



AUSTRALIAN MARITIME OFFICERS UNION

ABN 56 181 230 800

June 2018

INDUSTRIAL MONTHLY MEETING REPORT

Date: 27th June 2018

Locations: **EASTERN AREA:**
AMOU, Suite 1, Level 5, 377 Sussex St, SYDNEY NSW 2000

SOUTHERN AREA:
Victoria Trades Hall Council, 4th Floor, 54 Victoria Street, CARLTON SOUTH VIC 3053

WESTERN AREA:
Navy Club Inc., 64 High Street, FREMANTLE WA 6160

Contents

PRESIDENT'S REPORT	2
EXECUTIVE OFFICER'S REPORT	3
INDUSTRIAL REPORTS.....	4
Glenn Andersen.....	4
Jarrod Moran.....	5
Chris Neiberding.....	7
Meghann Papa	9

PRESIDENT'S REPORT

Dear Members

Welcome to the June 2018 Industrial Report and my President's Report.

The Nautilus Federation Australia (NFA) *Operations Committee* (AIMPE – Federal President Martin Byrne & Federal Treasurer Ian McAlister; AMOU – President Tim Higgs & Executive Officer Mark Davis) constituted the first NFA meeting since the AIMPE Federal Council meeting last week delivered a new leadership regime. The following is the media release that was agreed after the signing of the Memorandum of Understanding setting the terms for the national co-location strategy:

25th June 2018

Media Release

Nautilus Federation of Australia

The Nautilus Federation of Australia has taken another step forward as senior officials of the Australian Institute of Marine and Power Engineers and the Australian Maritime Officers Union met in AIMPE offices in Melbourne on Monday 25th June.

Top on the list of matters for discussion is office sharing for the two unions' operations around Australia. The officials have set target dates for relocations in Sydney, Melbourne and Fremantle which will see both unions operating from the same address in each of these three ports. The moves will provide cost savings for both unions and are also intended to provide for closer integration of working relations between the two officer unions.

A revised Memorandum of Understanding was signed by AMOU President, Capt. Tim Higgs and AIMPE Federal President Mr. Martin Byrne which deals with the relocations and with possible further co-location arrangements in Brisbane, Newcastle and other ports.

The Nautilus Federation of Australia has also discussed opportunities for joint campaigning on key issues relating to the interests of Australian Deck and Engineer Officers.

We are saying a sad farewell to Dan Pearson as Industrial Officer as of 1st July. Dan is continuing to serve out his term as Western Area Secretary. The below is the statement Dan would like to be recognised as he departs the AMOU secretariat:

"6 months or until the conclusion of the Offshore Agreement negotiations" were the words used by Wayne Moore to describe the term of my temporary engagement with the AMOU back in 2008. 10 years later, given the changes within industry and the more adversarial the AMOU's role has become it is with mixed emotion that I have decided to announce the forthcoming conclusion of my employment as the Western Area Industrial Officer.

In the past decade I have had the opportunity to work with some fantastic people within our organisation. From the honorary officials of the executive who give up their own time to ensure the organisation is run in a manner which reflects our profession to the benefit of our members, to the industrial staff who day-to-day try to achieve the impossible.

It easy to forget the achievements of the past when the current situation seems bleak, but the current downturn in the industry will go full cycle and the offshore oil and gas industry will become vibrant in 2019.

Whilst my future is uncertain, the future of the AMOU is bright and my decision to conclude my employment paths the way to an industrial staff manning level in the branch which will guarantee

*that all opportunities of the upswing in offshore activity are realised and allow for organising in areas where we have had constitutional coverage but historically not exerted our influence.
I will see out my elected term as Western Area Secretary and intend to remain active in this honorary role to promote member engagement and to also give guidance to assist the new staff in their transition into the roles.
Finally, I would like to thank all the members for your support during the past decade.”*

As always Stay Safe



Tim Higgs
President

EXECUTIVE OFFICER'S REPORT

Mark Davis
Executive Officer (Sydney)

