not clear what may emerge in relation to claims lodged in the last three months of the current year. This explains the high proportion of claims showing continuing incapacity in the current year.

There are 60 claimants who lodged a claim during the past five years who were still in receipt of incapacity payments at 30 June 2001. Table 11 indicates that while the total number of days lost from all injured seafarers has remained relatively constant over the period 1996–97 to 2000–01, there has been a slight increase in days lost in 2000–01 compared to 1999–00 (being the first year of injury). However, there has been a marked increase in the days lost per seafarer in the 2000–01 year, rising from just over three days to nearly four days per seafarer.

One interpretation of the constancy in days lost over time, despite the considerable decline in injury rates over the past five years, is that long tail claims (claims of more than one year’s duration) are continuing to impede a sharper decline in days lost per seafarer (long tail claims are most likely the major contributing factor to days lost). The resistance of long tail claims, combined with an increase in new claims, has resulted in an increase in both the total number of days lost and an increase in the number of days lost per seafarer, in comparison to previous years. This analysis suggests the importance of addressing both the long tail claims through appropriate rehabilitation and RTW strategies, and in putting in place preventive strategies to reduce new claims.

Figure 17 (see p. 38) graphically indicates that, while there is an increase in lost days per seafarer in 2000–01, the long-term trend line is heading in a positive direction.

Table 12 (see p. 38) indicates that there are 60 active or continuing claims at 30 June 2001 from the last five years, which represents 4.36% of all accepted claims lodged with AMICA over the last five years. At the end of 2000–01 employers were supporting 26 active claims (60 minus 32, see Table 10) from previous years, suggesting the importance of actively supporting those claimants who have a continuing incapacity to work, aimed at promoting recovery from injury or illness and a return to work.

Table 13 (see p. 39) indicates that even with the absence of complete data for 1999–00, claims over the past five years have cost the industry at least $23.8m. If the premium pool for 1999–00 of $6.9m is indicative of the period it suggests that some $35m in premiums has been paid over the last five years to help offset the claim costs of $23.8m.

### 3.4.7 Reviewable decisions under the Seafarers Act

The number of claims lodged with AMICA was 203 in 2000–01. Although it is not possible to attribute the number of new applications for review (66 in 2000–01) to claims lodged in 2000–01 (because some applications may relate to claims lodged in previous years), the number of applications for review relative to claims lodged is a useful indicator of the propensity to use the AAT. Using this analysis, 32.5% of claims lodged in 2000–01 were referred to the AAT. Table 14 (see p. 39) indicates the high proportion of claims referred to the AAT for consideration.

This use of the AAT suggests that claimant prospects for a favourable decision are perceived to be high or, alternatively, that the employer processes in considering claims are not working satisfactorily, resulting in applications to the AAT as a substitute for strong claims management at the enterprise level. The Seacare Authority is aware that in a number of cases the employer has failed to exercise the statutory provisions in relation to a claim, resulting in the only avenue for reopening the claim being an application to the AAT.
In 2000–01, 62 applications were heard or actioned in some way by the AAT. Of those 62, the employer’s original decision was upheld in 23 or 37.1% of cases, 11 or 17.7% were set aside, 17 or 27.4% were withdrawn by the applicant and 6 or 9.7% of cases were varied by consent. The remaining 2 or 3.2% were non-reviewable or were dismissed (percentages do not equal 100% due to rounding).

About 27.4% of applicants have a decision varied, either by consent (not involving a hearing), or by the original decision being set aside. This high rate of variation would appear to encourage claimants to use the AAT. Nevertheless, in over 70% of cases the original decision is upheld.

The analysis suggests that the AAT is being used largely as a mediation process, rather than as a formal tribunal of review. Given that this pattern has continued over several years, it would seem to have become an institutionalised pattern of claims management. This is both costly to the Government and results in delays in settlement of seafarers’ claims.

With 66 undetermined applications at the commencement of the year and 70 undetermined at the end of the year, Table 14 (see p. 39) also highlights the continuing backlog of cases. A peak in undetermined matters may have been reached in 1998–99 and there now appears to be a levelling-out of review applications.

Under Section 78(2) of the Seafarers Act an employer must arrange for a Comcare officer to assist in reconsidering a determination made about a claim for compensation. Figure 18 (see p.40) indicates that Comcare reviews have declined over the period 1998–99 to 2000–01, while AAT reviews seem to be showing the same trend 12 months later, which supports the proposition that the majority of AAT reviews occur 12 months or more after the Comcare assisted review (due to the time lags in the AAT review process).
Table 12: Active or continuing claims, 1996–97 to 2000–01

<table>
<thead>
<tr>
<th>Year claim commenced</th>
<th>Active or continuing claims at 30 June 2001 from the year specified</th>
<th>Percentage change over previous year</th>
<th>Accepted claims</th>
<th>Percentage claims active or continuing as a proportion of accepted claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996–97</td>
<td>3</td>
<td>50.0</td>
<td>481</td>
<td>0.62</td>
</tr>
<tr>
<td>1997–98</td>
<td>6</td>
<td>100.0</td>
<td>356</td>
<td>1.69</td>
</tr>
<tr>
<td>1998–99</td>
<td>6</td>
<td>0.0</td>
<td>212</td>
<td>2.83</td>
</tr>
<tr>
<td>1999–00</td>
<td>13</td>
<td>116.7</td>
<td>156</td>
<td>8.33</td>
</tr>
<tr>
<td>2000–01</td>
<td>32</td>
<td>146.2</td>
<td>179</td>
<td>17.88</td>
</tr>
<tr>
<td><strong>TOTAL (over 5 years)</strong></td>
<td><strong>60</strong></td>
<td><strong>1 384</strong></td>
<td></td>
<td><strong>4.36</strong></td>
</tr>
</tbody>
</table>

Source: AMICA

3.4.8 Rehabilitation/return to work—using claims data

Table 15 (see p. 41) indicates that there are a considerable number of claimants eligible for assessment of their capability of undertaking a rehabilitation program who are not being assessed—only 42.3% of eligible claimants were assessed in 2000–01. However, of those assessed, some 63.8% have begun a rehabilitation program. The proportion of eligible claimants who are being assessed as being capable of undertaking a rehabilitation program and those actually commencing a rehabilitation program is increasing each year. Table 16 (see p. 41) shows the continuing pattern for the majority of rehabilitation programs to be of three months or less.
Table 13: Cost of claims 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1996–97</td>
<td>5 323 097</td>
<td>3 011 946</td>
<td>1 893 476</td>
<td>NA</td>
<td>1 198 85</td>
<td>10 348 404</td>
</tr>
<tr>
<td>1997–98</td>
<td>4 274 243</td>
<td>1 845 794</td>
<td>NA</td>
<td>315 697</td>
<td>6 435 734</td>
<td></td>
</tr>
<tr>
<td>1998–99</td>
<td>2 909 500</td>
<td>NA</td>
<td>259 136</td>
<td>3 168 636</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1999–00</td>
<td>1 560 825</td>
<td>NA</td>
<td>775 022</td>
<td>2 335 847</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000–01</td>
<td>1 504 357</td>
<td>1 504 357</td>
<td>NA</td>
<td>1 504 357</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total $</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>23 792 978</td>
</tr>
</tbody>
</table>

Source: AMICA

Note: Data for 1999–00 was not available at time of publication. This table shows cumulative costs.

These costs include:

(i) payments to employees and/or dependents such as weekly payments, and lump sum payments;
(ii) payments for goods and services such as medical and hospital treatment, provisions for medical aids, travelling expenses and property loss; and
(iii) non-compensation payments such as investigation expenses, legal costs, medico-legal reports and damages costs.

These costs do not include those paid out directly by employers where the claims are within the insurance excess.

As a result these costs understate the actual cost of claims.

