

Industrial Report

January 2019



AMOU

Australian Maritime
Officers Union

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Monthly Area Members Meetings

Tuesday 29th January 2019

EASTERN AREA:

1000 hours - AMOU, Suite 1, Level 5, 377 Sussex St, Sydney, NSW 2000

WESTERN AREA:

1000 hours - Navy Club Inc., 64 High Street, Fremantle WA 6160

Wednesday 6th February 2019

SOUTHERN AREA:

1500 hours – Institute Chambers, 22 Divett Street, Port Adelaide

President's Report

Tim Higgs

Welcome to the January 2019 Industrial and President's report.

Firstly, Happy new year to all the membership and their families. I would like to personally wish you all the best for 2019.

2019 is lining up already to be a busy year. With the Federal Election looking to be set for May and the ALP coming out to support Australian Shipping and Australian Seafarers there is already the usual claims from big business and other parties.

Teekay advised the unions on the 10th January the big Australian BHP is pulling out of shipping after 100 years

A great start to 2019, early in January the AMOU's Executive Officer received a phone call followed by a brief email from Teekay explaining that BHP has been "Thinking Big" and is terminating its contract with them and is pulling out of Australian shipping. Bringing the last 2 BHP iron ships being the *MV Mariloula* and the *MV Lowlands Brilliance* engaged on the triangular trade of Australian bulk carriers trading out of Port Kembla to an end.

For Teekay to say they haven't been involved in the decisions and just carrying out instructions from their contractor is a difficult pill to swallow as they must have forgotten it wasn't that long ago that they pulled the same stunt and timing with the sugar ship the *Pioneer*. For this to happen there had to have been a lot of work and preparation go on behind the scenes to secure single voyage permits and so on for the steel works in Port Kembla to continue being supplied with iron ore from Port Headland. The worst part of it is that they have communicated this with the crews while being in transit internationally or in a foreign port. The AMOU has now visited the officers on board both ships along with Hunterlink offering support services to all crew.

The three maritime unions and the ACTU have called on the government to intervene which has fallen on deaf ears. There is a scheduled union meeting this week with BHP and BlueScope where all 3 maritime unions the ACTU and the AWU will be involved.

We will continue to work with the members directly impacted by this decision as we work through the fall out and the impending redundancy claims with Teekay and BHP.

In 2019 we need urgent shipping reforms and legislative instruments put in place to protect Australian shipping and Australian seafarers

Australia is an island nation as we all know and it's an embarrassment that the likes of a landlocked country such as Switzerland has a thriving shipping industry with more nationally registered ships than Australia not by a few but by hundreds!

The Australian shipping industry has been a political football since the second world war and has been abused in numerous ways by both sides of politics.

In 2019 we will continue to lobby and work with all sides of industry regulators - both state and national governments of the day, opposition parties and cross benchers seeking legislation that secures an Australian register of ships crewed by Australian seafarers both on coastal and international voyages. This is going to take an all-in approach from all shipping stakeholders including the both sides of politics and the 3 maritime unions, all being on the same page for industrial reform and rebuilding the fleet.

Yes, we are all going to lose some skin and not necessarily get exactly what we want but we need to rebuild a fleet that is sustainable in what seems to be a race to the bottom in the shipping industry as we currently see it across the world. Most importantly we need to all agree and lock in legislation that secures a future for the industry, employs Australian seafarers first, but most importantly a training ground that can rebuild the lost maritime skills set after years of loop hole abuse with single voyage permits and visas handed out by the immigration department and their agencies like a how-to-vote card at a polling booth.

An initiative as farsighted as MIDC did not save the industry and the Compact would have had a similar result. This is all ancient history and we need to move on to contemporary sustainable initiatives with multi-party support.

AMOU and CFMMEU MUA Division court-ordered mediation chaired by the ACTU

This mediation commenced late last year and has involved numerous sessions brokered by ACTU. I have met and been working on the court order with the MUA. We are both working tirelessly towards reaching agreement on the dispute. Given the nature of the current proceedings and the sensitive stage of the process leading up to a scheduled court hearing in February, I am not willing to jeopardize anything and won't comment any further apart from to say that we are attempting to work towards the best outcome for all union members affected as well as both unions.

