



Senate Education and Employment Legislation Committee

Inquiry into the Seafarers Rehabilitation and Compensation and other Legislation Amendment Bill 2015

Submission of the

Australian Maritime Officers Union

13 March 2015

1. The Australian Maritime Officers Union (AMOU) welcomes the opportunity to make this submission to the Senate Education and Employment Legislation Committee (Senate Committee) Inquiry into the *Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015* (the *Bill*).
2. The AMOU represents the professional and workplace interests of members including: Masters and Officers in the 'bluewater' and 'offshore oil and gas' maritime sectors, Marine Pilots, Tug Masters, Bunkering, Dredging Industry, Stevedoring Supervisors, Ferries crew, Port Services, VTS/Port Control, Marine Tourism together with Professional/Administration/ Supervisory/Technical staff of Port Corporations and Marine Authorities.
3. Our union is one of three unions registered under the provisions of the *Fair Work Act 2009* to represent the industrial interests of maritime workers.

4. The AMOU was invited by the Secretariat to this Senate Committee to make a submission on the provisions of the *Bill* in the early evening of Tuesday 10 March 2015.
5. We were advised by the Secretariat that submissions were required by Friday 13 March 2015.
6. Such a short time frame to provide a submission makes it impossible for the AMOU to properly consult with members on these matters. The AMOU is a representative based organisation and as such needs to canvass the views of members before forming positions on issues. This consultation with members is even more vital for matters of Government policy or legislation. Three days does not allow us adequate time to interact with our members and we will not compromise our responsibilities.
7. We will make limited comment on the provisions of the *Bill* and seek additional opportunities to interact with Government, the Parliament, our members and other stakeholders on the issue of the coverage of the Seacare scheme.
8. We have read the submission of the Maritime Union of Australia to this Inquiry and commend this submission to the Senate Committee.
9. Notwithstanding the fact that the AMOU is one of the three unions representing workers who will be directly affected by this legislation, our comment on the *Bill* was not sought by Government or any relevant Departments or Agencies prior to its introduction into the Parliament.
10. The Australia Government by virtue of being a signatory to the International Labor Organisation Occupational Safety and Health Convention 1981, Convention 155 (ILO C155)¹ has international obligations to consult with workers about matters that will affect their health and safety.
11. ILO C155 at Article 4 and Article 15 requires that the Government and the '*most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment*'.
12. The Australian Government is failing in this obligation with this Senate inquiry.

¹ See: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312300

13. The extent of the coverage of the Seacare scheme has been the subject of numerous Government inquiries, most recently the Stewart-Crompton Review² which reported to Government just on two years ago, in March 2013.
14. This comprehensive review undertaken between November 2012 and March 2013 received submissions from a wide range of stakeholders and sought further information from submitters on coverage issues before making a number of recommendations to Government on mechanisms to provide coverage clarity.
15. None of these recommendations has been acted on by the Government.
16. It would appear to us that the Government has adopted the position of a limited number of submitters rather than recommendations of the Reviewer in arriving at the underlining policy positions enlivened by the *Bill*.
17. We submit that the *Bill* should be rejected and the Government should commence discussion with all stakeholders on coverage matters using the recommendations of the 2013 Review as the starting point.

² Australian Government Review of the Seacare Scheme Report March 2013