

Minutes - Australian Seafarers' Welfare Council

21 June 2021

MS Teams Meeting

Agenda Item 1: Welcome and Introductions

The Chair opened the meeting and welcomed all in attendance. The Chair noted the meeting will be recorded for the meeting minutes, no objections were raised.

Attendance

Chris Green	Australian Mariners Welfare Society
Michelle Grech (Chair)	Australian Maritime Safety Authority
Tracy Whatman (Secretariat)	Australian Maritime Safety Authority
Tristan Shandy	Australian Transport Safety Bureau
Christine Field	Hunterlink EAP
Ian Bray	ITF Australia
Grant Hardie	Maritime Industry Australia Ltd
Garry Dodd	Mission to Seafarers (East)
Andrew Douglas	Rightship
Melwyn Noronha	Shipping Australia Limited
Roslyn Rajasingam	Stella Maris Australia (formerly Apostleship of the Seas)

Observers

Ben Tifan	Australian Maritime Safety Authority
Warwick Norman	Independent Consultant
Kelly Garmonsway	Maritime New Zealand
Sandra Bernal	ITF Australia
Dan Crumlin	ITF Australia

Guests

Greg Pusey	Australian Maritime Safety Authority
Andrew Johnson	Department of Transport, Infrastructure, Regional Development and Communications
Johan Smith	Sailors' Society
Bernie Farelly	Seafarers Connect

Apologies

Sarah Cerchè	Maritime Industry Australia Ltd
John Steed	Mission to Seafarers (West)
Michael Gallacher	Ports Australia

Agenda Item 2: Previous Minutes & Action Items

Minutes from the previous meetings held on 26 February 2021 were accepted.

The Chair reviewed the action register and members agreed to the closure of the following actions items:

- 02/2021 - item 2.1 – amendment of the action register to assign actions to organisations. This has been completed as per the tabled register.
- 02/2021 - item 2.3 – Garry and Rosalyn will present data on their service delivery activities at this session.
- 02/2021 – item 7.1 – the finalised terms of reference have been published to the website and circulated with the papers for this meeting.
- 02/2021 – item 9.1 – ITF contacts have been added to medivac notifications.
- 02/2021 – item 11.2 – ASWC confirmed as a signatory on 8 April 2021.

Members agreed to the status of all other actions as tabled in the meeting papers with the exception of item 02/2021 – 6.1 in relation to the letter regarding designation of seafarers as key workers. The ITF requested the item remain open until after the Council had the opportunity to hear the update from the Government.

The Chair sought members views on the appointed Chair for the Council. Members were of the view it was appropriate for AMSA to continue to Chair the Council. AMSA will liaise internally and advise the ASWC of the new Chair.

Action 06/2021 – item 2.1 - AMSA will discuss the ongoing Chair of the Council internally and report back to the Council.

Shipping Australia Limited raised a previous proposal to invite the Cruise Lines International Association - Australasia (CLIA) to participate on the Council.

Action 06/2021 – item 2.1 – The Chair will extend an invitation to CLIA Australasia to participate in the Council.

Council agreed to minutes of last meeting and update of action items

Agenda Item 3: ASWC Correspondence

The Chair noted the correspondence register tabled and thanked Chris Green for the draft letter on designation of seafarers as key workers. The Chair advised members that the address for correspondence with the ASWC has changed and all correspondence should now be channelled through secretariat@amsa.gov.au.

Agenda Item 4: ASWC Engagement - Website analytics

The Chair tabled the ASWC website statistics for the information of the Council. No comments arising.

Agenda Item 5: MLC Complaints and Incidents

The Chair tabled the papers from AMSA on MLC activities, medivacs, MOB's and investigation statistics for the 01 October 2020 to 31 March 2021 for the information of the Council.

AMSA reported that there has been a significant drop in the number of onshore complaints over the past two quarters which is encouraging and the number of complaints received are at pre-Covid levels.

AMSA highlighted two recent bans that are not included in the reporting period of the paper.

