

AIMPE win in Gladstone

AIMPE win in Certificate of Safety Training dispute

AIMPE has had a win against Smit Lamnalco in Gladstone for the revalidation of the Certificate of Safety Training (COST) qualifications for Engineers in the Port. The decision was handed down by Vice President Asbury of the Fair Work Commission o n 7 August 2023. The wider membership may recall that AIMPE and Smit were in dispute over the terms of the AIMPE Smit Lamnalco Gladstone EBA, which required the company to reimburse qualifications held at the time of commencing employment with the company.

Smit

an internal memo

had

released

Gladstone tugs providing escort to Curtis Island

This decision fol-

lows on from a hearing on the papers, with submissions from the AIMPE and Smit Lamnalco finalised in February this year. Members have been eagerly awaiting the result of this decision on the back of a number of disputes raised by AIMPE related to Smit's operations in Gladstone. in 2020, and again in 2022 denying Engineer claims for revalidation of their COST, therefore resulting in an incorrect interpretation of the EBA leading to the dispute needing to be determined by the Fair Work Commission. The memo in effect sought to override the agreed terms of the EBA to the advantage of Smit.

August 2023 - Australian Institute of Marine & Power Engineers

AIMPE's submissions supported an interpretation of the EBA which had a clear, plain English meaning. It was argued by AIMPE that the COST is a relevant gualification held by Engineers, and clearly they are entitled to have it re-imbursed at the company's expense. AIMPE made further submissions that an internal memo issued by the company after the finalisation of the EBA cannot be used as a loophole to avoid EBA obligations recently agreed to by all parties. AIMPE's position has been endorsed by the Commission and is a common sense ruling on the facts of the case.

The question for arbitration

in this matter was,

"On a proper construction of the Smit Lamnalco Towage (Australia) Pty Ltd and the AIMPE Gladstone Enterprise Agreement 2022, what are the entitlements under clause 22.2 and Appendix 2 for Engineers revalidating their Certificates of Safety Training?"

Vice President Asbury found the following;

1. The Company is required to bear the expense of maintaining Engineers' current Certificates of Safety Training and to backpay outstanding claims to employees.

2. The Company is required

to pay out training days on an employee's return to work after completion of training related to revalidating a Certificate of Safety Training, as per clause 22 of the Smit Lamnalco Towage (Australia) Pty Ltd and the AIMPE Gladstone Enterprise Agreement 2022."

Reasons for the decision have yet to be published, so we cannot quote extensively from the ruling. Suffice to say members in the Port will be very happy with the result and with knowing that Smit will be bound to this important ruling regarding their qualifications.

Sam Littlewood AIMPE National Organiser



CERTIFICATE OF SAFETY TRAINING (COST) STCW REVALIDATION

STCW

COURSE ALSO KNOWN AS:

STCW REVALIDATION, STCW 95, BASIC SEA SAFETY

Revalidate your AMSA-issued Certificate of Safety Training (CoST) STCW with Australia's leading maritime training provider.

The Certificate of Safety Training (CoST) Revalidation course is designed for holders of an AM-SA-issued Certificate of Safety Training who do not hold the qualifying sea service and therefore need to undertake the full STCW short courses in Fire Prevention & Fire Fighting and Personal Survival Techniques in order to demonstrate continued competence.

Qualifying sea service is at least 12 months in total during the preceding 5 years before application, or 3 months in total during the preceding 6 months prior to revalidating

not for one but for all



Note from the President

IMO new emissions targets

The Marine Environment Protection Committee (MEPC) of the International Maritime Organisation (IMO) has adopted significant new targets for the reduction of greenhouse gas emissions which will have a significant impact on the maritime industry globally.

After the decision was taken at the meeting in July, IMO Secretary-General Kitack Lim said:

"The adoption of the 2023 IMO Greenhouse Gas Strategy is a monumental development for IMO and opens a new chapter towards maritime decarbonization. At the same time, it is not the end goal, it is in many ways a starting point for the work that needs to intensify even more over the years and decades ahead of us. However, with the Revised Strategy that you have now agreed on, we have a clear direction, a common vision, and ambitious targets to guide us to deliver what the world expects from us."

"Above all, it is particularly meaningful, to have unanimous support from all Member States."

The new IMO Greenhouse Gas Strategy contains a range of elements which includes the following **vi-sion:**

IMO remains committed to reducing GHG emissions from international shipping and, as a matter of urgency, aims to phase them out as soon as possible, while promoting, in the context of this Strategy, a just and equitable transition.

The IMO strategy includes four major **ambitions** as follows:

.1 carbon intensity of the ship to decline through further improvement of the energy efficiency for new ships

.2 carbon intensity of international shipping to decline

.3 uptake of zero or near-zero GHG emission technologies, fuels and/or energy sources to increase

.4 GHG emissions from international shipping to reach net zero

As well as the overall ambition, the IMO has set down interim **targets**:



.1 to reduce the total annual GHG emissions from

international shipping by at least 20%, striving for 30%, by 2030, compared to 2008; and

.2 to reduce the total annual GHG emissions from international shipping by at least 70%, striving for 80%, by 2040, compared to 2008.

This vision and these ambitions and targets will require very significant reductions for an industry which has long been recognised as one of the most challenging industries when it comes to emissions reductions. While shipping is seen as the most energy efficient mode of transport, large international trading ships require substantial amounts of energy to carry their cargoes across the world's oceans. This bulk of this energy has been supplied by Heavy Fuel Oil for many decades. Burning HFO creates dirty emissions. Finding an economical alternative fuel is exercising the minds of many around the world.

One of the alternative fuels being considered is ammonia. In July, shortly after the MEPC meeting, MAN made an announcement about a trial of ammonia as an alternative marine fuel:

MAN Energy Solutions has announced the successful first test of a two-stroke marine engine on ammonia fuel, marking a major milestone in the development of a full-scale ammonia engine to help decarbonize the marine market.

The test took place at the company's research centre in Copenhagen (RCC) using a MAN B&W two-stroke 4T50ME-X type. The company reported positive results, with promising data on pilotoil amount and combustion stability.

None of the alternative fuels come without risk. One thing is for sure 20-30% emissions reductions will not come about through minor tweaking of current operating practices.



Superannuation Changes

Michael Bakhaazi & Michael Carroll

In 2017, the government changed the rules to allow people to "carry forward" unused portions of their concessional contributions, which is used to be \$25,000.00 and is now \$27,500.00 since the 2022 financial year.