The AMOU covers more than just sea going Masters and Deck Officers

In recent years the Executive Council through various means has identified that the biggest growth area for the union is outside of sea going members. We are the oldest registered union in Australia and through various amalgamations over the years we have developed eligibility across many areas of industry that haven't necessarily been serviced or attended to adequately in the past. Turning this around is a task the current Council set itself.

Throughout industry we have a poor membership density. This hasn't necessarily been caused just by a down turn in industry, poor servicing of members, or poor communication as claimed by some; it's a culmination of many things that haven't happened in the last 5 or 10 years. It's been growing for a long time and is attributable to one common theme - the lack of ship or workplace visits by AMOU staff or officials. The Executive can work with the industrial staff on this and other areas of improvement but what we have to do as a union is turn this around. This includes the members getting involved and talking about the AMOU in the workplace and assist the union in re-creating a strong and proactive delegate structure because the conditions that we all enjoy today weren't just a given, they were fought for!

When you continually see examples of membership density as low as 30% it makes it damn hard for the union not only to survive but also effectively to negotiate the best outcomes for members. Talk about the union today at work and why it's needed in your workplace not only industrially but also professionally.

Your union can only be as strong as your involvement. Unfortunately a strong union isn't a spectator sport we all need to be involved!

As always, stay safe

A handwritten signature in black ink, consisting of a horizontal line followed by a stylized, scribbled name.

Tim Higgs
President

Executive Officer's Report

Mark Davis

Executive Officer (Sydney)

Departure of bulk carriers *Lowlands Brilliance* and *Mariloula*

These two ships were engaged in a triangular trade carrying iron ore for BHP from Port Hedland to the BlueScope steelworks in Port Kembla and coal from Hay Point to ports in China. BHP made the decision to dump these last two Australian-crewed vessels in the trade. All Australian-produced iron ore will now be transported between the two ports under temporary licences by foreign-owned, foreign registered, foreign crewed vessels more than likely flying Flags of Convenience. Applications for temporary licences were lodged and approved last year, so it is probably somewhat disingenuous for any company or government body to express any shock at the departure of the dedicated carriers. It could be construed as the coalition government whilst in its death throes, looking after the interests of its biggest supporters. It is certainly evidence of the government's disinterest in Australian shipping and jobs for Australian mariners; not that we needed any further demonstrations of this disloyalty. The move reflects the same sentiments from 'The Big Australian' despite what the television commercials would have you believe.

These vessels have now completed their final voyages with Australian crew aboard and most AMOU members are awaiting their employment termination notices. AMOU representatives have visited the vessels to talk to members on *Mariloula* in Hong Kong and *Lowlands Brilliance* in Dandong, China.

There are outstanding issues connected with termination and redundancy payments, which we are trying to tidy up with employer Teekay Shipping (Australia). The company reports that its client BHP is not authorising certain payments nor allowing it to address the other issues with equal relevance to AMOU Officers. Clearly there is never an acceptable time to lose two ships, but the termination of the manning and management contracts came at an especially bad time in the negotiation of the enterprise agreement. We were apart 1% for the EA's first year October 2017-2018. Our claim was 5%; the company's position was 4%. There were another two issues that were slightly outside the terms of the EA but of substantial significance. The first was a comprehensive update of the Grading List to reflect the reality for those officers serving extended periods in the higher rank where vacancies existed but not being confirmed in these ranks. The second was a claimed Casual Conversion clause specifying that if you've served 20 weeks on board in the preceding 12 months then you're a *regular casual* and can seek to be confirmed as a permanent employee. These three issues remained unresolved following 6 months of negotiations when on 11th January Teekay advised AMOU that the ship contracts had been cancelled. It is difficult to imagine 3 more central issues in a situation like this. The classic example is that the company had a 3/O nearly 8 years a casual, sailing as Master of *Lowlands Brilliance*. This is such an

extreme example that it likely will be resolved in the officer's favour as it would not survive an AMOU legal challenge, but is indicative of the importance of these issues. BHP has agreed to pass on 4% to be back paid for October 2017-2018 and 2.5% (the agreed % for this year) from October 2018. This also means that the rate will be higher for the purposes of redundancy calculations. We see it as the least BHP should be doing in the circumstances. BHP is refusing to underwrite the increased Overcycle Payment percentage from 20% to 30%, the increased Qualifications Allowance and the \$2k Retention Bonus, despite these three issues having been agreed across the negotiating table. There are a number of Grading List and Casual Conversion issues affecting individual members that we will need to work through also.

