



Australian Government

Seafarers Safety, Rehabilitation
and Compensation Authority

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SEACARE NEWS

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Geoff Gronow ED

Chairperson

Comment from the Chairperson

In February, the Minister for Employment and Workplace Relations, the Hon. Kevin Andrews MP, advised me that he was initiating a review of the Seacare scheme legislation. Details of the review are provided in this issue of Seacare News.

I encourage all Australian maritime industry stakeholders and those with an interest in the Seacare scheme to take the opportunity to participate in the review process and contribute their views.

Seacare Scheme Legislative Review

The Commonwealth Department of Employment and Workplace Relations is organising for an independent review of the following legislation, collectively referred to as the Seacare scheme:

- Seafarers Rehabilitation and Compensation Act 1992;
- Occupational Health and Safety (Maritime Industry) Act 1993;
- Seafarers Rehabilitation and Compensation Levy Act 1992; and
- Seafarers Rehabilitation and Compensation Levy Collection Act 1992

Following the appointment of an independent consultant, the review will examine whether the governance, funding and insurance arrangements of the Seacare scheme deliver an efficient, comprehensive workers' compensation and OHS programme for the maritime industry and whether alternative systems to the existing arrangements would facilitate improved outcomes.

The review will, in particular, examine the appropriateness of vessel and employee coverage provisions of the Seafarers Act and OHS(MI) Act, taking into account the structure, working arrangements and operations of the Australian maritime industry and the division of responsibilities agreed by the Commonwealth, States and Territories in relation to these matters.

Written submissions to the review have been called for and are due by Friday, 15 April 2005. The review report is to be completed by 2 May 2005.

Further information on the review including the terms of reference is available from the Department of Employment and Workplace Relations website at <http://www.dewr.gov.au/news/default.asp> or <http://www.dewr.gov.au/seacare/seacareTermsOfReference.pdf>

Sea Safe-Work Day – 28 April 2005



Thursday, 28 April 2005 is Sea Safe-Work Day for the Australian maritime industry. The Seacare Authority is encouraging employers and operators in the Seacare scheme to undertake activities on Sea Safe-Work Day that promote and encourage awareness of working safely in the maritime sector.

Sea Safe-Work Day is being held to coincide with the

International Labour Organisation's (ILO) World Day for Safety and Health at Work. The World Day is intended to focus international attention on promoting and creating a safety and health culture at work and to help reduce the number of work-related deaths each year. The theme of this year's World Day is prevention, and the OHS needs of younger and older workers.

Safety and health culture is defined as one in which the right to a safe and healthy working environment is respected at all levels. It is one where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority. Building and maintaining a preventative safety and health culture requires making use of all available means to increase general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled.

Young people at work tend to suffer disproportionately from workplace accidents and diseases. Faced with high demands and little control, yet at the same time wanting to please and wanting peer approval, means that young people may tend to disregard safety measures. Often they are simply not aware of those safety measures and do not yet have the experience to recognize or avoid potential danger.

Older people at work face different risks. While in most occupations they tend to have fewer accidents, they need longer to recover than younger people from injury or work-related illness. Any diseases which build up over time will manifest themselves after a certain age. What older workers may lose in strength, balance and flexibility for physical work is often made up for by higher accuracy than younger workers. So accommodation is called for to profit

from the valuable skills and competencies older workers have. Preventing discrimination against older workers is also vital. In mental work, there may be a loss of the ability to deal with multiple stimuli in a busy work environment, but there is a net gain in experience and ability to make the right decision the first time round.

Further information on the World Day for Safety and Health at Work can be obtained from the ILO website at www.ilo.org/safework/safeday

Sea Safe-Work Day is an important opportunity to promote injury prevention strategies on board vessels covered by the Seacare scheme as part of an internationally recognised safety day.