Table 14: Outcome of AAT review of decisions 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undetermined matter brought forward from previous years</td>
<td>50</td>
<td>41</td>
<td>60</td>
<td>72</td>
<td>66</td>
</tr>
<tr>
<td>New matters made to AAT for review of reviewable decisions</td>
<td>46</td>
<td>69</td>
<td>69</td>
<td>64</td>
<td>66</td>
</tr>
<tr>
<td>Affirmed by consent or withdrawn</td>
<td>24</td>
<td>21</td>
<td>30</td>
<td>19</td>
<td>23</td>
</tr>
<tr>
<td>Heard and employer's decision affirmed</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Heard and employer's decision set aside</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Heard and varied</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Heard and remitted to employer</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Decision set aside by consent</td>
<td>7</td>
<td>11</td>
<td>18</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Decision varied by consent</td>
<td>10</td>
<td>4</td>
<td>7</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Decision dismissed as non-reviewable</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>No jurisdiction</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• dismissed at request of applicant</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>17</td>
<td>21</td>
</tr>
<tr>
<td>• dismissed by consent or withdrawn</td>
<td></td>
<td></td>
<td></td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>• dismissed for non-appearance</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Matters undetermined at 30 June</td>
<td>40</td>
<td>60</td>
<td>72</td>
<td>66</td>
<td>70</td>
</tr>
</tbody>
</table>

Source: AAT
3.4.9 Rehabilitation/return to work (RTW)—using Australasian Return to Work Monitor data

The ARTW Monitor aims to establish a national benchmark for measuring RTW and durability of RTW across Australian and New Zealand workers’ compensation schemes. A part of the ARTW Monitor is a Seacare Authority Return to Work 2000–01 Monitor, being a scheme-specific report that summarises the findings of a 2000–01 survey of injured seafarers (65 seafarers met the criteria) who lodged a workers’ compensation claim under the Seafarers Act. The interviews were conducted in August and November 2000 and February and May 2001.

A range of survey questions were asked of seafarers to ascertain their perceptions about the way their compensation claim was managed, and their rehabilitation and return to work experience. Some of the key findings from the Seacare Authority scheme report are listed below:

- The proportion of injured seafarers who have a partial RTW to a full position (either pre-injury duties or a similar position) are significantly less under the Seacare scheme—2% compared to the national rate of 26% (this may be due to the nature of the shipping industry and the limited partial or graduated RTW options available to seafarers).
- Seafarers reported feeling pressure to return to work before full recovery. This pressure is apparently related to the scheduling of ship departures. Seafarers indicated that if they do not return to work at the time their ship is in port and they are declared medically fit before another opportunity to board a ship arises, they will then be apparently forced to draw from their leave entitlements. This is not a desired option among the seafarers.
- The durable RTW (where seafarers have returned to work and are still working at the time of the survey) rate for Seacare was 74%—the same as the national rate.
- Seafarers were more likely to return to work due to pressure from their employer (12%) or doctor (19%) compared to the national average (4% and 11% respectively).

**Figure 18: Claims reviewed as a proportion of all claims lodged 1996–97 to 2000–01**

<table>
<thead>
<tr>
<th>Year</th>
<th>Comcare assisted review</th>
<th>AAT review</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996–97</td>
<td>9%</td>
<td></td>
</tr>
<tr>
<td>1997–98</td>
<td>12%</td>
<td></td>
</tr>
<tr>
<td>1998–99</td>
<td>18%</td>
<td>32%</td>
</tr>
<tr>
<td>1999–00</td>
<td>18%</td>
<td>36%</td>
</tr>
<tr>
<td>2000–01</td>
<td>14%</td>
<td>33%</td>
</tr>
</tbody>
</table>

Source: Comcare and AAT
• The Seacare scheme has a low rate of involvement in RTW plans (rehabilitation programs) compared with the national average. Only 23% of seafarers surveyed were involved in developing RTW plans compared to the national average of 43%.

• Of those seafarers who were involved with an RTW plan, only 47% said they found it useful, compared to the national average of 74%.

• Injured seafarers reported that they feel valued at work—rating 4.3 on the survey scale (1-5) compared to the national average of 3.9.

• 96% of seafarers returned to their pre-injury working hours, compared to the national average of 56%.

• 49% of seafarers indicated that they were not given suitable duties when they first returned to work, compared to the national average of 24%.

Selected tables from the draft Seacare Authority Return to Work 2000–01 Monitor of August 2001 are reproduced in Figures 19–21 (see p. 42–43).

Figure 19 (see p. 42) shows that of the 68% of seafarers who were assisted with the initial claim, the majority were assisted either by their employer, a work colleague or a doctor. Seafarer assistance from these sources exceeds the national average.

Figure 20 (see p. 42) shows that a significant number of seafarers did not perceive they had a plan of action for returning to work, and that seafarer perceptions are considerably lower than the national average.

Figure 21 (see p. 43) shows that by comparison to the national average a greater number of seafarers perceive that the work they do is valued. This perception suggests there is a positive environment for promoting RTW strategies in the Seacare scheme.

Table 15: Rehabilitation and return to work 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accepted Claims</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
<tr>
<td>Claims of 28 days or more</td>
<td>256</td>
<td>206</td>
<td>128</td>
<td>90</td>
<td>111</td>
</tr>
<tr>
<td>Number of claims assessed for a rehabilitation program</td>
<td>42</td>
<td>44</td>
<td>26</td>
<td>56</td>
<td>47</td>
</tr>
<tr>
<td>Number of claims commencing a rehabilitation program</td>
<td>42</td>
<td>42</td>
<td>23</td>
<td>32</td>
<td>30</td>
</tr>
</tbody>
</table>

Source: AMICA

Table 16: Period of the rehabilitation program, where rehabilitation is finalised 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3 months or less</td>
<td>17</td>
<td>19</td>
<td>13</td>
<td>16</td>
<td>15</td>
</tr>
<tr>
<td>3–6 months</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>6–12 months</td>
<td>1</td>
<td>10</td>
<td>3</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Greater than 12 months</td>
<td>13</td>
<td>8</td>
<td>4</td>
<td>9</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: AMICA
Figure 19: Who helped you with the initial claim for 2000–01

Base: All respondents (excluding NSW). Seacare = 65 National = 2 530

Source: Australasian Return to Work Monitor, Campbell Research & Consulting

Figure 20: Did anyone write a plan of action (rehabilitation program or RTW plan) with you to help you return to work?

Base: All respondents. Seacare = 65 National = 3 130

Source: Australasian Return to Work Monitor, Campbell Research & Consulting
3.4.10 Insurance premiums data

In 2000 the Seacare Authority engaged Taylor Fry Pty Ltd to collect comprehensive Seacare premium data from insurers for 1999–00. Taylor Fry obtained comprehensive data from each of the three major Seacare scheme insurers. The data collected revealed an average premium level of 3.48% based on a wages pool of $199.8m. It also revealed that some $6.95m was collected in premiums from the industry in 1999–00. These results are summarised in Tables 17 and 18 (see p. 44).

While the average Seacare scheme premium may appear low compared to anecdotal evidence about premium rates on offer to companies by scheme insurers, the average premium data needs to be analysed having regard to:

- its collection methodology, noting that the 1999–00 data was derived directly from the insurers in relation to each policy booked or having an effective date in the 1999–00 financial year—in other words, the source of the data is sound and reliable and is comprehensive; and

- the fact that the data provided by insurers for 1999–00 were based primarily on deposit premiums—a three to five year cycle may therefore be required to establish a truer picture of actual premium levels, which would take into account any adjustments to the deposit premiums.

Table 17: Seacare premiums data 1999–00

<table>
<thead>
<tr>
<th>Wages $ 000</th>
<th>Premium $ 000</th>
<th>Average premium rate %</th>
</tr>
</thead>
<tbody>
<tr>
<td>199 843</td>
<td>6 951</td>
<td>3.48</td>
</tr>
</tbody>
</table>

Source: Taylor Fry Report to Seacare Authority 16 March 2001
The data in Table 18 shows the number of policies in each premium band from <1% to >10%, which indicates that the majority of policies fall in the 2–5% range, hence supporting the veracity of an average premium of 3.48%. Taylor Fry also obtained comprehensive data on the excesses negotiated by Seacare scheme employers in seafarer workers’ compensation insurance policies, and on the extent of identified burning cost policies. A summary of the range of employer excesses and policies based on burning costs is contained in Table 19.

Table 19 shows that of the 31 policies, 27 contained excesses ranging from $5 000 to $100 000, with over 50% of policies containing excesses of between $10 000 and $25 000. The implication is that these relatively high excesses are reducing the actual premium. It may be that the anecdotal evidence about premium rates on offer relates to companies paying small excesses where premiums are likely to be higher.

Anecdotal evidence from Seacare scheme employers indicates that the principal mechanism used by employers to reduce the cost of their workers’ compensation insurance has been to progressively increase the employer excess. The result is that considerably fewer compensation claims are being referred to insurers for payment against a policy. Taylor Fry consider that some characteristics of the Seacare scheme are similar to self-insurance.

