



Australian Government

Seafarers Safety, Rehabilitation
and Compensation Authority

SEACARE NEWS

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Chairperson's Comments

Seacare will shortly commence considering content for the Annual Report for 2008–2009. The end of one financial year and the beginning of another presents a good opportunity to reflect on achievements of the past year and anticipate the challenges of the year ahead.

I am sure you are aware that the past year has seen a number of fatalities in the Seacare jurisdiction. Seacare regards any fatality as totally unacceptable and will be renewing efforts in working with the industry to ensure the jurisdiction returns to fatality free status. Seacare is also concerned that the incidence of workplace injuries has increased for the first time in three years. The health and safety of industry employees is Seacare's number one priority and will be the subject of a renewed focus in the coming year.

This issue of *Seacare News* highlights a number of Seacare activities that have occurred over the past nine months. Late last year, Seacare conducted two highly successful events: the biennial Seacare Awards and Conference and an inaugural Health and Safety Representative (HSR) Forum. These events are reported on in more detail in this edition. A further HSR event is planned for Western Australia in October this year.

A focus of Seacare activities for 2009–2010 will be ensuring compliance with reporting and claims management requirements. I have recently written to operators and employers to remind them of their reporting obligations. A summary of the obligations is contained in this edition.

Readers will note that there has been a recent change to the composition of Seacare. Long-term member, Mr Martin Byrne has been replaced by Mr John Wydell. Martin's experience will not be lost to Seacare, as he has been appointed John's deputy. There has also been change in the Secretariat and Seacare Management Section, with Mr Phil Beaumont being replaced by Mr Gerry Newman. I would like to express my appreciation for the contribution both Martin and Phil have made to Seacare over the years.

Finally, I would like to remind the industry that a number of *Seacare Notices* have been issued recently. Most notably Seacare Notices 04/2009 and 05/2009 that advise of increases in the level of benefits payable in the scheme.

Geoff Gronow ESM ED
Chairperson
Seacare Authority

2008

SEACARE Awards & Conference

The biennial Seacare Awards and Conference events were held on 16 October 2008 at Doltone House in Sydney.

The theme of the 2008 Seacare Conference was 'Best Practice OHS in the Australian Maritime Industry'. The Facilitator was Dr Steve Cowley (Senior Lecturer, University of Ballarat) and presentations were provided by Ms Teresa Hatch (Executive Director, Australian Shipowners Association) and Mr Henning Christiansen (Federal Secretary, Australian Institute of Marine and Power Engineers) on the major issues confronting the Seacare scheme and the maritime sector generally. Professor Dennis Else (General Manager – Sustainability, Safety and Health, Brookfield Multiplex) provided the key note presentation on 'High risk industries and improving OHS—organisational culture, leadership and creativity'.

A panel discussion was held on the topic of 'Cost effective risk management—safe design and ships' featuring presentations by Mr Allan Schwartz (Manager, Ship Inspections Group, Australian Maritime Safety Authority), Mr Rodney Humphrey (Head of Approval, Sydney Maritime Centre, Det Norske Veritas), Dr Michelle Grech (Maritime Platforms Division, Defence Science and Technology Organisation, Department of Defence) and Captain Neil Butt (Health, Safety, Quality and Environment Manager, Farstad Shipping (Indian Pacific) Pty Ltd).

Kay Cottee AO, 1988 Australian of the Year, provided the special address on 'How ordinary people can set and achieve extraordinary goals' focusing on her experiences sailing solo and non-stop around the world.



Teresa Hatch, Henning Christiansen and Steve Cowley



Professor Dennis Else



Kay Cottee

The 2008 Seacare Awards Presentation Dinner was held following the Conference. The finalists and winners are listed below.

Category 1: Best Workplace Health and Safety Management System

Highly Commended

- ASP Ship Management and Rio Tinto Marine – *Risk Register*
- Offshore Marine Services and Reliance Risk Management – *Injury Management Systems*



Encouragement

- Inco Ships – *Safety Quality System*

Finalist

- Teekay Shipping (Australia) – *Marine Operations Management System*

Category 2: Best Solution to an Identified Workplace Health and Safety Issue

Winner

- Toll Shipping and Health by Design – *Work Well Live Well™ Program*

Highly Commended

- Farstad Shipping (Indian Pacific) – *Rotating Head and Piston Stand*
- Rio Tinto Marine – *Shelving Back Strain*



