



HUMAN RIGHTS AT SEA

Langstone Technology Park | Langstone Road | HAVANT | PO9 1SA | United Kingdom

www.humanrightsatsea.org | enquiries@humanrightsatsea.org

Human Rights at Sea is a Registered Charity in England and Wales No. 1161673

Patron: Lord Teverson of Tregony

28 May 2022

Hon Anthony Albanese
Prime Minister
Member for Grayndler, NSW

Dear Mr. Albanese,

AUSTRALIAN SEAFARER WELFARE SUPPORT – MARITIME LEVY LEGISLATIVE AMENDMENT

Our compliments, and we are writing to you on behalf of Human Rights at Sea (HRAS)¹.

Introduction

HRAS has been established for the benefit of the international community concerning explicit engagement in exposing and ending abuses at sea by acting as a global catalyst for change. We raise international awareness of human rights abuses at sea and deliver social justice through legal and policy development globally.

The Issue

The incoming Australian Government’s opportunity to assure long-term seafarer welfare funding and sustainability with minimal legislative amendment must not be derailed, side-stepped, nor the proverbial can kicked-down-the-road through paralysis of internal decision-making.

Seafarers’ working lives, wellbeing, and the upholding of a fair and reasonable recuperating environment ashore pivots on this much needed but simple development to use existing maritime levy funds for good.

The solution and legal pathway have already been proven and it can be achieved with a simple committed focus with the setting aside of political point scoring, and a deliberate avoidance of vested self-interest.

A core interest of both coastal states and the multi-trillion \$ shipping industry *must* be the seafarer, associated supply chain workers and *de facto* support to their respective families; not a primary focus on profit or deliberate and/or inadvertent absence to be party to the upholding of access to sustainable welfare support.

Strategically, state-level opportunity for both national and regional leadership in terms of a concerted focus on legislative surety for welfare needs through assured access to, and use of, existing maritime levy funding must not be ducked through lack of coordinated action or failure of political will. Time is of the essence.

¹ Human Rights at Sea, UK-registered Charity: www.humanrightsatsea.org



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This issue is relatively low hanging ‘political fruit’ with global consequences for the improvement of worker’s lives especially as the world recovers from the COVID pandemic and more than ever, goods must travel by sea while finite natural resources must be both conserved and carefully exploited. This requires not just vessels, platforms, and associated technology, but people to operate, maintain and sustain them.

Precedent

“The challenges of providing welfare services in a COVID-19 environment have highlighted the need for a more secure funding approach.” *New Zealand Minister of Transport, the Honorable Michael Wood April 2021.*

It is not as if this matter is a minor problem, a challenging first or a complex legal drafting exercise.

The precedent set by the New Zealand Government in July 2021 in amending and enacting primary legislation, the 1994 Maritime Transport Act, resulted in a unique state-level pathway to assure that seafarer welfare needs, and associated costs can now be sourced from the existing maritime levy funding stream.

“insert: (c) the facilitation of, or support for, seafarer welfare services.”

[New Zealand grasped the seminal opportunity in 2020-2021](#) following justified lobbying by the [NZ Seafarer Welfare Board](#) in turn supported by Human Rights at Sea’s March 2020 report ‘**New Zealand: Under-Funding of Seafarers’ Welfare Services and Poor MLC Compliance**’ and Counsel’s opinion.

In doing so, coordinated advocacy efforts delivered a minor drafting update to primary legislation resulting in a historic change that ongoing outlays for seafarer centres, staff and associated costs would no longer be borne through fundraising, dedicated pro bono local community volunteering efforts, or the seemingly perpetual requirement to ‘shake the can’ at donors for much-needed dollars.

Next Steps

The source of funds to support ongoing seafarer welfare needs are available today. That is the deeply frustrating fact.

Nonetheless, every day that the welfare can is kicked forward without targeted effort, is another day that seafarers are let down and their value undermined.

The real question is whether, or not, the new Australian government and associated stakeholders will be publicly committed to, willing and be accountable for:

1. Updating current legislation to require explicit use of maritime levy funds for welfare purposes thereby assuring long-term sustainability in law, not just policy.



