



Seafarers Rehabilitation and Compensation Directions 2023

I, TONY BURKE, Minister for Employment and Workplace Relations, give the following directions to the Seafarers Safety, Rehabilitation and Compensation Authority.

Dated 30 June 2023

TONY BURKE

Minister for Employment and Workplace Relations

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1 Name

This instrument is the *Seafarers Rehabilitation and Compensation Directions 2023*.

2 Commencement

This instrument commences on 1 July 2023.

3 Authority

This instrument is made under section 107 of the *Seafarers Rehabilitation and Compensation Act 1992*.

4 Definitions

In this instrument:

Seafarers Act means the *Seafarers Rehabilitation and Compensation Act 1992*.

Exemption Guidelines means the exemption guidelines adopted by the Seacare Authority to assist in determining requests for exemption from the application of the Seafarers Act.

Seacare Authority means the Seafarers Safety, Rehabilitation and Compensation Authority.

5 Directions

I direct the Seacare Authority to amend its Exemption Guidelines to specify that:

- (a) the integrity and ongoing viability of the Seacare scheme is a primary factor in determining all applications for exemption from the operation of the Seafarers Act under section 20A of that Act; and
- (b) a reduction in workers' compensation entitlements for affected seafarers is a primary factor in determining not to grant an exemption under section 20A of the Seafarers Act where the Seacare Authority is satisfied that a reduction in entitlements would be a likely outcome for the employees on a particular ship; and
- (c) where an applicant requests an exemption from the application of the Seafarers Act under section 20A on the grounds that workers' compensation insurance under the Seafarers Act is unavailable, a primary factor in determining the application is whether the Seacare Authority is reasonably satisfied that the applicant has taken all reasonable steps to obtain insurance or indemnification for the applicant's workers' compensation liability under the Seafarers Act; and

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- (d) the applicant has state or territory insurance in all jurisdictions in which it operates, is a primary factor in determining all applications for exemption from the operation of the Seafarers Act under section 20A of that Act.

6 Schedule

Each instrument that is specified in Schedule 1 to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Repeals

Seafarers Safety Rehabilitation and Compensation Directions 2006 (1)

Note: See section 6.

1 The whole of the instrument

Repeal the instrument.