For instance, you have not salary sacrificed, but your employer has put in \$12,000.00 a year in superannuation guarantee contributions each year over the previous four years. By using the carry forward rules, you might be able to put in a significantly higher amount into super as concessional contributions (either as salary sacrifice or personal deductible contributions) and then split that higher figure for your spouse, by using your unused caps from previous years.

However, it is important to note that you can only use the carry forward rules if your super balance is below \$500,000.00 at the start of a financial year. The details of what you have contributed in previous years can be found through your mygov account. Remember the rules here require careful implementation. They are complex, and if unsure, please see a financial adviser. But if done properly, it could allow couples to get more into super by combining it and potentially transfer using spouse splitting.

The Australian Institute of Marine and Power Engineers
South Australia Branch
DECLARATION OF RESULTS - E2022/156
Uncontested Offices Scheduled Election
The results of the election for the following offices conducted in accordance with the provisions of the Fair Work (Registered Organisations) Act 2009 and the rules of the organisation are:
South Australia Branch
President (1) <u>Candidates</u> KNIGHT Sean
<u>Treasurer (1)</u> Candidates SWINCER Ben
<u>Federal Councillor (1)</u> Candidates WILLIAMS Anthony
As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.
Ben Murray Returning Officer Telephone: 03 9285 7111 Email: IEBevents@aec.gov.au 31/07/2023

PERTH, Australia – NOPSEMA, the Australian offshore energy regulator, has published Esso Australia's first-phase offshore Gippsland Basin Decommissioning Environment Plan (EP) for public comment.

Although there is no requirement in Australia for submitting EPs for decommissioning for public comment, in this instance Esso has initiated a voluntary process, facilitated by NOPSEMA, giving interested stakeholders the opportunity to provide feedback.











Hi Lovely Members

Winter is now almost over and my garden is telling me it is going to

burst into colour big time, so that is rewarding to say the least.

I took a hiatus last month with my corner and my garden due to the big surprise party for my son. I had guests coming from all over the world, and I got to hug my Mum, Sister, her husband, my Nephews for the first time in five years.

I had 6 guest staying at my house, so it was full to rafters, and so many came from all over Australia to celebrate it was magical. 60 guests ended up coming, and the surprise my son had was heart wrenching in a way. He thought I was just taking him out to lunch and wanted to work on his Skyline that still resides at my place. He was feeling rather put out and wanted the "lunch" to be quick and easy. Once he went around the side of my house and all of a sudden heard 60 people singing out "SURPRISE" he was so shocked he turned and walked away for a moment, then hugged me so hard. His face was raw with emotion.

It turned into a wonderful day, and night. I was sad to say goodbye to my family, that was a bit hard on the tear factory, but coping well coming home to an empty house now.

My garden adventures have now continued, I ordered another tonne of stones because I am nuts. I discovered after the party just how nice one area was in the back garden, so it is all on doing that up. I have emptied half the bag, so not too much to go..lol And that vine...it tries hard to grow but I am onto it big time. I have an awful lot of cut down cassia trees to get rid of, but I bought a pizza oven, so can use the wood on this.

Okay enough girly stuff

Thank you all who have paid the 23/24 fee. I am printing membership cards and posting, it is labour intensive so doing my best to get them out for you all.

Our website has a lot of information on it, including the latest On Watch and archived issues, as well as EBAs.

http://www.aimpe.asn.au

To enter the member area on the AIMPE website Click below

http://www.aimpe.asn.au/auth/members_entrance.html

Use your email as your username and membership number as your password.

If you are not able to log on, you are welcome to email me: cgodfrey@aimpe.asn.au

I can get you up and running pretty smartly.

I want to say before I sign off that working at AIMPE is most rewarding due to all of the amazing members, you make coming to work a true pleasure and I thank you for this.

Have a wonderful month, stay safe and keep smiling.

Caz

On Watch is the official journal of the Australian Institute of Marine and Power Engineers.

The editor is Martin Byrne. (mbyrne@aimpe.asn.au) The editor takes responsibility for political comment in On Watch. On Watch is published by Phillip Olsen. (philolsen@aimpe.asn.au)





Hunter Coast Offshore Renewable Energy Zone

The Offshore Renewable Energy Zone off the Hunter coast (below) was declared on 12th July 2023 by the Federal Minister for Climate Change Energy Environment and Water, Mr Chris Bowen. This is the second declaration after the Gippsland coast declaration.

The area declared is smaller in size than was originally proposed in the consultation documents with the final area eliminating substantial sections close to Norah Head and Port Stephens.

Feasibility Licence applications will open for proposed projects within the declared area from 8 August 2023 to 14 November 2023. Under the Offshore Electricity legislation feasibility licences can be valid for up to 7 years. Commercial licences to proceed with a project will only be available to holders of a feasibility licence.

While the AIMPE and AMOU submission in April was supportive of the declaration of the REZ, it also expressed broader concerns that the demographic profile of the Australian maritime workforce is an ageing one. There is an acknowledged need for a new national training program to ensure that the workforce of the future is trained ahead of the future demands on the maritime industry. Our submission also highlighted the potential for Hunter TAFE to play a role in meeting this need. The two officer unions will continue to push for a new national training program with these news fields of maritime operations in mind.

Southern Ocean Offshore Renewable Energy Zone

The consultation period is open for the third of the Offshore REZs – this one is for the Southern Ocean region off Portland

AIMPE and AMOU are intending to make another submission to this consultation process which will reflect strong support for the concept of developing Offshore renewable energy generally and in the Southern Ocean off the Victorian and South Australian coast in particular. The maritime industry has long played a critical role in the supply of raw materials to the smelter in Portland and in the export of aluminium from Portland. The long-term continuation of this vital strategic industry is probably dependent on a secure supply of renewable energy.

Local community consultations are underway in the region and members are encouraged to participate in this potential future Offshore industry.

