



AUSTRALIAN MARITIME OFFICERS UNION

ABN 56 181 230 800

MARCH 2018 INDUSTRIAL MONTHLY MEETING REPORT

Date: 27th March 2018

Locations: **EASTERN AREA:**

AMOU, Suite 1, Level 5, 377 Sussex St, SYDNEY NSW 2000

QLD Council of Unions, Level 5, 16 Peel St, SOUTH BRISBANE QLD 4101

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

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PRESIDENT'S REPORT

Welcome to the Industrial and Presidents Report for March 2018.

The unions new website is live www.amou.com.au. Go online and check out the new look and feel website. There is still a lot of work to be done updating both current and historical information. The members section will now be completed as the second phase to the project given the technical issues with the unions membership database and the new website. This was something that wasn't fully realised when embarking on the upgrade. We attempted to have the members' section ready for the launch, but we didn't want to hold the project back any longer. You will see when you go online and click on the members' section you will be automatically taken to the old members sign in page. The vision was to have a fully functional and user-friendly members' section with all the up to date news, information, and the likes of automatic member details change facilities and so on. This is still the case and will require extra work before being able to go live. I will keep you updated on the progress of phase two in future monthly updates.

Our "Don't Abandon Australian Shipping" campaign has been launched for the membership on the new website and membership packages are due in the mail in the coming days. The Coastal Trading Act Amendment bill as recently as Monday the 26th March is sitting on the notices in position 20. This does not leave much time during the current sitting for this to be read in the lower house. What's next from here? We will be rolling out a social media campaign and further lobbying in Canberra along with lobbying within key electorates.

As you would be aware North West Shelf Shipping Services (NWSSS) announced late last year they had received notice that the contract for gas supply to Japan was not going to be renewed and they required to commence consultation through the COA with all 3 unions about a phasing out programme. There have been several meetings since the initial announcement where there had been some progress on the planned schedule for the four Australian flagged and crewed ships. Although in recent weeks there was a letter received from NWSSS that was not in the spirit of discussions thus far and it may well be in breach of the COA. In last week's COA meeting all 3 unions walked out on discussions in a bid to buy more time for legal advice on the letter served by NWSSS.

Fremantle office renovations commenced yesterday 26th March and the builder has set a 4-week time frame for completion. In the meantime the Western Area based staff have been relocated to the AIMPE office on Stock road. Upon completion staff from both unions will move into 1 High St Fremantle. There was a question from last month's Western Area meeting about the renovations. The decision to renovate was not taken lightly by the Executive Council and both the Western Area Secretary and OOG Delegate were involved in these discussions at last year's Council meeting. A number of builders were approached to quote on the renovations and only two chose to do so. The decision was made to go with the best value quote based on a design to accommodate all staff and on the most efficient option to replace the air-conditioning system as well as the best time line for completion.

In answer to another question from the Western Area meeting last month employment of the AMOU staff is based on a transparent and merit-based system to meet the services required to best support the membership. Both the Sydney-based administration staff decided to leave the union at the end of January and as a short-term fix and to allow time to objectively assess the administrative and accounting needs the services of a consultant were engaged. The consultant came to us with considerable experience including as the ITF External Auditor. This engagement gave us the additional chance to create a new position description for the employment of an Office Manager to be based in the National Office. We have since advertised and interviewed candidates and I am happy to report we have Liz Jenkins starting with us next Tuesday 3rd of April.

Some of you may be aware last Friday the position of Ship's Master has made its way back onto the skills shortages list. Please see Mark Davis's EO report for further details.

With numerous disputes, negotiations, campaigns and projects going on throughout the union's work scope there is never a dull moment and yet again the month has passed by rapidly. Given the launch of the shipping campaign and I am sure a second campaign to question the reasoning behind the inclusion of Ship's Master on the skills shortages list again we are going to need your support. Become involved where you can whether it's in the work place, on social media or raising the attention of those within your community, the need for a vibrant Australian shipping industry is as strong as it has ever been. Until next month stay safe.