### Table 18: Numbers of policies in premium rate bands 1999–00

<table>
<thead>
<tr>
<th>Premium band</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;1%</td>
<td>2</td>
</tr>
<tr>
<td>1-2%</td>
<td>1</td>
</tr>
<tr>
<td>2-3%</td>
<td>5</td>
</tr>
<tr>
<td>3-4%</td>
<td>6</td>
</tr>
<tr>
<td>4-5%</td>
<td>6</td>
</tr>
<tr>
<td>5-6%</td>
<td>4</td>
</tr>
<tr>
<td>6-7%</td>
<td>1</td>
</tr>
<tr>
<td>7-8%</td>
<td>2</td>
</tr>
<tr>
<td>8-9%</td>
<td>1</td>
</tr>
<tr>
<td>9-10%</td>
<td>0</td>
</tr>
<tr>
<td>&gt;10%</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>31</td>
</tr>
</tbody>
</table>


### Table 19: Seacare scheme—employer insurance accesses 1992–00

<table>
<thead>
<tr>
<th>Excess $</th>
<th>Policies</th>
<th>Cost burners</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>5,000</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>10,000</td>
<td>10</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>20,000</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>25,000</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>35,000</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>70,000</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>75,000</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>&gt;100,000</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>TOTAL</td>
<td>28</td>
<td>3</td>
<td>31</td>
</tr>
</tbody>
</table>


Note: BHP has one policy, bringing the total number of Seacare scheme policies to 32.

3.5 Seacare scheme OHS and workers’ compensation performance relative to other schemes / industries

To better understand the relative performance of the Seacare scheme, this Annual Report contains data from the third CPM report of August 2001, which provides a comparative analysis of performance. Although the main comparison is with other schemes, such as NSW WorkCover, some industry comparisons are also available. Comparing the Seacare
scheme (which covers only one sector of industry) with schemes that cover all industries has its limitations, but nevertheless provides a useful national picture of Seacare scheme performance.

Comparing the Seacare scheme with other high-risk industries such as mining and construction, and with the transport and storage industry as a whole, provides strong indicators of comparative performance.

It is important to note that the core data upon which these reports are based have been adjusted to account for the fact that the Seacare scheme covers employees for 24 hours per day while on board a ship (noting that hours-worked data assumes a 12-hour work day). The following adjustment factors are incorporated to ensure that Seacare data are comparable with other schemes (to the work patterns and insurance arrangements in other industries). First, off-duty claims are excluded in Figures 22 (see p. 46) and 23 (see p. 47). Second, claims data used in CPM reports excludes disease-related claims. Disease has a wide definition and includes, for example, claims associated with psychological illness, asthma, allergies, dermatitis etc. Third, CPM also only reports on claims resulting in five or more days being compensated. As a result the claim numbers used for CPM reporting purposes are: 317 in 1996–97; 238 in 1997–98; 159 in 1998–99 and 98 in 1999–00.

Figure 22 (see p. 46) shows the significant rate of decrease in the incidence of injuries for the Seacare scheme, but that the incidence rate is still significantly higher than other jurisdictions.

Table 20 (see p. 46) indicates that, using all accepted claims (131 for 1999–00 [96 in CPM data at Figure 22] and 151 for 2000–01), the long-term trend identified in CPM reports is generally confirmed, although the inclusion of 2000–01 data in Table 20 indicates that the long-term downward trend may have reversed in 2000–01.

Figure 23 (see p. 47) indicates the downward trend in outcomes or the incidence of injuries although, relative to other jurisdictions, the Seacare scheme remains high.

Table 21 (see p. 47) indicates that, using accepted claims (131 for 1999–00 [96 in CPM data at Figure 23] and 151 for 2000–01), the long-term trend identified in CPM reports is generally confirmed, although the inclusion of 2000–01 data in Table 21 indicates that the long-term downward trend may have reversed in 2000–01.

Figures 24 and 25 (see p. 48–49) show that the Seacare scheme downward trend in incidence and frequency is consistent with the downward trends in other industries. However, the rate of the downward trend is sharper in the Seacare scheme than in any other industry. Although the injury incidence and frequency rates in the Seacare scheme remain the highest of any industry, they are moving closer to those in other high-injury risk industries.

Table 22 (see p. 50) indicates that the Seacare scheme average premium rates are the second highest in Australia, and are well above the Australian average. Caution should be taken when using the five-day deductible figure as Seacare scheme premiums used in Table 22 have not been adjusted to a five-day deductible, contrary to the data. The Seacare Authority is engaging an actuary to adjust Seacare scheme excesses to a five-day deductible for comparative purposes, which is expected to increase the average premium considerably.
Figure 22: Incidence of injury (number of injuries per 1000 employees) resulting in five or more days compensated, by jurisdiction 1997–98 to 1999–00, CPM data

Incidence of injuries resulting in five or more days compensated, by jurisdiction, standardised for industry mix

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>22.5</td>
<td>20.3</td>
<td>18.2</td>
<td>17.0</td>
</tr>
<tr>
<td>VIC</td>
<td>12.4</td>
<td>12.3</td>
<td>11.9</td>
<td>11.6</td>
</tr>
<tr>
<td>QLD</td>
<td>17.3</td>
<td>15.7</td>
<td>16.8</td>
<td>16.3</td>
</tr>
<tr>
<td>WA</td>
<td>19.6</td>
<td>18.0</td>
<td>17.7</td>
<td>17.2</td>
</tr>
<tr>
<td>SA</td>
<td>19.0</td>
<td>18.4</td>
<td>17.4</td>
<td>16.7</td>
</tr>
<tr>
<td>TAS</td>
<td>15.0</td>
<td>13.8</td>
<td>15.0</td>
<td>14.9</td>
</tr>
<tr>
<td>NT</td>
<td>17.8</td>
<td>16.6</td>
<td>15.1</td>
<td>16.7</td>
</tr>
<tr>
<td>ACT Private</td>
<td>25.4</td>
<td>21.1</td>
<td>6.8</td>
<td>8.3</td>
</tr>
<tr>
<td>ACTGS</td>
<td>14.9</td>
<td>11.7</td>
<td>16.6</td>
<td>12.1</td>
</tr>
<tr>
<td>Cwth</td>
<td>59.9</td>
<td>45.0</td>
<td>10.9</td>
<td>13.3</td>
</tr>
<tr>
<td>S’care*</td>
<td>18.0</td>
<td>16.7</td>
<td>35.0</td>
<td>25.6</td>
</tr>
<tr>
<td>Aust Av</td>
<td>11.6</td>
<td>9.6</td>
<td>16.0</td>
<td>12.2</td>
</tr>
<tr>
<td>NZ*</td>
<td>11.6</td>
<td>9.6</td>
<td>10.2</td>
<td>10.2</td>
</tr>
</tbody>
</table>

Source: Third Comparative Performance Monitoring Report, August 2001
Note: Data for the Seacare scheme is only available for the years 1997–98, 1998–99 and 1999-00.

Table 20: Incidence of injury (number of injuries per 1000 employees) resulting in five or more days compensated 1996–97 to 2000–01, Seacare Authority data

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims of 5 days or more duration</td>
<td>384</td>
<td>296</td>
<td>186</td>
<td>131</td>
<td>151</td>
</tr>
<tr>
<td>Incidence rate</td>
<td>93.0</td>
<td>72.9</td>
<td>52.7</td>
<td>46.8</td>
<td>52.2</td>
</tr>
</tbody>
</table>

Source: AMICA and Seacare Authority
Note: The incidence rates differ between Figure 22 and Table 20 because different claim numbers are used.
Figure 23: Frequency of injury (number of injuries per 1 000 000 hours worked) resulting in five or more days compensated 1997–98 to 1999–00, CPM data

Frequency of injuries resulting in five or more days compensated, by jurisdiction, standardised for industry mix

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW</td>
<td>12.9</td>
<td>11.5</td>
<td>10.1</td>
<td>12.9</td>
</tr>
<tr>
<td>VIC</td>
<td>7.0</td>
<td>7.1</td>
<td>6.8</td>
<td>7.0</td>
</tr>
<tr>
<td>QLD</td>
<td>9.7</td>
<td>8.9</td>
<td>9.4</td>
<td>9.7</td>
</tr>
<tr>
<td>WA</td>
<td>11.1</td>
<td>10.2</td>
<td>10.0</td>
<td>11.1</td>
</tr>
<tr>
<td>SA</td>
<td>10.9</td>
<td>10.6</td>
<td>10.1</td>
<td>10.9</td>
</tr>
<tr>
<td>TAS</td>
<td>8.9</td>
<td>8.4</td>
<td>8.9</td>
<td>8.9</td>
</tr>
<tr>
<td>NT</td>
<td>9.5</td>
<td>8.9</td>
<td>7.9</td>
<td>9.5</td>
</tr>
<tr>
<td>ACT Private*</td>
<td>8.2</td>
<td>6.4</td>
<td>8.8</td>
<td>8.2</td>
</tr>
<tr>
<td>ACTGS*</td>
<td>33.7</td>
<td>25.2</td>
<td>16.6</td>
<td>33.7</td>
</tr>
<tr>
<td>S’care*</td>
<td>10.2</td>
<td>9.5</td>
<td>5.9</td>
<td>10.2</td>
</tr>
<tr>
<td>Aust Av</td>
<td>11.5</td>
<td>7.1</td>
<td>9.0</td>
<td>11.5</td>
</tr>
<tr>
<td>NZ*</td>
<td>7.1</td>
<td>8.9</td>
<td>6.0</td>
<td>7.1</td>
</tr>
</tbody>
</table>

Source: Third Comparative Performance Monitoring Report, August 2001
Note: Data for the Seacare scheme is only available for the years 1997–98, 1998–99 and 1999–00.

