



Australian Government

**Seafarers Safety, Rehabilitation
and Compensation Authority**

Section 20A Request for Exemption from the Application of the *Seafarers Rehabilitation and Compensation Act 1992*

Seacare form 10

This form should be used to request an exemption from the *Seafarers Rehabilitation and Compensation Act 1992* pursuant to section 20A of the Act. As part of this application, you should:

- ensure that the conditions established by the Seacare Authority Exemption Guidelines (Guidelines) are met – the Seacare Authority considers all requests for exemption in accordance with these Guidelines
- complete and sign the attached application form
- attach written evidence of the workers' compensation policy or policies that, in accordance with the Ministerial Direction 2023, the applicant has in all the jurisdictions in which it operates and for which it is seeking an exemption, and confirm that the insurance will cover each employee for the journey(s) and duration for which you are seeking the exemption in the event that an exemption is granted and sign the declaration – see guidance on what constitutes sufficient written evidence at **Attachment A**
- if self-insurance will be relied on to provide cover for the journey(s) and the duration of the proposed exemption, attach evidence of self-insurance licence or approval and associated guarantees, insurance or reinsurance arrangements
- where relevant inability to place insurance under the Seafarers Act is the basis for the application, attach written evidence of reasonable steps the applicant has taken to obtain cover specifically for the journey(s) and duration of the proposed exemption
- for all exemption factors, attach information or submissions that you may wish to provide to assist the Authority in considering a request for exemption against the requirements of the Directions set out at section 3(a) to the Guidelines.
- for exemption factors A, C and D send the completed application form to the Seacare Authority by emailing **seacare@comcare.gov.au** at least 14 days before the commencement date of the proposed exemption, unless there are exceptional circumstances
- for exemption factor B: for exemption periods of 45 days or less, send the completed application form to the Seacare Authority by emailing **seacare@comcare.gov.au** at least 14 days prior to the proposed date of commencement of the exemption, unless there are exceptional circumstances. If the proposed exemption period is greater than 45 days, the completed application form must be provided at least 21 days prior to the proposed date of commencement of the exemption, unless there are exceptional circumstances
- consider advising the relevant employees of the exemption if granted.

Issued by the Seacare Authority
September 2023



Australian Government

**Seafarers Safety, Rehabilitation
and Compensation Authority**

Application for section 20A exemption *Seafarers Rehabilitation and Compensation Act 1992*

Seacare form 10

1. Applicant's details

Name	
Company	
Position in company	
Postal address	
Telephone	Fax
Email	

2. Applicant's employer details

Trading name	
Company name	
ABN/ACN	
Contact officer	
Postal address	
Principal place of business	
Telephone	Fax
Email	

3. The factor/s of exemption under which this application is made

- A. The unavailability of workers' compensation insurance under the Seacare scheme.
- B. The prescribed ships' proposed voyage does not constitute a regular trading/operating pattern and is incidental to the primary operations of this ship.
- C. The prescribed ship/s is/are operating within a Territory only
- D. The prescribed ship is expected to voyage between two places outside Australia over a period of 12 months or more, and the majority of the crew on the prescribed ship are not residents of Australia.

4. Are any other employers associated with the ship and voyage(s) this exemption relates to?

- No. Go to question 5.
- Yes. For each additional employer, complete questions 2, 3, 5 and 6 on a separate form.

5. Details of the ship/s an exemption is being requested for

Name of ship(s) and corresponding IMO/ship identification number(s). If more than 5 ships, please attach a separate list.

6a. Estimate the number of employees that will be subject to the proposed exemption
(if multiple employers exist, each employer must provide this information)

Usual place of work according to the relevant state of connection test	NSW	VIC	WA	QLD	SA	NT	TAS	Outside Australia
Number of employees								

6b. These employees represent:

- All employees on the ship
- A particular group or groups of employees. If so, list the name(s) of the group(s)

- A particular employee or employees. If so, list the name(s) of the individual(s)

7. Details of the voyage(s) an exemption is being requested for – factors B and D only

Detailed description of purpose of voyage(s)

Start date	Departing from
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End date	Arriving at
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Other relevant details (e.g. ports to be visited)

8. Attach written evidence of the workers' compensation policy/policies that will completely cover the above employee(s) in the event that the Authority grants your request (this must be provided for each employer involved)

Applicants signature	Date
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Note: The Seafarers Safety, Rehabilitation and Compensation Authority is empowered to grant exemptions from the *Seafarers Rehabilitation and Compensation Act* under section 20A of that Act. A decision made under section 20A is reviewable under the *Administrative Decisions (Judicial Review) Act 1977*.

Attachment A

Written evidence

1. The following constitutes sufficient written evidence of a workers' compensation policy or policies:
 - a letter, certificate of coverage or relevant policy document from your insurer detailing your insurance coverage under each applicable jurisdiction, or
 - a letter from each relevant state/territory workers' compensation authority detailing coverage.

Documentation provided, as indicated above, must include the following:

- full name of the employer
 - name of the insurer
 - policy details (such as the relevant workers' compensation scheme)
 - policy number
 - date of commencement of policy
 - date of expiry of policy (or if a rolling policy, indicate this)
 - the situation and voyages for which cover will be provided
2. The following constitutes sufficient written evidence for the Seacare Authority to be reasonably satisfied that the applicant has taken all reasonable steps to obtain insurance or indemnification for the applicant's workers' compensation liability under the Seafarers Act (Factor A):
 - email/s or letter/s from insurers that are providing Seafarers Act policies;
 - email/s or letter/s from a broker/s, including evidence that the broker/s has communicated with insurers;
 - evidence of reasonable enquiries made in relation to the applicant proximate to the time of the application and relating specifically to the applicant for the proposed journey(s) and duration of the exemption.