- Maryam (Panama flagged bulk carrier) was issued a 36-month ban in May 2021 for serious deficiencies relating to vessel maintenance and working and living conditions for seafarers. Maryam is operated by Aswan Shipping
- Mover 3 (Panama flagged bulk carrier). Also operated by Aswan shipping. Was issued a ban for 18

months in April 2021 for failing to carry out important regular surveys of the ship, and for appalling working and living conditions onboard.

AMSA also advised that the Maritime Labour Convention Report will be finalised shortly. The report includes advice on the ASWC strategy and how we are meeting MLC obligations in that regard.

[Action 06/2021 item 5.1: The Secretariat to notify the Council when the MLC Report has been released.](#)

Agenda Item 6: Designation of seafarers as key workers

The Department of Infrastructure, Transport, Regional Development and Communications joined the meeting to discuss the designation of seafarers as key workers.

The Covid Maritime Response Taskforce (CMRT) continues to meet on a regular basis. A focus of the meetings has been crew changes and the domestic vaccination program. The Department is working to ensure any seafarer welfare issues are managed appropriately. The Department has established a focal point for seafarer welfare issues arising from the pandemic reflecting the importance and value that seafarers add to the economy through the maintenance of supply chains.

In relation to the designation of seafarers as key workers, the Government has not enacted these arrangements for seafarers due to the definition of key workers within Australian legislation which places specific obligations on both the Government and employers. Australia has also taken a different approach to many governments in that maritime workers in Australia have been able to go to and from work generally without restriction, noting issues regarding internal movements across borders.

Seafarers have been designated in the category of 1A in the domestic vaccination program. The Government has been working with States and territories to ensure crew changes are facilitated across domestic borders. The CMRT continues to evaluate the vaccination of foreign seafarers in the national interest. Noting the above, the Government remains of the view that it is not necessary, at this time, to designate seafarers as key workers.

The Council advised the Government of the following:

- In a recent survey of domestic and international surveys conducted by the Maritime Industry Australia Limited responses indicated that not being recognised as essential workers and therefore valued by the community was detrimental to their mental health.
- A glut of seafarer contracts will end in the next 4-6 weeks (in alignment with the 11 month limit), the Government has the opportunity to play a role in the minimisation of effects on the mental health of seafarers by facilitating crew changes with regard to quarantine either ashore or onboard and access to welfare services ashore.
- Suggested the Government review the categorisation of provision of seafarer welfare services onboard, access should be broader than traditional medical services and should be expanded to mental health services.

Agenda Item 7: Maximum period of shipboard service and repatriation

AMAS tabled an update on the maximum period of shipboard service and repatriation arrangements in Australia. Consistent with the information provided at item 5a, there has been a decline in seafarer complaints. The number of complaints being received has returned to pre-COVID levels.

Members should be aware the Marine Notice has now expired however AMSA will continue to closely monitor the situation.

Agenda Item 8: ASWC Strategy

The Council maintains a standing agenda item for the discussion of the ASWC strategy and outcomes associated with each element. The key objectives of the ASWC strategy include:

- provide leadership in the implementation of Australia’s obligations to seafarers under the MLC;
- assist in the establishment of a national network of seafarer support arrangements; and
- promote, encourage and support the delivery of seafarer welfare services at Australian ports.

The Council noted action 02/2021 - item 2.3 and the paper tabled at this meeting outlining the services delivered nationally by the Mission to Seafarers (MTS).

MTS highlighted the following for noting by the Council:

- At the heart of the services provided by the MTS is seafarers being connected with their loved ones and with society. The gift of time cannot be understated for many seafarers.
- The impact of COVID on the MTS has been significant and funding of the MTS will reach a critical point within 12 months. The cessation of the Jobkeeper program will further exacerbate the funding situation and some centres will have to close by the end of the year unless other funding arrangements are established.
- The operating costs are approximately \$6.5 million plus around \$3m of volunteer labour (130,000 hours of recorded time).
- Digital transformation of service delivery has been essential.

The Stella Marais also provided an update on operations as follows:

- The main funding source for the organisation, the annual AusShips Conference, was not held in 2020 and 2021.
- Centres are also supported by the local diocese however some this funding has also so been reduced or ceased.
- The key question for the organisation is how the service continues to support seafarers and will be forced to reevaluate how we do support and deliver services in the future.
- MTS and Stella Marais have commenced collaboration on securing sustainable funding for service provision to seafarers.

