



Queensland Branch News



23rd October 2013

ANNUAL GENERAL MEETING(s)

MARITIME UNION OF AUSTRALIA, QUEENSLAND BRANCH

The Annual General Meeting (AGM) for the Queensland Branch (Brisbane) of the Maritime Union of Australia will be held on:

Time: 0700 hours - 26th November 2013

At: Wynnum Manly Workers Sports Club
35 Bognor Street, Tingalpa

All members are encouraged to attend.

Branch Secretary Mick Carr has sent correspondence to all Stevedoring Operations. At the time of writing, not all have responded to the request contained in the respective Enterprise Agreements.

Annual Financial Reports can be viewed on the Website and full copies are available at the Union Office. Dates for regional QLD ports of Mackay, Gladstone and Townsville will be advised in the near future, but held after 26th November, 2013.



DATE: Tuesday 5 November 2013 (Melbourne Cup Day)

TIME: 9.00am onwards

VENUE: The Plantation, 1204 New Cleveland Road, Gumdale

RACES FOR ALL

NOVELTY EVENTS

FUN FOR ALL

Morning tea & lunch provided - lollies, ice-cream, drinks.

Train rides, super swing, merry-go-round, kid's crazy convoy, face painting,

Jumping castle, giant slide, swimming pools, tennis courts and beach volley ball.

The Picnic Day is one of the social events that MUA members can participate in with their families. Let's make this Picnic Day enjoyable – as always.

Members who can assist with set-up, please assemble at 6.30am at the Plantation.

BRANCH MONTHLY MEETING

The Branch Monthly meeting will be held on **Tuesday 29th October 2013 – at 9.00am**

Venue – MUA Union rooms, 73 Southgate Avenue, Cannon Hill

All members are encouraged to attend.

NON-COMPLIANT VESSELS UNDER MO 32 (MARINE ORDER 32)

On Thursday 17th October, Branch Officials and Health and Safety Representatives/Delegates convened at a meeting in Adelaide to discuss the ongoing issues surrounding non-compliant vessels arriving on the Australian coast.

Quite simply the best method of dealing with Marine Orders Part 32 and Non-Compliance in relation to same is to have ship-owners not bring them to Australia.

As a result of that internal meeting and subsequent to discussion with the Head of Ship Inspections from AMSA, Mr Alex Schultz-Altman, the following letter has been sent to all Australian Terminal Operators.

“Re: process for Dealing with Non-Compliance Under Marine Order 32

As you know, vessels serving Australian ports occasionally fall short of Marine Orders and other safety requirements. These issues are well documented and dealt with through the company’s own processes.

However, approaches vary significantly from port to port. There is often confusion in the job about the correct process for dealing with unsafe and non-compliant vessels.

Last week, a national delegation of HSRs met with AMSA to clarify the correct procedure for dealing with vessels that do not comply with MO32. It is understood that AMSA will be publishing a national guidance note reiterating this process.

AMSA advises that the following applies:

- If it is proposed to work areas of a vessel that do not comply with Marine Orders, the duty holder (stevedoring company) must undertake a risk assessment in accordance with the relevant State WHS Act and appropriate code of practice and, establish a safe system of work in consultation with workers, the PIC, stevedoring workforce representatives and the master/crew. This risk assessment would be valid for a single port operation only. Subsequent port duty holders must consult and re-assess independently.
- After agreement by all parties, a copy of the risk assessment is to be provided to AMSA for consideration and acceptance under s.13.2 of MO32.
- If the Risk Assessment is not agreed by all relevant parties and, the vessel is still not in strict compliance with the requirements of MO32, then cargo operations will be prohibited in the non-compliant areas of the ship.
- If cargo work does proceed on a non-compliant vessel under a stevedore risk assessment, the master/agent must be informed that any such alternative arrangements in relation to compliance with the full requirements of MO32 will apply to this voyage only. The vessel is to fully comply with MO32 on future voyages.

MUA members exercise a great deal of flexibility in dealing with non-compliant and unsafe vessels. Where appropriate, vessels are given the opportunity to rectify issues. Action plans are put in place, proportionate to the risk. MUA members often work around deficiencies, putting their safety at risk and at the cost of injuries. In light of the AMSA process outlined above, the MUA advises the following:

1. Vessels that fall short of Australian Marine Orders will be subjected to thorough risk assessments on each occasion, in accordance with the AMSA procedure, in respect of each breach of marine order or other safety hazard. Appropriate controls may include not working the non-compliant parts of the vessel.
2. Your attention is drawn to the third dot point in AMSA’s process above – if an agreed risk assessment and a safe system of work cannot be found, cargo operations will be prohibited in the non-compliant areas of the ship.
3. As per AMS instructions, alternative arrangements under a risk assessment will apply to a single voyage only. The vessel is to fully comply with MO32 on future voyages. It is strongly recommended that vessel with significant faults that cannot be rectified should not be sent back to Australia.
4. **MUA is aware that in some terminals, seafarers are occasionally utilised to perform lashing on defective vessels deemed unsafe for Australian workers. This must cease. Under section 94 of the *Navigation Act 2012 (Cth)*, it is an offence to engage seafarers in handling cargo in connection with the loading or unloading of a regulated Australian vessel or a foreign vessel if sufficient shore labour is available.**

According to section 94 any work done by seafarers must be in strict compliance with MO32. There is no material difference between seafarers and Australian stevedoring workers in this respect. Further, the use of seafarers to perform dockers work is a breach of ITF agreements where applicable. The ITF has been placed on alert to respond to these issues should they arise.

The MUA is happy to meet with company representatives to discuss this matter at any time. We feel strongly that the risks associated with these issues require all parties to cooperate to ensure that the correct process is followed. We are more than willing to work through non-compliance issues in any port, and request the support of the company in applying the process outlined above.

There is an intent to roll this process out further with discussion centred around the Bulk and General industry as well. AMSA have also indicated that they will put a link on their website regarding this important issue.
