Employee and Ship Details Survey

Period: 1 July 20\_\_\_ – 31 December 20\_\_\_

Employer:

Date Completed:

Completed by:

Contact Details

Email:

Phone:

Seacare Contact Details:

Telephone: (02) 6275 0070

Email: [seacare@comcare.gov.au](mailto:seacare@comcare.gov.au)

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Canberra ACT 2601

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Employee Survey

Employees under the Seafarers Act as at 31 December 20\_\_\_\_

This section includes all employees who were engaged at the conclusion of the reporting period, whether still employed by the employer or not. It includes employees on sick leave, long service leave, study leave, leave without pay, on compensation and off swing.

When completing the employee survey, the figures for **Total employees** should add up to the same in each box.

Male Female Total

Permanent employees:

Casual employees:

**Total employees:**

Total

Employees on own ships/ managed ships:

Employees under labour supply contracts:

**Total employees:**

Ship Survey

Details about coverage under the Seafarers and OHS(MI) Acts can be found on page 5 of this survey. If you require more space to complete this section, either add extra rows in the table or attach additional pages.

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| --- | --- | --- | --- | --- |
| **Ship** | **IMO Number** | **Covered by Seafarers Act (Yes / No)** | **Covered by OHS(MI) Act (Yes / No)** | **Operator of the Ship** |
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### Ships covered by the Seafarers Act

Figures should be in whole numbers.

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| --- | --- | --- | --- | --- | --- | --- |
| **Ship** | **Crew Complement** | **Days operated in period  (Max 184)** | **Standard shift hours per day (eg 12)** | **Standard work days per week**  **(eg 7)** | **Daily hours of operation  (eg 24)** | **Comment** |
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### Ships covered by the OHS(MI) Act

🞎 As above (please 🗹 if the OHS(MI) Act data is identical to the above Seafarers Act data)

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| --- | --- | --- | --- | --- | --- | --- |
| **Ship** | **Crew Complement** | **Days operated in period** | **Standard shift hours per day** | **Standard work days per week** | **Daily hours of operation** | **Comment** |
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New Ship

To be completed for ships that have not been included in previous surveys.

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| --- | --- | --- | --- |
| **Ship Name** | **IMO Number** | **Ship Type**  (Choose from list on page 8) | **Sector**  (Choose from list on page 8) |
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Disposal

Disposal information for a ship should be entered in this section when the ship is no longer covered by the Seafarers Act or OHS(MI) Act (and is not expected to come back under coverage of either Act in the immediate future).

If you are unsure whether a ship was included in a previous survey, please contact the Seacare Management Section for a list of all ships currently recorded.

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| --- | --- | --- | --- |
| **Ship Name** | **IMO Number** | **Disposal Date** | **Reason for Disposal**  (Choose from list on page 8) |
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Employee and Ship Details Survey Explanation

1. **What is an ESD survey**

Employee and Ship Detail (ESD) surveys are conducted by the Seacare Authority to obtain information on employees – including employee numbers, age range, occupational grouping and hours worked – and ships in the Seacare jurisdiction.

1. **Why ESD surveys are conducted**

Employers and operators in the Australian maritime industry covered by the Seacare scheme are required to provide certain information to the Seacare Authority in accordance with sections 105 and 106 of the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act).

These provisions of the Seafarers Act provide that the Seacare Authority may require an employer to give the Authority such documents or information that are relevant to the compilation of statistics for injury prevention purposes.

Also, regulation 16 of the *Occupational Health and Safety (Maritime Industry) Regulations 1995* (OHS(MI) Regulations) provides that an operator must report to the Authority within 30 days of the end of the financial year.

Accordingly, employers and operators are required to provide information to the Seacare Authority via the ESD survey as both a statutory obligation and for injury prevention purposes.

1. **Coverage of the Seafarers Act and OHS(MI) Act**

The Ship Survey component of the ESD survey requires employers and operators to indicate whether a ship is covered by the Seafarers Act and the OHS(MI) Act.

Effective 16 June 2017 – under section 3A of the Seafarers Act – the Minister for Employment, Michaelia Cash, has declared that a ship, which would be covered under s10(c) of the *Navigation Act 1912* if that Act had not been repealed, and which is only engaged in intra-state trade is not a prescribed ship for the purposes of the Act. This declaration does not affect the prescribed ship status of vessels that held a s8A or s8AA declaration under the *Navigation Act 1912* before it was repealed.

In this regard, a ship (and its employees) is covered by the Seafarers Act if it satisfies section 19 of the Seafarers Act which prescribes:

**19 Application of Act**

(1) This Act applies to the employment of employees on a prescribed ship that is engaged in trade or commerce:

(a) between Australia and places outside Australia; or

(aa) between 2 places outside Australia; or

(b) among the States; or

(c) within a Territory, between a State and a Territory or between 2 Territories.

Note: This Act does not apply if a prescribed ship is a ship registered in the Australian International Shipping Register, see paragraph 61AA(b) of the *Shipping Registration Act 1981*.