Maritime New Zealand provided the Council with an overview of their approach to providing sustainable welfare services to seafarers and noted that the need arose from previous arrangements being unsustainable.

The Seafarer Welfare Board of New Zealand established in 1964 as been largely funded by charitable foundations. Over time the funding from those sources decreased as did the services provided. This placed the obligations of provision 4.4 of the Maritime Labour Convention at risk. Funding from traditional sources was further exacerbated by the pandemic.

In response the New Zealand Government established the Essential Connectivity Fund to meet the funding shortfall in the short term. For the longer term the Minister for Transport sponsored a bill to change the Maritime Transport Act (NZ) to fund the provision of welfare activities from the maritime levy.

The Seafarer Welfare Council Board will administer the fund and there will be a close working relationship between the New Zealand Government and the Board to ensure appropriate governance of the funding and associated processes.

In practical terms the Seafarer Welfare Board has created a holding company. The company will be responsible for the operational delivery of welfare services, with the Board (10 members) remaining as the governing body. The Government has set a defined list of services that the SWB must deliver. The Board will report to Maritime New Zealand on a quarterly basis on financial status, systems and process used to

make funding allocation decisions statistics on port arrivals and services deliver and where services haven't been delivered an explanation for not doing so. Maritime New Zealand will also under service centre visits to observe the efficacy of the services being delivered.

To date funding has been provided in structured monthly payments. There is another year of Essential Connectivity funding remaining, during this time a review of services will be undertaken to determine the amount of future funding required to provide sustainable welfare services. The services must adhere to all normal regulatory requirements in relation to provision of goods and services e.g. counsellors must meet the national requirements for provision of those services. The service providers are employed directly by the holding company under standard commercial engagement arrangements. It is the responsibility of the company to ensure efficiency of service i.e. not having multiple providers doing the same thing in the same location.

Continue to explore the structure and meet with New Zealand to see if a similar model is needed to in the implementation. [Warwick – the sustainability of the model – working with the gov through seafarer welfare centre – great that we can continue to engage about their program and the model. Take to government a proposed working model for consideration.

The Council thank Maritime New Zealand for the information and agreed:

- Establishing a sustainable funding model for delivery of seafarer welfare services is a priority.
- AMSA will initiate discussion with Government on the issue to ascertain whether the New Zealand model can be explored.
- AMSA to hold further meetings with Maritime New Zealand to gain an in-depth understanding of the model.
- Any work to be conducted by the AWSC will involve all members with a terms of reference to govern the work.

[Action 06/2021 item 8.1: AMSA to initiate a discussion with the Government on establishing a sustainable funding model for the delivery of seafarer welfare services. AMSA to report back to the Committee at the next session.](#)

[Action 06/2021 item 8.2: AMSA to meet with Maritime New Zealand to gain an indepth understanding of the model. AMSA to report back to the Committee at the next session.](#)

Agenda Item 9 and 10: Amendment to MO 11 and ILO update

AMSA tabled a paper on the amendments to Marine Order 11 (Living and working conditions on vessels) which came into effect on 1 June 2021. The amendments to the order will support seafarers by ensuring:

- the seafarers' employment agreement continues to have effect while a seafarer is captive due to acts of piracy or armed robbery against ships;
- that wages and other entitlements continue for the period of captivity; and
- entitlement to repatriation does not lapse due to captivity.

AMSA provided a verbal update on progress of the Australian proposal to introduce mandatory reporting of fatalities at sea. The April 2021 meeting of the ILO Special Tripartite Committee provided an opportunity for member to submit proposals and discuss issues arising from the COVID pandemic. Australia took the opportunity to present the mandatory reporting of fatalities at sea proposal.

At this time Australia has received some international support however will continue to strongly advocate for the proposal and will be targeting some of the European nations to build a critical mass. AMSA called on Council members to advocate through their own networks for the proposal.

The ITF advised that their London office has confirmed their support of the proposal.

