



**The Hon Tony Burke MP**  
Minister for Employment and Workplace Relations  
Minister for the Arts  
Leader of the House

Reference: MS24-000025

Mr Barry Sherriff  
Chairperson  
Seafarers Safety, Rehabilitation and Compensation Authority  
Level 4/121 Marcus Clarke Street  
CANBERRA ACT 2601

By email: [Seacare@comcare.gov.au](mailto:Seacare@comcare.gov.au)

Dear Mr Sherriff

I am writing to acknowledge the valuable work of the Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority) and to provide you with strategic direction in the form of the enclosed Ministerial Statement of Expectations.

As outlined in the Department of Finance's *Regulator Performance (RMG128)*, Ministerial Statements of Expectations issued to a regulator provide greater clarity about Government policies and objectives relevant to the regulator in line with their statutory objectives, and the priorities the Minister expects them to observe in conducting their operations.

I would appreciate your response to this letter in the form of a Statement of Intent, outlining how the Seacare Authority intends to meet the enclosed expectations.

For transparency and accountability purposes, I request the Statement of Expectations and your responding Statement of Intent be published and made available on your website. These statements should also be incorporated into *Public Governance, Performance and Accountability Act 2013* processes, (for example, including a link to the published Ministerial Statement of Expectations and Statement of Intent in relevant corporate documents) for best practice.

Yours sincerely

A handwritten signature in blue ink that reads 'Tony Burke'.

**TONY BURKE**

27/3 2024

**Encl.**

## **SEAFARERS SAFETY, REHABILITATION AND COMPENSATION AUTHORITY STATEMENT OF EXPECTATIONS-2024**

Ministerial Statements of Expectations provide greater clarity about government policies and objectives relevant to the regulator in carrying out its statutory objectives. As the Australian Government Minister responsible for Employment and Workplace Relations, my responsibilities include the *Seafarers Rehabilitation and Compensation Act 1992* (Seafarers Act). This statement sets out my expectations of the Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority).

### **Overview**

The Seacare Authority is a statutory body that takes a leading role in minimising the personal and financial costs of workplace injury in the Australian maritime industry. The Seacare Authority oversees a national scheme of occupational health and safety (OHS), rehabilitation and workers' compensation arrangements that applies to defined seafarers (referred to as the Seacare scheme). In relation to OHS, the Seacare scheme also applies to other defined third parties, such as manufacturers and suppliers of plant and substances used on prescribed ships. The Seacare Authority has several roles and functions pertaining to the Seacare scheme which encompasses the *Seafarers Act*, *Occupational Health and Safety (Maritime Industry) Act 1993* (OHS(MI) Act), *Seafarers Rehabilitation and Compensation Levy Act 1992* (Levy Act) and *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* (Levy Collection Act) and the regulations made under these Acts.

The Seacare Authority has a range of functions under the Seafarers Act, including to:

- monitor the operation of the Seafarers Act;
- promote high operational standards of claims management and effective rehabilitation procedures by employers;
- co-operate with other bodies or persons, with the aim of reducing the incidence of injuries to employees;
- publish material relating to its functions;
- formulate policies and strategies relating to the occupational health and safety of employees; and
- advise the Minister about anything relating to its functions and powers and other matters relating to the compensation and rehabilitation of employees.

The Seacare Authority also has a role under the Levy Act; to consult with the Minister before a levy rate is recommended, including:

- on whether the Seafarers Safety Net Fund (the Fund) has adequate financial reserves for the purposes of its prudential management;
- on reasonable estimates of the Fund's present and future liabilities under the Seafarers Act; and
- the cost of administering the Authority in connection with the performance or exercise of the Fund's functions, powers and obligations under the Seafarers Act.

The Seacare Authority has a role in the collection of returns and information, the collection of the levy and the recovery of unpaid levy under the Seafarers Rehabilitation and Compensation Levy Collection Regulations 2018.

The Seacare Authority also has a range of functions under the OHS(MI) Act, including to:

- ensure that the obligations imposed by the OHS(MI) Act and associated regulations are complied with;
- advise operators, employers and contractors on occupational health and safety matters;
- collect, interpret and report information relating to occupational health and safety;
- formulate policies and strategies relating to the occupational health and safety of employees;
- accredit occupational health and safety training courses for the purposes of section 47 of the OHS(MI) Act;
- liaise with other bodies concerned with occupational health and safety; and
- advise the Minister on the most effective means of giving effect to the objects of OHS(MI) Act; on the making of regulations under the OHS(MI) Act and on the approval of codes of practice under subsection 109(1).

