

EXPLANATORY STATEMENT

Select Legislative Instrument 2006 No. 339

Issued by the authority of the Minister for Employment and Workplace Relations

Seafarers Rehabilitation and Compensation Levy Collection Act 1992

Seafarers Rehabilitation and Compensation Levy Collection Amendment Regulations 2006 (No. 1)

The Seafarers Rehabilitation and Compensation Authority ('the Seacare Authority') administers the scheme for rehabilitation and workers' compensation for certain maritime employees. The Seafarers Safety Net Fund ('the Fund') is the 'nominal insurer' for this scheme in the event that an employer cannot be identified or otherwise becomes insolvent or bankrupt.

From 1 July 2002, scheme employers were required under sections 4 and 6 of the *Seafarers Rehabilitation and Compensation Levy Act 1992* ('the Levy Act') to pay a levy to build up the Fund's reserves. The *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* ('the Collection Act') provides for the collection of levy imposed by the Levy Act. Section 6 of the Collection Act requires scheme employers to provide returns containing information on the number of seafarer berths on each prescribed ship or number of seafarers engaged by a relevant employer and such other relevant information relating to those berths.

Subsection 16(1) of the Collection Act provides that the Governor-General may make regulations, not inconsistent with that Act, prescribing all matters required or permitted by that Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002* ('the Principal Regulations') currently prescribe the Australian Maritime Industry Compensation Agency Ltd (AMICA) as the levy collector for the purposes of sections 4 and 6 of the Levy Act. The Principal Regulations also provide that the returns and information required under section 6 of the Collection Act be given to the prescribed levy collector.

AMICA's services will terminate upon the expiry of its contract on 14 January 2007. Arrangements have been made for the responsibilities held by AMICA, including levy collection, to transfer to the Seacare Authority.

The purpose of the Regulations is to provide that, from 14 January 2007, the levy collector will be the Seacare Authority. The Regulations would also provide the contact details of the Seacare Authority for the purpose of receiving the returns required by section 6 of the Collection Act.

Relevant stakeholders in the maritime industry and government agencies including the Seacare Authority and Comcare have been consulted in the making of these proposed Regulations.

Details of the Regulations are set out in the Attachment.

The Regulations commence on 14 January 2007. The Regulations are a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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ATTACHMENT

Details of the Seafarers Rehabilitation and Compensation Levy Collection Amendment Regulations 2006 (No. 1)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Seafarers Rehabilitation and Compensation Levy Collection Amendment Regulations 2006 (No. 1)*

Regulation 2 – Commencement

This regulation provides that the Regulations commence on 14 January 2007.

Regulation 3 – Amendment of Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002

This regulation provides that the *Seafarers Rehabilitation and Compensation Levy Collection Regulations 2002* are to be amended as set out in Schedule 1.

Schedule 1 – Amendments

Item 1 – Regulation 3, definition of *levy collector*

This item amends Regulation 3 to provide that the levy collector will be the Seafarers Safety, Rehabilitation and Compensation Authority (also known as the Seacare Authority).

Item 2 – Subregulation 4(2)

This item amends Subregulation 4(2) to update the contact details of the levy collector to whom returns and information required under section 6 of the *Seafarers Rehabilitation and Compensation Levy Collection Act 1992* will be given.