Svitzer Australia National Summit

This is scheduled to take place on 4th July 2018. The objective appears to be to find a new way of communicating and dealing with the issues that crop up around the country rather than resorting at an early stage in the process to the Fair Work Commission. Perhaps a less adversarial way. The company initially requested the attendance of those representatives of the three maritime unions that can make decisions. This of course created the impression that local port delegates would be overridden, and national officials would be making top-down decisions that they would have to live with. This would not have been tolerated by the AMOU and the company has conveyed to the union that the local issues would continue to be dealt with on a port by port basis... hopefully following the summit, in a manner more likely to promote a pragmatic solution and not a rush to the dispute settlement procedure. Whilst it does not pay to count the chickens before they've hatched the recently negotiated solution (albeit still conditional) in Newcastle may be indicative of a corner having been turned. Achievement of the 32 crews on the roster configured by the AMOU delegates now allows the company's showpiece port to operate with more continuity, better utilisation of the labour available, in a safer manner and most of all from the port operator's perspective with an absence of service failures.

INDUSTRIAL REPORTS

Glenn Andersen
Organiser (Fremantle)/Offshore Oil & Gas Delegate

Consultative Committee Meetings

Emails were sent to MMA, Swire Pacific and GO Marine notifying them of the AMOU's intention to organise Consultative Committee meetings in the near future. We also emailed members employed by those companies asking for volunteers to represent their colleagues at the meetings.

Darwin Ports

Darwin Ports is resisting coming to terms with clauses which our side maintain will offer real protection against attacks to their continuity of employment, conditions and rights regarding workplace industrial disputation.

A more realistic wage increase offer would also greatly increase the chances of bringing this negotiation to its conclusion. There is now a real possibility of protected industrial action.

This group of workers were sold out by an inept and short-sighted Northern Territory Government, which in 2016 leased the Port of Darwin to a Chinese company for 99 years. Without the job security that goes with being a government employee these workers are now vulnerable to slash and burn tactics from a private foreign-owned outfit that will pursue profits over people.

Ship visits

Not that many this month unfortunately. However, in a first for me I made ship visits to two Dampier gas buggies: *NWS Sanderling* and *NWS Stormpetrel*. The long-term operation of these Australian-manned gas carriers is unclear due to the stated intention of the Continuity of Operations Agreement (COA) partner companies to gradually phase out the Australian-manned vessels.

The AMOU stance on this issue is clear: Australians should man the last four ships working under the agreement and no Australian crew members should be replaced by foreigners. These vessels have run like clockwork for many years now. The skills and dedication of the Australian Master's, Officers and Crew are a large component of that success story. The AMOU is committed to retaining both local manning and the COA.

I have scheduled in a visit to the GO Marine V/L Sea Triumph for Tuesday 26th. In Fremantle.

Bunbury and Esperance Marine Pilots

The background to our first EA meeting in Bunbury on June 18th is the departure of the CEO, the head of HR and the resignation of a Business manager.

Some progress was made at the meeting, however due to the substantial log of claims put forward by the AMOU and the available time before the meeting date, a delay is understandable. Due to the unavailability of the Southern Ports Harbour Master the next meeting will not take place until early July.

GO Marine

Fortunately, an intended round of redundancies appears to be on the back-burner as more work opportunities have emerged for GO. Due to Dan Pearson's departure I will be taking on the role of the WA-based AMOU representative with INPEX. As soon as the paperwork goes through I will be knocking on their door.

GO Marine are once again taking liberties with manning, and employment conditions.

The Fair Work hearing did not go so well but it's not over yet.

SIEM Offshore

Due to the company not liking the Greenfields EA handed to them by the AMOU we will now approach OMS (the SIEM manning agents) to open EA negotiations. This matter has gone on for too long. A re-negotiation of the OMS document is the potential way forward for members to receive an overdue wage increase.