The Government recognises and respects the independence of the Chairperson of the Seacare Authority. I expect the Seacare Authority to exercise its functions and powers in good faith and to the best of its ability.

### **Principles of regulator best practice**

Under the Regulator Performance (RMG 128), the principles of regulator best practice are:

1. **Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability, and culture to build trust and confidence in Australia's regulatory settings.
2. **Risk-based and data-driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
3. **Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

Consequently, I expect the Seacare Authority to:

- engage and genuinely consult with stakeholders – including Comcare, government, employers and their representatives, and employees and their representatives – with critical information shared promptly;
- be receptive to feedback and diverse stakeholder views;
- clearly communicate regulatory processes and seek to increase transparency in decision-making processes; and
- provide up-to-date, clear and accessible guidance and information to assist employers covered by the Seafarers Act to continuously improve their prevention, rehabilitation and claims management performance outcomes, and work collaboratively with employers to secure compliance with the Seafarers Act.

I expect the Seacare Authority to embed and act in accordance with the Government's principles of regulator best practice in conducting its operations, as well as strive for continuous improvement against these principles.

In exercising its functions and powers in accordance with these principles, I expect the

Seacare Authority to:

- remain committed to continuous improvement in its processes and capabilities;
- continue building public confidence in Australia's regulatory settings;
- remain flexible and responsive to changed circumstances in exercising its powers and delivering legislated functions;
- continue adopting a risk-based and transparent approach to regulation and decision-making;
- leverage data and digital technology to inform its approach to compliance and enforcement;
- improve efficiency by prioritising resources on areas of greatest risk;
- have accountability processes encouraging procedural fairness, accessibility and responsiveness that build public trust; and
- assess risks that may compromise its ability to administer its functions under the Seacare scheme and respond in a proportionate way.

### **Innovation and regulatory change**

As a modern regulator, I expect the Seacare Authority to continually monitor the environment in which it operates to ensure that regulatory approaches keep pace with changes in technology, industry practices and community expectations. I also expect the Seacare Authority to regularly review and, where necessary, adjust policies, protocols and operating procedures, to ensure it can respond to the changing social, technological and commercial context in which it operates.

### **The Government's policy priorities and objectives**

In addition to the core functions noted above, the Government expects the Seacare Authority to observe and contribute to the following Government priorities and objectives.

### **Regulatory reform agenda**

The Government's regulatory reform agenda is a key component of the Government's plan to support economic recovery by working with States and Territories to effect regulatory reform to reduce duplication and boost productivity, and to account for impacts of regulation on individuals (not just businesses). Ensuring our regulatory settings are the best they can be helps boost productivity and competitiveness and supports well-functioning markets, business investment, job creation and growth.

Under the regulatory reform agenda, the Australian Government is also focusing on improving regulator performance, capability, and culture through regulatory stewardship.

I expect the Seacare Authority to contribute to the regulatory reform process by:

- seeking opportunities to remove duplication and streamline processes in order to improve efficiency and lift productivity;
- acting in accordance with regulator best practice in its decision-making, policies, processes and communication practices, in order to maximise transparency and minimise compliance costs;
- applying the Regulator Performance (RMG 128) to its regulatory functions to assess its performance and engagement with stakeholders; and
- incorporating regulator performance reporting into its reporting processes to support greater transparency and accountability of regulator performance.

### **Relationship with Minister and portfolio**

The Seacare Authority plays an essential role in ensuring that the Australian Government and I, as Minister for Employment and Workplace Relations, are well placed to respond promptly to issues affecting the Seacare scheme. The Department of Employment and Workplace Relations (the department) also supports and advises me by providing advice on policy development and the performance of the portfolio's regulatory systems. The department takes into account the knowledge and expertise of the Seacare Authority when considering changes to policy and legislation that impact on the Seacare scheme.

Accordingly, I expect the Seacare Authority to work collaboratively with the department to provide accurate and timely advice on significant issues relating to strengthening the Seacare scheme.

As the responsible Minister, I will provide an enabling environment for the Seacare Authority to consistently implement best practice by ensuring you are well informed of the Government's policy direction as specific initiatives and strategies are being considered.

March 2024