

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ16-000032

Senator Lines provided in writing.

Question

FWO - Seafarers - Part B wages

How many shipping companies / operators or ship's managers have been prosecuted by the FWO for not paying wages in accordance with Part B of the SIA or breaches of the Fair Work Act in each of the last 3 years?

What is the total number of foreign ships undertaking voyages authorised by a TL who's crew are eligible for Part B wages in each of the last 3 years?

Does the FWO conduct any checks of any kind to ensure compliance on board?

Answer

1. The Fair Work Ombudsman has commenced legal proceedings against two shipping companies / operators in the last 3 years for alleged breaches of the *Fair Work Act 2009*:
 - in April 2013; *Fair Work Ombudsman v Interorient Maritime Enterprises Inc*; and
 - in August 2014; *Fair Work Ombudsman v Sierra Fleet Services Pty Ltd & Anor*.

Neither matter alleged a breach of Part B of the *Seagoing Industry Award 2010*.

2. As the Department of Infrastructure and Regional Development is responsible for publishing the list of foreign ships granted a temporary licence, any questions relating to the total number of temporary licence holders are best directed to it.

Please refer to EMSQ16-000031 for information on how the FWO determines eligibility for Part B of the *Seagoing Industry Award 2010*.

3. The FWO considers information provided by employers, crew members, unions and others regarding compliance on board vessels via its dedicated group inbox maritime@fwo.gov.au. The FWO also receives intelligence and requests for assistance through other channels such as the Fair Work Infoline, dispute form lodgements and the media.

Should a Fair Work Inspector physically attend a vessel for the purpose of conducting educative and/or investigative activities on board, he or she may typically assess compliance by observing work practices, making inquiries of persons on board and requesting or requiring the production of employment records.