The draft EA has been finalised and is out to members for the 7-day access period. The EA has no hope of being approved by the Fair Work Commission in time to have any enforceable relevance to the current predicament, but it is important to conclude the EA for two reasons. The EA prescribes the salary and conditions for 2/Os and 3/Os working aboard the Australian Border Force Cutter *ABFC Ocean Shield*. These officers are also on the dry cargo ship Grading List and are as much a part of the redundancy process as those that were attached to the bulk carriers. Some are casuals too. During this process the company will have to take into account the necessity to retain sufficient officers to honour its crewing contract for this vessel. The second reason for going through the EA approval process is to ensure there is an historical record in place for the rates of pay and conditions that applied to Australian-crewed bulk carriers.

Correspondence has been undertaken with BlueScope Steel and meetings are taking place on 31st January with BHP and BlueScope and the maritime unions.

The silver lining with this disaster is that it may well give shipping policy and jobs for Australian mariners a much higher profile in the pre-Federal election debates. It already seems to have had a major impact on Labor's approach to shipping with Bill Shorten comparing Australia's pitiful coastal fleet of 13 vessels with OECD member country shipping statistics citing thousands of their own ships in coastal trades. Another bonus is that all three maritime unions will be campaigning together in the lead-up to the Federal elections against the government and in favour of a comprehensive shipping policy for the Labor Party.

North West Shelf Shipping Service Company

In a great news story from late 2018, the maritime unions were successful in the arbitration held on 7th December in securing the Australian crewing of the last four out of the current nine ships in the Karratha to Japan LNG trade. The *Northwest Stormpetrel* has been identified as the first of the Australian registered, Australian crewed vessels to be identified for sale. This will take place around the middle of the year. The crew will take over the crewing of one of the Bermuda registered vessels, either the *Northwest Seaeagle* or the *Northwest Shearwater*. NWSSCo has stated that it will be retain the Bermudan flag although there has been some discussion about moving to the Australian International

Ships' Register. The most recent COA meeting, held on 16th January involved Trident LNG for the purpose of explaining the problems of Australian officers labour supply.

Trident has appealed to the AMOU to assist in finding suitable candidates for senior officer positions on the vessels. It believes it has promoted everyone promotable within the fleet. The reason for the alleged shortage is a Shell systemic problem in which the stringent requirements for promotion create a logjam in moving officers from 2/O to permanent Master. This is both in the length of time required to be served in rank and the courses, training and assessments necessary to progress. Shell is not willing to address this as it is seen to mark them out as a first-class operator of gas ships and any watering down of standards even to the industry SIGTTO training matrix standards is seen to undermine professional and safety standards.

A memo will be sent out soon to the membership appealing for any members with tanker experience to send CVs into the AMOU. The in order of preference from Trident is as follows:

- a) Captain or Chief Officer on LNG Moss vessels
- b) Captain or Chief Officer on LNG Membrane vessel
- c) Captain or Chief Officer on refrigerated LPG vessel
- d) Captain or Chief Officer on Pressurised LPG vessel

Advanced Chemical and Petroleum endorsements are not sufficient because of restrictions maintaining SIGTTO and OCIMF compliance.

If anyone with this experience is searching for work or knows of anyone who is, please ensure CVs are emailed to mark@amou.com.au

ASP - Rio Tinto Vessels

Please read Marty's report on this EA.

Landbridge Infrastructure (Darwin) Pilots

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This drawn-out process is almost concluded as the enterprise agreement has been unanimously voted up and is now filed for approval with the FWC. There is a number of other matters that need to be concluded that lie outside the EA process that are dragging on and yet are central to the recruitment and retention strategy that underpinned the set of negotiations. These should fall into place soon and allow the pilotage team in Darwin to progress through the licence matrix and ensure the required continuity over the next three years.