Table 21: Frequency of injury (number of injuries per 1 000 000 hours worked) resulting in five or more days compensated, Seacare Authority data

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims</td>
<td>384</td>
<td>296</td>
<td>186</td>
<td>131</td>
<td>151</td>
</tr>
<tr>
<td>Incidence rate</td>
<td>55.1</td>
<td>41.9</td>
<td>29.5</td>
<td>22.2</td>
<td>25.2</td>
</tr>
</tbody>
</table>

Source: AMICA and Seacare Authority
Figure 24: Trends, incidence of injury resulting in five or more days compensated by industry 1997–98 to 1999–00, CPM data

Trends: Incidence of injuries resulting in five or more days compensated, by industry, unstandardised.

* Aust Average excludes Maritime

Source: Third Comparative Performance Monitoring Report, August 2001
Figure 25: Trends, frequency of injury (number of injuries per 1 000 000 hours worked) resulting in five or more days compensated by industry 1997–98 to 1999–00, CPM data

Trends: Frequency of injuries resulting in five or more days compensated, by industry, unstandardised.

Aust Av excludes Maritime

Source: Third Comparative Performance Monitoring Report, August 2001
### Table 22: Average Premium Rates, CPM data

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Insured ²</th>
<th>Include self-insurers ³</th>
<th>Exclude super ⁴</th>
<th>5 day deductible ⁵</th>
<th>Standardised ⁶</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>NSW¹</td>
<td>2.85</td>
<td>2.93</td>
<td>2.93</td>
<td>2.93</td>
<td>3.00</td>
</tr>
<tr>
<td>Vic</td>
<td>1.95</td>
<td>1.89</td>
<td>2.05</td>
<td>2.09</td>
<td>2.12</td>
</tr>
<tr>
<td>Qld²,³</td>
<td>1.43</td>
<td>1.53</td>
<td>1.53</td>
<td>1.53</td>
<td>1.43</td>
</tr>
<tr>
<td>WA</td>
<td>3.53</td>
<td>3.35</td>
<td>3.35</td>
<td>3.32</td>
<td>2.92</td>
</tr>
<tr>
<td>SA⁴</td>
<td>2.94</td>
<td>2.41</td>
<td>2.60</td>
<td>2.63</td>
<td>2.40</td>
</tr>
<tr>
<td>Tas</td>
<td>2.99</td>
<td>3.08</td>
<td>3.08</td>
<td>3.09</td>
<td>2.78</td>
</tr>
<tr>
<td>NT⁷</td>
<td>2.33</td>
<td>2.33</td>
<td>2.33</td>
<td>2.31</td>
<td>2.04</td>
</tr>
<tr>
<td>ACT – Private⁷</td>
<td>2.59</td>
<td>2.59</td>
<td>2.59</td>
<td>2.56</td>
<td>2.93</td>
</tr>
<tr>
<td>ACTGS⁷</td>
<td>2.77</td>
<td>2.77</td>
<td>2.77</td>
<td>2.74</td>
<td>3.51</td>
</tr>
<tr>
<td>Comcare⁷</td>
<td>1.01</td>
<td>1.37</td>
<td>1.37</td>
<td>1.34</td>
<td>1.87</td>
</tr>
<tr>
<td>Seacare⁷</td>
<td>3.48</td>
<td>3.48</td>
<td>3.48</td>
<td>3.45</td>
<td>2.42</td>
</tr>
<tr>
<td>AUST Average</td>
<td>2.35</td>
<td>2.35</td>
<td>2.41</td>
<td>2.42</td>
<td>2.42</td>
</tr>
<tr>
<td>NZ</td>
<td>1.31</td>
<td></td>
<td></td>
<td></td>
<td>1.23</td>
</tr>
</tbody>
</table>

Source: Third Comparative Performance Monitoring Report. August 2001

Notes:
1. For cover during or policies issued in 1999–00.
2. Average rate for insured employers only.
3. Average rate including self-insurers.
4. Average rate including self-insurers, excluding superannuation from definition of remuneration.
5. Average rate including self-insurers, excluding superannuation from remuneration, standardised to five day deductible.
6. Average rate including self-insurers, excluding superannuation, five-day deductible, based on standard industry mix.
7. Includes journey claims.
8. Excludes 10% surcharge from 1 July 1999.
9. Includes 11.3% surcharge.
4.1 Seacare scheme legislation

There were no amendments to the Seafarers Act, the OH&S(MI) Act or the Occupational Health and Safety (Maritime Industry) Regulations 1995 (as amended) during 2000–01.

On 24 July 2000, the Seafarers Rehabilitation and Compensation Amendment Regulations (the Regulations) were amended to allow an increase in the prescribed fee for a Comcare officer’s services under section 78 of the Seafarers Act. The amendment was to increase the rate per hour from $80.00 to $85.00.


On 13 December 2000, the then Minister for Employment, Workplace Relations and Small Business, the Hon Peter Reith MP, specified in Notice No 2 of 200012 that for the purposes of subsections 28(6A)(b), 49(6B)(b), 50(2B)(b), 66(4B) and 83A(5) of the Seafarers Act the rate per kilometre for return journeys of 50km or more will be 34 cents for calculating amounts payable to claimants. The rate of 34 cents came into effect on and from 17 January 2001, being the date of publication of notice in the Commonwealth of Australia Gazette.

4.2 Related legislative matters arising in 2000–01

Several Bills introduced into the Parliament during 2000–01 include consequential amendments affecting the Seafarers and OH&S(MI) acts. These include:

**Crimes Code (Consequential Amendments) Bill 2000**

This Code will be applied to all Commonwealth criminal offences on and from 2 October 2001.

The Crimes Code Bill will amend the Seafarers Act, OH&S(MI) Act and Seafarers Rehabilitation and Compensation Levy Collection Act 1992 aimed at maintaining the status quo of offences once the Criminal Code is implemented. The aim is not to make substantive changes to the offences or implement any changes in policy but only to adjust the language of offences so that there is no clash with the Criminal Code nor consequent difficulties in any future prosecutions. As there are no current prosecutions in progress under Seacare scheme legislation, the effect of the change is minimal.

**Insurance (Amendment) Bill 2001**

The Government is undertaking a major reform of the Insurance Act 1973. The Bill will set in place the legislative framework for a modernised and strengthened prudential regime for general insurers. If passed, it is expected the Bill will commence on 1 July 2002.

The Bill will remove the reference to a general insurance company in the Seafarers Act and replace it with a reference to a body corporate or Lloyd’s underwriter authorised to carry on insurance business under the Insurance Act 1973.

**Administrative Review Tribunal Bill 2000**

The Administrative Review Tribunal (ART) Bill 2000 and the Administrative Review Tribunal (Consequential & Transitional Provisions) Bill 2000 (CTP Bill) were introduced into Parliament on 28 June 2000. If the Bills are passed, the new Tribunal will replace several separate tribunals with a single merits review tribunal. The Government intends that the

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12 This notice, while numbered “No 2 of 2000”, is the first and only notice issued in 2000 under the Seafarers Act.
procedures of the Tribunal should create an environment that is informal, flexible and responsive, so that applicants may be empowered to conduct proceedings before the Tribunal without the need for specialised assistance.

