



The Hon. Craig Laundry MP
Minister for Small and Family Business,
the Workplace and Deregulation
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600
By email: craig.laundry.MP@aph.gov.au

5 April 2018

Dear Minister Laundry,

Re: Seacare Authority Code of Practice 1/2000 under section 109 of the *Occupational Health and Safety (Maritime Industry) Act 1993*.

We write to request that you not approve the Code of Practice for Health and Safety in Shipboard Work (Code) which we understand you will soon be asked to consider.

Maritime Industry Australia Limited (MIAL) and Australian Resources and Energy Group AMMA, represent key industry participants in the offshore maritime sector. Accordingly, developing a Code that provides best practice industry guidance to those we represent is of critical importance to both organisations. It is our view the process for developing this Code, particularly the specific parts that apply to vessels in the offshore, has been seriously undermined by the selective involvement of stakeholders (maritime unions but not maritime operators) with limited input or visibility from industry representatives, followed by an unjustifiably hastened period of review.

These concerns and relevant background are further detailed as follows.

MIAL is an industry peak body representing owners and operators of Australian and international vessels across the breadth of the maritime industry, including operators in both the blue water and offshore to whom the *Occupational Health and Safety (Maritime Industry) Act 1993* (OHSMI Act) applies. AMMA's membership spans the entire resources and energy industry supply chain, including vessel operators in the offshore resources maritime support sector as well as the major energy projects they service and support.

A MIAL employee holds the position of Deputy Member of the Seacare Authority and MIAL has participated in a working group to refine the Code. An AMMA employee also holds a position as a Deputy Member of the Authority and has oversight of the work of the working group.

MIAL and AMMA are concerned that the most recently issued draft provided for industry consultation does not represent industry best practice and will result in a Code of Practice that does not meet its principal obligation under s109 of the OHSMI Act to provide guidance to operators. This concern relates specifically to a chapter dedicated to providing guidance to offshore support vessels. Both MIAL and AMMA had understood

that guidance to operators was to be provided by way of reference to the Guidelines for Offshore Marine Operations (GOMO) and an Australian supplement addressing Australian operating conditions. We understand this to also be the preferred position of the Australian Maritime Safety Authority who are the inspectorate for OSHMI Act. The most recent draft provided for industry consultation does not reflect this position.

Operators in the offshore maritime industry are acutely mindful of the need to be agile and proactive in managing their safety obligations. A highly prescriptive Code of Practice which regurgitates large quantities of information contained elsewhere, subject to far more frequent review, is in our view not appropriate guidance for operators. That the previous Code relating to offshore operations did not get updated for 20 years is indicative that including highly prescriptive material in such an instrument is inappropriate. Further, the development of the offshore chapter that is now proposed to be included was developed separately to a working group convened by the Authority and in our view without due industry input.

We write to make sure you are aware of the concerns industry has and the steps taken to articulate them. Representatives of operators in the offshore industry have consistently maintained that the most appropriate guidance for offshore vessel operators ought to be provided via a reference to GOMO and an Australian supplement, with this detail sitting not within the Code itself. This position was first highlighted on behalf of operators in response to a discussion paper in late January 2018. In response to very truncated consultation times, depriving industry meaningful capacity to offer input, MIAL once again on behalf of its membership identified concerns with the proposed code, including its application beyond offshore vessels to facilities. Facilities are regulated under an entirely different regime to that of vessels and this Code has the real potential to cause confusion as to the responsibilities on board vessels and those on facilities. A copy of the correspondence sent as part of the Seacare Authority working group is attached for reference.

While we understand that you will receive a brief from your department relating to any outcomes from the Seacare Authority, both AMMA and MIAL consider it critically important that you are aware of operators' opposition to the Code as released for consultation and particularly the highly prescriptive chapter relating to offshore vessels. While there have been various attempts to highlight these concerns through the truncated and at times confusing consultation process, both MIAL and AMMA are not convinced that the concerns that have been raised, in light of the Code specifically being in place to provide guidance to our member operators, have been acknowledged or properly considered.

We ask that you not approve the Code until a proper consultation has been undertaken and concluded. We are also unclear as to why the timeframes for consultation have been so urgent.

We would be happy to discuss this directly with you or your advisers at a convenient time and would be pleased to liaise with your office via Sarah Cerche at sarah.cerche@mial.com.au and Simon White at Simon.White@amma.org.au to provide further information.

Yours sincerely,



Teresa Lloyd
Chief Executive Officer
Maritime Industry Australia Limited



Steve Knott AM
Chief Executive Officer
AMMA