Category 3: Best Rehabilitation and Return to Work Program

Winner

- MP Safety Management and TT Line Company

Highly Commended

- Farstad Shipping (Indian Pacific)
- MP Safety Management and Inco Ships
- Offshore Marine Services and Reliance Risk Management



Category 4: Individual Contribution to Workplace Health and Safety

Winner

- Mr Aaron Schubert, Teekay Shipping (Australia) (accepted by Allan Kneller)

Highly Commended

- Mr Dominic Panetta, Australian Maritime Safety Consultants (nominated by Inco Ships)

Finalist

- MV Alltrans crew, ASP Ship Management



More details on the 2008 Seacare Awards and Conference can be found at [www.seacare.gov.au/ohs awards and conferences/awards and conference 2008](http://www.seacare.gov.au/ohs_awards_and_conferences/awards_and_conference_2008).

Safe Work Australia Awards

The winners of the 2008 Safe Work Australia Awards were announced by the Hon Julia Gillard MP, Minister for Employment and Workplace Relations in a ceremony on 28 April 2009 at Parliament House. These national awards recognise excellence in workplace safety.

Three Seacare Awards categories are aligned with the national awards. Two Seacare Awards winners were eligible and accepted as finalists.

Category 2: Best Solution to an Identified Workplace Health and Safety Issue

Toll Shipping and Health by Design Pty Ltd



Category 5: Best Individual Contribution to Workplace Health and Safety

Aaron Schubert, Teekay Shipping (Australia) Pty Ltd



Details on these awards can be found at www.safeworkaustralia.gov.au/swa/SafeWorkAusWeek/SafetyAwards.

Seacare HSR Forums

Seacare's first forum for Health and Safety Representatives (HSRs) was held on 25 September 2008 at the Port of Melbourne Education Centre to coincide with *Sea Safe Work Day*. Forty eight participants from around Australia attended, including HSRs, other seafarers, employer/operator OHS staff, union representatives and HSR trainers.

The theme of the forum, *Involving HSRs and onboard employees in OHS*, sought to raise the profile of HSRs in the Seacare jurisdiction, to emphasise their role as active and significant players in injury prevention and to indicate Seacare's support for HSRs and other seafarers, with regard to the part they play in improving OHS outcomes. The forum also provided a valuable opportunity to identify issues confronting HSRs and to share information and knowledge.

Seacare's *HSR Handbook* was also launched at the forum. This handbook was developed to assist HSRs understand and undertake their role. The handbook provides guidance and information on:

- the Seacare legislative framework
- OHS responsibilities in the Seacare jurisdiction
- workplace OHS arrangements
- powers and responsibilities of HSRs
- the powers of the OHS Inspectorate.

A further HSR forum will be held on Thursday 22 October 2009 at the WA Maritime Museum, Fremantle. Register your interest by emailing seacare@comcare.gov.au.

HSR training courses

All HSRs are required by the *Occupational Health and Safety (Maritime Industry) Act 1993 (OHS(MI) Act)* to undertake a Seacare accredited training course relating to occupational health and safety.

Three HSR training courses were accredited at the Seacare Authority meeting on 26 February 2009, provided by **Certified Business Solutions** (Bridging course and Full course) and **Australian Institute of Technology Transfer** (Full course), bringing the total number of courses available to six. Contact details for course providers are accessible from the Seacare website at www.seacare.gov.au/OHS/HSR_training_courses.

Reporting obligations

Employers/operators covered by Seacare have a range of statutory reporting requirements. A summary of these requirements is provided below, with more detailed information on the Seacare website at www.seacare.gov.au/employer_reporting.

Employee and ship details

Employers must provide employee and ship details for the preceding six month period within 14 days after the beginning of January and July of each year using *Seacare Online*, which is accessible from the Seacare website at www.seacare.gov.au.

Workers' compensation insurance arrangements

Employers must declare their workers' compensation insurance arrangements within 14 days of renewing, amending or taking out a new policy, using *Seacare Online*. Evidence of the policy may be required.

Workers' compensation claims

Employers must provide details on all claims for workers' compensation made under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act). The Seafarers Act sets time frames for the determination of claims, for the reconsideration of determinations and for requesting an extension of time to enable decisions to be made. These requirements are outlined in Seacare brochure #2 *Employer Rights and Responsibilities*, accessible from the Seacare website at www.seacare.gov.au/publications/brochures.

