

## 12/2/1 DIRECTOR PROFESSIONAL DEVELOPMENT REPORT

**ReportTo:** Federal Council 2023  
**From:** Director Professional Development  
**Subject:** Professional, Training & Certification Issues + AMSA Surveyors Portfolio

### 1. Industrial Support and WH&S Issues

I take calls from members around the country on professional/safety or professional/performance/conduct issues most often from Tug members (Engage, SMIT, Svitzer) but also from Antarctic vessel and other ships.

I appeared in the negotiations with Svitzer over Engineer qualifications provisions in the Svitzer Enterprise Agreement. On the advice from Greg and delegates that Svitzer was renegeing on previous 'for-settlement' agreed positions ( the Class 3 + 12 months as Chief on vessel >1500kW) I considered the strongest position to take into any FWC hearing on the matter was to maintain that the existing Class 3 + Trade is a SAFETY-DECISION jointly made by the Engineers and their employer (Adsteam) on the basis that the Engineer Class 3 manning determination by AMSA is for operation-only and the only safe assurance owner, master and engineers can have of any MAINTENANCE capability of that Class 3 Engineer is to require a Maintenance-capable TRADE. Having badged this as a SAFETY DECISION the FWC should be most reluctant to set it aside. The status of such a safety decision is now supported much better in the new MO505 which came into force 1 January this year.

### 2. Marine Order 505 Review

the new MO505 came into force 1 January this year with major improvements including:-

- a. GPH CoC is made mandatory if the Master cannot view the deck area at all times, but have retained ability for tug engineers to continue to perform assist-on-deck duties despite not holding GPH CoC, contingent on the Master being prepared to deputise that the Engineer performs such duties under the supervision of the qualified GPH in respect of that deckwork; and
- b. the SEA SERVICE requirement for MED1 was amended to delete reference to service as a GPH.
- c. succeeded in defining that sea service must be service whilst performing tasks RELEVANT to the CoC being applied for, with result that it will be much more difficult for Svitzer/SMIT & MUA to put up candidates for MED1 or Class 3 who have only ever served as a GPH; and
- d. Inserted for the first time a definition of Chief Engineer:  
***chief engineer*** means the engineer in charge of:
  - (a) the vessel's propulsion machinery; and
  - (b) the safe operation and maintenance of the mechanical and electrical installation of the vessel; and
  - (c) ensuring that watchkeeping arrangements are adequate to maintain a safe engineering watch.Note State and Territory laws may apply to a person carrying out electrical work on a vessel.

(my underlining)

Note that "...in charge of..." and "...maintenance ..." **helps in the fight with SMIT & SVITZER over who is in charge of tug maintenance.**

Inclusion of ***engineering watch*** is relevant for issues such as manning and fatigue, but does not equate to a 3-watch system STCW-style, rather it is very much dependent on the particular vessel and the particular operation and hours of operation as to what constitutes a

**"...safe engineering watch..."**

- e. defeated Michaela Moss/Svitzer's final attempt to remove the words "...in charge of..." from the above definition; and
- f. Specified in the Medical Standards that the colour vision test for Engineers is "...Not Required..."

### 3. 'Joyce Report' impact on Maritime Industry Reference Committee (MIRC)

The MIRC was disbanded at the end of December 2022.

'Australian Industry Standards Ltd' (previously TLISC, previously TDT Australia), the company that writes the Maritime Training Package, has rebadged itself as 'Industry Skills Australia' and is touting for the continuation of its role when the new Minister works out what is to replace the MIRC. Whether we get a role remains to be seen.

### 4. Electrical Work & Refrigeration Work

The main vehicle to push for formal recognition ashore of marine engineer work on electrical systems has been driven from within the Maritime Industry Reference Committee. It's demise has put all that work at risk, and my attempt to find another vehicle within the committees of AMSA has been refused, on the basis that AMSA cannot host a pressure-group seeking to influence government policy. I have put a fresh means of attacking this question on the Agenda for the next meeting of AMSA's National Safety Committee.