Port Authority of NSW – Newcastle Pilots EA

Three sets of negotiations have been held and it seems clear that there is little will on the part of the Port Authority of NSW – Port of Newcastle to address the central issues claimed by the Newcastle Pilots. These are not seen as anything revolutionary and require the roster, the roster rules, the fatigue

management principles and other professional safeguards and reward systems to be prescribed in the EA. Little traction has been gained in any of these. The next negotiation session is set for 8th February and will be central to the non-confrontational progression of the EA process.

TeeKay Shipping

Dampier Spirit

No progress has been made in the renewal of this EA. This is largely due to the dry bulk crisis that has intervened and monopolised the resources of company and unions. As previously reported the most solid version of the Indemnity Clause and a new clause cementing into the EA the Master's overriding authority from the Quality Management System have been agreed, albeit conditionally upon the total package being agreed. The Company has recently consulted its client Jadestone and is due to report back on the client's approach to the central financial issues... the percentage increases.

Ocean Protector

The only meeting for the stand-alone Ocean Protector EA was held jointly with AIMPE on 26th November. The company predictably tabled a *Sycamore*-style draft agreement. All claims were addressed, and the company reserved its response on a number of issues. The EA will likely be a joint AMOU/AIMPE agreement. Again, the indemnity clause and the Master's overriding authority provision are likely to fall into place. No further progress has been made due to the present pre-occupation with Company and officer unions prioritising the interests of dry cargo vessel members.

Industrial Report – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Foreign Officers

The appearance of vessels in Australia with visa-holding masters and officers continues at an alarming rate. The Australian Immigration Department does not seem interested, no matter how much or how often the AMOU complains. Local masters and officers remain either under or unemployed. It does not seem to matter that the below scheme only lets in Masters. SIEM Offshore have just put one of their Norwegian masters into a vacant 2/Officers position.

The 2018 Global Talent Scheme allows for businesses to issue a four-year visa with permanent residency available after three years. Employers will need to prove they prioritise employment of local workers, and that there will be skills transferred to Australian employees from the visa holder. More like the skills going the other way from what I observe.

Ship visits

Due to work commitments the only ship visits I have managed since December 2018 have been the *Maersk Mariner*, *Maersk Master* and the LNG carrier *Northwest Stormpetrel*.

INPEX/MMA

With this issue still not resolved to the satisfaction of the union and the members, we must look to getting onboard the vessels along with liaising with the other unions

INPEX Training

The INPEX training scheme is working with a number of Officers finding INPEX sponsorship through various offshore companies. I hope these trainees, who may not be AMOU members, appreciate that the opportunity afforded them is due to the AMOU/INPEX agreement and not just the generosity of their offshore employer. The AMOU has no right to decide on who actually receives the INPEX training, however will do our best to advise and assist members.

Svitzer Lines Boats, Kwinana.

These EBA negotiations are continuing. Svitzer has a very unusual method of negotiating: one day they agree to claims and the next they withdraw that agreement. It gets close to bad faith bargaining. A workplace meeting set down for Friday 25th January could give approval to the latest Svitzer offer.

King Bay Tugs (KBMS)

The Fair Work Commission approved the new EBA, and it is now in effect. The challenge for the AMOU is now to use that agreement as a benchmark for other North West companies such as Westug.

Maersk

The December 10th meet with Maersk was a much more subdued affair in comparison with the earlier meetings. The good vibes did not lead to any substantial concessions from Maersk. The offer to alter the redundancy clause (to match that of the IR's and caterers) was pathetic. Management is now accusing the two officer unions of raising issues which conflict with what employees really want. I don't accept that for one minute and my reply is: so employees really want lower wages than the industry standard?

Maersk is going back into their aggressive mode once more. The two unions plan on making more ship visits in the short term.

OSM

EBA negotiations concluded in Sydney in December with a number of AMOU claims not accepted by OSM management. That meant the union needed to go back to its members and tell them the proposed agreement, as it stands, is an inferior document. Management have not taken this well. Allegations and statements have been made to OSM employees concerning the AMOU's conduct. These are without foundation. The AMOU communications with members have been responded to with an overwhelmingly positive endorsement. The latest company email to the union talks about an earlier AMOU member email severely damaging the relationship; but refutes none of the content of the (supposedly) *offending* email. The stated intent of OSM management to not meet with me is not something that offends me. But it may offend you, as you have chosen the AMOU to represent your best interests. It is still not clear as to whether OSM will take this dodgy agreement to ballot.