As always Stay Safe



Tim Higgs
President

EXECUTIVE OFFICER'S REPORT

Mark Davis
Executive Officer (Sydney)

Closer cooperation with AIMPE

Following the jointly held AMOU Executive Council/ AIMPE Federal Council meeting held in Newcastle in June last year where unanimous support was declared for the two unions working together cooperatively under the banner of the Nautilus Federation Australia there was little tangible to show for it. Dialogue did continue regularly at secretariat level between Martin Byrne and me and intermittently at presidential level between Tim and Terry Snee. This month has seen an escalation in the cooperation with a meeting between the four of us and ongoing negotiations to produce a Memorandum of Understanding (MOU) dealing specifically with co-locations; meaning office-sharing arrangements in Sydney, Fremantle and Melbourne and potential new operations run jointly from new locations around the country. In Tim's absence, AMOU Vice President Kerry Bullock and I attended the AIMPE Federal Executive Meeting in Brisbane last Friday (23rd March) and we now have a draft MOU to put to our Executive Council that once finalised will provide a script for our future cooperation. At this stage I'm not at liberty to release any details as we will ensure a coordinated release of information jointly with AIMPE once everything is duly endorsed.

New visas available to bring in non-Australian Ship's Masters

The recently released '*Combined current list of eligible skilled occupations*' contains the following entry.

Ship's Master	231213	Regional	407, 489 (S/T), TSS (M)*	AMSA
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So the answer is yes Ship's Masters are back on a 457s-type list. Ship's Officers are not on this list. The 4th column is the visa subclasses. Subclass 407 is a Training Visa. Subclass 489(S/T) is a 'Skilled Regional (Provisional) visa - State/Territory nominated'. TSS (M) means Temporary Skill Shortage visa (subclass 482) - Medium term stream AMSA is listed above as the Assessing Authority. This appears to be the replacement device to the now politically unsustainable 400 subclass visa.

Sadly under this government there does not appear to be any escape from the AMOU membership being excluded from the top jobs in the offshore and probably wider. It appears that the Department of Jobs and Small Business conducted a labour market analysis about which we were not consulted, contrary to the statements about stakeholder consultation on the DIPB website and that resulted in this re-entry to the list. The next list is due to be promulgated on 1st July 2018 and we will ensure to have input.

INDUSTRIAL REPORTS

Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Ship visits

Unfortunately, I was unable to visit a number of vessels during my last (Feb 2018) trip to Dampier. The refusal to provide an escort to the vessel and unreasonable restrictions imposed on union official's entry to the DCW meant I had to abandon plans to carry out workplace visits to the *Maersk Logger*, *Maersk Mariner*, *Mermaid Leeuwin* and *SIEM Amethyst*. Even when I have gained entry, waiting time was taking up to two hours. This is an intolerable situation and a waste of members' union dues. There are some ways to work within these restrictive practices, however a visit to either the WA Industrial Minister or Transport Minister (or both) is on the cards. It is the responsibility of companies to provide entry to the workplace and if that means providing an escort from the gate to the vessel, then it should be done. The AMOU ship visit program is now well established and we cannot allow uncooperative offshore companies and WA state-employed bureaucrats to stand in the way.

Westug

No doubt the recent acceptance of an inferior employment agreement by a majority (60%) of the North West Crewing part of Westug will give some employers the hope that they too can wage a scare campaign to frighten some into voting to "keep their jobs", however those who voted yes will be rewarded with minimal, or nil wage increases for four years. The AMOU will need to regroup to organise harder with this group who have been isolated from AMOU contact for too long. Increasing the membership density is the first step.

King Bay Tugs

KBMS, after initially wanting to rush into EA talks in November 2017, has now finally requested a first meeting. That meeting will most probably take place in the first week of April. With a strong union membership base, this group's preference is for the three maritime unions to negotiate in unison. In fact, at recent AMOU meetings, at Karratha, all three departments have turned up and had their say. It would be counter-productive to try to break down this on-the-job solidarity.

Southern Ports Authority

I have been asked to assist Meghann Papa with the Southern Ports Authority portfolio and recently travelled to Bunbury to meet with Bunbury Pilots. This included a video link-up with Meghann, in Sydney. We have a list of claims and are ready to progress towards the stage of company talks. The Esperance Pilots EA is up for renewal and we plan on similar meetings and the video link-up.

Ports of Fremantle

The AMOU is currently seeking to re-establish itself with Fremantle Ports employees and boost the number of financial members in the workplace. Unfortunately this is coinciding with a situation of the AMOU being called in late to take part in EA negotiations. An EA ballot will take place this coming Monday. A small number of employees were taking part in negotiations with management but were met with dismissive arrogance. It was only when Meghann Papa was included into the talks that management showed some respect towards employees. I am happy to report we are now back in the port and will build on that presence, no matter what the result of the ballot is.