Sea Link - Kangaroo Island EA

AIMPE met with members onboard the Sea Link Kangaroo Island Ferry, Sealion 2000 prior to the Enterprise Agreement meeting at Cape Jervis on 7 July. Unfortunately, the sea state that day resulted in ferry services being suspended so the Spirit of Kangaroo Island



On Watch August 2023 page 6





remained over on the Island. The Agreement is going to be for a duration of 2 years with Wage increases on 1 July 2023, 1 July 2024 & 1 July 2025. Plus, a commitment to commence negotiations for a replacement Agreement 6 months prior to expiry and to have a New EA in place to match the start of the New Operations with the new Vessels. Commitment for this EA to include a wage increase for 1 July 2025. Sealink agreed to align Allowance increases with the date of the wage increases. As to wages, Sealink did not move from their proposed 5.75%. The Claim is 7.9% for 2023. There was a lot of discussion around this issue. SeaLink will respond at or before the next meeting in mid-August.

Sea Swift Shipping

The Sea Swift Enterprise Agreement, not surprisingly has been thoroughly examined by the FWC and a large number of questions have therefore arisen. One of the complications of an Agreement subject to many different Awards for the purpose of the BOOT test is the selection of the Awards for the BOOT Test and why some others are not com- pared against. In the maritime area this issue arose in relation to



Down Below on Cygnet 1 at Frances Bay drive Darwin



Ken Walker onboard Seaswift's Malu Explorer in Darwin

the Maritime Offshore Oil and Gas Award 2020. Subsequently Sea Swift have provided an undertaking that 'This Agreement shall not

apply to any work that falls within the coverage of the Maritime Offshore Oil and Gas Award 2020 as amended from time to time.'

Inco Ships – Accolade II

AIMPE and the AMOU finalised the negotiations with Inco Ships for the Accolade II Enterprise Agreement and the Agreement was drafted during July. There are now a few drafting issues to be resolved before it is distributed for the formal 7-day access period and voting.

P&O Wunma EA

P&O have provided an unsatisfactory response to the Log of Claims. It is unsatisfactory because they have rejected the wage claims yet have not made any kind of counter offer but have requested the Unions to put forward another option. This approach has been rejected and the original claims still stand. The claim for a fixed rotating swing cycle has also been rejected along with the minimum manning level increase and there was no response to the distribution of the shorthanded money. A meeting is being planned for 4 August to continue negotiations.

Trident LNG – start date issue

There was a further conference on 5th July before the Arbitrator during which the MUA/CFMMEU made submissions about the cont'd



Cygnet 1 at Frances Bay Depot Darwin

industry service of ratings prior to company employment. Trident/ STAPL refuse to make any concession on this claim.

The companies are also refusing to make any further concessions about the other two areas except to clarify that if a trainee became a permanent immediately after completion (i.e. without any casual service at all) then the service as a trainee would count for redundancy purposes.

Another hearing is scheduled for 24th July however the Arbitrator has made it clear that he will arbitrate if no agreement is reached between the parties. Based on many comments he has made previously this will mean that any time spent as a casual will not count for redundancy.

Woodside - expression of interest

A significant proportion of the AIMPE members employed by Trident have indicated that they are interested in working on a Woodside chartered LNG tanker should agreement be reached with the company.

Basic data about qualifications and experience have been collected and provided to Woodside to demonstrate that there is a genuine interest among the pool of members with current LNG operating experience.

Teekay – Reliant EA

Deputy President Easton of the FWC chaired an initial conference on 28th June in Sydney. This was a useful exercise and as a result Teekay have agreed to amend the dispute settlement clause to allow for arbitration.

However, there are two other issues which still remain unresolved. Despite the installation of the Starlink Maritime system on the Reliant, members have reported that actual internet services on board are unsatisfactory and this is attributed to the restrictions that the Teekay IT department has imposed for "cyber-security" reasons.

In addition, there is still not agreement of the wording of the Extra Claims clause. Further discussions with Teekay have been pencilled in but this is likely to have to go back to the FWC.

Coral Expeditions

Ship visits on crew change days commenced with the Coral Geographer (pic below) in early July. The Coral Discoverer and Coral Adventurer will be visited in late July in Darwin. Members have requested AIMPE representation in replacing the zombie EA and to finalise a draft EA. Any member working with the company (casual or otherwise) should contact Greg Yates.

draft is in progress for en-



Deck and Engineer Officers which once that is completed it will be presented to the company for negotiation. One issue is what rates Officers are on and whether there is any consistency between the ranks and the traditional seagoing relativities – this will be handled sensitively with a view of establishing a structure for the future to not disadvantage any arrangements made in this unregulated workplace. Again, members are encouraged to make contributions and participate.

Australian Border Force Enterprise Agreement

Negotiations have continued throughout July for the Australian Border Force EBA. AIMPE has advanced its claims for the introduction of a cadet program for new entrant Engineers into the industry through secure Employment with the ABF. The ABF is in a unique position to provide ongoing cadetships and to create a steady stream of employment opportunities for qualified Engineers providing the required Department of Home Affairs tasking with the ABF. AIMPE has also advanced its claim for overcycle payments when rostered swing lengths are exceeded consistent with industry standard practice.

AIMPE also met with the Australian Public Sector Commission Lead negotiators for the Government wide negotiations to advance our claim for a separate Marine Engineer pay scale that combines existing allowances into a stand-alone base salary and separate from existing APS Government employee classifications. AIMPE's proposal in this regard is well advanced and consistent with existing Engineer pay scales. This meet-





ing took place on Friday 14 July and while AIMPE's proposal was well received, there is as yet no decision that has been made as to whether to approve or deny the claim. AIMPE has subsequently provided a written submission to the APSC Negotiators in support of our claim.

Like the Engineer classification claim, no other Marine Unit claim by AIMPE or the CPSU has been either approved or denied at this stage. It is not yet clear when the Department will have instructions on whether they can provide feedback on these claims, however expect that to occur once the Government wide Part A negotiations have concluded (date for this TBA).

Svitzer National EA approved

Deputy President Easton approved the Svitzer National EA on 11 July 2023 but with notations that the explanatory document was disputed by the AIMPE and AMOU.

The explanatory document was not sent to the unions nor were any of the unions asked to agree about the content, so it is unsurprising that Svitzer took a cheap shot at distorting what was agreed to for the EA major changes.

Examples of the issues that Svitzer perceive agreed include:

 Port operating procedures can't be tailored to suite the needs of a port (i.e. core hours for attendance on tugs for maintenance and other duties, state required make up of rostered positions including percentage engagements, etc).

• Svitzer management can direct crew to perform maintenance outside of core hours despite requirements to agree to discuss the status, planning and maintenance requirements.

