What’s in this issue

- 2 2012 Seacare Conference and Awards
- 2 Seafarers Rehabilitation and Compensation Act commentary
- 2 Extension guidelines
- 2 Permanent Impairment Guide
- 3 Seacare Jurisdictional Coverage—Discussion Paper
- 3 Claim forms
- 3 Information brochures for employees and employers
- 3 2011 Seacare Injury prevention forum
- 4 Information for Legal Practitioners
- 4 Scheme performance
- 4 Seacare notices

Chairperson’s comments

The first half of 2012 has seen the introduction into the Australian Parliament of a number of pieces of legislation that will profoundly impact the Australian shipping industry. The legislation gives effect to the Government’s shipping reform agenda, the modernisation of the Navigation Act and the introduction of a single maritime safety regulatory regime. In addition, the legislative changes impact on the jurisdiction of the Seacare scheme.

In order to provide informed advice to the Minister on Seacare scheme coverage, the Seacare Authority released a Discussion Paper to stakeholders in February this year. As a result of feedback received from this process, the Authority was able to provide advice to the Minister in April. I would like to thank all scheme stakeholders who participated in this exercise and note that while the Authority was not able to accommodate all views expressed, those views have been passed on to the Department of Education, Employment and Workplace Relations (DEEWR) for further consideration.

Since the Authority’s advice was provided to the Minister, DEEWR has announced that a comprehensive review of Seacare scheme coverage will be undertaken in consultation with scheme participants. The review is expected to commence in July 2012. I would urge all scheme participants to be involved in this process as it represents an invaluable opportunity to achieve certainty and clarity on scheme coverage.

I would also like to take this opportunity to remind scheme participants of the Authority’s flagship events: the Seacare Conference and Seacare Awards. The Seacare Conference is being held in Sydney on 24 and 25 October 2012. The 2012 Conference theme is seafaring safety, navigating change. The Seacare Awards opened on 28 May and close on 23 July. Awards categories cover health and safety as well as injury management and return to work. The Conference and Awards program can only be a success with active participation from stakeholders and I would encourage all stakeholders to be involved. I hope to see as many scheme participants as possible at the Conference and Awards dinner in October.

David Sterrett
Chairperson
2012 Seacare Conference and Awards

The Seacare Conference and Awards are showcase events for the Seacare Authority and maritime industry. The events, conducted every two years, provide an opportunity for employers, operators, seafarers and other industry stakeholders to gather and learn about best practice approaches and to celebrate the achievements of the industry.

This year’s conference and awards will be held from 24–25 October 2012 at Crystal Palace Luna Park in Sydney. The 2012 conference theme is Seafaring safety, navigating change and will focus on the health and wellbeing of seafarers as well as key changes to the industry including scheme coverage, and harmonisation of OHS laws. In order to promote the Conference to seafarers, active Health and Safety Representatives in the Seacare jurisdiction will be given free entry to the Conference.

The Seacare Awards recognise and acknowledge the positive and successful initiatives by employers, operators, seafarers and others who are leading the way in best practice OHS, rehabilitation and return to work systems and programs. There are six categories in the 2012 Seacare Awards:

Category one—Best Workplace Health and Wellbeing Program
Category two—Best Workplace Health and Safety Management System
Category three—Best Solution to an Identified Workplace Health and Safety Issue
Category four—Best Individual Contribution to Health and Safety
Category five—Best Health and Safety Representative of the Year
Category six—Best Rehabilitation and Return to Work Program.

Nominations are now open for the 2012 Seacare Awards. Entries must be submitted using the online nomination portal available at www.seacare.gov.au before 23 July 2012. The winners will be announced at a gala dinner in Sydney on Wednesday 24 October 2012.

Further details about the Seacare Conference and Awards, sponsorship opportunities and attendee registration are available on the Seacare website at www.seacare.gov.au.

Seafarers Rehabilitation and Compensation Act commentary

The Seacare Authority has commissioned a commentary on the Seafarers Rehabilitation and Compensation Act 1992 (Seafarers Act) as a service for Seacare scheme stakeholders.

The Seafarers Act commentary is available for public access on the Seacare website and includes:

- annotations of the Seafarers Act and the Seafarers Rehabilitation and Compensation (Transitional Provisions and Consequential Amendments) Act 1992, organised on a section by section basis
- full versions of Seacare workers’ compensation legislation and regulations
- each edition of the Seacare Permanent Impairment Guide
- case notes on all court and tribunal decisions under the Seafarers Act and the full text of all important decisions on the Act
- instruments issued with respect to the Seafarers Act.


Extension guidelines

To assist employers to make a valid request for an extension of time to determine workers’ compensation liability under section 72, 73, 73A and 79 of the Seacare Act, the Seacare Authority has developed extension of time guidelines and an accompanying form. These guidelines also detail the factors taken into consideration by the Seacare Authority when determining whether to grant an extension of time. These guidelines can be found at www.seacare.gov.au under the Compensation Publications tab.