Agenda Item 11: ITF Update

The ITF noted the following for the information of the Council:

Congratulated all parties involved in Marais and Movers 3 bans and sends the right message to operators in relation to substandard behaviours.

Proposed the Council explore opportunities to influence companies to better control their supply chains. Opportunities such as vetting vessels not only on seaworthiness but issues such as modern slavery to stamp out poor behaviour.

In 2020 the ITF conducted 512 inspections and recovered \$2m of wage theft. To date in 2021, the ITF has recovered \$2m of wage theft from just 211 inspections.

Globally ITF inspectors have been encouraged to focus on issues such as abandonment (5 months of non-payment of a seafarer). Last year there were 85 abandonments reported to the ILO. Through investigations the ILO has discovered \$57m of waste in one supply chain and \$48m in another. It is likely on will be resolved through negotiations whilst the other is likely to proceed to prosecution.

The issue of crew changes will again heighten anxiety for seafarers approaching the end of their tenure over the next 4-6 weeks. The ITF advised they will continue to press Government on the designation of seafarers as key workers.

The ITF is increasing inspectorate resources and will have additional resources in NSW and VIC by August followed by TAS and a greater footprint in NW Australia over the next 6 months.

There remains a significant amount of work to do in relation to the treatment of seafarers and wharf workers where instances of Covid arise. A recent example occurred in Darwin where the ITF had to insist on testing for seafarers, which came back negative but then the wharf workers were still held in quarantine.

Hunterlink supported the ITF's views that processes need improvement citing seafarer fearing to speak up about wage issues until after they have been repatriated and there being no peer communication in the Darwin case. Hunterlink has had three emails to which they have not received a reply and still have been unable to speak to the seafarers in question.

The Council recalled the work underway by South32 discussed at the last meeting. A draft of the seafarer welfare charter is due in July 2021 with a planned release date in November. The Chair agreed to follow-up with South32 to see if any further input can be provided by the ASWC.

The Council also recalled the Neptune's Foundation code of practice for charters noting that some charter contracts still have clauses stating no deviation for crew changes or crew leave.

The Chair thanked the Council for the discussion and noted the importance of having the involvement of the supply chain. The Code of Practice will be a key document to ensure Charters the operation of these vessels pay adequate attention to the welfare of seafarers.

Agenda Item 12: Guests

Bernie Farelly from Seafarers Connect provided the Council with an overview of the Tas Bull Seafarers Foundation initiative to provide access to high quality wifi to seafarers. The goal of the project is to improve access to services and entertainment to improve the mental health of seafarers. The project has a total of

24 devices across 9 ports. In the past 30 days 2648 seafarers have utilised the service on just 11 devices. The services are managed by Telstra Business Technology Centre, the data is pooled and the firewall restricts access to undesirable content. Devices are deposited by safety inspectors at the top of the gangway as soon as the vessel docks.

TAS Bull Foundation has funded 10 devices and the ITF have funded 14 devices. Contracts on all devices expire in 2022, the contract cost for 24 devices is \$250,000 every three years. The project is seeking corporate sponsorship of the devices. The ideal number of devices nationally is in the magnitude of 100 and this volume would also assist from a corporate sponsorship perspective with the amount of exposure they would be getting in return.

The project is relying on volunteers to get the devices on and off vessels but have managed to establish a network to be able to retrieve devices where a ship may have sailed. There are varying degrees of empathy displayed in ports with some refusing to assist in the delivery of the devices.

The Chair thanked the Tas Bull Seafarers Foundation for the presentation and concluded the discussion noting the importance of communication and access to facilities to support the health and well-being of seafarers. Further the Council should consider this service when working proposing a sustainable model.

Johan Smith from the Sailors Society provided a presentation on seafarer welfare from the society's perspective. The Sailors Society has observed:

- a shift in expectation by consumers and society in general with increased calls for transparency of supply chains and their ethical standards,
- technology innovation in healthcare and the focus on mental wellbeing
- future research will increasingly focus on the effectiveness of solutions and
- can envisage ship vetting criteria including humanitarian welfare on board.
- There is a need for the establishment of a seafarer mortalities database to record all aspects of seafarer deaths to better identify their welfare needs.
- Must not lose sight of the millions of seafarers who live contentedly on board vessels who are masters of their own lives, with tremendous skill and resilience.