Swire Pacific Offshore

In an exchange of emails with the company they finally admitted to employing two "local" deck officers onboard the *Seabed Constructor*. This is the vessel involved in the unsuccessful search for the wreckage of

the Malaysian Airlines Systems MH370. This information suggests to me the senior positions are being filled by foreign officers. My next email will advise Swire Pacific of the AMOU's intention to enact clause 8 of the EA: *Consultation regarding Major Workplace Change*. I have been given the go-ahead to take the matter to Fair Work if Swires continue excluding Australian Masters and Officers from work which is rightfully theirs.

West Australian State MP visits

Unfortunately, I will miss the opportunity, this week, to once again meet-up with the WA Industrial Relations Minister Bill Johnston, due to AGM commitments in Darwin.

INDUSTRIAL REPORTS

Jarrold Moran

Industrial Officer (Melbourne)

Svitzer Adelaide

We have a resolution to the POPs dispute in Adelaide. At a Conference in the Fair Work Commission on 6 June 2018 it was agreed between Svitzer and the maritime unions that the AMOU/AIMPE preferred POPs would operate from 5 July 2018 for one roster cycle. The MUA preferred POPs would then operate from September 2018 for one roster cycle. A vote of the workforce on 15 December on which POPs they agreed should be the POPs going forward will be held and the new agreed POPs will operate from 1 January 2019. This has been a long process for the members, but we have achieved the best result.

Svitzer Western Port

As previously reported crew members in Western Port are seeking payment for the duty days worked in excess of the 182 duty days per year for 2016. Svitzer is seeking to reduce the number of duty days worked in the calendar year by applying a new interpretation retrospectively (i.e. weekend days are single days). This matter was subject to a hearing of the Fair Work Commission on 22 June 2018 and we await the Commission's decision.

Flinders Ports

Three Flinders Ports agreements are currently being renegotiated; Flinders Ports, Pilots and the Supervisors at the container terminal (FACT). Fatigue and rostering issues seem to be a common issue across all workplaces. If these matters can be fixed a number of other issues will be resolved. Unfortunately, not much progress has occurred on resolving our issues across these three work groups. Flinders Ports has an attitude that any proposals that result in extra workers or additional cost must only be justified with corresponding concessions to conditions of members. We think this is a hard argument to sustain when fatigue is a health and safety matter and it is well acknowledged that cost is not a consideration when seeking to reduce health and safety risk. The Pilots have applied to the Fair Work Commission for a protected action ballot to assist in furthering their claims.

CSL Goliath

Negotiations have commenced on a new agreement for the *CSL Goliath*. The current agreement expired in 2014. Compensation of a wage freeze since 2014, swing lengths and leave entitlements are issues members are pursuing. Next meeting will take place on 5 July 2018.

DP World

The DP World Superintendents have been seeking to negotiate an agreement with their employer for over 12 months. Although DP World has agreed to meet and listen to issues they have not commenced bargaining. A Majority Support Determination Application was made to the Fair Work Commission on 19 June 2018 and a hearing in the Commission on this matter will take place on 9 July 2018.

INDUSTRIAL REPORTS

Chris Neiberding

Industrial Officer (Sydney)

INDUSTRIAL REPORTS

Meghann Papa

Industrial Officer (Sydney)

Southern Ports Authority – Esperance, WA

Southern Ports – Esperance Shift Superintendents Enterprise Agreement 2018

The Agreement is currently in the process of being approved by the Fair Work Commission after Southern Ports filed and served their application for approval on 26 March 2018. Once the Agreement has been approved by the FWC it will commence operation after seven (7) days.

The AMOU will endeavour to keep members updated as the applications progress.

Fremantle Ports Authority – Fremantle, WA

Fremantle Ports Administration & Management Enterprise Agreement 2018

On 12 June 2018 the AMOU and employee representatives reached an in-principle agreement with Fremantle Ports for the *Fremantle Ports Administration & Management Enterprise Agreement 2018*.