The proposed Tribunal will have six divisions, one of which will be the Workers’ Compensation Division. Decisions under the Seafarers Act will be considered in this division of the Tribunal.

The Seafarers Act will be amended by the CTP Bill to recognise the new Tribunal.

The Seacare Authority has considered the ART Bill and written to the Minister for Employment, Workplace Relations and Small Business in relation to representation, mediation and conferencing arrangements.

**Maritime Legislation Amendment Bill 2000**

This Bill, introduced into the Parliament in August 2000, will amend the application provisions in the Seafarers and OH&S(MI) Acts so that these Acts will cover ships of 500 gross tonnage or more. The MLA Bill also introduces a range of defining terms so that these Acts can stand alone and be interpreted without reference to the Navigation Act 1912.
In 2000–01 the AAT decided three matters, the Federal Court one matter and the High Court one matter concerning the Seafarers Act for which decisions are available. A summary of the more significant decisions of these quasi-judicial and judicial bodies follows.

5.1 Administrative Appeals Tribunal

Maher and Tidewater Port Jackson Marine Pty Ltd AATA 610 (21 July 2000)

In this case the applicant (a seafarer employed by Tidewater Port Jackson Marine) sought a review of the employer’s decision to reject his workers’ compensation claim, dated 19 September 1998, under the Seafarers Act. The relevant area of legislation is: s3 definition of “injury”.

The applicant alleged that spontaneous back pain was causally related to a compensable injury that the applicant had suffered in the course of his employment with the respondent.

The issue to be determined by the Tribunal was whether the applicant’s incapacity since 19 September 1998 arose “out of and in the course of his employment with the respondent”.

The Tribunal accepted the applicant’s version of events based on witness and medical evidence and determined that the decision of the respondent employer of 20 January 1999 denying liability for the applicant’s compensation claim dated 29 September 1998 under the Seafarers Act be set aside and substituted with a decision that the applicant’s compensation claim under the Act be accepted.

Chiavaro and TT Line Company Pty Ltd [2001] AATA 78 (7 February 2001)

In this case the applicant made a claim that he was eligible for resumption of weekly payments in respect of a prior accepted claim for a back injury.

A question arose as to whether a decision could be deemed to have been made by the employer, following the claim made by the applicant for stress-related illness on or about 20 October 1999. The relevant areas of legislation are: s67, s 73, s78 and s79.

The Tribunal had to determine whether it had jurisdiction to hear the appeal, whether the respondent can be deemed to have rejected the claim and, if the application to the Tribunal for a review is out of time, whether the Tribunal should grant an extension of time to allow the review to be heard.

The respondent sent an s67 notice to the applicant which sought more information on the claim. The applicant denied this notice was received. The applicant declined to provide the information as "she was fearful of her safety."

The respondent stated that the request for reconsideration by the applicant did not set out the reasons for the reconsideration. The Tribunal held that the Seafarers Act does not provide procedures in circumstances where the reasons provided to an employer are considered insufficient by that employer. The Tribunal determined that if the employer required better particulars, then, during the course of the reconsideration, it should have requested further and better particulars.

The Tribunal found that the respondent made no response and more than 60 days had elapsed. Therefore the respondent was deemed to have rejected the claim and the s67 request given by the respondent was not validly given.
The Tribunal was of the view that it did have jurisdiction to hear and determine the review and the applicant did have a case worthy of consideration. An extension of time was granted.

Robertson and CSR Shipping [2001] AATA 325 (2 April 2001)

The issue in this case was whether the applicant was under the influence of alcohol at the time of the injury, thus had engaged in serious and wilful misconduct and therefore was not entitled to compensation. The relevant sections of the Seafarers Act are s26 and s12.

The Tribunal found that the applicant had shown a "conscienceness" (sic) of guilt and strongly considered that the witnesses had tailored their evidence in the proceedings to advantage a fellow worker.

The Tribunal, although suspicious that the applicant was affected by alcohol at the time of accident, acknowledged that it was merely suspicion and unproven and was not prepared to make an affirmative finding that he was under the influence of alcohol. It determined that the decision under review would be set aside and that the applicant was entitled to compensation.

5.2 Federal Court of Australia


The Appeal was against certain orders made by Senior Member Gibbs of the AAT on 1 May 2000. It related to a claim by the applicant (arising from a leg infection) which was accepted by the respondent. As his incapacity was less than 10% he could not receive a lump sum payment. A second claim, (for hearing impairment) was denied by the respondent. The applicant sought a review of both decisions.

The second applicant, the wife of the first applicant, also brought an application for review claiming for care and household services rendered to her husband.

The applicants’ statements of issues were disputed by the respondent, who submitted that the document on care and household services was irrelevant, had made scandalous allegations and that the application should be dismissed.

The Court determined that the applicants had been given a fair and proper hearing in the AAT and that Senior Member Gibbs had shown considerable patience in drawing the applicants back to the points made by the respondents. The Court determined the AAT case was conducted in a fair and proper manner and no reasonable bystander could take it that Senior Member Gibbs approached the hearing with a view prejudiced against the applicants, whether by reason of his naval background or otherwise.

The application was dismissed with costs.

5.3 High Court of Australia


Case heard after a special leave application made and granted in Stephan Paul Smith & Ors v Australian National Line Ltd & Anor [1998] 159 ALR 431

The issue in this case is whether section 54 of the Seafarers Act is invalid because it is contrary to section 51(***xix) of the Australian Constitution, which concerns the acquisition of property by the Commonwealth on just terms.

Mr Smith brought an action for damages against his employer and the Commonwealth for a breach of duty in tort and a breach of contract of employment. The defendants argued that the action was statute barred by section 54 of the Seafarers Act, which provides that a seafarer cannot bring an action against his or her employer for injuries suffered in the course of employment. The
provisions operated subject to section 13 Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Act 1992, which allowed seafarers to bring actions within six months of the commencement of section 54 of the Seafarers Act.

Mr Smith argued section 54 purported to extinguish causes of action that had not been statute barred when they had commenced, and that this amounted to an acquisition of property on other than just terms contrary to section 51(xxxi) of the Constitution.

At first instance, a single judge of the Supreme Court of Western Australia upheld the validity of section 54. Mr Smith appealed to the Full Court of the Supreme Court of Western Australia against the decision. The Commonwealth at this point intervened to support the validity of section 54. The Full Court upheld the validity of section 54.

The High Court granted special leave for Mr Smith to appeal in the High Court. The Commonwealth intervened in these proceedings to support the validity of section 54.

The court by majority decision held that section 54 and section 13 could not extinguish the appellant claim for compensation despite section 13 of the Transitional Provisions Act setting a six-month limit for claims to be lodged after the introduction of the Seafarers Act.

Majority Decision: Gleeson, Gummow, Gaudron, Kirby, Callinan upheld the Appeal. Haynes and McHugh dismissed the appeal.

The Appeal was allowed with costs. It set aside the orders of the Full Court of the Supreme Court of WA and ordered that the appeal be allowed.
1.1 Data Tables
The tables provided in this appendix complement the Figures used throughout the annual report.

1.1.1 Data based on OHS incidents reported to AMSA

Table 23: Location of injuries 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation block</td>
<td>20</td>
<td>23</td>
<td>15</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Deck/cargo spaces</td>
<td>55</td>
<td>35</td>
<td>26</td>
<td>36</td>
<td>19</td>
</tr>
<tr>
<td>Galley</td>
<td>10</td>
<td>8</td>
<td>5</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Gangway/pilot ladder</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Machinery spaces</td>
<td>11</td>
<td>23</td>
<td>11</td>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>Wharf</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
<td>22</td>
<td>4</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Unknown</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>119</strong></td>
<td><strong>115</strong></td>
<td><strong>64</strong></td>
<td><strong>70</strong></td>
<td><strong>61</strong></td>
</tr>
</tbody>
</table>

Source: AMSA

Table 24: Number of injuries denoted by incident, by age group 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>20-24</td>
<td>22</td>
<td>9</td>
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<td>2</td>
<td>3</td>
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<tr>
<td>25-29</td>
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<td>30-34</td>
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<td>20</td>
<td>23</td>
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<td>12</td>
</tr>
<tr>
<td>35-39</td>
<td>37</td>
<td>14</td>
<td>12</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>40-44</td>
<td>42</td>
<td>14</td>
<td>17</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>45-49</td>
<td>47</td>
<td>14</td>
<td>14</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>50-54</td>
<td>52</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>55-59</td>
<td>57</td>
<td>14</td>
<td>11</td>
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<tr>
<td>60-64</td>
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<td>Unknown</td>
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<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mean</td>
<td>39</td>
<td>41</td>
<td>42</td>
<td>43</td>
<td>44</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>119</strong></td>
<td><strong>115</strong></td>
<td><strong>64</strong></td>
<td><strong>70</strong></td>
<td><strong>61</strong></td>
</tr>
</tbody>
</table>