Seacare Employers' Reporting Obligations

Employers/operators in the Australian maritime industry covered by the Seacare scheme are subject to a range of statutory reporting requirements. These reporting obligations are detailed in the Seacare Guide to Reporting: Employers/Operators available from the Seacare website at <http://www.seacare.gov.au/workersCompensation/guideToReporting.htm>

In January 2005, a new online facility – Seacare Online - was installed on the Seacare website to assist employers meet their obligations in terms of reporting on employee and ship details as well as insurance arrangements. Through December 2004 and January 2005, employers were invited to register to use Seacare Online.

Employee and Ship Details (ESD)

Sections 105 & 106 of the Seafarers Rehabilitation and Compensation Act 1992 and Regulation 16 of the Occupational Health and Safety (Maritime Industry) Regulations 1995 require employers to provide statistical information to the Authority for the performance of its functions and for injury prevention purposes. Employers must comply with the Authority's requests for ESD information within the time frames specified. ESD reporting is required on a six-month basis, in January and July each year. Failure to comply with this obligation could attract 20 penalty units; equivalent to \$2,200 or \$11,000 in the case of a corporate entity.

Insurance Arrangements

Sections 94 & 95 of the Seafarers Rehabilitation and Compensation Act 1992 require employers to give details of insurance or indemnity arrangements to the Authority within 14 days of being issued with, or renewing, a policy

of insurance or indemnity. Failure to comply with this obligation could attract 20 penalty units; equivalent to \$2,200 or \$11,000 in the case of a corporate entity.

Compliance and Enforcement

At the recent meeting of the Seacare Authority (24 February 2005), it was reported that a number of employers were yet to register a Seacare Online user and therefore remained unable to access the reporting system. It was also reported that a number of employers had failed to lodge their ESD reporting by the deadlines set.

In order to secure compliance, the Seacare Management Group will apply the Authority's Compliance Procedures (referred to in Seacare News Issue 9) in the next round of ESD reporting due in July 2005. Failure to comply with reporting obligations could result ultimately in the Director of Public Prosecutions initiating action that may attract penalty units as indicated above.

The Seacare Management Group will contact all employers during June 2005 with a reminder that ESD reporting will soon be due for the period January-June 2005.

Employers that have not yet completed their ESD report for the period July-December 2004 must lodge their details as soon as is possible. Those employers who have not registered to use Seacare Online should do so at the earliest opportunity and complete their ESD report for the July—December 2004 period. All employers should also ensure that their current insurance arrangements details are lodged on Seacare Online.

For any further information on employers' reporting obligations or the use of Seacare Online, please contact the Seacare Management Group on 02 6275 0070.

New Seacare Workers' Compensation Claim Forms

During March 2005, the new Seacare Claim for Workers' Compensation forms were distributed to employers. Importantly, the new form is now in two parts – an employee claim form and an employer claim determination form. Both parts must be completed for every claim and both parts must still be forwarded to AMICA.

The new forms replace the previous Seacare Claim for Rehabilitation / Compensation form. From 1 April 2005, all claims must be made using the new forms.

For further copies of the new claim forms, employers and other stakeholders should email the Seacare Management Group at seacare@comcare.com.au

New Seacare Authority website

As announced in Seacare News 9, a new online ESD and Insurance Arrangements reporting system – Seacare Online (see section on Reporting Obligations above) – was launched in January 2005.

An overall website upgrade is underway and is expected for completion during April 2005. The revamped website incorporates an easy to navigate format that will assist users obtain information about the Seacare Authority and the functions it performs under the legislation. The Seacare website can be found at www.seacare.gov.au.

CPM 6th edition released

The 6th edition of the Australasian Comparative Performance Monitoring (CPM) report has been released. It is available at www.workplace.gov.au/CPM. The CPM report includes comparative information on prevention, rehabilitation, compensation and scheme administration performance for all Australian jurisdictions and New Zealand, including Seacare.