The agreement was negotiated over a period of 8 months and includes the following changes:

1. a three year term, with the agreement expiring on 11 June 2021;
2. General Managers employed after approval of the Agreement to not be covered by the Agreement upon approval from the FWC;
3. a base salary increase of \$1,000 per annum, or in accordance with the WA Government Public Sector Wages Policy as amended from time to time, whichever is greater;
4. allowances to be increased by 1.5% per year;
5. employees entitled to 10 days paid Domestic Violence Leave per annum;
6. renegotiation of the agreement to commence 6 months before the nominal expiry date;
7. improvements to the consultation clause to promote a fair and reasonable process in the event of workplace change;
8. changes to the dispute resolution clause that sets out a procedure for resolving disputes between employees and Fremantle Ports about any matter arising under the agreement, rather than being limited to certain matters;
9. inclusion of a fair and reasonable process where the employer can direct employees to take excessive annual leave;
10. entitlement to paid parental leave to parents who are adopting;

11. entitlement of superannuation included in the Agreement;
12. retention of the higher duties allowance as it is currently written;
13. change to the calculation of long service leave from complete years to complete days;
14. entitlement to cash-out accrued long service leave;
15. establishment of a consultative committee;
16. commitment from CEO to maintain the special leave, aged carer's leave and additional purchased leave arrangements for the life of the Agreement; and
17. an entitlement of two (2) hours per month for the purposes of Blood/Plasma Donors Leave.

Previously, the Fremantle Ports Administration and Management agreements were negotiated without the union's involvement, and you can tell. Despite the AMOU achieving improvements to the agreement, it is still substandard compared to other agreements within the same organisation.

Over the term of this new agreement we have an opportunity to organise and grow membership at Fremantle Ports in order to improve conditions at Fremantle Ports.

Harbour City Ferries – Sydney, NSW

Harbour City Ferries Maritime Agreement 2018

On Friday, 22 June 2018 the AMOU was informed by Harbour City Ferries (HCF) that the State Government has exercised its right to put the ferries' contract to tender for the period beyond their current contract.

Following the announcement from Transport for NSW, HCF advised the AMOU, AIMPE and MUA that HCF is opposed to including new provisions on labour, training or charter vessels in the proposed EA. Despite HCF recognising that there are changes that are required within the agreement, HCF's position is for a roll-over agreement, with 10% wage increase over four years. The three maritime unions have made it clear that they will not agree to a roll over on the basis there are a number of issues that need to be addressed.

Following the announcement regarding the contract tender and TfNSW's failure to provide a response regarding the travel passes, the meeting scheduled on 26 June 2018 has been cancelled.

Mid West Ports Authority – Geraldton, WA

Maintenance & Marine Specialist Enterprise Agreement 2018

The AMOU met with MWPA and the MUA on 21 June 2018 to continue working through the Interest Based Bargaining (IBB) process with Deputy President Binet at the Fair Work Commission with regards to resolving the issues with the *Mid West Ports Authority Maintenance & Marine Specialist Enterprise Agreement*.

The parties went through discussed the proposed changes to the draft agreement, with only a few items still outstanding:

- grandfathering of entitlement to cash out personal leave to existing employees only, except those employed as BHF Operators;
- BHF Maintenance and Operator employees annual leave calculation for 5 weeks annual leave;
- resolution of mooring duties for pilot boat skippers;
- point system for moorings; and
- back pay for the BHF Maintenance employees.

The parties have undertaken to provide their positions/responses to the above mentioned matters within

the next couple of weeks. Once agreement has been reached, the agreement will be distributed to all employees.

AMOU Visit

The AMOU will be visiting MWPA on Wednesday, 4 July 2018. As part of the AMOU's visit we will be meeting with management to discuss a number of matters, including the proposed roster changes for the Wharf Supervisors.

Port Authority of New South Wales – Port Kembla, NSW Port Kembla Marine Pilots Enterprise Agreement 2018

Negotiations to replace the *Port Authority of New South Wales - Port Kembla Marine Pilots Agreement 2015-2018* are still ongoing. As a result of the incident involving the Iron Chieftain in Port Kembla, understandably, the meeting planned for 21 June 2018 was cancelled.

The next meeting has been scheduled for 12 July 2018.