OSM, in the past day or two has replaced an Australian 2/Officer with a Norwegian master. The Australian has chosen to take study leave. An Australian 2/Officer should be in that spot, there is at least 10 months work there. We have that many unemployed 2/Officers on our books that we could fill that position fifty times over.

The problems the AMOU is having with OSM mirrors those we are having with Maersk. Both companies have it in their minds that somehow the AMOU does not communicate the member's claims to management in an honest or non-biased fashion. AMOU members have full access to the union's upper management, we have built-in accountability. Members can make up their own minds about company management credibility.

Ningaloo Vision (Teekay) EBA

After some rescheduling the next EA meeting is now due to take place in Sydney on February 11th

Atlas Professionals

Two weeks ago the AMOU met with Atlas management to discuss the upcoming redundancies, brought about by the end of the *POSH Arcadia* contract. However, the imminent arrival of the seismic survey vessel *Ramform Hyperion* could now delay those compulsory redundancies for up to two months, or longer. We also discussed the relocation of the four permanents to the *DPS-1*. Atlas has agreed to honour a 2018 Fair Work Commission commitment to show the AMOU documentary proof of Atlas clients not approving the appointment of permanent employees to positions onboard the *DPS-1*. Some voluntary redundancies have been allowed, but further voluntaries are now on hold.

The *Mermaid Vantage* has had its contract extended until at least early March due to the discovery of asbestos onboard its replacement vessel, the *Pacific Responder*.

INPEX training: Atlas has not, as yet, signed a contract to enable it to gain access to the INPEX training fund.

Swire Pacific

Fremantle based Swire Pacific has refused to comply with EBA conditions and past practices, which effectively stopped any pre-delivery union vessel inspection from happening.

GO Marine

With the withdrawal of the *Sea Triumph*, a number of forced redundancies have occurred, and will continue to take place with the March 3rd departure of the accommodation vessel *Floatel Triumph*. Glenn Walsh and I have met with GO Marine a number of times to sort through their redundancy table calculations. It is a process heavily weighted against those employees who are not employed on vessels which remain working.

GO KOI: The matter relating to the lack of a 2/Officer is still a live issue.

Solstad/Farstad

After much thought and consultation the Fair Work case, involving permanency, against the company was abandoned. Those members were the first to be advised of the union's decision and although disappointed understood the reasons behind the decision.

Teekay

Standing-in for Mark Davis last week I travelled to Hong Kong to visit the Teekay managed bulker *Mariloula*.

The three maritime unions were represented and were accompanied by Teekay management representatives John Bateson and Grant Hardie.

There has been quite a degree of media coverage concerning the withdrawal of the last BHP ships from the Australia-China trade. The only people who will benefit from the loss of the two vessels are the BHP shareholders and maybe also the instigator of this deplorable act might see a little extra in his Xmas bonus, while all those who lose their jobs have only CenterLink to look forward to.

ALP leader Bill Shorten publicly criticised the decision to remove these last two Australian ships from the international bulk cargo trade. Mr Shorten has a good grasp of the Australian shipping industry having grown up the son of a chief engineer.

Once onboard I met with AMOU members, all stated a desire to remain working onboard that vessel. AMOU and AIMPE reps met with Messrs Bateman and Hardie and put to them a number of claims designed to obtain a fair exit payment and some sort of retraining allowance. These Officers will find it difficult to compete for work in the offshore oil and gas industry without the relevant qualifications. The initial reaction from Teekay was encouraging but unfortunately the following day saw the really important claims declined.

Before we left Hong Kong a meeting between the unions, Teekay and the local ITF (International Transport Workers Federation) took place. At that meeting the ITF informed Teekay that if crew members refused to leave the ship, the Hong Kong authorities would not intervene.

Industrial Reports – Jarrod Moran

Senior Industrial Officer (Melbourne)

TasPorts – Tugs

Following 2 years and 11 months of discussion with TasPorts about a replacement EA for members, agreement between the parties was reached in November 2018. Members endorsed the deal in December and the new Agreement was voted up. The new Agreement provides 2% annual wage increases and no loss of current entitlements. The Agreement (which has yet to pass through the processes of the Fair Work Commission) expires on 30 June this year so negotiations will commence again soon.