• PPT obligations to be available at all times outside rostered days free of duty and they are not entitled to pro-rated leave.

• Recruitment of EC3 without a trade or experience [note that the agreement has the effect that only if there are no other candidates that meet EC1 or EC2 or EC3 with a stated trade, can an EC3 with at least particular C/E experience of at least 2 years be considered and only after consultation with AIMPE's Tug convenor). These issues were hotly contested and managed to agreed outcomes, however, Svitzer have gone the extra provocative step to set up further disputes as the agreement goes into its operation. Svitzer have already started to push the limits in some ports and members are asked to be diligent in notifying the Institute of these issues.

In the meantime, Svitzer have terminated an Engineer whilst on sick leave, issued final warning letters for crew working within port operating procedure parameters and are seeking to manipulate the agreement on review of fixed term employment.

Members are reminded that the Institute is discouraging Engineers from applying for unusual PPT % positions.

Svitzer Darwin EA Replacement

Further visits to Darwin are to take place during late July to discuss the agreement's implementation with management and members.

Smit Gladstone EA & FWC Proceedings.

Since reporting last month about the change in local management, Smit now appear more cooperative in dealing with the management of the port and the EA.

Submissions have been completed for the dispute regarding continuous duty when called off LNG standby.

With regard to the scheduling of hours Decision by VP Asbury, Delegates and officials have been combing through the 68 page decision for clarity. We can glean the cont'd



following points:

- ➤ Work cannot be planned to exceed 12 hours in 24 for secondary or primary (12hour shift) tugs;
- Work can exceed 12 where unplanned port requirements need to be met including delayed shipping;
- ➤ Where a nominated (uncontactable) break of 7 hours or more is not notified, duty will be continuous whilst working despite crew requirements to be fit for duty and on 30minutes call, and

> The penalty of time work toward accrued leave will take affect after 12hours work.

➤ Whilst these are not conclusive summaries of the decision, there has been an affirmation of the union arguments in the decision. It has been decided that decision will be discussed with the Company who has flagged an early commencement to negotiations for the replacement EA.

Smit AMRUN River Logistics

Members recently approved the River Logistics EA and the FWC approval process will now take place.

Smit National EA

The recently approved EA is currently awaiting implementation for the swing length in AMRUN and the changes for Mackay. Clarification has been sought on progress with the company yet to respond.

AOS – Dredging EA delayed

Deputy President Beaumont of the Fair Work Commission has found a technical problem with the wording of the AOS AIMPE Dredging EA which has delayed final approval. Oddly, the particular issue has been contained in other Agreements approved by the FWC in recent times. AOS and AIMPE have requested that the Agreement be approved by the Commission subject to a minor alteration to satisfy the concern raised.

ASP – Champion 63

ASP have agreed to commence negotiations for an Enterprise Agreement for the Brisbane Bunker Barge Champion 63. ASP will issue the NERR before the end of July.



First bauxite from Amrun was shipped from Yarwun alumina refinert in December 2018. image courtesy Rio

AMSA

Timesheets:

On the basis of feedback received by Delegates, AIMPE notified a dispute with AMSA regarding the re-implementation of timesheet record keeping for AMSA's Port Marine Surveyors and Marine Inspectors. The initial timesheet supplied by AMSA was vastly inadequate at recording actual hours and tasks worked by AMSA members, and also gave Employees a lead in time of 3 business days to comply with the requirement to complete the timesheet once the change was notified to Employees.

Noting the format provided for record keeping by AMSA was substandard, AIMPE had little choice but to notify of a dispute, the result of which was a meeting convened between AIMPE and AMSA management on 5 July seeking clarification and amendments to the timesheet provided which was inadequate in first version. The dispute notification also pushed the mandatory compliance date to record hours of work from the initial proposed date of 1 July, back to 1 August.

AIMPE also wrote to AMSA management seeking formal written feedback and the organisation's position on a number of matters related to hours of work conditions of Employment. A response has been received

> by AIMPE, and Delegates are considering that response in light of the feedback provided.

AMSA EBA:

There is still no word as yet on when bargaining will commence for the AMSA EBA. Expect this will not happen until some time late August or possibly later, as government wide bargaining has yet to conclude







coming forum.

Communications

labour review was a write off giv-

en the lack of preparation from

management as to the available

data and its usage for analysis

purposes. Unions are holding

out hope that TDSF representa-

tives are more prepared to dis-

cuss labour utilisation in this up-

Emerald Class Vessels – BSY

AIMPE requested a meeting on 6

July with TDSF to discuss ongo-

ing vessel failures on board the

Emerald Class vessels and the

general inadequate communica-

tion to crews from Balmain Ship

Yard around what maintenance

works had been completed on

the vessels. The meeting was

called after AIMPE delegates

were unsatisfied with the response from BSY regarding fault

positive,

BSY

tives

AIMPE and other

Unions, TDSF, and

with

representa-

agreeing

Roster Dispute

AIMPE, AMOU, and MUA have jointly notified TDSF of a dispute regarding the existing rosters and the requirements under the new EBA for rosters to be amended to comply with the required number of days to be worked in a roster cycle under the terms of the new EBA. This is a detailed undertaking, and the roster committee needs to have adequate time allocated to it to finalise the new roster for all crews so that they are compliant with the terms of the EBA. TDSF has failed to take a lead on this matter, so the Maritime Unions were left with little other choice but to notify of the dispute.

Transdev Sydney Ferries

Labour Review:

finding on the vessels, due to The second labour review a suspected fault with the fuel der the new Sydney pump systems. Ferries EBA is due The meeting was somewhat to take place alongside the MCC on BUNGAREE August 3. The last

Emerald Class ferry Bungaree

to a number of action items.

- BSY Tech supers to email crews as to why work requests are rejected.
- Update and running commentary provided to existing work requests when additional issues are identified with the same fault/failure. Previously additional work requests were simply being deleted.
- Further diagnostic works to be undertaken for the Catherine Hamlin to determine root cause of fuel system failure on board.
- ٠ Reminder for crews to submit detailed work requests to BSY

A further meeting for around the 6 August has been suggested to follow up on where we are tracking with the above.

