

# Industrial Report

December 2019



**AMOU**

Australian Maritime  
Officers Union

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<b>Date:</b>	<b>17<sup>th</sup> December 2019 - 1000 hours</b>
<b>Location:</b>	<b>EASTERN AREA</b> Sydney Office, Ground Floor, 52 Buckingham Street, Surry Hills, NSW 2010
<b>Location:</b>	<b>WESTERN AREA</b> Navy Club Inc., 64 High Street, Fremantle WA 6160 <b>Meeting cancelled due to the unavailability of Western Area industrial staff</b>
<b>Date:</b>	<b>17<sup>th</sup> December 2019 – 1100 hours</b>
<b>Location:</b>	Brisbane Office, Unit 13/40 Brookes St, Bowen Hills QLD 4006

## President's Report

Tim Higgs

*President and Svitzer Melbourne Tug Master*

Welcome to the December President's report,

I could say the year has flown by but that would be a cliché although that's exactly what has happened.

Again, it's been a year where the union has seen many highs and lows but the one thing that remains constant is the battle we face within the maritime industry to create opportunities for employment throughout the industries that the union covers. This has come from the political drive of some; AMMA and their desire to destroy offshore sector conditions and to engage foreign officers, new entrants into the aquaculture industry claiming their Norwegian masters have special fish whispering skills that Australians don't and numerous port service providers continually wanting to engage in a race to the bottom. Of course, all this as always is at the expense of the jobs AMOU members should have and the conditions members are employed under and have fought for.

Even given the downturn with the oil and gas industry and the attacks on traditional shipping we have seen the union's membership numbers rise consistently throughout 2019. A lot of that has to do with you the members spreading the word and talking engaging within the workplace with your colleagues about the benefits of being a member. This consistent rise has been driven by better communication with the membership whether it be by phone, electronic means or face to face in the workplace where are seeing, in some areas a dramatic rise in union membership density.

In recent months the department of infrastructure and transport has been in regular communication with the union discussing coastal trading shipping reforms. A period of consultation culminated in last week's shipping reform discussions with industry stakeholders. Unfortunately, I couldn't stay for the full day due to prior family commitments, but Mark Davis and Jarrod Moran participated in the two discussion sessions for the remainder of the day. In the morning I delivered a speech on behalf of the membership asking for common sense and stating that enough is enough and that there is a need for a bipartisan approach from government and to stop kicking the industry from pillar to post following each change in government. I spoke about the need for a level playing creating tax incentives and reform for Australian seafarers, retaining the maritime skills set through a strategic training program but that it was no use training if there are no ships to be employed on following your training. The need to secure the maritime infrastructure to service an island nation, protecting key routes and trades for the security of local economies, our borders, our fuel and securing the future of the industry given the predictions for the shipping industry to only grow in the future. Read further on in the industrial report for further information from Mark Davis on the remainder of the day's discussions.

2019 has been a difficult but positive year for the organization. I am sure that there are many members that either done it tough at some stage throughout the year or currently doing it tough through limited opportunities for work at sea. Additional to this we are currently witnessing some of the worst bush fires the country has ever seen. If this affects you directly As a member you and your family have access to Hunterlink, our EAP at <https://hunterlink.org.au> for confidential counselling services.

In closing with the festive season upon us I wish the entire membership and their families a very Merry Christmas and a Prosperous New Year. For those at sea or rostered on shift over the festive season stay safe and return home to your families to celebrate the festive season.

Tim Higgs

President

## Executive Officer's Report

### Mark Davis

*Executive Officer (Sydney)*

#### **Christmas and New Year holiday period**

The following are the dates that the staff will be in the offices and the availability by phone where this is not the case.

#### Brisbane Office

Tracey Ellis is available except weekends, public holidays and 27<sup>th</sup> December

#### Sydney Office

Marty McEvilly is available except weekends, public holidays and 27<sup>th</sup> December

#### Fremantle Office

Glenn Walsh is available except weekends, public holidays and 27<sup>th</sup> December

Glenn Andersen is available except weekends, public holidays and 27<sup>th</sup> December

#### Melbourne Office

Jarrod Moran is available except weekends, public holidays and 27<sup>th</sup> December

Over the holiday season where serious issues arise that require to be addressed as a matter of priority please SMS me to [0437 099 886](tel:0437099886) and follow this up with a detailed email apprising us of the situation - [mark@amou.com.au](mailto:mark@amou.com.au). Some employers take advantage of what they see as a shutdown of the industry over this time.

