

From: Nathan Niven [mailto:nniven@aimpe.asn.au]
Sent: Tuesday, 12 March 2019 4:20 PM
To: AMOD
Cc: mbyrne@aimpe.asn.au
Subject: Seagoing Industry Award - Exposure Draft

Dear Associate,

AIMPE has had an opportunity to review the Exposure Draft of the Seagoing Industry Award and observes that the Draft Determination issued on 30 June 2017, which AIMPE emailed support for on 28 July 2017 is not reflected in the Exposure Draft.

The issue relates to the inclusion of Electro Technical Officers and Electricians in the classifications for every vessel category.

These matters were resolved by the parties at a FWC Conference before Commissioner Cambridge on 29 November 2016.

I have attached the Draft Determination arising from that Conference.

It would be appreciated if AIMPE, and the parties, could be advised as to the status of this Draft Determination and whether this is a matter that needs to be raised at the Conferences listed for 3 April and 29 April.

Regards,

Nathan Niven

Nathan Niven
Senior National Organiser
Australian Institute of Marine & Power Engineers
202/20 Convention Centre Place, South Wharf, Vic 3006
Mobile: 0422815201



Rebuild Australian Shipping



DRAFT DETERMINATION

Fair Work Act 2009
s.156 - 4 yearly review of modern awards

4 yearly review of modern awards
(AM2016/5)

SEAGOING INDUSTRY AWARD 2010 [MA000122]

Port authorities

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT GOOLEY
COMMISSIONER CAMBRIDGE

SYDNEY, XX MONTH 2017

Four yearly review of modern awards – Seagoing Industry Award 2010 – Coverage of Award – Changes to classifications.

A. Further to the Full Bench Decision [[\[2017 FWC FB 1138\]](#)] issued on 24 February 2017, the above award is varied as follows:

1. By deleting the words “*Navigation Act 1912*” in clause 2.1 and inserting the words “*Navigation Act 2012*” wherever it appears.
2. By inserting the following definition in clause 3.1 in alphabetical order:

Electrician means a person with a trade certificate as Electrical fitter (or equivalent) but who does not hold an Electro-technical officer certificate
3. By deleting clause 4.4(d)(iii).
4. By renumbering clauses 4.4(d)(iv) to 4.4(d)(vii) as 4.4(d)(iii) to 4.4(vi).
5. By deleting renumbered clause 4.4(v).
6. By renumbering clauses 4.4(v)(i) and 4.5 as clauses 4.4(v) and 4.6 respectively.
7. By inserting a new clause 4.5 as follows:

4.5 This award does not cover the operation of:
 - (a) vessels as described in clause 4.1 of the *Ports, Harbours and Enclosed Water Vessels Award 2010*;

(b) vessels engaged in operations as described in clause 4.3(b) of the *Marine Towing Award 2010*.

8 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(a).

9 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(a).

10 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(b).

11 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(b).

12 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(c).

13 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(c).

14 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(d).

15 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(d).

16 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(e).

17 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(e).

18 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(f).

19 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(f).

20 By inserting the words “Electro-technical officer” after the words “Second mate/Second engineer” in the table in clause 13.1(g).

21 By inserting the word “Electrician” after the words “Third mate/Third engineer” in the table in clause 13.1(g).

22 By deleting the words “*Navigation Act 1912*” in clause 13.2 and inserting the words “*Navigation Act 2012*”.

23. By deleting the words “*Navigation Act 1912*” in clause 14.6(b) and inserting the words “*Navigation Act 2012*”.

24. By deleting the words “*Navigation Act 1912*” in clause 14.8(a)(ii) and inserting the words “*Navigation Act 2012*”.

25. By deleting the words “*Navigation Act 1912*” in clause 14.10 and inserting the words “*Navigation Act 2012*”.

26. By deleting the words “*Navigation Act 1912*” in clause 18.5(a)(iii) and inserting the words “*Navigation Act 2012*”.

27. By deleting the words “*Navigation Act 1912*” in clause 22.2 and inserting the words “*Navigation Act 2012*”.

28. By updating cross-references accordingly.

B. This determination comes into operation from XX Month 2017. In accordance with s.165(3) of the *Fair Work Act 2009* this determination does not take effect until the start of the first full pay period that starts on or after XX Month 2017.

VICE PRESIDENT

Printed by authority of the Commonwealth Government Printer

<Price code A>