Port of Newcastle EBA

The Port of Newcastle 2023 EBA has now successfully been approved by the Fair Work Commission. A copy has been uploaded to the AIMPE website members area. The EBA has a nominal expiry date of 31 December 2026. As reported in previous NIRs, the EBA is essentially a rollover of the previous Agreement and provides for salary increases of 4% 1 July 2023, 4% July 2024, 4% July 2025, and 3% July 2026, as well as some improved clauses to comply with existing Fair Work Act entitlements regarding Domestic and Family violence leave, Parental Leave, and casual



Australian Institute of Marine and Power Engineers, The AIMPE – Sydney Branch

ELECTION NOTICE - E2023/37

Scheduled Election

Fair Work (Registered Organisations) Act 2009

Nominations are called for:

Sydney Branch

- -Branch President(1)
- -BranchTreasurer(1)
- -Ordinary Member of Federal Council (2)

Nominations, which must be in writing and comply with the registered rules of the Organisation, may be made at any time from 27/09/2023.

A nomination form is available for electronic completion on the AEC Portal, www.aec.gov.au/ieb/.

However, the nomination form must then be lodged in accordance with the Organisation's rules (see below).

Additional forms are available from the Returning Officer.

Prospective candidates and nominators should verify their financial status and any other qualifications required by the Organisation's rules prior to lodging nominations.

Nominations must reach the Returning Officer via the lodgement method(s) stipulated below not later than 12:00pm Australian Eastern Daylight Time (AEDT) on 08/11/2023.

How to lodge nominations. Nominations must be lodged via the following method(s):

By Portal: Australian Electoral Commission Portal, www.aec.gov.au/ieb/

By Email: A properly completed nomination form including all necessary signatures and attachments may be scanned and submitted as a pdf file to: IEBnominations@aec.gov.au

PLEASE NOTE:

1. Emails to the AEC inbox that appear to be spam may be blocked. It is the responsibility of senders to ensure that their email reaches the AEC before the deadline for nominations.

2. In order to be able to be received by the AEC, emails (including attachments) should be no greater than 6 MB in size.

3. You may call 02 9375 6366 or 03 9285 7111 to enquire about the status of your nomination.

4. The subject line of the email should include the reference: AIMPE Sydney Branch E2023/37 – [Your Name]

Candidate Statements

Candidates may submit a statement to be included with ballot material. Only statements which comply with the Rules and are received by the Returning Officer by 12:00pm (Australian Eastern Daylight Time (AEDT)) on 08/11/2023 can be accepted.

Voting Period

The ballot, if required, will open on 22/11/2023 and close at 10:00am Australian Eastern Daylight Time (AEDT) on 10/01/2024.

Scrutineers

The appointment of scrutineers opens 27/09/2023 and closes Australian Eastern Daylight Time (AEDT) on 10/01/2024.

A form is available from the Returning Officer for the purposes of appointing Scrutineers.

Other Information

Changed Address? Advise the Organisation now.

Please Note: A copy of the AEC's election report can be obtained from the Organisation or from the Returning Officer after the completion of the election.

Ben Murray Returning Officer Telephone: 03 9285 7111 Email: IEBevents@aec.gov.au 27/09/2023









Offshore sector

Again, this month there has been a lot of activity on the EA front with all the major players in the sector meeting in one way or another. Never a report goes by without one issue or another raising its head as possible fence to fall over. This time it appears to be the relativities clause. This is a salary clause to ensure that your wages are not eroded over time should others advance. While going weak at the knees is not a universal condition across the sector where this clause is concerned, there are some who are seeking to, "better understand" its implications on our business model..."

Which is code for, we don't agree with it. This clause is a must-have as far as AIMPE is concerned and AIMPE will not be endorsing any EA that does not have one.

ATLAS

AIMPE met with Atlas on 18 July at which members were in attendance. Several important items were discussed – a snapshot of which is laid out following:

i. Adjust name of agreement to include AIMPE – Agreed.

ii. MODU schedule – Noble Deliverer
is only vessel not at 107% - this point is still to be formally agreed by Inpex; however, the general point is that the 100% schedule position of Noble Deliverer will no longer be an issue – will be corrected in revised Schedules and will be immediate effect.

iii. Initial Pay rises and relativities discussion – discussion was on 8% on offer at commencement, in addition there would be an extra 1.5% relativities adjustment uplift and then the 1st 1.5% payment of the adjustment to compensation for Casual employees – the proposed uplift from 20% - 25% over the term of the agreement.

iv. Modu Schedule - the membership would probably want more than base level of 107%.

v. Response that the Schedules will be reviewed and improved mentioned.

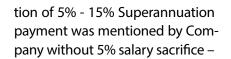
vi. Seismic to be uplifted to at least 107%.

vii. De-commissioning clause – not there – needs to be inserted.

viii. The term 'building work' to also be removed.

ix. Medicals – Dead day for attending medicals –

x. Superannuation – taking out required personal contribu-



xi. Medical Insurance – without prejudice an offer of \$4500 is given by the company, Permanent employees only.

xii. Award rates (compensation paid) for Over cycle.

xiii. Governing clauses for denying over cycle to be paid – remove clauses 23.3 d, e,

xiv. Personal travel costs – increase to ATO standard rate 2023.

xv. Victualling costs – reimbursement – Increase to ATO standard rate. In line with the other industry EBA's.

xvi. Alternative to Hotel room – being an offer of an earlier flight when held over for long delays at crew change – Company will consider.

xvii. Flight club membership – access to corporate rates as enjoyed by Company employees. Permanent employees to have membership provided by company?

xviii. Floatel terminology to be replaced with ASV.

xix. Cabin share to include shared bathrooms.

xx. Vessel inspections to be up to 2/year if required due to vessel leaving and returning to Australian coast.

xxi. ETO to be paid at 1st Eng rate.





xxii. If a helicopter crew change is after midday, then a duty day is to be paid.

xxiii. Training - uplift of total value of package to be more than \$50,000 - Atlas takes on notice - possible \$100,000 - some discussion about this - we need to ensure that the training dollars assigned are paid by the Company (Atlas in this instance) and not made up by a training dollar pool as provided by an Oil major e.g. Inpex training fund – also do not want the pool dollars exhausted by low value short courses - we must hold the Company to the agreement and target upgrades to existing engineers COC - this is critical industry preservation requirement.

xxiv. Timescale for redraft and further development of Schedules - Atlas requested idea.

xxv. Permanent Positions.

AIMPE expect a draft document from the company by Friday 28th July with the next meeting on 3 August.

