



Caring for seafarers  
around the world

**SUBMISSION TO JSCOT**  
**FROM THE AUSTRALIAN COUNCIL OF THE MISSION TO SEAFARERS**  
**MARITIME LABOUR CONVENTION 2006**

**1. Submission in summary**

- We enthusiastically support the Australian Government's ratification of the Maritime Labour Convention 2006, as expeditiously as possible.
- We affirm our charitable organisation's unique and monumental contribution to the well being of the world's seafarers visiting Australian ports.
- We acknowledge the great challenge presented to Government and our organization by Regulation 4.4 of the MLC in particular.
- We note the assumption that welfare services are available in Australia but ignores that this international Convention is depending for its effective implementation on the charitable contribution of welfare practitioners.
- And to help us meet the challenge we respectfully contend that it is implicit within the MLC that the Australian government has a moral responsibility to facilitate financial assistance by way of ship levy or Government funding- to help maritime welfare agencies in Australia continue our unique role in providing welfare facilities & services for seafarers for the generations to come.

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## **2. Australian Council of the Mission to Seafarers Incorporated**

The Australian Council is our national body that oversees, supports and encourages the work that our chaplains, managers and volunteers carry out in 25 seafarers centres around Australia's coastline. The Australian Council has a close relationship with the Mission to Seafarers central office in London, UK but operates autonomously and must find its own funding to exist.

The Australian Council is chaired by Bishop Garry Weatherill of South Australia, and is comprised of six other members elected at our biennial national conference by chaplain representatives from all our centres. Our present Council members are running seafaring centres in Sydney, Townsville, Brisbane, Port Kembla, Hobart and Dampier. It is expected that a second bishop (from Melbourne) will be appointed to the Council in the next few months.

## **3. The Mission to Seafarers- history and work**

- The Mission to Seafarers in Australia has been able to serve seafarers for over 150 years, thanks to the large number of men and women, who over this period have volunteered their time and skills. Due to the dedication of a long line of chaplains and generations of volunteers, our logo "The Flying Angel"

is known and trusted by seafarers worldwide. We protect our reputation and service product diligently in the 230 ports in which we have a global presence.

- The Mission to Seafarers in Australia currently employs 34 full time chaplains/managers and 14 part time assistants, plus a National Coordinator of Ministry- but other than this, relies on the generous and dedicated help of approximately 450 volunteers. Our welfare service involves around 500 personnel nationally- a significant contribution to the life of the maritime industry in Australia and the well being and safety of the ships' crews.
- A significant number of our chaplains and volunteers are former merchant navy people, and some of our chaplains also serve as naval chaplains. Amongst our people are many who speak a number of languages including Chinese, Malaysian, Japanese and Korean chaplains who speak a variety of Asian languages.
- Although we have a presence in twenty five of Australia's busiest ports we are reaching fewer than 50% of seafarers visiting those ports. Our resources and dedicated volunteers are well and truly stretched. We operate on "the smell of an oily rag" and are in constant need of additional funding and volunteers.
- Clearly, we need to move from our existing charitable mode of funding (which is decreasing- as is private sponsorship) to a more economically geared and predictable mode of funding assistance, that enables us to plan with greater certainty; and carry out our welfare services more professionally and effectively in order to meet the noble challenges brought by the MLC 2006.
- A Government imposed ship levy to support the work of charitable maritime welfare organisations would free us from the need to hold countless time consuming small profit fund raising events and gift us more time to better serve the needs of visiting crews.
- In addition, with the need to establish local Port Welfare committees around Australia in accord with requirements of the Maritime Labour Convention, the Australian Council of the Mission to Seafarers is keen to support and effectively participate on these committees in the hope that our activities can better improve the quality of life for the world's seafarers.

#### **4. Nature of our welfare work**

Each one of our twenty five centres operates as an independent legal entity with a constitution under local state law and under the guidance of the national umbrella body- the Australian Council. Our MtS family operates as a type of franchise format although, in essence, we are made up of a network of not for profit charitable organisations subject to the ethics and ethos of the Anglican Church.

Each one of our centres provides proper audited financial statements in accordance with the law of the state they incorporate in. Our operations provide transparency and adhere to the principles of best practice and good governance.