GO Marine

I met with Karen Clark and discussed the two issues of redundancy and reduced operating hours of the *Sea Triumph*, of course the two are related. Various job sharing and job retention scenarios have seen our people hold on to spots throughout and post voluntary administration. Two Second Officers have taken voluntary redundancy and management requires one 2/O forced redundancy. If the AMOU can win its INPEX case for a 2/O on the *GO Koi* then that third job might be saved. The AMOU regrets any redundancies and wishes those affected all the best for the future. Karen has deemed it “commercially sensitive” to show the AMOU written evidence that Chevron requires a reduction in operational hours down to 12 hours per day. That change could cost a 2/O position. We will be seeking confirmation the change in operations is justified and long-term.

Mermaid Marine (MMA)

A combined effort by maritime unions is underway to gain a special payment on-board the *MMA Brewster* and *MMA Plover*. This claim is based around the special capabilities of the two vessels in regards to the carriage of hazardous chemicals to be loaded into the one hundred and thirty odd tanks on-board each of those vessels. Full chemical suits must be worn by all crew members present, when attaching and detaching cargo hoses. A senior company representative’s reported media description of the *MMA Brewster* as being a “special” vessel, will most likely feature in negotiations.

Atlas Professionals (Programmed Marine)

A Fair Work conciliation hearing is set down next week over the company’s refusal to pay a permanent employee his wages; due to the fact a “Client” had not chosen that person, for work. There is a bit more to it than that, but the principle is: if you are a permanent employee you must be paid.

Labour Agreements & MP Visits

In the last two weeks I had separate meetings with Queensland One Nation Senator Pauline Hanson and WA Labour Senator Glenn Sterle. Both politicians have very good understandings of the threat posed to your jobs, your careers, and your families by non-Australian workers. This is the first time I have met with Senator Hanson and was impressed by her knowledge of the subject and the commitment shown by both her and her staff. AMOU members have also made MP visits and more are planned. The recent news of the reinstatement of ship masters to the skills shortage list may motivate others to give it a try.

You know my contact details, I will assist anyone, and even your partner or spouse can visit their local Senator or MP. Those jobs rightfully belong to you; if you want to preserve them we must all act before it’s too late.

INDUSTRIAL REPORTS

Jarrold Moran

Industrial Officer (Melbourne)

DMS Maritime (SERCO)

NSW

Serco proposed new start and finish times for members employed at Garden Island . Members believed that the new arrangements would make their travel to work, their ability to secure parking near work and their maintenance of quality work/life balance more onerous and have rejected the proposal. AIMPE

members have similar concerns. Serco has now proposed that members lunch period is extended by 20 minutes which means a finish time 20 minutes later. The Serco agreement is up for renewal in the second half of this year and we think these matters should be part of the negotiations. We have made a joint dispute notice with the AIMPE to the FWC on these issues.

WA

WA members have concerns about the amount of overtime they are expected to undertake without additional payments. Serco has made an offer to acknowledge some of the overtime which has been rejected by the members. We are now considering our options.

Svitzer

Adelaide

The Adelaide POPs have been subject to more than 25 meetings between management and members. We have been in Fair Work a number of times to try and resolve our issues. Our meeting before the FWC on the ability of Svitzer to schedule hours of work in excess of 12 hours each shift is subject to arbitration. We have lodged our reply outline of submissions and a hearing is set for 5 April. Additionally we have on-going discussions with Svitzer about the POPs which are attended by Commissioner Hampton of the FWC.