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2. Driving internal co-ordination and accountability for change across applicable government departments.
3. Resourcing and empowering the required staff to co-ordinate funding administration and its fair allocation year-on-year, and
4. Delivering the necessary long-term change - just as the New Zealand Government did.

Legal Review and Counsel's Opinion

Human Rights at Sea has undertaken a [legislative review and issued a supporting counsel's opinion](#) identifying the need for legislative update. It has [included suggested text](#) and regulation amendment.

Supporting Work

Human Rights at Sea continues to both progressively and collaboratively advocate for legislative updates, effective policy development, and the practical implementation of existing maritime levy funds for sustainable welfare funding of workers by coastal states around the World.

Working in co-ordination with willing stakeholders through provision of independent reports supported by leading Counsel's opinion reflecting existing international and national law, our charitable NGO does not see why such industry-wide change cannot be rapidly brought about.

Meantime, stakeholder positions which articulate deflecting narratives that such a change is "complex", requires "significant buy-in" to work, "is not currently needed", requires "standing up a new committee" or requires "pilot initiatives" to be successful, must be called out for what they truly are; a selfish apathy masquerading as due process - in failing to assure the welfare of seafarers and their families ashore.

Call to Action

Human Rights at Sea urges the Australian Government to reinforce political will and national legislative pathways to assure sustainable and long-term welfare support in law through existing maritime levy structures.

Further Reading

News. Australian Maritime Levy Campaign for Seafarer Welfare reinforced by Counsel's legal opinion:

<https://www.humanrightsatsea.org/news/australian-maritime-levy-campaign-seafarer-welfare-reinforced-counsels-legal-opinion-1>

2 February 2022 Counsel's Opinion:



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[https://www.humanrightsatsea.org/sites/default/files/media-files/2022-02/20220224-Maritime Levy AUS Advisory Opinion HRAS 2 Feb 22-%5BFINAL%5D sp %20version unlocked.pdf](https://www.humanrightsatsea.org/sites/default/files/media-files/2022-02/20220224-Maritime%20Levy%20AUS%20Advisory%20Opinion%20HRAS%202%20Feb%2022-%20%5BFINAL%5D%20sp%20version%20unlocked.pdf)

March 2020 HRAS Report:

[https://www.humanrightsatsea.org/sites/default/files/media-files/2021-12/HRAS New Zealand MLC Welfare Failures Independent Review Case Study March 2020 SP LOCKED%20%281%29.pdf](https://www.humanrightsatsea.org/sites/default/files/media-files/2021-12/HRAS%20New%20Zealand%20MLC%20Welfare%20Failures%20Independent%20Review%20Case%20Study%20March%202020%20SP%20LOCKED%20%281%29.pdf)

3 April 2020 Counsel's Opinion:

<https://www.humanrightsatsea.org/sites/default/files/media-files/2022-02/NZ%20Maritime%20Levy%20Counsels%20Opinion%20April%202020.pdf>

News. New Report. New Zealand Seafarer Welfare Centres Lack Government and Industry Support:

<https://www.humanrightsatsea.org/new-report-new-zealand-seafarer-welfare-centres-lack-government-and-industry-support>

News. Seafarers Welfare Board for New Zealand fully concurs with HRAS Report:

<https://www.humanrightsatsea.org/seafarers-welfare-board-new-zealand-fully-concurs-hras-report>

News. New Zealand Government drives legislative change in support of Seafarers' Centres:

<https://www.humanrightsatsea.org/news/new-zealand-government-drives-legislative-change-support-seafarers-centres>

News. In Force. New Zealand Amends Legislation to provide assured Seafarer Welfare funding:

<https://www.humanrightsatsea.org/news/force-new-zealand-amends-legislation-provide-assured-seafarer-welfare-funding>

News. Impact of seafarers' welfare maritime levy now evident in New Zealand, says Transport Minister:

<https://www.humanrightsatsea.org/news/impact-seafarers-welfare-maritime-levy-now-evident-new-zealand-says-transport-minister>

Yours sincerely,



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Human Rights apply at sea as they do on land.

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