TasPorts – Pilots

The current EA for the Pilots expired on 17 November 2018. Despite our requests (and a request from the FWC) for TasPorts to issue the requisite Notice of Employee Representational Rights (NERR) to members to commence negotiations, TasPorts has yet to do this. We have indicated to the company and the FWC that our continuing dispute about time in lieu for the NW Pilots could be resolved during discussions and TasPorts' reluctance to sit down with us is a mystery.

Port Lincoln Tugs

The 3 maritime unions met with PLT late last year and put forward proposals that would satisfy all of our outstanding claims. PLT (via their representative Mark Diamond) said they would consider our position. In early January PLT indicated that they could not accept our proposals and would set this out in writing to us. Members have now been informed directly that PLT would put their proposed agreement to the workforce for a vote. We are still waiting on advice from PLT but if an agreement is put out without our endorsement we will be recommending that members vote NO.

DP World Superintendents

We continue to have discussions with DP World around terms and conditions for Superintendents and members desire to formalise arrangements with an EA. The most recent group discussion was in late December which included the Chief Operations Officer. The next round of discussions is being organised.

Searoad Shipping

We had a start stop commencement to negotiations for a new agreement late last year. Members are now organising a password protected portal that we can use to exchange information and thoughts across both vessels and all swings. Negotiations will commence again shortly.

Toll - New vessels

The two new Toll vessels will arrive on the Australian coast in the coming weeks. Naming ceremonies will take place in Burnie on 17 February 2019 (*Tasmanian Achiever II*) and Melbourne on 24 February 2019 (Victorian Reliance II). It is expected that both vessels will be fully operational on Bass Strait from 1 March 2019. Accommodating the new vessels means Toll needs to reconstruct its wharves. This has resulted in alternate berthing arrangements during construction in both Melbourne and Burnie.

Toll - Shipping Supervisors

A number of meetings have taken place with Toll regarding a replacement agreement. Toll has put an offer to members which is being considered and discussed among the group. A hook-up with all members is being organised.

Toll Seagoing Collective Agreement

The seagoing agreement expires on 31 March 2019 and a log of claims is being developed.

Flinders Ports

FP & FPMS

The replacement Flinders Ports and Flinders Port Management Services Enterprise Agreement was voted up with 92% approval in mid-January 2019.

FACT

The agreement for the Supervisors at FACT has been drafted and is currently being reviewed by the FACT legal team to ensure FWC compliance. We hope to have this back from the legals soon.

Pilots

While we reached 'in principle' agreement with Flinders Ports regarding the new Pilots agreement in 2018, a couple of matters have changed since, which can affect the basis on which we settled. We have notified the FWC of a bargaining dispute. Flinders Ports has undertaken to get us some initial responses to their fatigue management study by 25 January 2019. We are aiming to meet with the company in the

week of 4th February to discuss our outstanding issues and the outcome of this meeting will determine if we need to seek further assistance from the Commission.

EA's in Progress

The following is a list of EA's that I am currently working on. Some are near completion, some are just starting and some are in the planning stage before negotiations commence. Please contact me directly with any queries about your EA below.

Agreement	Expiry Date
Flinders Ports Pilots	30 June 2018
FACT	31 March 2018
PLT	28 January 2018
TasPorts Pilots	17 November 2018
TasPorts Tugs	30 June 2019
TasPorts Corp	20 May 2019
Searoad Shipping	31 July 2017 (replacement 12-month deal expired before it was approved by FWC)
Toll Supervisors	21 October 2018
Toll Shipping	31 March 2019
Victorian Regional Channel Authority	First EA
Port of Hastings	4 December 2018
Serco	31 December 2018
<i>Aurora Australis</i>	30 June 2018
<i>Aburri</i>	22 December 2018
<i>Ronja Huon</i>	First EA
Portland Tugs	30 June 2018
DP World Supervisors	2 December 2019
DP World Superintendents	First EA
VICT	19 October 2019
Polaris Marine ' <i>John Duigan</i> '	First EA
ASP Ship Management (TT-Line Fleet)	31 July 2019

Senate Inquiry

The Senate Rural and Regional Affairs and Transport References Committee is currently inquiring into: '*The policy, regulatory, taxation, administrative and funding priorities for Australian shipping*'. The deadline for submissions to this Inquiry is 5 March 2019 and the reporting date is 13 August 2019. In an election year the AMOU submission to this Inquiry will form the policy we will ask politicians to follow when we vote for them. Details on the inquiry, including the terms of reference, are available at:

[Senate Rural and Regional Affairs and Transport Shipping Inquiry.](#) Please advise if you have any comment on the terms of reference.

