

# Australian Greens Senators' Dissenting Report

1.1 Seafaring and the maritime industry is a very hazardous industry. Workers in the industry have much greater fatality rates than workers in most other industries.

1.2 Therefore any reform to workplace health and safety and compensation arrangements in the industry must be conducted with great caution and with proper consultation.

1.3 The Australian Greens support the appropriate integration of the maritime industry into the broader workplace health and safety regime in consultation with industry.

1.4 However the Seafarers Safety and Compensation Bills package proposed by the government has not been developed with proper consultation with industry, in particular maritime unions, and will have significant detrimental consequences for workers in the maritime sector.

1.5 Evidence to the committee by the ACTU and the Maritime Union of Australia outlined many flaws and dangers in the bills and made detailed recommendations on how reform of the workplace health and safety regime in the maritime industry could be undertaken.

1.6 The Maritime Union of Australia's submission to the inquiry outlined their strong opposition to the bills in their current form. Their concerns included:

- Attacks on maritime workers' ability to get proper compensation for injuries they suffer in the dangerous jobs they work in by introducing a new coverage clause that does not include many vessels currently covered by Seacare;
- Concerns that many seafarers will be pushed into inferior State and Territory compensation schemes in a state they do not reside in (especially those working in WA and the NT), or potentially into a limbo between schemes;
- Many vessels would be pushed to state OHS inspectorates which are not as well equipped to do inspections;
- A significant reduction in vessels numbers would threaten the future survival of the already-small national Seacare scheme;
- Increases the disputation over coverage of the scheme by getting rid of a coverage clause that is well-known and understood through significant case law, and introducing a whole number of new definitions and concepts;
- Introduces a similar level of uncertainty and disputation into WHS coverage as with Seacare coverage, and recreates and possibly expands the existing gap between maritime and offshore OHS legislation;
- Attacks the ability of maritime unions to ensure that workers are represented in important decisions about the scheme, for example, whether vessels are exempted from it, by abolishing the Seacare Authority Board and replacing it

with an advisory group called at the discretion of the Safety, Rehabilitation and Compensation Commission chair.<sup>1</sup>

1.7 Other detrimental changes include an inferior consultation model for codes of practice; preventing health and safety representatives from giving directions in provisional improvements notices; and changes to the Safety, Rehabilitation and Compensation Act that will have impacts beyond the maritime industry.

1.8 The ACTU stated in evidence to the inquiry:

The ACTU regrets the failure of the Australian Government to establish a tripartite process to develop the Bills similar to the process used to develop the model work health and safety laws and submits that the passage of the Bills be delayed until such time that this consultation process has occurred.<sup>2</sup>

### **Recommendation 1**

**1.9 The Australian Greens recommend the bills not proceed and government engage in proper consultation with the industry on any future reform.**

**Senator Sarah Hanson-Young**

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1 Maritime Union of Australia, *Submission 1*, pp. 8–10.

2 Australian Council of Trade Unions, *Submission 5*, p. 3.