AUSTRALIAN OFFSHORE SOLUTIONS (AOS)

AIMPE met with AOS on the 20 July with members present on Zoom. AOS have been keen from the start to embrace a uniformed agreement that aligns wages and conditions- again a document is in the process of being drafted. They have been however disturbingly slow to put any ink on paper at this stage. The company have said they are working on the last particulars of the agreement now. AOS are still mulling over whether they wish to continue with a multi- schedule agreement or a single scheduled approach. The company will provide a draft EA document no later

than Friday 28 July. The next meeting will be Tuesday 1 August.

Later in the day AIMPE attended a briefing with AOS and TechnipFMC to discuss the upcoming decommissioning project for the Griffin, Enfield, Echo Yodel and Stybarrow fields. The scope of works involves the offshore recovery and offshore recycling of, flexible pipelines, rigid pipelines, umbilics and subsea structures from the above fields. The project is scheduled for 300days plus and is the largest decommissioning project to commence in Australia thus far.

TechnipFMC will use the Deep Orient for this project a vessel that has been on the coast before. AIMPE is still in discussion with AOS in regards the manning and schedule. The project is due to commence mid- October early November 2023.

SOLSTAD

AIMPE met with Solstad on 19th July, the result of 15th meeting was a draft document which was distributed to the membership for feedback.

2. Nominal Expiry Date. Remove "endeavour" from subclause 2.2. Agreed.

Definitions. Remove last sentence from the definition of "Decommissioning Project". Not agreed

move

tion of "On Duty". Agreed.

5. 3. Definitions. Remove definition of "transit Voyage". Agreed.

6. 7. Object of Agreement. Change "local" to "Australian" in subclause

7.4 as follows: "As such, Solstad commits to the use of local seafarers for international vessel mobilisation and demobilisation voyages to and from Australia in all circumstances where appropriately qualified personnel are willing and able to undertake the applicable voyage".

7. 11. Solstad Consultative Committee. Amend subclause 11.5 to allow three AIMPE representatives with alternates if the representative cannot be present. Agreed.

8. 15. Recruitment, Selection and Engagement of Employees. Amend subclause 15.1 to add internal advertising of permanent vacancies as a step in the recruitment process. Agreed.

9. 16. Types of Employment. Allow requests for casual conversion after two swings. Amended to allow casuals to request casual conversion after three consecutive swings.

10. 24. Remuneration. Amend subclause 24.7 to specify relativities for First engineer/ETO and Second Engineer. Agreed.



Solstad's Normand Navigator



to 24.7 has also been corrected.

12. 29. Allowances. Check calculations. Solstad calculation spreadsheet emailed to AIMPE 6 July 2023.

13. 29. Allowances. Nominate a temperature for the purposes of subclause 29.3. Not agreed. The issue referred to was with another vessel operator not Solstad. Solstad applies the subclause as written.

14. 29. Allowances. Increase Health Insurance Subsidy by \$1500 per annum. Not agreed. The Solstad levels for this allowance are higher than any other vessel operator or crewing agent. Notwithstanding this we have agreed to an increase to \$4899 per annum.

15. 29. Allowances. Increase no internet allowance level to \$50 and apply after one day. Not agreed. The definition and terms of drafting is a straight lift from the AREEA/AIMPE/AMOU agreement.

16. 31. Solstad's Learning and Development Commitment. Specify the dollar amount of the 2% training figure. Agreed. \$232,920 based on 2022 crewing/employment and vessel numbers but the figure will vary depending on crewing numbers.

As can been seen from the above there has been an amount of progress on several fronts. AIMPE are expecting a clean copy of an offer to be sent to us the week commencing Monday 24th thereafter it will be sent to member and a Zoom meeting of members held.

DOF SUBSEA

AIMPE met with DOF on 18 July at which members were present. The meeting was an opportunity to go through the offer for a final time Resulting from the meeting, DOF opened the access period on the new, "DOF Management Australia Pty Ltd & AIMPE Marine Engineers Offshore Oil and Gas Enterprise Agreement 2023" on Friday 21, July. The access period will be for 7 days, and voting will commence Saturday 29 July 2023. The offer before members is the single schedule model of 117% for all vessels all the time.

There are several improvements made to the new offer with changes to.

• Superannuation 15.2%

Allowances in the agreement increased by 20%

• Permanent employees entitled to a reimbursement for prescription safety glasses up to \$300 per 12-month period.

• Clothing allowance increases from \$642.10 to \$770 per year.

• The amount of health insurance allowance will increase to \$4500 per annum from \$3890 per annum.

 New Relativities Clause included (Employer to maintain relativity of wages)

There are other improvements in the offer. It has taken a longtime to get this offer on the table. The proposed enterprise agreement is now with the members for the 7-days access period. Following that the members will have a 3-day window to vote on the enterprise agreement.

MMA OFFSHORE

AIMPE meet with MMA on 11 July to further fashion their position. The company sought some clarity on the relativity's issues. This was given to them. The company didn't raise any great objection to any of the claims AIMPE put to them and

one but for all

are still supportive of the industry position. The company agreed to provide an amended draft EA document by Monday 24 July. The company has now informed AIMPE that it will pursue an agreement based on 1 schedule "117%" and not the industry proposal. AIMPE will look forward to receiving such a draft EA.

OSM

AIMPE met with OSM 12 July and went through our Log of Claim with the company in detail. The company made no great objection to any of them at this stage and are committed to have a draft document to AIMPE no later than Friday 28 July. Thereafter members will have 10 days to go through the document in detail to comment on. As soon as that document is received it will be sent straight out to members. A further meeting has been arranged with the company which members will be invited to on Friday 4 August.

UPDATE: Creditors to take over DOF group following bankruptcy

Financial creditors of Norwegian vessel owner DOF are set to take over ownership through bankruptcy and group restructuring after shareholders blocked plans to convert debt to equity

DOF was forced to ask the courts in the Hordaland district to open bankruptcy proceedings in DOF ASA under Norway's reconstruction Act section 58.