Permanent Impairment Guide


Edition 2.1 replaces the second edition of the Seacare Guide for assessing claims for permanent impairment and non-economic loss made under sections 39, 40 and 41 of the Seafarers Rehabilitation and Compensation Act 1992 and applies to permanent impairment claims received by an employer on and from 1 December 2011.
Seacare Jurisdictional Coverage—Discussion Paper

In February 2012, the Seacare Authority released its Seacare Jurisdictional Coverage - Discussion Paper and sought comments from industry stakeholders on the preferred coverage of the Seacare scheme.

The Seacare Authority initiated its review of jurisdictional coverage due to the re-write of the Navigation Act. Given that the Seacare scheme’s coverage provisions are presently linked to the Navigation Act by reference to Part II (section 10), the re-write of the Navigation Act necessitates a re-draft of the Seacare scheme coverage provisions and provides an opportunity to re-define Seacare coverage.

The Seacare Authority received several stakeholder submissions in response to the Discussion Paper which informed the development of the Authority’s preferred position on scheme coverage. On 20 April 2012 the Seacare Authority provided its preferred position to the Minister for Employment and Workplace Relations.

It is expected that the Department of Education, Employment and Workplace Relations will soon commence development of government policy on scheme coverage in consultation with the Seacare Authority and the maritime industry.

Claim forms

As part of its five-year strategic plan, the Seacare Authority has undertaken a review and revision of its workers’ compensation claim forms to improve claims management in the Seacare scheme. Following an industry consultation process that incorporated a workshop exercise and electronic submissions, the Authority approved the following new claim forms on 31 May 2012:

- Claim for workers’ compensation
- Claim for permanent impairment and non-economic loss
- Claim for compensation for a work-related death
- Report on the employer’s determination of a claim for workers’ compensation
- Report on the employer’s determination of a claim for permanent impairment
- Report on the employer’s determination of a claim for compensation for a work-related death

The new claim forms are now available on Seacare website at www.seacare.gov.au/forms and should be used for all new workers’ compensation claims under the Seafarers Rehabilitation and Compensation Act 1992. Hardcopy versions of the new claim forms will also be available from the Seacare Management Section in the near future.

Information brochures for employees and employers

The Seacare Authority has also undertaken to improve claims management in the Seacare scheme by updating its information brochures to complement both the new workers’ compensation claim forms and the Best Practice Claims Management Handbook.

The new Seacare information brochures are designed to explain the workers’ compensation process to all industry participants in plain English to ensure that all parties are aware of their rights, responsibilities and entitlements in the event that an injury occurs in the workplace.

On 31 May 2012, the Seacare Authority approved the following new information brochures, which will soon be available on the Seacare website:

- Brochure 2 – Employee’s guide to workers compensation
- Brochure 3 – Employer’s guide to workers compensation.

Hardcopy versions of the new information brochures will also be available from the Seacare Management Section in the near future.

2011 Seacare Injury prevention forum

On 23 November 2011 the Seacare Authority hosted the 2011 Seacare Injury Prevention Forum in Fremantle, Western Australia. The Forum focussed on improving Occupational Health and Safety outcomes within the Seacare jurisdiction and was well attended by participants from various sectors of the maritime industry.

The Seacare Authority would like to thank all the delegates for their attendance and enthusiastic participation in the event and its workshop exercises. The information and feedback provided by participants will assist the Authority to further contribute to injury prevention in the maritime industry.
Information for Legal Practitioners

In January 2012, the Seacare Authority released an ‘Information for Legal Practitioners’ guide which is intended to provide an outline of the workers’ compensation process under the Seafarers Rehabilitation and Compensation Act 1992 for legal practitioners acting for claimants.

The guide is available online at the Seacare website: www.seacare.gov.au.

Scheme performance

The Seacare scheme’s performance for the first half of 2011-12 is summarised below:

- 109 claims for workers’ compensation lodged in the first half of 2011-12 compared to 124 for the same period of the previous year.
- Injury incidence rate of 32.1 (claims involving one day lost time per 1000 FTE) for first half of 2011-12 compared to 47.9 for 2010-11.
- Injury frequency rate of 7.1 (claims involving one week lost time per 1m hours worked) for first half of 2011-12 compared to 10.9 for 2010-11.
- Employees covered by the scheme increased by 13.6 per cent to 7,990.
- Apparent claim disputation rate of 28.9 (AAT applications lodged per claim lodged) for first half of 2011-12 compared to 25.8 for 2010-11.
- 14 safety incidents reported to AMSA for the first half of 2011-12 compared to 19 for the same period of the previous year.
- AMSA commenced 47 OHS investigations in first half of 2011-12 compared to 48 for the same period of the previous year.
- 11 OHS notices issued by AMSA for the first half of 2011-12 compared to 16 for the same period of 2010-11.

Seacare notices

Seacare notices are issued to scheme employers and published on the Seacare website. Current notices include:

01/2012 – Maximum level of benefits
(effective 23 February 2012)

07/2011 – Indexation of compensation benefits
(effective 1 July 2011)


05/2011 – Maximum level of benefits
(effective 17 November 2011)