#### **Trident LNG**

##### Labour agreement

NSWSSC, Shell and Trident's lawyer sent AMOU and AIMPE the draft terms of the conditions attaching to a labour agreement seeking 2 Masters and 2 Chief Officers from the Shell international fleet, having previously served aboard *Northwest Shearwater*. This is in the form of a Memorandum of Understanding (MOU). After some amendments we now have a document that accurately represents where we got to at the COA meeting on 3rd December. In light of the AMOU policy that generally opposes such agreements, the AMOU Executive Council decided to put the MOU out to Trident members via a Survey Monkey ballot to decide whether to support the AMOU signing the MOU or not. The memo to Trident members accompanying the ballot was neutral in that it contained no recommendation either way. This was done on 16<sup>th</sup> December.

##### Collective agreement

The day following the NWS COA meeting that produced the conditions for the labour agreement Glenn and I (along with Martin Byrne and Michael Carroll from AIMPE) met with Denis Sango and Neil Griffiths to have a preliminary discussion regarding the collective agreement negotiations. In the

course of the discussions we discovered that a month or so ago AIMPE had rolled over their collective agreement with a 1.6% increase retrospective to 1<sup>st</sup> August 2019 and expiring 31<sup>st</sup> July 2020. This was also what the MUA had done previously.

Glenn and I adjourned to have a discussion by phone with our delegate about the benefits of AMOU doing likewise. We would have preferred wider consultation with the membership, but the wisdom of effecting the rollover was fairly obvious to us all. We would secure the increase of 1.6% in accordance with the formula, get back pay at a good time of the year and everyone would be entitled to receive the appropriate increments to all align with the situation the other two unions were in. It also allowed us the time to set dates for a full renegotiation, go out to the members to then compile a log of claims and we would have plenty of time to settle the agreement with the security of having one currently in force. We went back to the table and agreed that this was the appropriate pathway. We will likely commence negotiations at the beginning of February for the agreement that will commence on 1<sup>st</sup> August 2020 and if we so choose we can settle a term coincident on the proposed wind-down of the NWS project, if indeed this is the way it all pans out.

### **Engage Marine/Engage Towage**

Negotiations with the three unions have moved from the usual negotiating table to the *new approaches* realm within the Fair Work Commission. Instead of talks based on rigid positions from which compromises satisfy neither party, the emphasis in the bargaining is on establishing the interests of the parties. We all underwent a training day convened by Deputy President Booth on 11<sup>th</sup> December which introduced the process and had some practical exercises to imbue us with the new approaches spirit. We kick the process off in earnest on 19<sup>th</sup> and 20<sup>th</sup> December.

### **Coastal trading stakeholders meeting**

Predictably, this was a deeply disappointing exercise. Before we even entered the room certain central initiatives were specified by the Department of Infrastructure and Transport to be off the table: cabotage, subsidies and a strategic fleet. Following the introductory speeches the participants were divided into three workshop groups, Training, Cargo and Passenger. My Training workshop was very positive and focused on the skills deficit with a major emphasis on dynamic positioning, gas and tanker training opportunities. Research is to be conducted on the future numbers required to populate the maritime infrastructure with Australian mariners to avoid the need to import seafaring labour to occupy critical and sensitive positions to ensure the protection of the coast. The stakeholders in the room agreed that we would be the working group to develop an industry body to address the training task in order to achieve this. When we reconvened in the plenary group and heard the report back from the Cargo and Passenger work groups, it was very clear that there was no appetite from either group to provide training opportunities for young Australians. The emphasis was purely on the reduction of red tape to further deregulate their industries and give further encouragement to monopolising the coastal trade with foreign vessels and crews and to contribute nothing by way of shipboard training and onboard jobs for nationals of the coastal State. Many would say that as I mentioned this was massively predictable but if this form of consultation is not approached with some optimism then nothing will be achieved. It is difficult to envisage the next move as there was a huge disconnect between the outcomes from the training group and the two groups that should be providing the training opportunities. We will continue to try to achieve more jobs and training

opportunities directly with the employers of our members as this is the only relationship that is likely to generate any form of satisfactory outcome. The major fish hook is that there is not likely to be any central coordination of training on an industry-wide basis.

