



Australian Government
**Seafarers Safety, Rehabilitation
and Compensation Authority**

SEACARE AUTHORITY NOTICE AND COMPLIANCE PROCEDURES

Purpose

To assist employers to meet their statutory obligations and the Seacare Authority's reporting requirements in relation to:

- Employee and Ship Details Survey (ESD);
- Berth Return and Levy Payment;
- Claim update reports; and
- Insurance.

Procedures

Notice prior to the compliance date

The following steps apply to all reporting requirements listed above.

Step 1

In accordance with the timeframes set out in the table below, Comcare issues an initial notice to relevant employers to confirm reporting obligations and the compliance date.

Step 2

Five business days prior to the compliance date, Comcare will issue a courtesy reminder notice to the appointed contact person for each entity.

Step 3

Comcare issues a subsequent notice on the specified date of compliance, to the appointed contact person for each entity.

Compliance procedures

Steps 1 and 2 apply to all reporting requirements listed above. The actions for step 3, depend on the requirement, as set out below.

Step 1

On the first business day following the compliance date, Comcare will contact the appointed contact person of any employer that has not provided the required information advising:

- (a) the timeframe for provision of the information has passed;
- (b) the company is in breach of the legislation or the Seacare Authority's reporting requirements (whichever is applicable);
- (c) if the company has not provided the required information within five business days, the matter will be escalated to the company's Chief Executive Officer (CEO)/General Manager.

Step 2

If no response is received within five business days (or the response provided does not resolve the compliance issue), Comcare will inform the Chairperson of the Seacare Authority of the non-compliance.

The Chairperson of the Seacare Authority or their delegate will send follow-up correspondence to the CEO/General Manager of the company.

This correspondence will:

- (a) outline the communication between Comcare and the company to date;
- (b) advise that the compliance date has passed;
- (c) advise that the company is in breach of the legislation or the Seacare Authority's reporting requirements;
- (d) advise that if a response is not received within five business days, further action will be initiated to ensure compliance; and
- (e) include any other information deemed relevant or appropriate.

Where an employer has two consecutive instances of non-compliance the above steps will commence following the compliance date (the five day timeframe does not apply).

Step 3

Non-compliance under Seafarers Act Reporting

This applies to Employee and Ship Details survey, claim update process and insurance.

If deemed appropriate, Comcare will prepare a brief of evidence for submission to the Commonwealth Director of Public Prosecutions (CDPP) for consideration. The brief is cleared by:

- the Chairperson for offences under the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act); or
- the CEO of Comcare for offences under the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* (Levy Collection Act).

The CDPP may then undertake prosecutorial action, as recommended by the Chairperson of the Seacare Authority or CEO of Comcare in the relevant State court with federal criminal jurisdiction.

Non-compliance with Levy Collection Act

This applies to berth and levy reporting.

Where the non-compliance relates to the provision of a return under section 6 of the Levy Collection Act, steps will be taken as per non-compliance with the Seafarers Act.

If, after receipt of a levy return, the levy imposed on an employer remains unpaid, and if deemed appropriate, the CEO of Comcare, or an authorised person as appointed by the CEO, will write to the relevant party to advise that, if the payment of the levy is not received within a timeframe stipulated in that letter, the ship will be detained.

Other considerations

False or misleading reporting

The Seacare Authority may request supporting documentation from the appointed contact person in order to confirm the accuracy of reported information and data.

False or misleading reporting is considered to be non-compliance with reporting requirements under Seafarers Act Reporting and the Levy Collection Act and will be treated accordingly.

Threshold for compliance

To meet the threshold for compliance all reporting requirements must be met by the compliance dates listed in the table below.

Levy payments should be made within a timeframe that allows for it to be received by the Seacare Authority by the compliance date. The provision of a remittance advice showing payment on or prior to the compliance date would demonstrate compliance.

Employer Reporting Requirements and Timelines:

Report	Requirement	Act and section	Frequency	Initial notice	Falls due	Compliance date
Employee and Ship Details Survey (ESD)	Employee numbers, hours worked and ship details (six monthly) and employees by age and occupational grouping (annually)	Seafarers Act, section 106	Biannual	15 Dec	1 Jan	15 Jan
				15 Jun	1 Jul	15 Jul
Berth Return and Levy Payment	Report number of berths on all ships and payment of levy per berth	Levy Collection Act, sections 4, 5 and 6	Quarterly	15 Dec	1 Jan	15 Jan
				15 Mar	1 Apr	15 Apr
				15 Jun	1 Jul	15 Jul
				15 Sep	1 Oct	15 Oct
Claim update reports	Report on all claims that are active or have been finalised in preceding 6 months	Seafarers Act, section 106	Biannual	Late Dec	1 Jan	31 Jan
				Late Jun	1 Jul	31 Jul
Insurance	Details and evidence of workers' compensation insurance arrangements and gross wages	Seafarers Act, sections 94, 95 and 106	Periodically	1 week prior to expiry	When insurance is renewed or reissued	Within 14 days of insurance issue or renewal

Notes

- If the compliance date falls on a non-business day, compliance is extended to the next business day.
- These procedures are to be reviewed by the Seacare Authority if they are not achieving the intended outcome.

Definitions and examples

Definitions

- Falls due** This is the date on which each reporting process is based on (*refer Employer Reporting Requirements and Timelines table on previous page for relevant legislation*).
- Compliance date** this is the last date for submission of reporting of all processes and payment of levy amounts to the Seacare Authority. (*refer Employer Reporting Requirements and Timelines table on previous page for relevant legislation*).

Examples

- ESD survey** Employer reporting of employee and ship details.
Employers report on employee and ship details for the six months prior to the falls due date.
Employers have until the compliance date to submit their ESD survey to the Seacare Authority.
- Claims update reports** Employer reporting of all claims that were active or finalised in the six months prior to the falls due date.
Employers have until the compliance date to submit their claim update reports to the Seacare Authority.
- Berth and levy reporting** Employer reporting of berths that were active on the falls due date (first day of the reporting quarter).
Employers are required to submit the Berth Return form by the compliance date, with the levy payment also to be made by the compliance date.
A remittance advice can be used as proof of compliance with this process.