Industrial Reports – Chris Neiberding

Senior Industrial Officer (Sydney)

Chris was off sick last week and consequently there is no Industrial report from him this month.

Industrial Report – Marty McEvilly

Industrial Officer (Sydney)

ASP Gladstone Bunkering Facility Enterprise Agreement

Despite some good progress made towards the end of last year things have slowed to a halt with the EA negotiations for the *Larcom*. Although most aspects have been agreed upon, there are some obstacles. These include salary, hours of work and the inclusion of a Masters' indemnity clause. We will be looking to reengage ASP in the coming weeks with an aim to get the agreement finalized as soon as possible.

ASP RV Investigator Officers' Enterprise Agreement

We appear to have gone backwards in some respects in the process of creating a single officers EA for the CSIRO vessel, *Investigator*. I visited the ship on the week of the 19th November with a representative of AIMPE and we discussed what had been proposed and how the negotiations were progressing. At that time, it appeared that an agreement was almost reached. However, a claim related to service steps that the company had tabled now appears to have become a significant issue for ASP and they have been backtracking. We have proposed some alternative options and are awaiting ASP's response to those proposals.

ASP Rio Tinto Fleet Enterprise Agreement

Mark and I, along with Nathan Niven from the Institute met with the company the week before Christmas to discuss the stalled EA. We are moving towards a combined Officers EA, with the more favourable of the previous AMOU and AIMPE documents being incorporated. There are still a number of sticking points before we are able to reach a final agreement. In particular, ASP are holding very firm on their claim to cap redundancy at 78 weeks. They have been rolling this out across all of their EA's, though it has the greatest impact to members in the Rio fleet. They also remain reluctant to include a Master's indemnity clause. We will be looking to meet with them in the next few weeks to see if we can move towards the finalisation of an agreement that can be put out to vote.

Teekay Dry Cargo Vessels

By now you will be aware of the very disappointing news that Teekay recently announced. I visited the *Lowlands Brilliance* on 25th January 2019 in Dandong, China to discuss the redundancy and our recent discussions with the company. This follows Glenn Andersen's visit to the members onboard the *Mariloula* in Hong Kong earlier in the month. We are doing our utmost to maximize the entitlements for all those impacted and will be focused on ensuring the company hold onto the promises agreed during the almost complete EA negotiations. Particularly around backdated salary increases, overcycle payments and casual conversion.

Our intention is to continue to the approval stage of the new EA, though the enforceable entitlements are going to fall under the old EA. It should leave a line in the sand for the conditions of any future vessels that may be engaged.

Roads and Maritime Services NSW

Negotiations for the RMS Consolidated Salaried Award are due to commence in the next month. A memo has gone out to all members asking for nominations for a new delegate. Responses have been limited so I ask that all members consider who they would like to be their delegate and let me know as soon as possible. Once this is confirmed we will finalise a log of claims.

Harbour City Ferries

Now that the hard work has been done in getting the recent EA agreed upon, I have been asked by Mark to take over the HCF portfolio. The new team of delegates has been elected and I had the pleasure of meeting some of them at the MCC December meeting. At this time, it appears to be largely business as usual with the delegates doing a great job in ensuring all members are well represented across all aspects of the business. There is some uncertainty on the horizon with the upcoming state election and the contract due for renewal in the middle of the year, so let's watch this space.

Qube Ports

I had my first interactions with Qube recently in Port Kembla. Unfortunately, not long after they unjustly terminated a member with no regard to due process or fair go. We are currently undertaking action in the Commission to get the member reinstated and to hold the company accountable for their reprehensible and unjustified actions.

Inco

The company has been delaying enterprise agreement negotiations on the grounds that Viva has not declared how it wants to go about the 24/7 Melbourne operation longer term. On the basis of this, we proposed the potential for an EA for the Sydney based *Allegiance* operations alone. The company thinks this is sensible. A meeting to discuss the EA is scheduled for 30 January 2019 in our Sydney office. We will endeavor to visit the vessel on 29th January. We will learn more about the plan, but our expectation is that we will start moving towards a single Inco EA with separate schedules for various operations given their operational differences.