Let me take this opportunity for me to thank the members, staff and Executive Council for their support, hard work and advice over 2019. I wish you all a happy, healthy and safe festive season.

Mark Davis  
Executive Officer

## Industrial Report – Glenn Andersen

*Organiser (Fremantle) and Western Area Secretary*

### **Vessel Inspections and Ship visits**

*Sunrise G (OSM)*

The Sunrise G is a seismic support vessel, attached to the *Polacus Asima* seismic survey vessel. We have the positions of chief officer and second officer. The Malaysian master is a visa holder.

### **Trident LNG Ships EBA**

The December 4th EBA negotiation reached an agreement to lengthen the life span of the present document up until August 2020. Included is a CPI salary increase of 1.6% which is backdated to August 2019. This means an amount of back-pay is headed to Trident employees. It was agreed a meeting will take place around mid-January 2020. This meeting will include delegates. A log of claims will be provided to Trident beforehand. I already have items on which that log of claims will be based. The issue of swing lengths is amongst the most critical claims.

### **Trident COA Meeting**

Held in Sydney on December 3<sup>rd</sup>. The main agenda item being the proposal for a Labour Agreement to ease the shortage of senior officer positions on the LNG carriers out of Dampier. Up to this point I know of two offshore companies who have applied for Labour Agreements, and both quite rightly have been categorically opposed by the AMOU. Neither of those applications have been approved by the Immigration Department in Canberra.

What I see as the difference in this case is that the shortage of local senior masters and deck officers could lead to the loss of one of the four Australian registered and manned LNG carriers. Already this year we have seen the disgraceful dumping of Australian crews off the BHP chartered bulk-carriers *Mariloula* and *Lowlands Brilliance*. BHP did not have the guts to attempt that callous and cowardly act in Australian waters. Please do not think Shell would not follow a similar course.

Getting back to what I described as a shortage, is of course a contrived shortage arrived at by hiding behind Shell's training matrix-wall. They know that we know it's a convenient and opportunistic way of blocking promotion pathways. Thumping the table and describing it as a con job will not solve the problem. Sometimes you need to take a step backwards in order to protect your ground.

I am planning on visiting two LNG Carriers on the 30<sup>th</sup> and 31<sup>st</sup> of December to discuss the Labour Agreement issue.

### **TOLL Offshore EBA**

My hopes of settling this drawn-out EBA have been dashed by yet another backflip from Toll. One sticking point is the vessel *Toll Provider* which at 62m is just under the 64m required to qualify for the

100% salary schedule. Compare that with the ratings EBA where every vessel schedule attracts the 100% salary payment. I thought we had reached an agreement whereby the 62m could be included into the 100% schedule. Toll are currently paying the 100% but we want that in black & white. Clearly this is yet another case of a perceived weaker union being discriminated against. I will do a phone-around for members thoughts.

**Maersk and OSM EBA negotiations**

By the time you read this both the Maersk and OSM EBA meetings would have been concluded. The outcomes of these negotiations are of great importance to all members employed in the Offshore Oil & Gas Industry. You will remember Maersk offered a seven percent increase on a 2.5-year agreement. The immediate 7% placed their officers back into salary benchmark territory, however they offered zero increases for the remaining years. If they don't come back with yearly increases our options are limited, it was made clear to Maersk management what one of those options was.

The other company OSM, just don't get it. Salary benchmark and pay relativity is what our members are interested in. Why should they settle for way less than what other deck officers working for other companies receive? It is the client who is really paying the wages, if OSM succeed in their plan to pay lesser wages for higher profits (which appears to be the case) then the flow-on effect will be detrimental to all of you.

**Solstad**

The following is an edited version of the Solstad meeting report:

*The November 26<sup>th</sup> Solstad briefing was an upbeat occasion. So happy were Natasha and Keith Souter I was worried it might break out into hugs and hi-fives.* The source of their happiness was the promise of long, or longish-term work for six of the present fleet, with a new import the LNG powered vessel, *Norman Leader* to boot. News of a substantial chunk of offshore work will provide an early Xmas present to a workforce which, for a long time has been unsure of their short to medium-term employment prospects.

The details of the new contracts have already been announced and will be known to all by now. AIMPE Official Mike Carroll attended the same briefing, both of us are extremely pleased with this news.