Claim update

Employers must provide details of each claim that remains active or was finalised in the preceding six month period within 30 days from the end of June and the end of December each year. Claim Update Report forms are sent to employers for completion as appropriate.

Seafarers safety net fund levy

Employers who engage seafarers on prescribed ships subject to the Seafarers Act are required to pay the Seafarers safety net fund levy each quarter. This involves the lodging of a *Berths and Levy Return* (Seacare Form 11), accessible from the Seacare website at www.seacare.gov.au/forms, and the payment of the levy owed within 14 days after the beginning of each quarter. Employers with a s20A exemption are also required to lodge a return, although payment of the levy is not required.

OHS incidents

Operators must report all OHS incidents and dangerous occurrences to AMSA using form 18 (Seacare Form 06) *Incident Alert* and form 19 (Seacare Form 07) *Incident Report*, accessible from the Seacare website at www.seacare.gov.au/forms. An *Incident Alert* must be submitted within four hours of the incident occurring by fax to +61 2 6230 6868 or 1800 622 153 (free fax within Australia) or by email to reports@amsa.gov.au. An *Incident Report* must be forwarded to AMSA within 72 hours of submission of the *Incident Alert* by fax to +61 2 6279 5058 or email to reports@amsa.gov.au. The Rescue Coordination Centre can be contacted on 1800 021 098 for advice. Information on incident reporting is provided on the AMSA website at www.amsa.gov.au/Shipping_Safety/Incident_Reporting/.

Seacare Scheme performance

The following provides a summary of the Seacare scheme's performance for the first six months of 2008–2009.

- 114 claims lodged in the period July to December 2008 compared to 102 for same period in 2007
- injury incidence rate of 33.15 compared to 30.07 for previous year, and target of 28.7 for 2008-2009
- injury frequency rate of 6.7 compared to 5.55 for previous year
- employees covered by scheme increased by 7.2 per cent to 6,185, while FTE increased by 16.2 per cent to 4,525
- ships operating in the scheme increased by 32 to 254, while the number of berths increased by 102 to 2,771. Operating days increased by 7.7 per cent
- 15 OHS incidents were reported to AMSA compared to 18 for the same period in 2007
- disputes lodged with the AAT decreased from 17 to 13
- all employers operating in the scheme had current insurance policies
- Seafarers Safety Net Fund available assets of \$1,082,613 compared to actuarial estimate of \$879,000
- two fatalities, the first for over 14 years.

Performance information for the full year is now being collected and will be included in the Seacare Annual Report 2008–09.

National approach to maritime safety regulation reform

The objectives of the reform are to reduce the complexity for Australian commercial vessel owners, operators and suppliers and reduce costs associated with commercial vessels in the long term. The new reform will allow for accurate national fleet profiling to link ownership, vessel details and inspection, survey and incident history. The proposed reform does not impact on larger commercial vessels currently subject to the AMSA jurisdiction.

A Regulation Impact Statement (RIS) was prepared for the Council of Australian Governments (COAG) meeting in June 2009. Seacare provided a written submission to the RIS consultation process.

The Department of Education, Employment and Workplace Relations (DEEWR) is liaising with the Department of Infrastructure, Transport, Regional Development and Local Government with regard to the implications for Seacare of a single national maritime system, for both OHS and workers' compensation. Seacare has agreed that further consideration of the coverage of the Seacare scheme should follow the establishment of the new maritime jurisdiction.

More information on the national approach to maritime safety regulation reform is available from the AMSA website at www.amsa.gov.au/namsr.asp.

Reviewable decisions

At its May 2009 meeting, Seacare met with representatives of the Administrative Appeals Tribunal (AAT). The meeting provided Seacare with a better understanding of the issues faced and the actions taken by the AAT to improve the resolution of disputed claims in the Seacare scheme, including its Alternative Dispute Resolution process. While the time taken to resolve Seacare matters before the AAT has reduced over recent years, the discussions highlighted areas in which Seacare can be more proactive by improving advisory information and engaging with employers who have high levels of disputes.

Guidance on the Reviewable Decisions under the Seafarers Act, including the AAT's *Guide to the Workers' Compensation Jurisdiction Explained* is provided on the Seacare website at www.seacare.gov.au/workers_compensation/reviewable_decisions_under_the_seafarers_act2.

National OHS review

In 2008, the Deputy Prime Minister commissioned an expert panel to review Australian occupational health and safety legislation and to make recommendations on the content of a model Act.

