

Inquiry into Coastal Shipping Policy and Regulation

Department of Education, Employment and Workplace Relations Questions on notice and follow-up question from the Committee regarding Regulation 1.1

Question on notice:

What sort of jobs do women have within the Water Transport sector?

Census 2006 data (presented in Table 1) provide a detailed occupation breakdown of female employment in the Water Transport sector, including the female share of total employment for each occupation. Table 1 presents ranked data for the 25 largest female occupations in the Water Transport sector, as at the Census in August 2006.

- Detailed data on the occupations in which females in the Water Transport sector work are not available from the Australian Bureau of Statistics Labour Force Survey.

The five largest occupations for females are broad Transport industry occupations, including Transport and Despatching Clerks, Ticket Salespersons and Travel and Tourism Agents, or generic occupations, such as General Clerks and Accounting Clerks. The two occupations most closely linked to the Water Transport sector, Seafarers and Fishing Hands and Sea Transport Professionals, are ranked seventh and eleventh respectively.

Table 1 Water Transport - Employment by Gender
ABS Census 2006 (number employed)

		Female	Male	Persons	Female %
6152	Transport and Despatching Clerks	228	345	573	39.8
8292	Ticket Salespersons	197	24	221	89.1
6397	Travel and Tourism Agents	182	204	386	47.2
6111	General Clerks	172	46	218	78.9
6141	Accounting Clerks	157	33	190	82.6
5996	Travel Attendants	142	48	190	74.7
7994	Seafarers and Fishing Hands	126	1196	1322	9.5
5111	Secretaries and Personal Assistants	102	3	105	97.1
6131	Receptionists	101	0	101	100.0
3291	Office Managers	94	23	117	80.3
2542	Sea Transport Professionals	92	2133	2225	4.1
2211	Accountants	78	76	154	50.6
1231	Sales and Marketing Managers	77	125	202	38.1
5911	Bookkeepers	65	6	71	91.5
8211	Sales Assistants	64	20	84	76.2
6211	Sales Representatives	63	86	149	42.3
6191	Inquiry and Admissions Clerks	60	19	79	75.9
6323	Waiters	50	32	82	61.0
1211	Finance Managers	49	39	88	55.7
2221	Marketing and Advertising Professionals	48	16	64	75.0
9111	Cleaners	44	27	71	62.0
3292	Project and Program Administrators	36	42	78	46.2
1223	Supply and Distribution Managers	34	201	235	14.5
6121	Keyboard Operators	34	15	49	69.4
6153	Stock and Purchasing Clerks	33	42	75	44.0

Question on notice:

Why is the projected employment growth (0.5 per cent annually) so low compared with Transport and Storage overall (1.2 per cent annually) and all industries?

The Department of Education, Employment and Workplace Relations (DEEWR) prepares annual updates of employment projections for industries for the next five years. These are based in part on the model developed by the Centre of Policy Studies at Monash University, but also take into account recent employment trends and prospective industry developments

At the time of making its submission, DEEWR latest published projections were for the five years to 2011-12. The Department has subsequently updated its projections which now cover the five years to 2012-13. These updated projections show that in the five years to 2012-13 employment in Water Transport is projected to grow by 2.7 per cent a year, above the average for Transport and Storage (1.6 per cent) and All Industries (1.5 per cent) and recognise the stronger employment growth evident in the sector in recent years.

It should be noted that a degree of uncertainty is attached to these employment projections, especially for sectors such as Water Transport within the broader Transport and Storage industry. They should therefore be used with caution.

Question on notice:

At the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government inquiry into coastal shipping policy and regulation (15 May 2008), the Chair (Ms King) asked Mr Scott Evans (Branch Manager, International Relations Branch, Department of Education, Employment, and Workplace Relations) whether he had:

“any early advice on what the interaction between [the Maritime Labour Convention] and Regulation 1.1 of the Workplace Relations Regulations is”.

The Chair went on to state:

“The reason I’m asking, is that a couple of the submissions are suggesting that the reg be repealed. Obviously we are interested to find out what other processes are going on in relation to potential changes to the legislation in workplace relations at the current time.”

(Text of question available at <http://www.aph.gov.au/hansard/rep/committee/R10822.pdf> - page 9)

Answer:

Chapter 2, Part 1, Division 1, Regulation 1.1 of the Workplace Relations Regulations 2006 (Regulation 1.1), of itself, is not inconsistent with the obligations imposed by Article V of the Maritime Labour Convention.

Further, Regulation 1.1, of itself, does not prevent Australia from ratifying the Maritime Labour Convention.

Regulation 1.1 which has the effect that the *Workplace Relations Act 1996* does not apply to a foreign corporation which employs foreign crew members on commercial ships which have a permit under the *Navigation Act 1912*, is not, by itself, inconsistent with the Convention. Nor will Regulation 1.1 prevent Australia from ratifying the Convention. However, if Australia is to ratify the Convention, the conformity of Regulation 1.1 with whatever legislative scheme is chosen to implement the Convention obligations into domestic law should be considered further.

Follow-up question:

Could you provide a brief description of how such changes [repeal of Regulation 1.1] would interact with the award modernisation process and possible ratification of the new Maritime Convention?

Repeal of *Regulation 1.1 – Chapter 2* of the *Workplace Relations Regulations 2006* would result in the *Workplace Relations Act 1996* (the Act) applying to all foreign crew members working on foreign-registered ships and their foreign employers (where they are foreign corporations) operating in Australian waters. This is because the Act, as amended by the *Workplace Relations Amendment (Work Choices) Act 2005*, now applies to all employers and employees in Australia. Under the Act, 'Australia' also includes the 12 nautical mile territorial sea.

The *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* inserted provisions into the Act enabling the Australian Industrial Relations Commission (AIRC) to undertake the process of award modernisation.

Once they come into operation on 1 January 2010, modern awards will be capable of applying to all employers and employees who are covered by the federal workplace relations system. The coverage of the new workplace relations system will be settled as part of the development of the substantive workplace relations reforms.

On 20 June 2008 the AIRC released a decision with respect to the award modernisation process. The decision outlines priority industries and occupations for which modern awards will be made by the end of 2008 and sets a timetable for the completion of award modernisation by the end of 2009. The shipping industry has not been included in the list of priority industries and occupations. The timetable released in the decision anticipates that all modern awards (whether in the priority industries and occupations or not) will be made by 4 December 2009. Accordingly, modern awards relevant to the coastal shipping industry will have been made by that date and will come into effect on 1 January 2010.

In respect of the impact repealing Regulation 1.1 may have on the possible ratification of the Maritime Labour Convention (MLC), the Department has advised the Committee (in its answer to the question taken on notice by Mr Scott Evans) of legal advice that Regulation 1.1 is not, by itself, inconsistent with the MLC nor will it prevent Australia from ratifying the MLC. However, if Australia is to ratify the Convention, the conformity of Regulation 1.1 with the legislative scheme that is chosen to implement the obligations under the Convention would need to be considered further.