In addition, all chaplains and staff abide by the International Christian Maritime Association's (ICMA) Code of Conduct. Namely, to:

- *Show an unconditional love to the seafarer as a human being, created in the image of God, and a sincere respect for her/his personal values and beliefs*
- *Serve seafarers and their dependents of all nationalities, religions, cultures, language, sex or race*
- *Co-operate with persons, organisations and institutions, Christian or non Christian, which work for the welfare of seafarers*
- *Fight prejudice, intolerance and injustices of any kind.*

ICMA was a founding member of the International Committee on Seafarers Welfare (ICSW). The ICSW is dedicated to the practical implementation of the International Labour Organisation's instruments on seafarers' welfare.

## **5. The human interface of our welfare services**

Throughout its history, the Mission to Seafarers has sought to help seafarers in a variety of practical ways. Seafarers are away from their families for long periods and may face loneliness, depression and ill-health or injury. The welcome from the MtS Chaplains and volunteers may be the only onshore hospitality and assistance they receive in their short stay on Australian soil.

Mission to Seafarers Australia services include:

- Ship visiting to let crews know of our preparedness to help seafarers.
- Counseling services (including mental health concerns)
- Facilities to contact families and loved ones in other countries eg
- Internet, Skype, telephone and postal service
- Transport to/from town area or MtS centres
- Chaplaincy services, if requested
- Facilitate contact with the ITF and other support bodies when appropriate
- Information about maritime laws (eg Maritime Labour Convention 2006)
- Small shops selling personal necessities, phone cards and refreshments
- Provision of reading material (including news from home country)
- Television, videos and DVD viewing
- Local information on the area and facilities available
- Contact point for medical and hospital assistance
- Excursions and social outings when time permits
- Provision of a quiet place for reflection, prayer and contemplation
- Exchanging foreign currency for visiting seafarers in a safe environment.
- Using our global networks to refer the seafarer to another at next port of call.

In brief, our aim is to provide for the visiting seafarer, “a home away from home” in the short time we have to extend them our friendship and hospitality.

## **6. Training of our personnel**

Our chaplains, staff and volunteers are well trained and prepared for the above tasks. For example, the Australian Council of the MtS in 2008, organised for a UK instructor to train in Melbourne six of our chaplains in presenting the UK Merchant Navy Welfare Board course. This Ship Visitor Welfare course was subsequently offered by our six trained chaplains around the nation over 2008-2010. It will continue into 2011 and beyond subject to finance.

The course- designed by the UK Merchant Navy Welfare Board and accredited by The Nautical Institute- has now been held in MtS seafarers’ centres in Sydney, Hobart, Bunbury, Dampier, Port Hedland, Fremantle, Melbourne, Port Kembla and Burnie. Courses are planned for Adelaide, Newcastle and Gladstone in the near future.

Over 100 of our people have already undertaken the course, passed assessment tasks and received certificates of competency.

The two day course provides an invaluable introduction to maritime terminology, maritime organisations, ship types, shipboard routines, protocols, seafarers’ issues and personal safety in port facilities and onboard ship. On completion of the course, our personnel are qualified, confident and well prepared to carry out their volunteer ship visiting welfare work.

The ILO has said that: *this course should make ship visitors more effective in their support of seafarers, and should help in giving practical effect to the ILO Maritime Labour Convention 2006*

## **7. The MtS-AMSA Maritime Labour Convention Seminars- March 2010**

Throughout March last year, the Australian Council with the Revd Canon Ken Peters (Director of Justice & Welfare- MtS UK) and AMSA’s Canberra based Paul MacGillivray organised and presented seminars on the MLC at our centres in six major ports on Australia’s east and west coasts including- Brisbane, Sydney, Hobart, Fremantle, Dampier and Port Hedland.

The responses from the many attending these seminars (offered primarily for MtS personnel and volunteers but attended by many other maritime stakeholders) consistently applauded the contents and pending ratification of the Convention. Significantly however, these same participants highlighted the need for funding assistance facilitated by the Government.

## **8. Our unique contribution to the maritime community**

In 2008-9, some 4051 ships involved in international trade entered Australian waters making 26,709 port calls and handling imports and export cargo totalling 368.3 billion dollars (BITRE 2008-9 figures).