Management raised the subject of the recently lapsed EBA. They appear motivated to having a new agreement in place in the near future. So keen are they to kick off the process that they expressed a desire for a smooth set of negotiations, free from major disagreements or any disputation. Negotiations will include AIMPE and will start in January 2020. I will be contacting delegates to start the process of consultation with members before writing up a log of claims to present to management.

Solstad AMOU delegates will be present at negotiations.

**Teekay - Ningaloo Vision**

The recently negotiated EBA proposal is into the employee ballot stage. I have recommended a yes vote to our members and I am assuming the other three unions involved in negotiations are doing the same.

**Toll Astrolabe EBA**

The November 14<sup>th</sup> meeting saw the unions put forward detailed claims for consideration. In my absence AIMPE and the MUA met with Toll for EBA meeting #2 on Monday 9<sup>th</sup> December. Several claims made by the unions have been dropped or modified in order move towards a conclusion. The superannuation claim rejected by Toll is one of importance as the danger of Toll not paying superannuation on the accumulated leave of casual employees or permanent employees upon termination remains a risk. We are due to meet again in January 2020.

**WA Area Monthly Meeting**

There will be no monthly meeting in December and no Xmas function. Neither of the WA Area Officials will be in town on December 17<sup>th</sup> which would be the only possible date (Dec. 17<sup>th</sup>). In the latter half of this year attendance numbers at the monthly meeting have been disappointing. I have completed the training required to send meeting notice emails from the membership database, regretfully the first time I use it will be to give notice of *no* meeting.

## Industrial Report – Jarrod Moran

*Senior Industrial Officer (Melbourne)*

### **TasPorts Pilots**

The Pilots EA expired on 17 November 2018. We have been in negotiations with TasPorts for a replacement EA for nearly 12 months. Most matters have been agreed but a significant outstanding matter is wage increases. Our position, first put to TasPorts in March 2019, was for wages to be on parity with the wages of Flinders Ports pilots. Our position is justified by a 2010 Arbitrated FWC Decision that pegged Tasmanian pilot wages against pilot wages nationally and awarded TasPorts pilots parity with Flinders Ports that was then discounted for the cost of living difference between South Australia and Tasmania. Since that time the wages of TasPorts pilots have slipped when compared to Flinders Ports pilots hence our claim for parity to be restored in at least the first year of the new EA.

TasPorts have offered 2% p.a. wage increase for a three-year term that may be increased by an extra 0.7% p.a. if pilots can demonstrate cost savings through changes to the EA. This position is in line with the Tasmanian Governments Wages Policy. So, we are at an impasse. We sought the assistance of the Fair Work Commission in resolving our dispute on 12 December where TasPorts upped their offer to 2.7% p.a.

Due to other matters currently at the forefront regarding the ACCC, TasPorts and pilot members in Tasmania are considering the latest offer.

### **DP World Supervisors/Superintendents**

We had our first meeting with DPW on 15 December regarding a new EA. DPW have appointed a new Operational Manager who will lead negotiations. He starts employment in January and meetings will commence in February.

### **Searoad Shipping**

We continue to plod slowly with Searoad on our outstanding issues. The current EA expired mid-2018. Members have a limited number of claims for the EA including 1:1 leave (in line with the AIMPE and MUA) and a pay increase. We have a current allowances dispute with Searoad whereby joining and leaving allowances etc have been paid in cash on board and recently Searoad moved to paying these entitlements through payroll. The first matter we want resolved via the EA talks is a cost neutral outcome for members on this change. Searoad have delayed negotiations again this month and we next meet with them on 20 December.

### **SERCO**

#### DMS

As detailed previously Serco put their draft EA directly out to vote and this was overwhelmingly rejected by employees. Members embarked on protected Industrial action that in conjunction with the unsuccessful EA ballot has prompted Serco to seek meetings to progress our discussions. Rather than Serco being locked into their EA or no EA at all, we have requested that they provide a full rationale on each item of our EA to which they cannot agree. Hopefully this approach will lead to a

finalised document soon. In the spirit of co-operation members have agreed to lift all overtime bans until we have had a chance to meet with Serco and hear their position. After many months of no talks, we reconvened over 4 and 5 December. Serco have now responded to all our claims and our preferred EA. We expect to meet with them in early January hopefully to start finalising a joint document.