Source: AMSA
Table 25: Monthly injuries denoted by incident 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</tr>
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<tbody>
<tr>
<td>July</td>
<td>9</td>
<td>11</td>
<td>9</td>
<td>1</td>
<td>5</td>
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<tr>
<td>August</td>
<td>11</td>
<td>8</td>
<td>7</td>
<td>5</td>
<td>5</td>
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<tr>
<td>September</td>
<td>13</td>
<td>9</td>
<td>5</td>
<td>4</td>
<td>6</td>
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<tr>
<td>October</td>
<td>11</td>
<td>9</td>
<td>7</td>
<td>6</td>
<td>6</td>
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<tr>
<td>November</td>
<td>10</td>
<td>11</td>
<td>6</td>
<td>4</td>
<td>8</td>
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<tr>
<td>December</td>
<td>12</td>
<td>10</td>
<td>4</td>
<td>4</td>
<td>3</td>
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<tr>
<td>January</td>
<td>8</td>
<td>6</td>
<td>3</td>
<td>10</td>
<td>5</td>
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<tr>
<td>February</td>
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<td>8</td>
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<tr>
<td>March</td>
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<td>April</td>
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<td>12</td>
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<tr>
<td>May</td>
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<td>9</td>
<td>7</td>
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<td>June</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>11</td>
<td>4</td>
</tr>
<tr>
<td>TOTAL</td>
<td>119</td>
<td>115</td>
<td>64</td>
<td>70</td>
<td>61</td>
</tr>
</tbody>
</table>

Source: AMSA

Table 26: Injuries denoted by incident by rank 1996–97 to 2000–01

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Catering</td>
<td>19</td>
<td>19</td>
<td>12</td>
<td>9</td>
<td>11</td>
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<tr>
<td>Deck officers</td>
<td>5</td>
<td>8</td>
<td>4</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Engineer officers</td>
<td>9</td>
<td>23</td>
<td>14</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Integrated ratings</td>
<td>80</td>
<td>61</td>
<td>29</td>
<td>40</td>
<td>29</td>
</tr>
<tr>
<td>Masters</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Trainees</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>1</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>119</td>
<td>115</td>
<td>64</td>
<td>70</td>
<td>61</td>
</tr>
</tbody>
</table>

Source: AMSA
Table 27: Number of injuries by ship type 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk carrier</td>
<td>48</td>
<td>50</td>
<td>27</td>
<td>39</td>
<td>32</td>
</tr>
<tr>
<td>Dry Cargo - containers</td>
<td>9</td>
<td>12</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Dry Cargo - other</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dry Cargo - RO/RO</td>
<td>10</td>
<td>17</td>
<td>9</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>General cargo</td>
<td>3</td>
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<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Offshore - rig</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Offshore - support</td>
<td>13</td>
<td>3</td>
<td>6</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Passenger</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Tanker - chemical</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Tanker - gas</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Tanker - oil</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Tanker - other</td>
<td>5</td>
<td>5</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Unknown</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>119</strong></td>
<td><strong>115</strong></td>
<td><strong>64</strong></td>
<td><strong>70</strong></td>
<td><strong>61</strong></td>
</tr>
</tbody>
</table>

Source: AMSA
### 1.1.2 Data based on compensation claims reported to AMICA

#### Table 28: Incidence of injury (injuries [represented by accepted claims] per 1000 employees) 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims/injuries</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
<tr>
<td>Employees</td>
<td>4 130</td>
<td>4 060</td>
<td>3 530</td>
<td>2 800</td>
<td>2 895</td>
</tr>
<tr>
<td>Incidence rate</td>
<td>116.5</td>
<td>87.7</td>
<td>60.1</td>
<td>55.7</td>
<td>61.8</td>
</tr>
<tr>
<td>Percentage change over previous year</td>
<td>-24.7%</td>
<td>-31.5%</td>
<td>-7.2%</td>
<td>11.0%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Seacare Authority and AMICA

#### Table 29: Frequency of injury (injuries [represented by accepted claims] per 1 000 000 hours worked) 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims/injuries</td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
<tr>
<td>Hours worked</td>
<td>6 965 068</td>
<td>7 058 254</td>
<td>6 302 787</td>
<td>5 897 548</td>
<td>5 986 832</td>
</tr>
<tr>
<td>Incidence rate</td>
<td>69.1</td>
<td>50.4</td>
<td>33.6</td>
<td>26.5</td>
<td>29.9</td>
</tr>
<tr>
<td>Percentage change over previous year</td>
<td>-27.0%</td>
<td>-33.3%</td>
<td>-21.4%</td>
<td>13.0%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Seacare Authority and AMICA

#### Table 30: Claims by job classification 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering staff</td>
<td>98 2.4%</td>
<td>66 1.6%</td>
<td>49 1.4%</td>
<td>32 1.1%</td>
<td>35 1.2%</td>
</tr>
<tr>
<td>Deck officer</td>
<td>44 1.1%</td>
<td>37 0.9%</td>
<td>18 0.5%</td>
<td>18 0.6%</td>
<td>22 0.8%</td>
</tr>
<tr>
<td>Engineering officers</td>
<td>61 1.5%</td>
<td>48 1.2%</td>
<td>38 1.1%</td>
<td>22 0.8%</td>
<td>40 1.4%</td>
</tr>
<tr>
<td>Integrated ratings</td>
<td>278 6.7%</td>
<td>205 5.0%</td>
<td>107 3.0%</td>
<td>84 3.0%</td>
<td>82 2.8%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>481 11.6%</td>
<td>356 8.8%</td>
<td>212 6.0%</td>
<td>156 5.6%</td>
<td>179 6.2%</td>
</tr>
</tbody>
</table>

Source: AMICA

Note: The figures in Tables 30 to 34 report the number of claims. The percentages represent claims as a proportion of the number of seafarers for that particular year. The seafarer populations for 1996-97 to 2000-01 are as follows: 1996-97 = 4,130; 1997-98 = 4,060; 1998-99 = 3,530; 1999-00 = 2,800; 2000-01 = 2,895.
### Table 31: Location of person at time of injury by place 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation block</td>
<td>60 1.5%</td>
<td>51 1.3%</td>
<td>34 1.0%</td>
<td>17 0.6%</td>
<td>14 0.5%</td>
</tr>
<tr>
<td>Deck spaces</td>
<td>255 6.2%</td>
<td>192 4.7%</td>
<td>91 2.6%</td>
<td>60 2.1%</td>
<td>65 2.2%</td>
</tr>
<tr>
<td>Galley</td>
<td>34 0.8%</td>
<td>22 0.5%</td>
<td>20 0.6%</td>
<td>11 0.4%</td>
<td>19 0.7%</td>
</tr>
<tr>
<td>Gangway/pilot ladder</td>
<td>12 0.3%</td>
<td>5 0.1%</td>
<td>3 0.1%</td>
<td>5 0.2%</td>
<td>5 0.2%</td>
</tr>
<tr>
<td>Machinery spaces</td>
<td>86 2.1%</td>
<td>53 1.3%</td>
<td>37 1.0%</td>
<td>39 1.4%</td>
<td>50 1.7%</td>
</tr>
<tr>
<td>Wharf</td>
<td>1 0.0%</td>
<td>3 0.1%</td>
<td>0 0.0%</td>
<td>2 0.1%</td>
<td>2 0.1%</td>
</tr>
<tr>
<td>Other</td>
<td>33 0.8%</td>
<td>30 0.7%</td>
<td>27 0.8%</td>
<td>22 0.8%</td>
<td>24 0.8%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>481 11.6%</td>
<td>356 8.8%</td>
<td>212 6.0%</td>
<td>156 5.6%</td>
<td>179 6.2%</td>
</tr>
</tbody>
</table>

