2013-2014-2015

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015

No. , 2015

(Employment)

A Bill for an Act to amend the Seafarers Rehabilitation and Compensation Act 1992, and for related purposes
Contents

1 Short title ................................................................. 1
2 Commencement .......................................................... 1
3 Schedules ...................................................................... 2

Schedule 1—Constitutional coverage 3

Part 1—Seafarers rehabilitation and compensation 3

Seafarers Rehabilitation and Compensation Act 1992 3

Part 2—Occupational health and safety 6

Occupational Health and Safety (Maritime Industry) Act 1993 6

Schedule 2—Application of the seafarers rehabilitation and compensation levy 7

Seafarers Rehabilitation and Compensation Act 1992 7
A Bill for an Act to amend the *Seafarers Rehabilitation and Compensation Act 1992*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

This Act may be cited as the *Seafarers Rehabilitation and Compensation and Other Legislation Amendment Act 2015*.

2 **Commencement**

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
## Commencement information

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions</td>
<td>Commencement</td>
<td>Date/Details</td>
</tr>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
<tr>
<td>2. Schedule 1, Part 1</td>
<td>Immediately after the commencement of Part 2 of the <em>Seafarers Rehabilitation and Compensation Act 1992.</em></td>
<td>24 June 1993</td>
</tr>
<tr>
<td>4. Schedule 2</td>
<td>The day this Act receives the Royal Assent.</td>
<td></td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Constitutional coverage

Part 1—Seafarers rehabilitation and compensation

Seafarers Rehabilitation and Compensation Act 1992

1 At the end of section 4

Add:

(5) To avoid doubt, a reference in this Act to the employment of an employee is a reference to:

(a) if the employee is a trainee—the employee’s performance of the role of a trainee; or

(b) if the employee is a person of a kind referred to in paragraph (1)(c)—the employee’s performance of the role of a person of that kind.

2 Subsection 19(1)

After “ship that is”, insert “directly and substantially”.

3 Subsections 19(2) to (5)

Repeal the subsections.

4 After section 19

Insert:

19A Extended application of Act for trainees etc.

(1) This Act also applies to the employment of a trainee who, as required by his or her employer, is attending a training course in connection with, or for the purpose of, employment by that employer on:

(a) a prescribed ship that is engaged in trade or commerce:

(i) between Australia and places outside Australia; or

(ii) between 2 places outside Australia; or

(iii) among the States; or

No. , 2015    Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015
Schedule 1  Constitutional coverage

Part 1  Seafarers rehabilitation and compensation

(iv) within a Territory, between a State and a Territory or between 2 Territories; or
(b) a vessel of a kind referred to in subsection 19(1AA); or
(c) a prescribed ship to which paragraph 19(1A)(a) or (b) applies.

(2) This Act also applies to the employment of a person of a kind referred to in paragraph 4(1)(c) who would ordinarily be employed or engaged as a seafarer on:
(a) a prescribed ship that is engaged in trade or commerce:
   (i) between Australia and places outside Australia; or
   (ii) between 2 places outside Australia; or
   (iii) among the States; or
   (iv) within a Territory, between a State and a Territory or between 2 Territories; or
(b) a vessel of a kind referred to in subsection 19(1AA); or
(c) a prescribed ship to which paragraph 19(1A)(a) or (b) applies.

(3) This section does not limit the operation of section 19.

5 Application of amendments

(1) Subject to subitems (2) and (3), the amendments of the Seafarers Rehabilitation and Compensation Act 1992 made by this Part apply in relation to any injury, loss or damage suffered by an employee on or after the commencement of Part 2 of that Act.

(2) The amendments made by this Part do not apply in relation to an injury if notice of the injury was given under section 62 of that Act before the time when the Bill for this Act was introduced into the House of Representatives.

(3) The amendments made by this Part do not apply in relation to loss or damage if notice of the accident that resulted in the loss or damage was given under section 62 of that Act before the time when the Bill for this Act was introduced into the House of Representatives.
6 Compensation for acquisition of property

(1) If the operation of this Part would result in an acquisition of property from a person otherwise than on just terms, the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

(3) In this item:

   acquisition of property has the same meaning as in paragraph 51(xxxi) of the Constitution.

   just terms has the same meaning as in paragraph 51(xxi) of the Constitution.
Part 2—Occupational health and safety

Occupational Health and Safety (Maritime Industry) Act 1993

7 Subsection 6(1)

After “unit that is”, insert “directly and substantially”.

8 Subsections 6(5) to (9)

Repeal the subsections.

9 Application of amendments

The amendments made by this Part apply in relation to anything done on or after the commencement of section 6 of the Occupational Health and Safety (Maritime Industry) Act 1993.
Schedule 2—Application of the seafarers rehabilitation and compensation levy

Seafarers Rehabilitation and Compensation Act 1992

1 Section 3 (definition of seafarer berth)

After “by a seafarer”, insert “to whose employment this Act applies”.

2 Section 3 (at the end of the definition of seafarer berth)

Add:

Note: Section 19 deals with the application of this Act.

3 Subsection 20A(1)

Omit “the application of this Act”, substitute:

the application of:

(a) this Act; and
(b) the Seafarers Rehabilitation and Compensation Levy Act 1992; and
(c) the Seafarers Rehabilitation and Compensation Levy Collection Act 1992.

4 Subsection 20A(3)

Omit “this Act (other than this section) does not apply”, substitute
“those Acts (other than this section) do not apply”.

5 Transitional provision

If an exemption granted under section 20A of the Seafarers Rehabilitation and Compensation Act 1992 is in force immediately before the day this Act receives the Royal Assent, it continues in force after that day as if it had been granted, under that section as amended by this Act, as an exemption from the application of:

(a) that Act (as so amended); and
(b) the Seafarers Rehabilitation and Compensation Levy Act 1992; and
(c) the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992.*