#### RSV Nuyina

We have reached an in-principle agreement with Serco on an EA to cover the new Icebreaker. We have a joint Officers Agreement with the AIMPE. This document is available to all members on request. Info on the ship can be found at: [www.antarctica.gov.au/icebreaker](http://www.antarctica.gov.au/icebreaker)

#### **Victorian Regional Channel Authority**

We continue to discuss with the VRCA appropriate terms and conditions of employment for the Marine Operatives at Crib Point. The new CEO at least seems to understand that the current employment arrangements are less than suitable (in my mind they are below the Award). We will next meet with management on 20 December.

#### **Spirit of Tasmania**

##### TT-Line Shipwrights and Pursers

The Shipwrights and Pursers EA expires in mid-2020. Members have produced a Log of Claims and we have delegates from both vessels. Annual leave and departures of by key TT-Line management have delayed negotiations until early next year.

#### ASP

Deck Officer employed by ASP on the Spirits have put together a Log of Claims which was presented to ASP on 29 November. We are waiting for ASP to advise of our next meeting date. We will bargain together with the AIMPE on this agreement.

#### **Flinders Ports Pilots**

The current Flinders Ports Pilots EA expires in March 2020. A members' meeting to commence discussion on our Log of Claims for the new EA took place on 26 November 2019. We have asked Flinders Ports to issue the Notice of Employee Representational Rights (NERR) early in the new year to formally kick off our bargaining.

#### **Toll Shipping**

The Toll Shipping EA expires in March. Meetings with members will be arranged over the coming weeks to develop our position on a Log of Claims.

## Industrial Report – Chris Neiberding

*Senior Industrial Officer (Melbourne)*

### **Svitzer EBA**

The Svitzer EBA negotiations are ongoing. The unions have not met since the last industrial report. I can say we have two days left of negotiations before the Christmas break and it may be too optimistic to think we will conclude the EBA during these.

There are a number of outstanding port claims and the unions and delegates have done our best to make sure those claims have been addressed and had adequate time to be debated and considered. This does not mean we have had a win on every claim.

Next week we expect to have discussions on Sydney, overtime over 12 hours, casual loading and AIMPE's claim for their own agreement.

Currently the Svitzer offer on the National EBA pay increase and some of the Individual port claims is as follows:

- National: Year one - 2.0%, Year two - 1.8%, Year three - 1.8% with a CPI floor
- Whyalla: Additional: Year one - 3.5%, Year two - 3.2%, Year three - 3.2%
- Cairns: Additional: Year one - 1.3%, Year two - 1.3%, Year three - 1.3%
- Bowen: \$75 per day allowance for live on board
- Sydney: Captivity allowance: \$7,400 per annum for Ratings and \$9,000 per annum for Masters and Engineers. This is to be paid when captivity of the second tug in Port Botany is implemented and is only payable so long as the second captive tug is required.
- Brisbane: Make the 16th crew permanent
- Fremantle/Kwinana: Parties to consult regarding terms and conditions relating to ship to ship transfers pending outcome of trial.
- Port Kembla: If LNG comes to Port Kembla, the parties are to consult regarding the terms and conditions relating to voyages between Sydney and Port Kembla. Svitzer is to provide a draft clause.
- Melbourne: Melbourne now has a set of POPS that will be voted on then put to trial for a full roster rotation. They still include the tapes.

Please note this was the last offer put forward from the company and there may be further changes to come.

### **Svitzer Darwin**

The Darwin EBA is waiting to be assigned to a Fair Work Commissioner. We understand the company is trying to push it along with the hope of having it registered before Christmas. Svitzer may have to provide some undertakings, but this is not unusual. The AMOU will be informed of any progress.

**TasPorts Tugs EBA**

As reported in the previous industrial report the TasPorts Tugs EBA has reached in-principle agreement. There are still a few drafting issues to be sorted out as well as the wording of the Masters indemnity clause. The AMOU has been trying to get in touch with TasPorts to sort out the drafting before Christmas but without success. We believe the issues with the ACCC and a few of the HR staff being on leave has been a factor in this dragging out. We will finalise the document early in the new year.

## Industrial Report – Martin McEvilly

*Industrial Officer (Sydney)*

### **ASP Rio Tinto Fleet Enterprise Agreement**

The EA was approved by 22 November 2019 and came into effect on 29 November 2019. In a blow to members and the industry as a whole, the Commissioner found Clause 13.4 *Compensation for Medical Inability to Revalidate Certificate* to be discriminatory on the basis of age and thus unlawful. She then accepted ASP's undertaking that the clause was to have no effect with no alternative proposed, thus extinguishing the entitlement.