### 5. National Safety Committee (NSC)

A broad-ranging brief. The only material benefit of membership (representing AMOU and AIMPE) of this committee appears so far to have been the ability to ventilate our concerns about Marine Order 505 and 504 at a higher level, as well as airing concerns with the 'National Law' as a precursor to raising them in the submission I prepared (and put on joint AIMPE/AMOU letterhead) to the '*Independent Review of the National Law*' as well raising the prima facie breach of s.12(4) of the DCV National Law Act because of employer (SVITZER) directions to a Master to NOT implement the Master's safety-decision.

I have used this committee to ventilate concerns about disadvantage to Class 3 Near Coastal CoC holders because AMSA refuses to issue Class 3 INTERNATIONAL CoC as per STCW III/3 and pushed AMSA to make an in-principle decision that they will put on the upcoming work-program a review of how to implement an AMSA-issued Class 3 INTERNATIONAL CoC as per STCW III/3 in the near future.

### 6. Marine Order 504 Review

With MO505 finalised in the first half of the financial year the focus has turned to MO504.

Where MO505 finally defines what a Chief Engineer is, and what they are responsible for, MO504 finally will say that the vessel has to HAVE a Chief Engineer.

In the draft Phase-1 Amendments to MO504 we have resolved AIMPE concerns as to current provisions setting *Minimum Crewing* require owner to employ a minimum number of *Certificated Crew* and a minimum number of *UN-Certificated Crew* but does not specify whether the minimum number of *Certificated Crew* must include a Master and must include an Engineer. The new Crewing Table clearly indicates that on all DCVs there must be held the appropriate level of both Chief Engineer qualification and Master qualification, whilst on smaller vessels these can be held by the same person.

The draft also requires:-

- fatigue to be part of Risk Assessment when determining crewing level,
- that the Owner consult with master and crew in the development of Risk Assessment; and
- that the Risk Assessment (including the appropriate crewing determination) is accessible to the master, crew and enforcement personnel

I am still engaged in meetings of the Review Committee in relation to Phase-2 issues which include our concerns about potential breaches of s.12(4) of the DCV National Law Act.

## **7. AMSA SURVEYORS PROFESSIONAL ISSUES & E.A. RENEGOTIATION**

I negotiated the last AMSA EA in 2016. No further negotiation occurred on its expiry as the CEO took a (public-sector) decision to roll-over the EA with a salary increase and no negotiation.

In 2016 AMSA said it would introduce 'Marine Inspectors' to carry out some Surveyor-like functions in the DCV jurisdiction, and before the portfolio was taken over by Michael we were trying to attract these new people to AIMPE to retain some influence in the total workload.

In February this year I resumed responsibility for this portfolio to free up Michael for the important role in relation to the Offshore membership and found that in the last few months the 'Marine Inspectors' had taken a decision to concentrate their membership in the CPSU, whilst a number of non-marine personnel had joined us from AMSA's Search& Rescue unit in the hope of AIMPE initiating an Eligibility-Rule Change to allow coverage. On this latter point I have advised that it is for Martin/FEX to inform them of any policy decision but that such attempt for Eligibility-Rule Change would be strongly opposed by CPSU and ACTU and I have personal experience of cases in which the merit was far more on our side (the 'MudLoggers Case') but the Commission ruled that as there was already a union to which they could 'conveniently-belong' there would be NO amendment made to our Eligibility-Rule, so should AIMPE decide to go down that path it would be expensive and protracted with no surety of outcome.

Positive steps have been taken to assemble a draft log-of-claims but more urgently a document setting out workload/OH&S and professional/Operational concerns and a Survey of members to establish how widespread are such concerns. I met with AMSA on this in Canberra 26 April 2023. This has boosted membership (to 50) around the country and there has been an election of regional Delegates (6) with whom I am now working closely. 3 more Surveyors in WA last week indicated they would also join. For the first time our penetration exceeds 50% and is growing.

Henning Christiansen

2 May 2023