Rhode Nielsen (RND Crewing) Enterprise Agreement

The company submitted an EA for approval in mid-2018, with conditions below industry standards. The employees have all nominated themselves as bargaining representatives, so we have had to fight to obtain standing to raise our concerns with the Fair Work Commission. We have been successful and will be addressing the Commission in early February, along with AIMPE, to highlight why we do not think the agreement should be approved. Our aim is to ensure that these lower quality working and pay conditions are not able to be passed on to other dredging operations across the country.

Disciplinary Matters

The remainder of my work has been in assisting a number of members with their ongoing disciplinary allegations or unfair dismissal cases. There are some unscrupulous employers out there who are seemingly constantly looking for ways to take advantage of their employees. Unfortunately, a number of our members have fallen victim to that of late.

I wanted to take the opportunity on behalf of those members that I've been assisting to thank those delegates and members who have supported them during trying times. I know it has been appreciated.

I ask all members to continue to operate as the professionals you are and to ensure that you get your delegate involved early if you think things have the potential of going against you or your colleagues. Prevention is always better than cure.

Industrial Reports – Glenn Walsh

Industrial Officer (Fremantle)

Dredging International

The employer has applied to FWC to terminate the relevant enterprise agreement on the basis that it has no available work, and no active employees. Both AMOU and AIMPE provided substantially similar respondent submissions to the Commission, arguing for the Agreement's retention if future contracts might be secured. The matters have been joined and listed for hearing before DP Binet on 29 January, 2019.

Pilbara Ports Authority

Since last year PPA have clumsily attempted to impose changes to the Utah shift rosters. Despite management's initial failure to properly consult with AMOU about the changes, our members engaged in the consultation process in good faith. Unfortunately, management didn't reciprocate; providing myriad reasons for the proposed changes, which meant PPA was unable to secure agreement with >80% of affected employees as required by the enterprise agreement.

AMOU raised a dispute which was unresolved, then referred to FWC for conciliation. Parties have since agreed to seek a compromise in order to resolve the dispute. AMOU has reserved its right to proceed to arbitration if PPA fails to satisfy our member's concerns.

Mid-West Port Authority

MWPA has recently effected numerous redundancies in order to secure proposed efficiency dividends. While only a few of our members have been directly impacted, we believe further job cuts will be proposed in the coming months. In meetings with management, AMOU members have discussed their concerns, and a willingness to work with management in order to retain as many jobs as possible.

MUA and AMOU have collaborated to deal with management's failure to include the Unions in discussions about the formation and composition of the consultative committee. Management are apparently unwilling to discuss any matters in this forum which aren't directly relevant to the EA. Unsurprisingly, the Unions have expressed a different view. The matter will be raised as a dispute if management continues not to engage with the Unions in an appropriate way.

Svitzer Towage Fremantle & Kwinana

AMOU, AIMPE and MUA staff and delegates met with management to discuss a pending announcement to staff. The belt roster, ghost rostering, FWC arbitration, and the proposal to combine the ports have been discontinued. It appears that senior management has instructed local management to clear the decks, start afresh and rebuild relationships with crews.

Management discussed a BP tanker shuttle service out at OPG with details to come. The Koolan tender process is nearing the signing off stage. We expect some tug reallocations, with the additional movement of some other assets between Fremantle and Kwinana.

We agreed to revisit the POP's as the last signed copy dates to 2013. The Unions will work together to review the POPS resulting in a clear and transparent document that we can present to local management for ratification.

GO Offshore Marine

AMOU has engaged with management to ensure the relevant redundancies were properly enacted. While our members had some concerns with the way the points allocations have been used to determine the redundancies, it was clear that GO management had complied with their obligations under the Act. Evidently a further round of redundancies will occur in March due to the termination of the *Floatel* contract. This will further affect a few of our members, with a far great number of MUA members being terminated.

Disciplinary Matters

The remainder of my work has been in assisting several members with their ongoing disciplinary allegations or substandard performance. We are fortunate to have a network of active delegates who have provided significant support and guidance in these matters.