Due to the potential impact that this decision has to similar entitlements across the industry, the AMOU and AIMPE have appealed the decision. I will keep members informed as to the progress of the application.

### **ASP Gladstone Bunkering Facility Enterprise Agreement**

There has been more progress on the EA in the last month after six months of stagnation, with ASP providing a complete version of the EA for our review in early December. We have sent feedback and are awaiting an updated version which incorporates our comments and observations. This includes the incorporation of some items agreed during negotiations that did not make the draft, such as a free flu and hepatitis shot and that sick leave days accrue a leave day. An outstanding item is how we address the EA clause related to Compensation for Medical Inability to Revalidate Certification. Please see the ASP Rio Tinto Fleet EA update for more information about that issue. As it stands, we are not convinced that the proposed EA is a step in the right direction, and I appreciate the feedback members have given. However, it appears ASP are confident that it is an EA that will get voted up should it be put out to vote. I suspect it will not be until the new year before that occurs. I will keep members updated.

### **Transdev Sydney Ferries**

Members at Transdev Sydney Ferries have had to battle the smoke that has engulfed NSW in recent weeks, with services stopped on at least one occasion due to the very poor visibility. Industrially, we have also had a busy month with the MCC and particularly discussions between the Unions regarding the 'Master 35 internship', to assist those with a Master V qualification to get the necessary sea time from within the ferries to qualify for a Master IV. Master V's will be used on two vessels, initially two of the charter boats before then transitioning onto two of the new river vessels. An EOI should go out shortly with details. We encourage all members (Engineers) who have an interest in applying to avail themselves of this opportunity. Your delegates will have further information should anyone want to know more. They, particularly head delegate Terry Schydlo, have put considerable efforts into developing this into a sustainable and ongoing platform that will assist many to develop their qualifications in the maritime industry for years to come.

### **Fantasea Cruising Masters, Coxswains and Deckhands Enterprise Agreement 2019**

As reported last month, the EA remains before the FWC for approval. Both the AMOU and MUA objected to the EA on the basis that it does not meet the Better Off Overall Test (BOOT), specifically that the entitlements in the agreement do not meet the minimum requirements of the *Ports, Harbours and Enclosed Water Vessels Award 2010*, which covers ferry work. Submissions were made to the FWC on 10 December 2019 outlining the reasons for the objection. Fantasea is currently considering what has been proposed and will respond by 13 January 2020. A hearing will then be held with the FWC on 30/31 January 2020.

The MUA made a formal request to Fantasea to take part in a Consultative Committee meeting, proposed to be held in mid-December. To date they have not agreed to have the meeting. Regular Consultative Committee meetings is a feature of the EA that is still awaiting approval and as a result we can't force them to hold the

meeting. However, it is something that we have found is very helpful in fostering a positive relationship between employees and management in many workplaces and we are disappointed that it has not yet been initiated. We hope it will be started before too long and Fantasea see the value in better engaging with staff.

#### **Port Authority of NSW – Newcastle Enterprise Agreement**

The dispute between the MUA and Port Authority has been resolved and we are now finally close to a position where an EA will be put out to vote. To assist in getting an agreement across the line we were sent a draft agreement in early December and have been very disappointed to see that Port Authority have once again reneged on promises made during negotiations. Particularly, their agreement to incorporate a clause that confirms consultation will take place regarding the upcoming transition to VTS. This is something that adds to the frustrations felt by the negotiation team throughout this process with managements failure to treat us with the same good faith we have been showing them. We have expressed our views and Port Authority management and HR are currently reviewing their position. If it is not corrected, I will write to members and we may need to consider taking action to simply get them to stick to their promises.

#### **Port of Newcastle Enterprise Agreement**

PON put an agreement out to vote without the support of the Unions and bargaining team in late November. On 13 December, after a week-long vote, employees of PON let their voices be heard and resoundingly voted down the EA with 67% of eligible employees voting against the agreement. This is a great achievement and I thank all members for their efforts in ensuring that this just outcome was reached.

We now need to go back to the negotiation table to get the problems with the EA (primarily the scope, salary and term) corrected. We are hopeful that PON will realise that they can't simply try to bully through a bad agreement and will start to negotiate in good faith. A lot depends upon the attitude of their negotiator and whether they do change their approach. In the interim, we may need to consider making an application for protected action. I will be guided by members but believe it would be the correct approach at this time.