Our organisation plays a critical role in striving to provide for the well being of the crews responsible for the safe operation of those ships that also bring enormous benefit to the Australian economy. Without seafarers sailing these ships- that move 90% of our import and exports through our waters, our economy would be brought to its knees. From these ships we managed to welcome some 189,000 seafarers to our centres in 2009 to help them relax, freshen up, purchase provisions, contact loved ones and return to their ships rejuvenated and at peace.

We are very proud of our achievements, and our contribution to the life of the maritime industry in Australia. Seafarers that are recipients of our hospitality and care, sail from port refreshed and better able to cope with the rigours of life and work at sea. This is our distinct contribution to the well being and productivity of the international seafarer, and the safety of the ship itself, and indirectly the protection of the environmental waters that the ship sails in.

The Mission to Seafarers offers a unique welfare service to seafarers but running costs in providing these services at each port we have a presence are substantial & increasing.

Our financial statements detail the operational cost of each one of our centres, totaling over 3.1 million dollars for 2008-9. But, if we had to actually pay our volunteers for time given at a fair pay rate, the cost would be almost 6 million dollars.

In order to continue its vital commitment to seafarers' safety and wellbeing, MtS Australia must find an alternative additional source of revenue. The revenues currently received by the MtS are unguaranteed donations and random charitable grants to some centres only.

## **9. The Mission to Seafarers contribution to the drafting of the MLC**

The International Christian Maritime Association (ICMA) of which the Mission to Seafarers was a founding member has kept abreast of developments along the road to its adoption by the UN through the participation of its delegation to the ILO. This delegation has worked since 2000 as part of the high level working group and the preparatory maritime labour conferences. Through its active participation, ICMA has submitted amendments, via the tri partite system of the ILO, that have been accepted and significantly increased the protection of seafarers' rights and bolstered the justice of the convention. The one amendment that we submitted, but later withdrew because of opposition was to include welfare boards, where they exist, in the tri-partite consultations. This was supported by governments and the shipowner group but rejected by the ITF representing the workers.

Now we are faced with preparing ourselves for its entry into force. Having a thorough understanding of the convention is the first step to using it as an essential tool in our ministry of upholding seafarers' basic human rights and propagating a deeper, broader sense of justice in the maritime community.

## 10. Implementing the MLC from the welfare practitioners perspective

### A. A global perspective

[This section is an extract from the presentation- *Implementing the ILO Maritime Labour Convention 2006: The Role of the Welfare Agencies*- delivered by the Mission to Seafarers' Reverend Canon Peters at the AMSA Seafarers Welfare Forum held in Melbourne on 9 September 2010. The full text of the learned Presentation is found at [http://www.amsa.gov.au/Seafarers\\_Welfare/meetings.html](http://www.amsa.gov.au/Seafarers_Welfare/meetings.html)] and should be considered as forming part of this submission.

*... Within the seafarers welfare world there are great expectations for the implementation and enforcement of the International Labour Organisation, Maritime Labour Convention 2006.*

*... Whilst Title 4 within the MLC deals specifically with welfare matters<sup>1</sup> it is clear that the entire convention has as its driving force a philosophy that clearly affirms seafarers, counting them not as disposable commodities but as the agents of safety at sea, the enablers of international trade and the most important asset that the shipping industry has. The MLC 2006 has been developed in order to facilitate the shipping industry whilst empowering and affirming seafarers in a judicious way. It has comprehensive regard for seafarers, recognises the unique environment within which they live and work and seeks to ensure that their well being is cared for. It is this term 'well being' that elucidates the rather vague assumptions contained in the term welfare. This must be the starting point in understanding the convention, its aim and purpose and the concerns that gave rise to the need for an internationally binding, legally enforceable code that clearly states the legitimate rights of seafarers and obligations of shipowners and member states.*

*... What welfare means within the context of the MLC 2006 is, 'health, happiness and well-being in general'.*

*With a clear understanding of this definition then the relevance of the entire convention to the well being of seafarers is obvious. The language throughout is one of legal protection without paternalism. There is no appeal to emotionalism but simply the reference to human rights and therefore what is at least the minimum standards for living and working conditions for seafarers.<sup>2</sup> In all there are thirty five occurrences of the word rights within the MLC 2006.*

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<sup>1</sup> Title 4. Health Protection, medical care, welfare and social security provisions

<sup>2</sup> Preamble to the convention refers to the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and further states, 'Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons.'