This will facilitate restructuring of the group, while other companies in the group remain unaffected by the bankruptcy





Strait Link (formerly Toll **Shipping)** Enterprise Agreement

AIMPE convened a meeting of members via Zoom on 30 June to discuss the EA offer. Following that meeting AIMPE advised Strait Link on the outstanding concerns. Strait Link provided a revised offer which was then the subject of an internal ballot via Survey Monkey. That internal Ballot accepted the new proposed wage increases but did not accept the proposal in relation to the extra leave concept. The survey was comprehensive that the actual new ratio needs to be 1:1.166 and must be stated in the EA. When informed of this result Strait Link agreed that the ratio will be as sought and be stated in the Agreement. That now only leaves two outstanding issues relating to family travel and the back pay of the HV Skills allowance, both the subject of a further survey. AIMPE is due to meet with Strait Link on Tuesday 25 July to discuss the next steps including drafting of the

Aqua Spa - OSM

Aqua Spa Engineers are now all employed by OSM. There is currently a pay continuity issue which is the subject of discussions. OSM are endeavouring to gather more information. There is also a commitment to commence Enterprise Agreement negotiations in August.

Searoad Shipping

AIMPE conducted the EA Ballot between 1 – 8 July. The outcome was 23 out of 24 votes were received with 19 in favour and 4 against. The EA therefore received an overwhelming majority vote in favour. The EA has now been signed and sent to the FWC for its approval.

Serco – Nuyina Enterprise Agreement

AIMPE and Delegates met with Serco in Hobart on 18 July to begin negotiations for the Enterprise Agree-

Greenfields

forward. ment that will be replacing the Agreement. This initial meet-

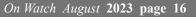
Agreement. coming prised all three Maritime SEAROLD MIRST

Unions and Delegates. A comprehensive Log of Claims was presented to Serco. The current Greenfields Agreement is rather thin and needs a lot of usual clauses to be included, so the EA will be a complete re-write. Important amongst the claims is the need for additional manning. This has been recognised by Serco and an independent crewing level review has been undertaken and its outcome will be important for determining those claims. Interestingly Serco did not have any claims of their own. Serco have undertaken to have a response for the claims at the next meeting on 1 August. AIMPE visited the Nuyina on 19 July to report back to members onboard the outcomes of the EA meeting and the process going

Svitzer – Port of Melbourne

The 3 maritime Unions and Delegates held a Zoom meeting on 11 July to discuss the next steps arising from the additional work now occurring due to the change in the Harbor Master's directions. The number of towage jobs has increased from around 430 per month to over 650 per month. The Unions had been seeking meetings with Svitzer to have the fourth and fifth hull fully manned and part of the roster, but Svitzer are not so keen to meet. An application to the Commission was therefore filed and it has been listed for an initial Conference cont'd

on Thursday 27 July.







Gippsland Ports EA

AIMPE met with members onboard the Tommy Norton dredge at Lakes Entrance on 11 July to discuss the log of claims that was presented to Gippsland Ports at the initial 2023 Enterprise Agreement on 12 July. There has been a Leg islative

change in Victoria that will now permit the Tommy Norton to perform dredging work outside the Gippsland Ports area. Therefore, there is a claim that any work outside the Gippsland Ports area must be at Terms comparable to other national dredging ments. agreeGippsland Ports have no great issue with this. They identified potential work in the Yarra River and at Barry's Beach as examples of such work.

TasPorts Towage EA

AIMPE and Delegates attended the first Enterprise Agreement meeting for the new TasPorts Towage EA on 6 July in Launceston. The AIMPE Log of Claims was served on Tas-Ports along with the Logs of Claims from the other Unions. TasPorts will respond to the claims at the next meeting scheduled for 17 August.

crews on the three barges oper-

ating between River Heads and

the island. Discussions centred

around some of the key issues

crews want addressed in bar-

gaining, and the outcomes from

a recent non-Union negotiation

at Sealink North Queensland.

AIMPE has offered support and

assistance to ensure that crews

are in the best position to

achieve positive outcomes

through the process. [cont'd]



commercial maritime traffic and recreational vessels.

Queensland Branch Report

Josephine Butchers

Stradbroke Ferries

Greg Yates &

Stradbroke Ferries members were recently asked to vote on a proposed agreement which the company put out to ballot without in-principle agreement from all bargaining representatives, including AIMPE. The most contentious proposal in the offer is a plan to gut overtime entitlements where less than 10 hours is achieved between shifts. Members have also been concerns about inadequate access to breaks during shifts and a pay deal which may see members wages continue to fall below the cost of living.

The ballot failed by a margin of 42 opposed to 12 in favour. This is a clear repudiation of the company's plans. AIMPE will soon return to the negotiating table. It

is incumbent upon the Company to improve its position in order to secure a majority Yes vote in any future ballot.

Sealink K'Gari (Fraser Island)

Sealink has sought to commence a first round of Enterprise Bargaining since acquiring barges servicing K'Gari and Kingfisher Bay Resort, which it also

owns. The company has been negotiating with crews directly in pursuit of a non-Union agreement.

AIMPE has

but for



re- The wreck of the SS Maheno on Fraser Island. In cently conducted in Japan when the tow parted in a cyclone and Maheno ended up on Fraser Island



Marine Parks

Previous reports have detailed the efforts of Marine Parks members to secure improved remuneration to recognise changes to their roles and responsibilities over time. Discussions with the Department of Environment and Science have continued and AIMPE is pleased to report that the employer continues to be receptive to member's claims. Membership has also continued to grow, which is testament to the necessity of the changes being sought, and the commitment of crews in securing them.

Negotiations for the State Government Entities Certified Agreement (known as the Core Agreement) are ongoing. As part of this process, AIMPE has sought to formally establish a review into marine operations and the employment arrangements for maritime professionals within DES. This has produced a commitment from the Oueensland Government in support of AIMPE's claims. Discussions for an MOU to formally establish the review are ongoing.

It is likely that the review will be ongoing for the next 6 to 12 months.

Sealink North Queensland

AIMPE has recently been in contact with crews at Sealink North Queensland which operates passenger ferries between Townsville, Magnetic Island and Palm Island. The company recently achieved a non-Union enterprise agreement which falls below a number of industry standards in terms of pay and conditions. Further, there have been concerns around non-compliance with



Sealion 2000 is 800 gross tons, 49 m long. She was built at Jervoise Bay WA, in 1998

the conditions of this agreement. AIMPE, together with the AMOU, is taking these matters seriously and will continue to investigate any instances of alleged breaches.

It has been positive to note an increase in membership from Sealink NQ. AIMPE will work to ensure that members are educated about their rights, that their agreement is enforced to the letter, and ultimately, that Engineers are in the strongest possible position to renegotiate their Agreement with the support and resources that come with union representation.