#### **Port Authority of NSW - Sydney**

We held another VTS Fatigue Committee meeting on 12 December 2019 and the outcomes were positive. Port Authority have agreed that their efforts in manning the Support Shift desk have been poor and have made a commitment to ensure that it is filled on an ongoing basis. This was the minimum outcome that we expected from the meeting and it is pleasing to see that they understood their failings. Although management wanted to discuss how the Support Shift person would be used, our position was that they need to first demonstrate that they can fill the role (given their previous failings to manage even this straightforward task) and we can then meet again to discuss what happens next. We will reconvene in mid-March for further discussions.

Our Emergency Response Team dispute remains in a holding pattern until January. We will engage with port Authority management early next month to determine next steps.

Last month I also reported on an upcoming meeting with the CEO to discuss the procurement process for the new firefighting vessels. This meeting ended up being nothing more than an explanation of what they had already done and gave little new insight. We will continue to watch that process as it unfolds.

#### **Port Authority of NSW – Port Kembla**

One of the action items out of the Consultative Committee meeting in November was for Port Authority to establish a formal consultation process with the Union and employees with regards to the upcoming transition to VTS. That process began (albeit much too late in my view) on 11 December with a meeting held to outline what the process would look like. It was a positive meeting, however there are still as many if not more

unanswered questions that we will ensure get discussed in upcoming meetings. The next is pencilled in for early February, however if anything arises before then we will ensure the dialogue continues.

**INCO Ships**

Regrettably a meeting has not occurred or even been scheduled. INCO management had leave and it looks like we may need to push the next meeting until the new year. I thank members who have provided their feedback to date.

## Industrial Report – Glenn Walsh

*Industrial Officer (Fremantle)*

Glenn is not due back in the office until 23<sup>rd</sup> December so below is a repeat of his November report.

### **Mackenzie Towage Bunbury**

We are nearing the final stages of negotiation with only a few changes to still sort through. The last couple of weeks have stalled due to the lack of availability of Union officers from each of the Unions as a result of other significant competing workload demands.

### **Southern Ports Pilots EA Bargaining**

A few unexpected issues have surfaced which require the parties to meet later this week in an attempt to finalise negotiations. In particular, matters on which we assumed prior agreement had been reached.

### **OSM**

Advice from the Associate to Matthews(C) indicates that a decision in relation to the Denial of Contractual Benefits claim is imminent. This will have significant implications for our casual members who are frequently denied entitlements by this employer but are wary about raising disputes for fear of not being re-employed.

EA bargaining is continuing with OSM expected to provide responses to our wage claim. The company has provided AMOU with a modified bargaining template.

### **Mid-West Ports**

MWPA management have delayed the progress of the overtime dispute time and again despite their repeated assurances that they wanted to reach a settlement in lieu of attending the FWC. The matter has now been referred back to the FWC for arbitration. The lack of care and due diligence by some MWPA management personnel is extremely frustrating and disappointing. The inability to pay staff properly has apparently infected MWPA in a similar fashion to the much-publicised wage theft cases that are so prevalent in retail and hospitality industries. The pending organisational culture survey should make for a very interesting read.

### **Odyssey Marine**

Progress remains painfully slow at the moment despite the parties reaching in-principle agreement on a number of key claims. Remuneration and superannuation claims will be responded to by OM management at our next meeting.

### **Argonaut Marine**

The employer is due to provide its bargaining position to the AMOU by tomorrow afternoon, and ahead of a second bargaining meeting scheduled for 4 December where we expect to commence the bargaining process proper.

**Pilbara Ports Authority (PPA) - Port Hedland VTS EA**

With the exception of a couple of minor claims the parties have now reached an in-principle agreement and will commence final drafting and editing in the coming week.

**Disciplinary Matters**

The remainder of my work has been in assisting members with grievance complaints, bullying, disciplinary processes, unfair dismissal claims and a wide range of other enquiries.

**Annual Leave**

I commence annual leave on 6 December and will return to duty on 23 December. As this will be my final report for the year, I wish to extend my sincere gratitude to AMOU members, staff and management whose advice and support have enabled me to establish myself in a new and different environment.

In my absence please direct urgent enquiries to Glenn Andersen in the Fremantle office.