Key Outcomes of Seacare Authority Meeting 56, 24 February 2005

Seacare OHS Conference and Sea Safe-Work Awards 2004

The evaluation of the Seacare Authority's OHS Conference and Sea Safe-Work Awards held in November 2004 indicated that both events had been very successful. Authority Members reaffirmed their support for the programs particularly given the value of the events in raising the profile of OHS, and of the Authority generally, within the maritime industry. However, given the limited resources available to the Seacare Management Group, the Authority decided that the OHS Conference and Awards should be held on a biennial basis. At this stage, it is proposed that the next Seacare Conference and Awards would be held in October 2006.

Seacare scheme OHS performance and strategies for improvement

The Authority considered possible refinements to its OHS Strategy for the Maritime Industry particularly as the reduction targets for injuries incidence set within that Strategy appear unlikely to be met. The Authority affirmed the soundness of its overall strategy but it included additional activities under the Strategy such as assisting individual business operators through its Leaders Program as well as programs to raise employee safety awareness through promotional activities.

Seacare Authority accredited health and safety representatives (HSR) training

The Seacare Authority has revoked the HSR course accreditation held by the Australian Centre for Work Safety (Swan TAFE, WA) and CSR Shipping.

At present there is only one Seacare accredited provider of HSR training courses - the Australian Maritime Safety Consultants HSR training course, currently accredited until 1 July 2005. However, a re-accreditation application is being prepared for this program.

In addition, the Seacare Authority is also working with a registered training organisation (RTO) to develop a new HSR training course, capable of delivery in both face to face and distance learning (flexible delivery) mode.

The Seacare Authority welcomes applications for accreditation from RTOs and has revised its HSR training course accreditation guidelines to assist prospective applicants. The guidelines are available at <http://www.seacare.gov.au/publications/training/guidelinesAccreditationOHSTrainingCourses.pdf>

Seacare Authority Appointments

Mr Mal Hearnden, Manager, Pacific Manning Company Pty Ltd was recently reappointed by the Minister for Employment and Workplace Relations as a Member of the Seacare Authority for a period of three years.

Mr Hearnden has appointed Mr Tony Caccamo, Western Australia Manager of Mining, Australian Mines and Metals Association as his Deputy Member.

In January 2005, Mr John Wydell, Industrial Officer, Australian Maritime Officers Union was reappointed as a Deputy Member of the Authority.

Seacare Management Group Staffing

On 31 January 2005, Mr Alex O'Shea took up the position of Manager, Seacare Management Group. Prior to joining Seacare, Alex managed Comcare's Self-Insurance Group for six years. In that role he assisted the Safety, Rehabilitation and Compensation Commission to perform its statutory functions in relation to the licensing of workers' compensation self-insurers such as Telstra, Australia Post and Pacific National. Prior to holding that position, Alex was Comcare's State Manager for Queensland.

At the recent meeting of the Seacare Authority, the significant contribution made by Mr Rod Pickette in the role of Manager of the Seacare Management Group over a period of five years was formally acknowledged.

Seacare Notice 01/2005

On 28 February 2005, the Seacare Management Group issued Notice 01/2005 detailing the increases in statutory benefits according to section 23 of the Seafarers Act, which come into effect on 1 July 2005. The Notice can be viewed and downloaded from the Seacare website at www.seacare.gov.au/news/default.asp

Seacare Contacts

Members:

Mr Geoff Gronow	Chairperson
Mr Noel Swails	Deputy Chairperson
Mr Peter Bremner	Employer member
Mr Mal Hearnden	Employer member
Mr Martin Byrne	Employee member
M Mick Doleman	Employee member
Mr Clive Davidson	Australian Maritime Safety Authority

Deputy Members:

Mr Trevor Griffett	Deputy to Mr Bremner
Mr Tony Caccamo	Deputy to Mr Hearnden

Mr John Wydell	Deputy to Mr Byrne
Mr Paddy Crumlin	Deputy to Mr Doleman
Mr Geoff Toomer	Deputy to Mr Davidson

Seacare Management Group:

Mr Alex O'Shea	Manager
Mr Phil Beaumont	Assistant Manager

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