(1AA) This Act also applies to the employment of employees on:

(a) a vessel that is used to engage in coastal trading under a general licence; or

(b) a vessel that is used to engage in coastal trading under an emergency licence if the vessel is registered in the Australian General Shipping Register.

(1A) This Act also applies to the employment of employees on any prescribed ship that:

(a) would be an off‑shore industry vessel within the meaning of the *Navigation Act 1912* if that Act had not been repealed and either:

(i) was, immediately before the repeal of that Act, covered by a declaration in force under subsection 8A(2) of that Act; or

(ii) is covered by a declaration in force under subsection (1C) of this section; or

(b) would be a trading ship within the meaning of the *Navigation Act 1912* if that Act had not been repealed and either:

(i) was, immediately before the repeal of that Act, covered by a declaration in force under subsection 8AA(2) of that Act; or

(ii) is covered by a declaration in force under subsection (1C) of this section.

(1B) However, this Act does not apply because of subsection (1A) to a prescribed ship that is covered by a declaration in force under subsection (1D).

(1C) The Authority may declare in writing that this Act applies to a prescribed ship that would be an off‑shore industry vessel, or a trading ship, within the meaning of the *Navigation Act 1912* if that Act had not been repealed.

(1D) The Authority may declare in writing that this Act does not apply because of subsection (1A) to a prescribed ship that would be an off‑shore industry vessel, or a trading ship, within the meaning of the *Navigation Act 1912* if that Act had not been repealed.

(1E) A declaration made under subsection (1C) or (1D) is not a legislative instrument.

(2) This Act also has the effect it would have if:

(a) a reference to an employer were limited to a reference to a trading corporation formed within the limits of the Commonwealth; and

(b) a reference to an employee were limited to a reference to an employee employed by a trading corporation formed within the limits of the Commonwealth.

(3) This Act also has the effect it would have if:

(a) a reference to an employer were limited to a reference to a financial corporation formed within the limits of the Commonwealth; and

(b) a reference to an employee were limited to a reference to an employee employed by a financial corporation formed within the limits of the Commonwealth.

(4) This Act also has the effect it would have if:

(a) a reference to an employer were limited to a reference to a foreign corporation; and

(b) a reference to an employee were limited to a reference to an employee employed by a foreign corporation.

(5) Subsection (3) does not have the effect of applying this Act with respect to:

(a) State banking that does not extend beyond the limits of the State concerned; or

(b) State insurance that does not so extend.

**The OHS(MI) Act** refers to the *Occupational Health and Safety (Maritime Industry) Act 1993.*

Effective 16 June 2017 – under sections 4A and 4B of the OHS(MI) Act – the Minister for Employment, Michaelia Cash, has declared that a ship or vessel which is only engaged in intra-state trade is not a prescribed ship or a prescribed unit for the purposes of the Act. This declaration does not affect the prescribed status of vessels that held a s8A or s8AA declaration under the *Navigation Act 1912* before it was repealed – or the prescribed status of vessels that hold a current coastal trading licence.

A ship is covered by the OHS(MI) Act if it satisfies section 6 of the OHS(MI) Act, which prescribes:

**6 Application of Act**

(1) This Act applies in relation to a prescribed ship or prescribed unit that is engaged in trade or commerce:

(a) between Australia and places outside Australia; or

(aa) between 2 places outside Australia; or

(b) between the States; or

(c) within a Territory, between a State and a Territory or between 2 Territories.

(2) Without limiting the operation of subsection (1), this Act applies to:

(a) the operator of a prescribed ship or prescribed unit described in subsection (1); and

(b) employees employed on a prescribed ship or prescribed unit described in subsection (1); and

(c) contractors and other persons working on a prescribed ship or prescribed unit described in subsection (1); and

(d) manufacturers, suppliers and importers of plant used, or substances used or handled, on a prescribed ship or prescribed unit described in subsection (1).

(3) This Act also applies in relation to:

(a) a vessel that would be an off‑shore industry vessel within the meaning of the *Navigation Act 1912* if that Act had not been repealed and either:

(i) was, immediately before the repeal of that Act, covered by a declaration in force under subsection 8A(2) of that Act; or

(ii) is covered by a declaration in force under subsection (3AB) of this section; or

(b) a ship that would be a trading ship within the meaning of the *Navigation Act 1912* if that Act had not been repealed and either:

(i) was, immediately before the repeal of that Act, covered by a declaration in force under subsection 8AA(2) of that Act; or

(ii) is covered by a declaration in force under subsection (3AB) of this section.

(3AA) However, this Act does not apply because of subsection (3) to a vessel or ship that is covered by a declaration in force under subsection (3AC).

(3AB) The Authority may declare in writing that this Act applies to a vessel or ship that would be an off‑shore industry vessel, or a trading ship, within the meaning of the *Navigation Act 1912* if that Act had not been repealed.

(3AC) The Authority may declare in writing that this Act does not apply because of subsection (3) to a vessel or ship that would be an off‑shore industry vessel, or a trading ship, within the meaning of the *Navigation Act 1912* if that Act had not been repealed.

(3AD) A declaration made under subsection (3AB) or (3AC) is not a legislative instrument.