## Industrial Report – Tracey Ellis

*Organiser (Brisbane)*

### **Monthly members meeting-Brisbane**

The December monthly meeting will be held at the Brisbane AMOU office on 17 December 2019 at 1100. The address is 13/40 Brookes St, Bowen Hills. It is a week earlier than usual due to Christmas.

### **Port of Brisbane - Port Office**

The Port Office enterprise agreement was finally approved by Fair Work this month.

### **ASP - Anatomia**

Phil Jones from ASP, Nathan Niven from AIMPE, Jason Miners from the MUA and I met with the crew onboard this bunker barge in Brisbane to discuss the progress of the operation. There are still a few teething issues to sort out, but otherwise the crews have done a great job in setting up the new operation in such a short space of time.

### **MSQ**

Trevor Smith confirmed that the advertised Mary Street MO3 position is for the new jet ski patrol. They will be required to be on-call like the other MOs.

### **Entrada Group**

After meeting with members in Cairns, Dave Lyon and Paul Gallagher from the MUA and I met with Entrada Group to discuss some of the issues raised. We are still waiting for the results of a time and motion study before another EA meeting can take place.

### **Smit Lamnalco**

#### Gladstone

We are still waiting for Deputy President Asbury to make a decision on the Gladstone Roster dispute. We are still waiting for the Fair Work Commission to make a decision in the GMDSS dispute.

#### Amrun

Greg Yates from AIMPE has pressed the company for a response to the Amrun travel days dispute. AIMPE and the AMOU will consider taking the dispute to Fair Work depending on the response from Smit Lamnalco.

#### Townsville

AMSA and WorkSafe are currently conducting an investigation into the company's alleged handling of PFAS firefighting foam. More details will be provided once the investigation is complete.

There has been no movement from the company on the drug and alcohol policy dispute or the possible underpayment of allowances, and lack of ability to take leave in some ports. The AMOU will continue to push this.

**Australian Reef Pilots**

The Pilots have elected Ivan Maesepp as the AMOU delegate. The log of claims is almost complete and I have been in touch with management who have agreed to meet with us once they have seen the log of claims.

**Svitzer Darwin**

The EA has been voted up by the employees and will be put to the Fair Work Commission for approval.

**Pro Dive**

We are still waiting for Fair Work Commission to decide on our hours of work dispute and for the company to provide us with a revised offer. Paul Gallagher and I met with Pro Dive in Cairns and they are keen to get a resolution now instead of waiting for the Commission. The company are waiting for legal advice to come back before providing the unions with an agreement that they think will be accepted by all parties. I'll be in touch with Pro Dive members once this has been sent to me.

**Svitzer Cairns**

The company has rejected the rosters proposed by the unions. The AMOU, AIMPE and MUA delegates are meeting on Monday 16 December to come up with a new roster.

**Brisbane Ferries**

Paul Gallagher from the MUA and I met with Transdev about the dogs on onboard policy. We also fixed the internal recruitment policy and discussed the upcoming tender process.

Tender applications for the CityCat and City Ferries operations and maintenance have closed. Sealink and NRMA have both verbally indicated to me that they will keep the pay and conditions the same as what the employees currently enjoy if they win the contract. I am working on getting the bidders and Brisbane City Council's commitment in writing to ease the concerns of members who are set to get a 6-8% pay rise next year under the current EBA.

**Bay Island Transit Systems - Sealink**

The AMOU and the MUA are still waiting for the company to finish negotiating the proposed timetable with Translink. The company hopes the timetable will alleviate some of the issues the unions raised including refuelling during peak hour and passenger to crew ratio.

**P&O Wunma and Aburri**

The officers and engineers have agreed in principle to the company's offer for the *Aburri* EA which included paying for travel, full backpay and a 10.5% pay increase over the life of the agreement. I am still waiting for the company to confirm meeting dates for the *Wunma* EA.

**Seaswift.**

We are still waiting for the Modern Award review to be completed and for Seaswift to come back to the table to finalise the EBA. I'll let members know as soon as negotiations have resumed.

**Sunlover**

It appears that the dispute about whether the agreement passes the Better Off Overall Test has been resolved and the Fair Work Commission is currently considering approving the document. It is in the final stages of the process now, hopefully not much longer to wait.

***Coral Knight***

Greg Yates and I met with officers and engineers in Cairns to discuss their concerns with the impending UMS crew reduction.

**If I don't see you before the new year, have a happy and safe Christmas.**