The review has recommended that separate and specific OHS laws should only be required for some high risk industries. Even where separate laws can be justified the review has recommended that they be consistent with the harmonised OHS laws. Seacare is currently considering the need for separate OHS legislation for the maritime industry in the context of the Commonwealth's commitment to the harmonisation process.

The Workplace Relations Ministers' Council (WRMC) considered and responded to the panel's recommendations on 18 May 2009. The WRMC announced that it decided on the optimal structure and content of a model OHS Act to be adopted by the Commonwealth, State and Territory governments. The newly established Safe Work Australia has commenced development work on an exposure draft of the model OHS Act, which is expected to be released in September 2009.

Comparison of OHS Arrangements

The fifth edition of the *Comparison of OHS Arrangements*, prepared by Safe Work Australia, was released in November 2008 and compares OHS arrangements as at 1 July 2008. The current and previous editions are available from www.workplace.gov.au/workplace/Publications.

Seacare and NOPSA MoU

Seacare has recently renewed its Memorandum of Understanding (MoU) with the National Offshore Petroleum Safety Authority (NOPSA) relating to consultation and the sharing of information. A copy of the MoU is on the Seacare website at www.seacare.gov.au/home/about_seacare_links.

Ultraviolet radiation

A *Guidance note for the protection of workers from the ultraviolet radiation in sunlight* was released on 21 November 2008. This guidance note is accessible from the Safe Work Australia website at www.safeworkaustralia.gov.au/swa/healthsafety/hazardssafetyissues/ultravioletradiationinsunlight.htm.

Comparative Performance Monitor

The *Comparative Performance Monitor* (CPM) report compares occupational health and safety and workers' compensation schemes in Australia and New Zealand and is presented to the Workplace Relations Ministers Council (WRMC). The report, which contains industry comparative data, is compiled on an annual basis by Safe Work Australia, formerly the Office of the Australian Safety and Compensation Council. CPM10, released in August 2008, and earlier reports can be accessed from www.workplace.gov.au/workplace/Publications.

Comparison of Workers' Compensation Arrangements

The *Comparison of Workers' Compensation Arrangements*, prepared by Safe Work Australia, provides a background to the evolution of workers' compensation arrangements in Australia and New Zealand. The publication details the schemes, coverage benefits, return to work provisions, self insurance, common law, dispute resolution, cross-border arrangements and, for the first time in this edition, suspension and cessation of benefits and coverage for judges and members of parliament. The current edition, April 2009, is available from the Safe Work Australia website at www.safeworkaustralia.gov.au/swa/WorkersComp/WorkersCompInformation/.

Scheme insurers

GIO-Vero Insurance has joined Allianz Australia Insurance Ltd, CGU Insurance Ltd, Liberty International Underwriters and QBE Insurance (Australia) Ltd as providers of workers' compensation insurance to Seacare scheme employers. Contact details for these companies are provided on the Seacare website at www.seacare.gov.au/workers_compensation/scheme_insurers2.

Asbestos

AMSA issued on 15 December 2008 *Marine Notice 19/2008 Presence of Asbestos in Ships* on 15 December 2008, reminding operators and ship owners of the prohibition on the use of asbestos in maritime workplaces since 31 December 2003 and the regulatory requirements relating to asbestos 'in-situ' prior to 31 December 2003. This is accessible from the AMSA website at www.amsa.gov.au/shipping_safety/marine.notices/.

National OHS Compliance and Enforcement Policy

Seacare, AMSA and other workplace safety authorities have signed a National OHS Compliance and Enforcement Policy, the development of which was coordinated by the Heads of Workplace Safety Authorities (HWSA). The policy is an attempt to bring harmonisation to OHS compliance and enforcement activities across OHS jurisdictions in Australia. The policy is a high level statement of principles that allows individual jurisdictions to incorporate their specific policies under the general framework. Seacare and AMSA are now developing the Seacare scheme policy on prosecution and enforcement actions. A copy of the national policy is provided on the HWSA website at www.hwsa.org.au/activities/national_ohs_compliance_enforcement_policy.aspx.

Return to Work (RTW) Monitor

The *RTW Monitor* is an annual report based on a survey of injured employees across Australian and New Zealand workers' compensation jurisdictions who have ten days or more compensation paid. It is prepared for the Heads of Workers' Compensation Authorities (HWCA). The reports are available from the HWCA website at www.hwca.org.au/reports_rtw.php.