Maritime Safety Queensland

The Maritime Safety Queensland Agreement was recently voted upon and is awaiting certification. In the last month, AIMPE has conducted visits with members at bases in Gladstone, Urangan and Mooloolaba. The focus of these discussions has been to explain the gains from the new agreement, how the Agreement can be used to mount campaigns around issues such as role creep and overtime. AIMPE is focused on building membership and activism at MSQ. We will soon be initiating plans for a statewide netcouple of years.

Transport and Main Roads

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The TMR agreement is currently in the process of consultation and balloting. AIMPE recommends members endorse the Agreement. The agreement provides pay increases over three years of 4%, 4% and 3% with a cost-of-living adjustment of up to 3% each year as a lump sum in the event that CPI runs higher than the wage increase rates. Allowances increase in line with wages. Members stand to benefit during the life of the agreement from the addition of the benchmarking provision for employees in the Professional Stream. There are also new provisions for optometrist checks and improved communication from management about workplace entitlements.

AIMPE will work closely with members to ensure all provisions of the Agreement are implemented and enforced to their fullest. We are particularly interested in identifying opportunities to take advantage of the new benchmarking provisions and will be using this as an opportunity to conduct a comparison of hydrographic surveyor's pay and conditions across a range of public sector employers.



AIMPE officials, branches and who to contact

Federal Executive:

Federal President: Martin Byrne Senior Vice President John Hartree Federal Vice Presidents: Mark Jones, Peter Toohey Federal Treasurer: Ian McAllister

Head Office

52 Buckingham Street, Surry Hills Sydney NSW 2010 Telephone:(02)9319 5569 Federal Secretary: Martin Byrne 0419 243 263 mbyrne@aimpe.asn.au Director of Professional Development: Henning Christiansen 0419 400 324 hchristiansen@aimpe.asn.au National Organiser: Sam Littlewood 0434 445 560 slittlewood@aimpe.asn.au Office Manager: Cathy Han chan@aimpe.asn.au Accounts & Administration Officer: Carol Godfrey cgodfrey@aimpe.asn.au

Sydney Branch

52 Buckingham Street, Surry Hills NSW 2010 Telephone:(02)9319 5569 Branch President: John van Dam Secretary: Martin Byrne Branch Treasurer: Anthony Russell Councillor: Evan James Councillor: Peter De Szoeke

Newcastle Branch

148 Hannell Street, Wickham, NSW 2293. Telephone: (02) 4962 1682 Branch President: Don Moore Branch Secretary: Henning Christiansen (0419 400 324) Branch Treasurer: Rinaldo De Vitis Councillor: Paddy Francis Councillor: Malcolm Fletcher

<u>Victoria/Tasmania Branch</u>

202/20 Convention Centre Place, South Wharf, Vic 3006 Tel:(03)9690 0506 Branch President: Russell Rickards Secretary: Ian McAllister Branch Treasurer: Paris Strachan Councillor: Peter Walsh Councillor: Jono McLean Senior National Organiser: Michael Bakhaazi 0401 431 166 mbakhaazi@aimpe.asn.au Senior National Organiser: Nathan Niven 0422 815 201 nniven@aimpe. asn.au

West Australia Branch

1 High Street, Fremantle PO Box 808, Fremantle 6959 Branch President: Mick Handcock Secretary: John Hartree Branch Treasurer: Andrew Williamson Councillor: Mick Handcock Councillor: Mark Jones Senior National Organiser: Michael Carroll 0421 256 494 mcarroll@ aimpe.asn.au

South Australia Branch

Institute Chambers, 22 Divett Street PO Box 2267. Port Adelaide SA 5015 Telephone:(08)8341 0779 Fax:(08)8341 0779 Branch President: Sean Knight sean.knight@bigpond.com Secretary: Graham Gosden Branch Treasurer: Ben Swincer Councillor: Anthony Williams

Queensland Branch

Suite 14, 'Rockton', 40 Brookes Street Bowen Hills, QLD 4006 Telephone:(07)3252 2900 Email: qldadmin@aimpe.asn.au Secretary: Peter Toohey Branch President: Brad Ready Treasurer: Tim Hardy Councillor: Brad Ready **Councillor: Peter Roots** Senior National Organiser: Greg Yates 0417 773 262 gyates@aimpe.asn.au National Organiser; Josie Butchers 0481 988 515 jbutchers@aimpe.asn.au

Who to contact for your EBA/Industrial Issues		
SECTOR	INSTITUTE OFFICIAL	
Offshore	Michael Bakhaazi 0401 431 166 mbakhaazi@aimpe.asn.au Michael Carroll 0421 256 494 mcarroll@aimpe.asn.au	
FPSOs/FSOs	Michael Carroll 0421 256 494 mcarroll@aimpe.asn.au	
Shipping & Research Vessels	Nathan Niven 0422 815 201 nniven@aimpe.asn.au	
Towage	Greg Yates 0417 773 262 gyates@aimpe.asn.au	
Dredging	Martin Byrne 0419 243 263 mbyrne@aimpe.asn.au	
Small Ships & Barges	Greg Yates 0417 773 262 gyates@aimpe.asn.au	
Sydney Ferries, RMS, Sydney Bunkers	Sam Littlewood 0434 445 560 slittlewood@aimpe.asn.au	
ABF and AMSA Surveyors	Sam Littlewood 0434 445 560 slittlewood@aimpe.asn.au	
Tourism	Josie Butchers 0481 988 515 jbutchers@aimpe.asn.au	

Power Stations - Newcastle Ports Corp	Newcastle Branch	
Teekay Shipping, CSL	Martin Byrne 0419 243 263	
Shipping	mbyrne@aimpe.asn.au	
SPECIAL ISSUES		
Marine Orders, Train-	Henning Christiansen 0419 400 324	
ing & Certification	hchristiansen@aimpe.asn.au	

Who to contact about your membership and fees		
Cathy Han	Head Office 02 9319 5569 chan@aimpe.asn.au	
Carol Godfrey	Head Office 02 9319 5569 cgodfrey@aimpe.asn.au	

On Watch - submit your articles, letters and photos		
Editor	Martin Byrne 0419 243 263 mbyrne@aimpe.asn.au	
Publisher	Phil Olsen 0451 309 354 philolsen@aimpe.asn.au	



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