*This reflects the concern of the ILO for decent living and working conditions created not at the discretion of shipowners but as a fundamental right of the seafarer.*

*...Welfare is not just limited to the identification within Title 4, but inevitably must take account of seafarers being qualified for the job they are expected to do, (Title 1); the conditions of their employment, (Title 2); and all of Title 3, because if food and accommodation do not contribute to a seafarers well-being, what does? Even Title 5 is obviously a welfare concern because if the regulations and standards are not enforced and if the guidelines are ignored how can seafarers' welfare be addressed let alone guaranteed?*

*...The MLC 2006 has throughout the text key words that indicate the focus of its welfare concerns. As we see in Table 1.*

*Table 1*

<i>Key Words</i>	<i>References</i>
<i>Food</i>	<i>44</i>
<i>Health</i>	<i>123</i>
<i>Leave</i>	<i>41</i>
<i>Manning</i>	<i>20</i>
<i>Medical</i>	<i>169</i>
<i>Recruitment</i>	<i>53</i>
<i>Repatriation</i>	<i>43</i>
<i>Social security</i>	<i>40</i>
<i>Training</i>	<i>46</i>
<i>Wages</i>	<i>53</i>
<i>Welfare</i>	<i>54</i>

*On this basis, therefore, it is legitimate and even imperative to regard the entire MLC as a welfare provision. From this table we also see the welfare needs that are addressed by the convention as warranting attention. It is somewhat surprising that in an industry that dates to the earliest spread of civilisation it is deemed necessary in the twenty first century to codify what the rights of seafarers are and what are the living and working conditions that need to be protected within international law. Perhaps the industry has now 'come of age' in recognising the issues as worthy of an international convention of the United Nations.*

*The success or failure of the MLC 2006 in terms of delivering the provision of welfare services to seafarers depends upon, almost exclusively the maritime welfare practitioners located in ports. Almost without exception these practitioners are staff of the various maritime ministries. These ministries are Christian based, church operated missionary societies. The organisation I represent, The Mission to Seafarers, familiarly referred to as the Flying Angel is present in two hundred and thirty ports.<sup>3</sup> Of these one hundred and four have seafarers' centres whilst the rest depend upon mobile, peripatetic representatives. Other societies are also familiar to seafarers around the world, notable the Apostleship of the sea often referred to as the Stella Maris. When considering the network of other maritime ministries in addition to that of The Mission to Seafarers, the presence of the twenty seven members of the International Christian Maritime Organisation brings the number of port ministries to approximately seven hundred. This extensive network is the main delivery*

<sup>3</sup> [www.missiontoseafarers.org](http://www.missiontoseafarers.org)



*mechanism for the provisions of the MLC 2006. It is highly questionable if the MLC 2006 would have any possibility of implementation without these agencies to deal with seafarers at the waterfront.*

*...The MLC 2006 encourages the establishment of welfare boards and recognises the role that these play in helping the providers of welfare facilities be relevant to the needs of seafarers.<sup>4</sup>*

*‘Each member shall encourage the establishment of welfare boards which shall regularly review facilities and services to ensure that they are appropriate in the light of changes in the needs of seafarers resulting from technical, operational and other developments in the shipping industry.’*

*Throughout the convention there is an assumption that welfare facilities are available and all that is required is that seafarers are granted access and all is well. The assumption is based upon the provisions that are known to be available in the ports mentioned earlier. This assumption ignores the fact that this international convention of the United Nations is depending for its implementation upon charity. What an indictment on the UN system and to the shipping industry of the 21<sup>st</sup> century that such a salient piece of international legislation depends upon the full participation of charitable organisations to have any practical effect! In a world where popular opinion would have us believe that religion has no part to play in the formation and working out of society, in which faith communities are an anachronism and where so much political opinion is derisory of faith based organisations, there is a tacit acceptance that the delivery of welfare services to seafarers is dependent upon faith based and exclusively Christian organisations. Conversely this may be regarded as an admiration of this Christian global network because UN members are unable or unwilling to make such provisions. Whatever the case may be the network of the International Christian Maritime Organisation is key to the provisions of welfare services to seafarers and without which the noble words of the convention are meaningless. There is a huge degree of irony that what is claimed to be a predominantly secular world still needs faith based organisations for its well-being. Given this situation thought must be directed to how best to co-ordinate the efforts of the ecumenical partners in their desire to provide for seafarers well-being. The one most important contribution that can be made, other than ensuring the financial viability of these maritime ministries, is to create the welfare boards that the MLC 2006 encourages.*