(3A) This Act also applies to:

(a) a vessel that is used to engage in coastal trading under a general licence; and

(b) a vessel that is used to engage in coastal trading under a temporary licence if the vessel is registered in the Australian International Shipping Register; and

(c) a vessel that is used to engage in coastal trading under an emergency licence if the vessel is registered in the Australian General Shipping Register or the Australian International Shipping Register.

(4) Without limiting the operation of subsection (3) or (3A), this Act applies to:

(a) the operator of a vessel or ship described in subsection (3) or (3A); and

(b) employees employed on a vessel or ship described in subsection (3) or (3A); and

(c) contractors and other persons working on a vessel or ship described in subsection (3) or (3A); and

(d) manufacturers, suppliers and importers of plant used, or substances used or handled on, a vessel or ship described in subsection (3) or (3A).

(5) Without prejudice to its effect apart from this subsection, this Act also has effect as provided by subsections (6), (7) and (8).

(6) This Act has, by force of this subsection, the effect it would have if:

(a) a reference to an operator were limited to a reference to a trading corporation formed within the limits of the Commonwealth; and

(b) a reference to an employee were limited to a reference to an employee of a trading corporation formed within the limits of the Commonwealth; and

(c) a reference to a contractor were limited to a reference to a contractor working for a trading corporation formed within the limits of the Commonwealth; and

(d) a reference to a manufacturer were limited to a reference to a manufacturer that is a trading corporation formed within the limits of the Commonwealth; and

(e) a reference to a supplier were limited to a reference to a supplier that is a trading corporation formed within the limits of the Commonwealth; and

(f) a reference to a person in sections 22, 23 and 24 were limited to a reference to a person working for a trading corporation formed within the limits of the Commonwealth.

(7) This Act has, by force of this subsection, the effect it would have if:

(a) a reference to an operator were limited to a reference to a financial corporation formed within the limits of the Commonwealth; and

(b) a reference to an employee were limited to a reference to an employee of a financial corporation formed within the limits of the Commonwealth; and

(c) a reference to a contractor were limited to a reference to a contractor working for a financial corporation formed within the limits of the Commonwealth; and

(d) a reference to a person in sections 22, 23 and 24 were limited to a reference to a person working for a financial corporation formed within the limits of the Commonwealth.

(8) This Act has, by force of this subsection, the effect it would have if:

(a) a reference to an operator were limited to a reference to a foreign corporation; and

(b) a reference to an employee were limited to a reference to an employee of a foreign corporation; and

(c) a reference to a contractor were limited to a reference to a contractor working for a foreign corporation; and

(d) a reference to a manufacturer were limited to a reference to a manufacturer that is a foreign corporation; and

(e) a reference to a supplier were limited to a reference to a supplier that is a foreign corporation; and

(f) a reference to a person in sections 22, 23 and 24 were limited to a reference to a person working for a foreign corporation.

(9) This Act does not apply with respect to:

(a) State banking that does not extend beyond the limits of the State concerned; or

(b) State insurance that does not so extend.

For further details in this regard, please refer to the Seacare website: [www.seacare.gov.au](http://www.seacare.gov.au/).

1. **Glossary**

***Employee*** – includes all employees who were engaged at the conclusion of the reporting period, whether still employed by the employer or not. It includes employees on sick leave, long service leave, study leave, leave without pay, on compensation and off swing.

***Permanent employee*** – means a permanent employee who was engaged by the employer at the conclusion of the reporting period.

***Casual employee*** – means a casual or similarly engaged employee who was engaged by the employer at the conclusion of the reporting period.

***Employees under Labour Supply Contracts*** *–* refers to crew members on your vessels provided by another employer.

***Crew Complement*** – means the standard complement of seafarers engaged on each ship at any one time.

***Managed Ships*** *–* refers to vessels under your management and includes those vessels that you do not own.

***OHS(MI) Act***– refers to the *Occupational Health and Safety (Maritime Industry) Act 1993*.

***Operator*** – means the person/entity that has the management or control of the ship or unit.

***Seafarers Act*** *–* means the *Seafarers Rehabilitation and Compensation Act 1992*.

New Ship

**Ship Type**

Aquaculture

Aquaculture support

Bulk carrier

Defence Support

Dredge/trench digger

Dry cargo-containers

Dry cargo-other

Dry cargo-Ro/Ro

Fishing

Fishing support

General cargo

Offshore seismic

Offshore-FPSO/FSO

Offshore-other

Offshore-pipe layer/cable layer support

Offshore-rig

Offshore-support

Passenger/tourism

Patrol/research

Tanker-oil

Tanker-chemical

Tanker-gas

Tanker-other

Training

Tug

**Sector**

Aquaculture

Dredging

Fishing

Offshore oil and gas

Passenger/tourism

Trading or bluewater

Disposal

Reason for disposal

Ceased management

Deleted-data entry error

Laid up indefinitely

Lost at sea

Returned to non-Australian part of operation company

Scrapped

Sold/leased/charted to Australian operator

Sold/leased/charted to foreign operator