Fatalities

During a period from late November 2008 to early March 2009, three seafarers died as a result of accidents on vessels in the Seacare scheme. These tragic events follow a period of over 14 years with no fatalities in the Seacare scheme.

AMSA is currently investigating the circumstances relating to the fatalities on the *Spirit of Esperance* and the *Oceanic Discoverer*. AMSA is also cooperating with NOPSA in their investigation of the fatality on the *Karratha Spirit* facility. In response to that fatality and other safety issues associated with the offshore petroleum industry, the Minister for Resources and Energy, the Hon Martin Ferguson AM MP, announced an inquiry into the safety regulation of the offshore industry. Among the issues considered by the inquiry were the complementary roles of NOPSA and AMSA in ship safety regulation for vessels engaged in the industry. The inquiry report, *Offshore Petroleum Safety Regulatory Inquiry: Maritime Issues*, is available from the Department of Resources, Energy and Tourism website www.ret.gov.au/Pages/default.aspx.

Death benefits increase

An increase in death benefits payable to dependants of seafarers covered by the Seafarers Act came into effect from 4 June 2009 as follows:

- the lump-sum payment increased from \$225 594.33 to \$412 000
- the weekly benefit payable to dependent children increased from \$75.17 to \$113.30.

These benefits increased from 1 July 2009 as a consequence of the new s23A of the Seafarers Act, which provides for their indexation using the movement in the Wage Price Index, rather than as previously the Consumer Price Index. Further information is provided in Seacare Notice 04/2009 and 05/2009, which can be accessed from the Seacare website at www.seacare.gov.au/notices.

Equal treatment in Commonwealth laws of same-sex relationships

Effective from 10 December 2008, the Seafarers Act was amended by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws-General Law Reform) Act 2008* to remove discrimination against same-sex couples and their dependant children. The changes will provide for equality of treatment for same-sex and opposite-sex de facto couples, as well as ensuring that children are not disadvantaged because of the structure of their family. Further information is provided in Seacare Notice 06/2009. A consolidated version of the Seafarers Act incorporating these changes can be accessed from the Seacare website at www.seacare.gov.au/home/legislation.

Seacare Notices

Recent Seacare Notices issued to Seacare scheme employers include:

- 07/2009 – Maximum Level of Benefits
- 06/2009 – Amendments to Seafarers Act re Same-Sex Relationships
- 05/2009 – Revised Indexation of Compensation – revoked Notice 01/2009
- 04/2009 – Increased Death Benefits

Notices can be accessed from the Seacare website at www.seacare.gov.au/notices.

Seacare Authority Membership and contact details

In May 2009 Mr John Wydell (AMOU) was appointed as an employee representative on the Seacare Authority for a period of three years. Mr Martin Byrne (AIMPE) was appointed as Mr Wydell's Deputy.

Members

Chairperson

Mr Geoff Gronow – Consultant lawyer

Deputy Chairperson

Mr Martin Dolan – formerly CEO, Comcare

Employee representative

Mr John Wydell – Industrial Officer, Australian Maritime Officers Union (AMOU)

Employee representative

Mr Mick Doleman – Assistant National Secretary, Maritime Union of Australia (MUA)

Employer representative

Mr Peter Bremner – Consultant, formerly Manager, Shipping, CSR Ltd

Employer representative

Mr Mal Hearnden – Manager, Swire Pacific Ship Management (Australia) Pty Ltd

AMSA CEO

Mr Graham Peachey – CEO, Australian Maritime Safety Authority (AMSA)

Deputy Members

Deputy to Mr Wydell

Mr Martin Byrne – Assistant Federal Secretary, Australian Institute of Marine & Power Engineers (AIMPE)

Deputy to Mr Doleman

Mr Jamie Newlyn – Branch Secretary, South Australia, MUA

Deputy to Mr Bremner

Ms Teresa Hatch – CEO, Australian Shipowners Association (ASA)

Deputy to Mr Hearnden

Mr Tony Caccamo – General Manager, Operations, Australian Mines & Metals Association (AMMA)

Deputy to Mr Peachey

Mr Brad Groves, AMSA

Secretariat and Seacare Management Section, Comcare

Director Mr Gerard Newman

Assistant Director Mr David Bonny

Contact details

Phone (02) 6275 0070

Fax (02) 6275 0067

Email seacare@comcare.gov.au

Website www.seacare.gov.au

Postal address GPO Box 9905 Canberra ACT 2601

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Seacare Management Section

GPO Box 9905, Canberra ACT 2601

Disclaimer

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