## **B. An Australian perspective- The challenge presented by Regulation 4.4**

*With a view of developing the observation from the Reverend Ken Peter’s above cited presentation- that what the MLC 2006 fails to address is the global phenomena that catering for the welfare needs of seafarers is entirely dependent upon charity and that without the maritime missions there would be virtually no provision of shore side welfare facilities- we have approached AMSA for discussions. Clearly, this fact is an indictment upon the shipping industry on two counts. The first is that charity is*

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<sup>4</sup> Standard A4.4 – Access to shore based welfare facilities, paragraph 3, p67

needed and the second is that there is no one else in the industry to fulfil this role except for the maritime ministries.

However, given that this is the reality within the Australian context, it is our respectful submission that Regulation 4.4 places a moral responsibility on the Australian government to ensure that the work of maritime welfare charity agencies is financially supported on an annual basis.

Significantly, Regulation 4.4-1. imposes an obligation on the Government to “ensure that shore based welfare facilities, where they exist are easily accessible. The Member shall also promote the development of welfare facilities...to provide seafarers on ships that are in ports with access to adequate welfare facilities and services. “

It is the Mission to Seafarers and the Apostleship of the Sea that provide both these “facilities” and “services” in or near Australian ports.

Presently the Mission to Seafarers Australia operates twenty one seafaring centres the Apostleship of the Sea (Stella Maris) seven centres, and four are operated by the two organizations jointly (ecumenically). These centres exist and function today thanks to the untiring efforts and sacrifices of these two charitable church agencies over a span of 150 years. Our contribution over generations should not be taken for granted. Nor can it be assumed that without additional funding support we can continue this service indefinitely.

In the year 2009 the Mission to Seafarers had to raise over three million dollars to keep the doors of our centres open. Despite our efforts (centres opening seven days per week and some not closing until 10-11pm) we made contact with less than half the seafarers visiting our ports. Accordingly, an introduced levy that brought in around three million per year would increase the capacity of Mission to Seafarers Australia and Apostleship of the Sea to reach out to the fifty percent presently neglected.

### **C. The proposed MtS Levy Scheme recently presented to AMSA**

The Mission to Seafarers has recently initiated discussions with AMSA, regarding the possibility of the introduction of a mechanism that will bring an additional source of funding to ensure that the Mission to Seafarers (and other charitable maritime welfare providers) continue to provide welfare and humanitarian services to seafarers visiting Australian ports without enduring unnecessary hardship.

This document proposes that a levy be charged on the number of times each ship visits an Australian port. We have made available to AMSA a detailed proposal in this regard which they will examine and respond to in due course.

It has been proposed that AMSA could consider extracting a new or reconfigured levy (or access already accumulated/consolidated levy funds) to support the welfare work of Australia’s two major and time honoured seafarers’ welfare charities- the Mission to Seafarers Australia and the Apostleship of the Sea. AMSA could then channel this levy to the national AMSA Advisory Port Welfare Committee which would distribute

it equitably to the respective committee member welfare organisations for accountable appropriation on providing for seafarers adequate “facilities” and “services” in accord with Regulation 4.4, around the Australian coastline.

We would submit that this proposal is a reasonable one in the light of MLC Guideline B4.4.4- Financing of Welfare Facilities which states:

1. In accordance with national conditions and practices financial support for port welfare facilities should be made available through-
  - (b) levies or other special dues from shipping sources.

We congratulate the Australian government on establishing the national AMSA Port Welfare Advisory committee (pursuant to Guideline B4.4.3 of MLC) and all it has achieved in a short space of time. It promises much more.

#### **D. Need for new seafaring centres in remoter ports**

Finally, in addition to the twenty five Australian ports where the MtS carries out its work, we have identified and would like to plan to establish a presence in a number (as many as eight) of other more remote ports around Australia- which currently have no existing welfare services and have been identified in the abovementioned proposal to AMSA.

We thank you very much for taking the time to read this submission and are available, at your convenience, to meet in Canberra to discuss or provide more information on any aspect of this document, if required.

**Colin Brown**  
**National Coordinator**  
**Australian Council of the Mission to Seafarers Incorporated**

**15 February 2011**

