



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

21 December 2016

Associate to the Hon Justice Ross AO
Fair Work Commission 11 Exhibition Street
Melbourne VIC 300

By email: chambers.ross.j@fwc.com.au
amod@fwc.gov.au

Dear Associate,

RE: AM2014/241 - PORTS, HARBOURS AND ENCLOSED WATER VESSELS AWARD 2010
- 4 YEARLY REVIEW

In accordance with the Directions issued on 15 November, seeking comments on the revised Exposure Draft by 21 December, AIMPE makes the following comments in relation to the Exposure Draft of the *Ports, Harbours and Enclosed Water Vessels Award 2016* and on the issues contained in the Submissions of the Maritime Union of Australia dated 5 December 2016.

Item 7 – Clause 6.4(h) of the Exposure Draft

AIMPE agrees with the MUA proposal for deleting the words “excluding any additional hours” and replacing the word “arranged” with the word “agreed” so that it states:

All time worked in excess of the hours as mutually agreed will be overtime.

Item 23(9) – Clauses 12.2 (and 7.2) of the Exposure Draft

AIMPE agrees with the proposal of the Maritime Union of Australia at paragraph 20 of their submission. The proposed wording would resolve the query of the FWO and clarify the loadings applying to Overtime, Weekend work and Public Holiday work.

Item 20 – Clause 10.1(m)(iii) of the Exposure Draft

AIMPE agrees with the proposal of the Maritime Union of Australia at paragraph 25 of their submission to replace the words “normal wages” with the words “ordinary hourly rate” in both places.

AIMPE makes a further comment regarding the application of this clause. It is the view of AIMPE that this allowance should apply in all circumstances of any vessel proceeding beyond the limits of a harbour, river or bay and not just in the instances of “Towing” AIMPE submits that the Exposure Draft Clause 10.1(m)(iii) should be an allowance under its own Heading so that the numbering would therefore be:

Clause 10.1 Wage Related Allowances

(a) To (l) remain as is

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(m) Towing

- (i) Employees on any vessel either towing or carrying explosives will be paid an additional **\$2.40** for each day or part thereof while so engaged. This rate will be treated as part of the wages for all purposes of this award. For the purposes of this subclause, **explosives** means any material used as an explosive, such as gunpowder, blasting powder or materials, or any other material of like nature, but does not include petroleum products.
- (ii) Masters engaged in towing non self-propelled bunker barges having a carrying capacity of 400 tonnes or more, will be paid an additional amount of **\$2.23** for each day or part thereof while so engaged. Provided that moving such bunker barges at terminal points is not regarded as towing within this provision. This rate will be treated as part of the wages for all purposes of this award.

(n) Employees on vessels proceeding beyond the limits of a harbour, river or bay

Employees on vessels proceeding beyond the limits of a harbour, river or bay will whilst so engaged be paid their normal wage plus an allowance of **25%** of their ordinary hourly rate for each day with a minimum payment for four hours.

The existing sub-clauses (n) Ships stranded or wrecked or on fire would become (o) and (o) Duties outside normal work – diving would become (p)

Yours faithfully,



Nathan Niven
Senior National Organiser
Australian Institute of Marine & Power Engineers