

## **Seacare HSR Forum 2009 - Summary**

**Paul O'Connor**

**Acting Chairperson, Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)**

### **Opening remarks**

Paul's message was about leadership. What can we all do as leaders to improve health and safety outcomes?

With examples of how Sir Owen Woodhouse and E.G. Whitlam had a vision for a national accident compensation scheme for Australians, Paul emphasised that without vision and leadership, change and improvement won't happen.

Paul also challenged us all to do something different to effect change for the better when we return to the workplace.

**Melissa Ryan**

**General Manager, Research & Policy Branch, Comcare**

### **Harmonisation of OHS laws**

Melissa outlined the harmonisation in process of Occupational Health and Safety (OHS) laws. She outlined what is in the model laws and how harmonisation is being achieved through intergovernmental agreement, the National Review into model OHS laws and the establishment of Safe Work Australia.

Melissa also highlighted the impact of the model laws on the *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act) and the enhanced role for Health and Safety Representatives (HSRs) in the model laws. She summarised by focusing on the next stages of harmonisation.

An explanation of the differences between the model laws and the OHS(MI) Act can be found on the Seacare website.

**Greg Smith**

**Consultant – Employee Relations, Freehills**

### **Management obligations for safety and health**

Greg reminded us that we all have OHS responsibilities and the consequences for getting it wrong can be severe.

He also covered that without cultural and behavioural change, the best Safety Management System will not be effective. He noted that systems are based on the premise that people will do the right thing, but that this is a false premise.

He then outlined four minimum expectations required in managing safety:

1. Know obligations and risks.
2. Have a process that brings systems failures to your attention.
3. Respond personally and in a timely manner to systems failures.
4. Independently verify from time to time.

**Gerry Newman**

**Director, Secretariat & Seacare Management Section, Comcare**

### **Seacare Scheme Safety Performance**

Gerry's presentation focused on the Seacare Schemes Safety Performance. He summarised that:

- There were three fatalities in the scheme in 2008-09 – after 14 fatality free years
- There is an increase in claims incidence in the past two years
- The claims incidence and frequency is comparable to similar high-risk industries
- Claims incidence is higher in the Offshore sector
- Claims incidence is higher in the older age groups
- 'Sprains and strains' and 'Musculoskeletal disease' remain the most common nature of injury
- Deck and machinery spaces are the most common location on the vessel for an injury to occur
- OHS Incidents Notifications are decreasing and indicate a level of under-reporting
- RTW rates are below the national average
- Average Premium rates are falling but well above National average.

**Jamie Newlyn**

**South Australian Branch Secretary, Maritime Union of Australia (MUA)**

### **A Union Perspective**

Jamie emphasised that the role of the HSR is an under utilised area of the OHS(MI) Act. He also raised the question – how can HSRs be used to effect real improvements in OHS outcomes?

Jamie placed a strong emphasis on:

- The need to change and develop a safety culture;
- The need to learn from fatalities; and
- Plans in renewed emphasis on ship board safety.

He also put forward suggestions for improved safety outcomes in the Shipping Industry, such as:

- New investment in ships to create a modern and better designed fleet;

- Greater Australian participation in the Australian coastal freight task to encourage safer crews and greater management/labour control over safety; and
- A maritime industry workforce development and skills plan that will ensure a stronger emphasis on seafarer skills and capabilities.

Jamie also emphasised the need for an examination of the resources available to AMSA in performing both its OHS Inspectorate functions and its emerging ILO Maritime Labour Convention (MLC) functions.

Jamie also focused on the need to support HSRs. He suggested that we look at HSRs not as OHS burdens, but rather as having a practical role in improving and promoting a safety culture in the Australian maritime industry.

Jamie concluded by saying that employers should encourage elections of HSRs and subsequent training. He emphasised that employees must feel confident that by accepting a HSR role their views will be genuinely considered without fear or favour.

### **Reza Vind**

**Manager, MOD West, Australia Maritime Safety Authority (AMSA)**

#### **How AMSA can assist HSRs**

Reza outlined AMSA's legislative requirements under the OHS(MI) Act. He also stated that it was AMSA's role to:

- Ensure serious injuries, deaths and dangerous occurrences are reported in a timely manner;
- Investigate the above incidents;
- Advise operators, employees and contractors on OHS matters;
- Provide the Seacare Authority with information;
- Work with the Seacare Authority to improve awareness of OHS issues on ships;
- Ensure the health and safety of employees on ships; and
- Encourage a culture aimed at preventing death or injury in the maritime industry.

Reza also spoke about the roles and powers of HSRs to include:

- Keeping workplaces safe;
- Provide a means for seafarers to raise OHS issues within their workplace;
- Have the power to issue Provisional Improvement Notices (PINs); and
- Have the right to accompany an Inspector in an investigation.

Reza also emphasised that functions of AMSA included:

- Promoting dialog between operators, HSRs, employees and AMSA
- Enhanced audit procedures
- Targeting of ships for breaches of the OHS(MI) Act and regulations, including non-reporting of incidents
- Clarifying boundaries between the Maritime industry and the Offshore Industry.

**Pat Lawrence**  
**Senior Manager, Australian Institute of Technology Transfer (AITT)**

### **HSR training needs**

Pat focused on how HSRs can become safety leaders and can assist operators with onboard OHS.

Pat raised the questions:

- How much training do HSRs need? and
- What access to resources do they require to perform their job?

Pat also emphasised that HSRs can become safety leaders through:

- Proper training;
- Having access to safety systems that are understandable; and
- Understanding what is meant by duty of care.

Pat also focused on how HSRs can assist employers by:

- Being honest if they don't know something;
- Apply principles of risk management;
- Explain things to crew;
- Assist with OHS measures, such as first aid etc;
- Act in a responsible manner;
- Follow procedures;
- Be alert to safety issues;
- Respond to procedures;
- Looking after ourselves and others; and
- Uphold high standards.

Pat concluded by explaining that effective leaders in OHS:

- Consider the interests of all;
- Are not one sided;
- Demonstrate commitment;
- Have good communication skills;
- Are creative in handling OHS issues; and
- Act consistently.

**Tony Martinovich**  
**QHSE Manager, Offshore Marine Services Pty Ltd**

### **Employer experiences in working with HSRs**

Tony's presentation was on employer experiences in working with HSRs and he looked at the role of HSRs and onboard employees in addressing issues of safety.

Tony also drew on his experiences with the Castoro Otto and outlined the difficulties and approaches of their operating environment.

The key message of Tony's presentation was communication and consultation - consultation at all levels (employers, employees, operators, and clients). He stated that the key role of HSRs onboard was to be a 'conduit between the crew and the onboard management and with the Offshore Marine Services (OMS) office'.

Tony also cautioned to know your facts and that a common problem is that everyone thinks they are safety experts. He also suggested that 'if in doubt give a shout' – always be willing to ask for help.

**Paul O'Connor**  
**Acting Chairperson, Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)**

### **Closing remarks**

Paul concluded the HSR Forum by briefly summarising the major themes of the day and thanking all attendees for their participation.