The society is leading an industry wide awareness campaign called Wellness at Sea and is based on the concept of the circle of care at all three stages, proactive support, during crisis support and after crisis support. The awareness campaign will run for 27 weeks in 9 week cycles to build seafarer awareness of the resources available to them. The campaign has approximately 50 corporate partners.

The Chair thanked the Sailors Society for the presentation and noted AMSA will be participating in the campaign and the Council will also promote on the ASWC website.

Agenda Item 13 and 14: General Business

Warwick Norman reflected on the report provided at item 5a – MLC complaints and asked AMSA whether there were any trends emerging by class or flag where commitment to the MLC is lacking. AMSA advised that data is limited at this time however if the data is normalised some flags are more prevalent than others. AMSA follows-up on 100% of MLC complaints either in port, at the next visit or refers to the next port of arrival for review and flags for inspection on next call. The annual compliance report will be published in early July and ASWC will be notified.

[Action 06/2021 – item 14.1 – A standing agenda item will be established to discuss opportunities to promote seafarer welfare through national campaigns such as the International Day of the Seafarer.](#)

The MUA raised the issue regarding vaccination of international seafarers and asked the Council whether it can take on a role to advocate for policy change on this issue noting the Australian Logistics Council recommended that all transport workers should be vaccinated.

Council noted the following:

- Australia is falling behind other countries that have implemented programs to vaccinate all foreign seafarers to protect their domestic trade
- Anglo-Eastern have given some seafarers double doses to eliminate the need for return visits within short periods
- A starting point would be vessels on regular trading routes
- Government needs to keep in mind there will come a time when all Australians are vaccinated however foreign seafarers may not be due to their own countries vaccination programs or lack thereof.
- Is there an opportunity to advocate at the ILO for a limitation on the time until a seafarer must be vaccinated.
- The WA Government has increased restrictions on foreign seafarers e.g the requirement to be out of the country for 60 days. Highlighting that obstacles are still arising for seafarers.

SAL advised that many of these views had already been put to Government through the regular COVID teleconference being held with industry.

AMSA put forward their view that the OSHMI Act applies in Australia and there for the responsibility lies with the seafarer's employer. By comparison personnel employed by AMSA employed to inspect vessels are categorised as 1B on the vaccination scale. AMSA suggested it could consider a Marine Notice reminding industry of their obligations in this respect.

AMSA also advised that:

- at the recent ILO STC meeting Cyprus brought forward a discussion encouraging governments to consider a vaccination program for seafarers. AMSA will circulate the resolution for the Council's information
- more vessels have rapid testing kits aboard to ensure they are mitigating any port entry barriers.

The Council advised there have been test cases where employers have provided international seafarers with vaccinations.

[Action 06/2021 – item 14.1 – AMSA to explore the promulgation of a Marine Notice reminding operators of their OH&S obligations under the OSHMI Act.](#)

[Action 06/2021 – item 14.2 – AMSA to circulate the ILO-STC resolution on the committee's recommendation for Governments to consider a seafarer vaccination program.](#)

Mission to Seafarers (East) noted Friday 25th June is the International Day of the Seafarer (IDotS) and reported that the Port Welfare Committee in Newcastle is extending celebrations for the entire week. MTS East also proposed the Council identify and promote opportunities such as this to draw attention to seafarer welfare.

AMSA reported it is promoting the IDotS through its social media platforms and agreed there should be information being promulgated by the Council.

[Action 06/2021 – item 14.X – A standing agenda item will be established to discuss opportunities to promote seafarer welfare through national campaigns such as the International Day of the Seafarer.](#)

Communication between ASWC and Port Welfare Committees will be included as an agenda item for the next meeting of the ASWC with a view to establish the scope of engagement and establish an agreed timeframe to pursue with discussions with the PWC's.

The next meeting of the group will be schedule for October 2021, members will be consulted to identify a suitable date.

The Chair thanked all for attending and the input provided and closed the meeting at 1:05pm with agreement to reconvene for the Sailors Society presentation at 1430.