Source: AMICA

### Table 32: Claims by body part 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Head and neck</td>
<td>45 9.4%</td>
<td>30 8.4%</td>
<td>17 8.0%</td>
<td>11 7.1%</td>
<td>13 7.3%</td>
</tr>
<tr>
<td>Lower limbs</td>
<td>119 24.7%</td>
<td>82 23.0%</td>
<td>54 25.5%</td>
<td>37 23.7%</td>
<td>47 26.3%</td>
</tr>
<tr>
<td>Multiple locations</td>
<td>12 2.5%</td>
<td>15 4.2%</td>
<td>8 3.8%</td>
<td>8 5.1%</td>
<td>1 0.6%</td>
</tr>
<tr>
<td>Trunk</td>
<td>173 36.0%</td>
<td>116 32.6%</td>
<td>61 28.8%</td>
<td>46 29.5%</td>
<td>55 30.7%</td>
</tr>
<tr>
<td>Upper limbs</td>
<td>113 23.5%</td>
<td>104 29.2%</td>
<td>61 28.8%</td>
<td>52 33.3%</td>
<td>61 34.1%</td>
</tr>
<tr>
<td>Other</td>
<td>19 4.0%</td>
<td>9 2.5%</td>
<td>11 5.2%</td>
<td>2 1.3%</td>
<td>2 1.1%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>481 100%</td>
<td>356 100%</td>
<td>212 100%</td>
<td>156 100%</td>
<td>179 100%</td>
</tr>
</tbody>
</table>

Source: AMICA
Table 33: Mechanism of injury 1996–97 to 2000–01

<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Being hit by moving objects</td>
<td>63</td>
<td>49</td>
<td>34</td>
<td>27</td>
<td>27</td>
</tr>
<tr>
<td>Biological factors</td>
<td>22</td>
<td>8</td>
<td>5</td>
<td>4</td>
<td>3</td>
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<tr>
<td>Body stressing</td>
<td>191</td>
<td>143</td>
<td>70</td>
<td>53</td>
<td>79</td>
</tr>
<tr>
<td>Chemicals and other substances</td>
<td>12</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Falls, trips and slips</td>
<td>125</td>
<td>99</td>
<td>54</td>
<td>35</td>
<td>47</td>
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<tr>
<td>Heat, radiation and electricity</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Hitting objects with a part of the body</td>
<td>37</td>
<td>30</td>
<td>21</td>
<td>21</td>
<td>12</td>
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<tr>
<td>Mental stress</td>
<td>6</td>
<td>7</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sound and pressure</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Other and unspecified mechanism of injury</td>
<td>19</td>
<td>13</td>
<td>17</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>481</td>
<td>356</td>
<td>212</td>
<td>156</td>
<td>179</td>
</tr>
</tbody>
</table>

Source: AMICA
### Table 34: Claims by Nature of Injury 1996–97 to 2000–01

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Diseases of the circulatory system</td>
<td>2 0.4%</td>
<td>1 0.3%</td>
<td>4 1.9%</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>Diseases of the digestive system</td>
<td>24 5.0%</td>
<td>18 5.1%</td>
<td>8 3.8%</td>
<td>11 7.1%</td>
<td>9 5.0%</td>
</tr>
<tr>
<td>Diseases of the musculoskeletal system and connective tissue</td>
<td>29 6.0%</td>
<td>32 9.0%</td>
<td>7 3.3%</td>
<td>1 0.6%</td>
<td>11 6.1%</td>
</tr>
<tr>
<td>Diseases of the nervous system and sense organs</td>
<td>4 0.8%</td>
<td>4 1.1%</td>
<td>4 1.9%</td>
<td>2 1.3%</td>
<td>2 1.1%</td>
</tr>
<tr>
<td>Diseases of the respiratory system</td>
<td>7 1.5%</td>
<td>3 0.8%</td>
<td>2 0.9%</td>
<td>2 1.3%</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>Diseases of the skin and subcutaneous tissue</td>
<td>5 1.0%</td>
<td>3 0.8%</td>
<td>3 1.4%</td>
<td>1 0.6%</td>
<td>3 1.7%</td>
</tr>
<tr>
<td>Infectious and parasitic diseases</td>
<td>6 1.2%</td>
<td>4 1.1%</td>
<td>1 0.5%</td>
<td>2 1.3%</td>
<td>2 1.1%</td>
</tr>
<tr>
<td>Injury and Poisoning</td>
<td>397 82.5%</td>
<td>282 79.2%</td>
<td>179 84.4%</td>
<td>135 86.5%</td>
<td>151 84.4%</td>
</tr>
<tr>
<td>Mental disorders</td>
<td>6 1.2%</td>
<td>7 2.0%</td>
<td>4 1.9%</td>
<td>0 0.0%</td>
<td>1 0.6%</td>
</tr>
<tr>
<td>Neoplasms (cancers and benign tumours)</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
<td>0 0.0%</td>
<td>1 0.6%</td>
<td>0 0.0%</td>
</tr>
<tr>
<td>Other diseases</td>
<td>1 0.2%</td>
<td>2 0.6%</td>
<td>0 0.0%</td>
<td>1 0.6%</td>
<td>0 0.0%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>481</strong></td>
<td><strong>356</strong></td>
<td><strong>212</strong></td>
<td><strong>156</strong></td>
<td><strong>179</strong></td>
</tr>
</tbody>
</table>

Source: AMICA

### Table 35: Comcare assistance with employer reconsideration of determinations

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Number of assists</td>
<td>48</td>
<td>46</td>
<td>56</td>
<td>32</td>
<td>29</td>
</tr>
<tr>
<td>Claims lodged</td>
<td>519</td>
<td>380</td>
<td>220</td>
<td>182</td>
<td>203</td>
</tr>
<tr>
<td>Number of assists as a % of claims lodged</td>
<td>9.2%</td>
<td>12.1%</td>
<td>25.5%</td>
<td>17.6%</td>
<td>14.3%</td>
</tr>
</tbody>
</table>

Source: Comcare and Seacare Authority
Enactments administered by the Minister for Employment, Workplace Relations and Small Business through the Seafarers Safety, Rehabilitation and Compensation Authority:

- Seafarers Rehabilitation and Compensation Act 1992
- Seafarers Rehabilitation and Compensation Levy Act 1992
- Seafarers Rehabilitation and Compensation Levy Collection Act 1992
- Occupational Health and Safety (Maritime Industry) Act 1993
- Seafarers Rehabilitation and Compensation Regulations
- Occupational Health and Safety (Maritime Industry) Regulations 1995 (as amended)
APPENDIX 3
Publications issued by the Seacare Authority 2000–01

Notices by the Minister for Employment, Workplace Relations and Small Business

2 of 2000\(^{12}\) Rate per kilometre payable to employee using private motor vehicle for travel exceeding 50 kilometres relating to a compensable injury (December 2000)

1 of 2001 Rate per kilometre payable to employee using private motor vehicle for travel exceeding 50 kilometres relating to a compensable injury (June 2001)

Notices to maritime industry organisations and other interested parties issued during 2000–01

04/2000 New Claim Update Report Form (July 2000)
05/2000 Maximum Level of Benefits (October 2000)
06/2000 Adjustment to Seafarers Rehabilitation and Compensation Regulations 1993 (October 2000)
07/2000 Maximum Level of Benefits (December 2000)
01/2001 Change to Mileage Rate (February 2001)
02/2001 Indexation—Increase in Benefits from 1 July 2001 (February 2001)
03/2001 Maximum Level of Benefits (March 2001)
04/2001 Maximum Level of Benefits (May 2001)

Brochures
Entitlements under the Seafarers Act
Rehabilitation and Return to Work

Seacare Authority quarterly reports

02/2000 Outcomes of Seacare Authority Meeting 32 of 24 August 2000 (September 2000)
03/2000 Outcomes of Seacare Authority Meeting 33 of 21 November 2000 (December 2000)
01/2001 Outcomes of Seacare Authority Meeting 34 of 6 March 2001 (April 2001)

Forms

01 Guide to Reporting: Employers/Operators
02 Insurance Arrangements
03 Claim for Rehabilitation/Compensation
04 Claim for Permanent Impairment and Non-Economic Loss and/or Related Aids

\(^{12}\) This notice, while numbered ‘No 2 of 2000’, is the first and only notice issued in 2000 under the Seafarers Act
05 Claim for Compensation by Dependents of Deceased Employees
06 Claim Update Form
07 Report on Employee and Ship Details
08 Section 20A application for exemption from the application of the Seafarers Rehabilitation and Compensation Act 1992

Other publications
Seacare Authority Service Charter
Rehabilitation and Return to Work: Australian Shipping Industry Symposium—Summary of Outcomes
Rehabilitation and Return to Work Round Table: Offshore Oil and Gas Sector of the Australian Shipping Industry—Summary of Outcomes
All of the above publications were issued free of charge and are available from the Authority or from the Seacare Authority web site.
**INDEX to Government Reporting Requirements**

