

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Ombudsman

Department of Employment Question No. EMSQ16-000025

Senator Lines provided in writing.

Question

FWO - Seafarers - compliance

What role does the Fair Work Ombudsman's Office (FWO) have in ensuring compliance with the Fair Work Act and Part B of the Seagoing Industry Award 2010 (SIA) to foreign seafarers on ships to which a Temporary License (TL) under the Coastal Trading Act 2012, and how does the FWO office interact with the Australian Maritime Safety Authority (AMSA) in ensuring compliance?

Answer

1. The Fair Work Ombudsman is responsible for providing education, assistance and advice about the Commonwealth workplace relations system. The Fair Work Ombudsman is also responsible for impartially enforcing compliance with the *Fair Work Act 2009*, including the National Employment Standards, and fair work instruments such as the *Seagoing Industry Award 2010*.
2. The Fair Work Ombudsman and the Australian Maritime Safety Authority signed a Memorandum of Understanding on 14 January 2013 (MoU).

The MoU facilitates the referral of information between the two agencies. Pursuant to section 7 of the MoU:

- the FWO will refer to AMSA matters that relate to general Maritime Labour Convention (MLO) compliance; and
- AMSA will refer matters to the FWO where a potential breach of the *Fair Work Act* or related fair work instrument is indicated.