**A**
- achievements during the year, ix
- abbreviations, acronyms & terms, 67
- access & equity, 17
- acronyms, abbreviations, acronyms & terms, 67
- Administrative Appeals Tribunal (AAT), 10 decisions, 53-4
- administrative support, 18
dispute resolution costs, 14
reviewable decisions, 36-7, 39
Australasian Return to Work (ARTW) Monitor, vii, ix, 14-5
data, 20, 40-3
Australian Maritime Industry Compensation Agency (AMICA) Ltd (the Fund), vii, 10-1
Board of directors, 11
database, 5
Australian Maritime Safety Authority (AMSA)
membership of the Authority, 1
MOU on OHS activities, 15
partnership, viii
provision of OHS services, 13, 15-6
Australian Shipowners Association, vii

**C**
- Chairperson’s report, vii-viii
- claimsadministration costs, 14
assistance with claims, 42
cost of claims, 39
data, 19, 21-3
date of extraction of data, 21
extension of time, 9-10
lodgement with AMICA, 36
see also AAT
see also OHS
client survey, 12-3
communication industry, vii, 6-7
strategy, 4
comparative analysis, vii

**Comparative Performance Monitoring (CPM) report, 5, 7**
data, 19
compensation see claims
compliance & prevention of injury, viii
costs claims, 14, 39
costly services, 18
dispute resolution, 14
OHS services, 13
seafarers remaining on shore, 14
the Scheme, vii

**D**
data, vii, ix
AMICA involvement, vii, 5
analysis of claims, 29-36
ARTW, 20
compensation claims data, 19, 21-3
data tables, 56-62
employee numbers, 20-1
information exchange, 7
insurance premiums, 13
OHS data, 19, 24-9
Seacare Authority, 19
simplification of collection, 7
sources, 19
use of claims data for rehabilitation, 38
decision-making procedures
review, 7
significant decisions, 53-5
Dept of Employment, Workplace Relations & Small Business, assistance, viii

**E**
efficiencies, 7
electronic transactions see Internet
Equal Employment Opportunity (EEO) appointments, 3
external scrutiny, 18

Federal Court of Australia, appeal, 54
forms
  approved forms, 11-2
  Guide to Reporting, 11
Freedom of Information, 18
functions, 1
  performance of statutory functions, 4-18
Fund see Australian Maritime Industry Compensation Agency Ltd

Guide to Reporting: Employer/Operator, 11

Heads of Workplace Safety and Compensation Authorities (HWSCA), 7
High Court of Australia, 54-5

industry
  communication, vii
  return to work guidance note, 6
information
  awareness raising, 16-7
  exchange, 7
  requests, 18
injuries
  statistics, 46-9
  rate increase, viii
insurance
  arrangements, 10
  average rates, 50
  costs, 5
  premiums, ix, 5, 13, 43-4
  the Fund, 10-1
internal scrutiny, 18
Internet
  electronic transactions, 11
  web site, vii, ix, 17

legislation
  administration, 6, 7-13
  amendments to legislation, 51-2
  application of the Acts, 8
  claims management, 6
  coverage of ships’ crews, 8-9
  exemptions approved, 9
  legislation administered by the Authority, 51-3
  maritime legislation amendment, 6
  MLA Bill, 7-8
  Navigation Act, review, 6
  offshore oil and gas industry, OH&S(MI) Act, vi, 1
  review, 5
  Seafarers Act, vi, 1
  extension to tourism operators, 8
  reviewable decisions, 10
  Tiwi Barge decision, 7-8
letter of transmittal, v
litigation
  significant AAT decisions & court judgements, 53-5

membership of the Authority & attendance at meetings, 1-3
Memorandum of Understanding (MOU), OHS activities, 15
mission statement, vi

National Comparative Performance Monitoring project, vii
New Zealand
  ARTW Monitor, 14
  information sharing, 7

Occupational Health & Safety (Maritime Industry) Act, 1993
  analysis of claims, 29-42
  incidents
    data, 19, 24-9
    selected reports, 26-7
  objects, vi
  overview of OHS activities, 15-6
  performance indicators, ix
  provision of services by AMSA, 13
  training, ix, 4, 16
offshore oil & gas industry, application of Acts, 8
Ombudsman, Commonwealth Ombudsman, 18
overview of the scheme, statistics, x
P
performance
comparative performance monitoring
report, 5
comparison with other compensation
schemes, 44-5
comparison with previous years, 21-44
OHS performance indicators, ix
performance of statutory functions, 4-18
performance reports, 19-50
methodology, 20
reports to industry, 7
reporting improvement, vi, 5
safety performance indicators, ix, 6
survey results, 12
policy development, 4
premiums see insurance premiums
publications & publicity, 7
publications issued by the Authority, 64-5
raising awareness, 16-7
rights & responsibilities under the Act, ix
see also Internet
R
rehabilitation & return to work (RTW), 14, 41
length of the program, 41
review, ix
strategy, ix, 5
use of data, 38, 40
reports & reporting
approved forms, 11-2
Guide to Reporting, 11
reporting requirements, 66
standing reports, 5
reviews
AAT decisions, 39
decision-making procedures, 7
rehabilitation, ix
reviewable decisions under the Act,
10, 36-7
Service Charter, 13
S
safety management, viii
safety performance indicators, 6
Safety Performance Indicators for the
Shipping Industry Committee (SPISIC),
ix, 15
Seacare Authority
data, 19
meetings, vii
Seafarers Act, purpose, vi
service charter, ix, 13
social justice, 17
staff, employee numbers, 20-1
statistics
data tables, 56-62
injuries, 46-9
overview of the scheme, x
strategic directions, 4-7
Strategic Plan, ix, 4-7
OH&S, 4, 15
training, 4
workers’ compensation & rehabilitation, 4
strategy, rehabilitation & return to work, ix, 5
surveys, client survey, 12-3
T
terms, abbreviations, acronyms & terms, 67
tourism operators, extension of the
Seafarers Act, 8
training
revised accreditation procedures for OH&S
representatives, ix, 16
strategies, 4
W
workers’ compensation & rehabilitation, 13-4
cross-border arrangements, 7
strategies, 4
Workplace Relations Ministers Council, 7
Workplan, 5-7
claims management, 6
legislation administration, 6-7
OH&S activities, 15
review of Service Charter, 13
**LIST OF Abbreviations, Acronyms and Terms**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>AAT</td>
<td>Administrative Appeals Tribunal</td>
</tr>
<tr>
<td>AMICA</td>
<td>Australian Maritime Industry Compensation Agency Ltd</td>
</tr>
<tr>
<td>AMMA</td>
<td>Australian Mines &amp; Metals Association</td>
</tr>
<tr>
<td>AMSA</td>
<td>Australian Maritime Safety Authority</td>
</tr>
<tr>
<td>ARTW Monitor</td>
<td>Australasian Return to Work Monitor</td>
</tr>
<tr>
<td>BTE</td>
<td>Bureau of Transport Economics</td>
</tr>
<tr>
<td>CBR</td>
<td>Crew-to-berth ratio</td>
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<td>CPM</td>
<td>Comparative Performance Monitoring (project)</td>
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<td>CTP Bill</td>
<td><em>Administrative Review Tribunal (Consequential &amp; Transitional Provisions) Bill 2000</em></td>
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<td>Department of Employment, Workplace Relations and Small Business</td>
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<td>ET Act</td>
<td><em>Electronic Transactions Act 1999</em></td>
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<td>Heads of Workplace Safety and Compensation Authorities</td>
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<td>International Ship Management Code</td>
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<td>Claims of more than one year’s duration</td>
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<td><em>Navigation Act 1912</em></td>
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<td>National Occupational Health and Safety Commission</td>
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<td>Occupational Health and Safety</td>
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<td>Seafarers Rehabilitation and Compensation Amendment Regulations</td>
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<td>Return to work</td>
</tr>
<tr>
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<td>Seafarers Safety, Rehabilitation and Compensation Authority</td>
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<td>Seacare scheme</td>
<td>The scheme of workers’ compensation, rehabilitation and return to work established by the Seafarers Act, as well as the arrangements for occupational health and safety under the OH&amp;S(MI) Act</td>
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<td>Safety Performance Indicators for the Shipping Industry Committee</td>
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<td>Taylor Fry</td>
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<td>WRMC</td>
<td>Workplace Relations Ministers Council</td>
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