Western Port

In October 2014 discussions commenced to renegotiate the Western Port POP's as shipping numbers in the Port had reduced. Svitzer estimated that there would be approximately 50 ship visits to the Port which equates to 100 days of towage. It was indicated that there was unlikely to be any weekend towage. On this basis a new POP's was agreed to which provided increased flexibility to the Rosters. It was agreed that the rosters would provide for 28 days of duty followed by 28 days of leave. Crews agreed to reduce the amount of predictable leave from 26 weeks to 12 weeks per year. Crews agreed that they would perform towage duties during their non-predictable leave periods. It was agreed that the weekends would be regarded as duty free days if and when the crews were notified by 1300 hours on the Friday that there was to be no towage. On these occasions crews would return to duty on Monday. If the crews were not notified that there was no towage on the weekend then the duty days would continue as per the 28 day roster. Svitzer has now sought to reinterpret the POP's document and undermine the integrity of the 28 day duty roster by treating the weekend as single days. It was always understood that in exchange for the increased flexibility of performing towage during periods of rostered leave that the weekends were either free of duty for two days or continued as part of the 28 day duty roster. Svitzer is now retrospectively treating the weekends as single days, which is contrary to the POP's document. Crew members 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. We have not been able to agree an outcome with Svitzer and have asked the FWC to arbitrate the matter.

Melbourne

Discussion commenced with management on 15th March regarding a review of the Melbourne POPs.

Flinders Ports

3 Flinders Ports agreements need renegotiation in the first half of 2017: Flinders Ports, Pilots and the Supervisors at the container terminal (FACT). We have had 4 meetings with management for all three groups of members. 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.

Port Lincoln Tugs

We have had a number of meetings regarding the replacement of the PLT EA. PLT have made a wages offer of 3% over 4 years which is being considered by members but would appear to be on the low side.

End of Month Meeting – Adelaide

Today Southern Area Secretary Luke Hosking and Industrial Officer Jarrod Moran host an End of Month Meeting in Adelaide. We will also hold Adelaide meetings in June (AGM) and October. Notices and reminders will be sent to local members.

INDUSTRIAL REPORTS

Chris Neiberding

Industrial Officer (Sydney)

Brisbane Ferries

The AMOU continues to negotiate a Brisbane Ferries EA with a leaning towards an aggregate rate. This was attempted in the last negotiation and was voted down so we are proceeding with caution.

Svitzer

Sydney

Next Tuesday the AMOU with the other maritime unions head to FWC for conciliation to deal with the issue of captivity. If there is not an outcome the parties will head to arbitration.

Newcastle

There has still been no agreement reached on POPS nor a number of outstanding issues, the parties are following the dispute settlement procedure and will now meet on a national level.

Brisbane

The parties are yet to resolve any issues in Brisbane and the unions have invited FWC DP Booth to the last meeting to try and get out of the current impasse with manning and POPS. There is no set date for our next meeting.

Pilots

NQBP pilot's EA

It has to be said that negotiations with NQBP would have been a lot simpler if the majority of pilots were members. NQBP has been the only port where the company knew there were non-members that were willing to agree to the ports first offer, which they did. We have only recently got a deal up and this would have happened a lot sooner had everyone been a member also and you can bet it would have been even better as well.

Newcastle Ferries

The vote for the Newcastle Ferries got up with 100% of members voting for the proposed EA.

Tourism

Quicksilver

The Quicksilver negotiations continue. There is no set date to meet again but we should be meeting next month.

Prodiva

The AMOU will begin EA negotiations with Prodiva in the near future although it seems any word of the AMOU sparks hostility towards its workers.

Port Authorities

Port Authority of New South Wales

The AMOU is talking with Newcastle to arrange a visit to members before the consultative committee meeting on the 5th April.

Port of Newcastle.

The AMOU will be meeting with members on 5th April to discuss the draft new leave policy. You should be getting an email with times and locations in the near future.

INDUSTRIAL REPORTS

Meghann Papa

Industrial Officer (Sydney)

Southern Ports Authority – Esperance, WA

Southern Ports – Esperance Shift Superintendents Enterprise Agreement 2018

The voting process concluded on 17 March 2018, with employees unanimously voting in favour of the *Southern Ports – Esperance Shift Superintendents Enterprise Agreement 2018*

Southern Ports have filed and served their applications for approval of the Agreement to the Fair Work Commission on 26 March 2018.

Enterprise Agreement approval timeliness benchmarks at the FWC are:

- 50% of all applications to be finalised within 3 weeks
- 90% of all applications to be finalised within 8 weeks
- 100% of all applications to be finalised within 12 weeks.

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 15 March 2018 Fremantle Ports commenced the voting process for the *Fremantle Ports Administration & Management Enterprise Agreement 2018* and voting commenced at 0800 hours on Monday, 26 March 2018 and closed at 1600 on the same day. At the time of writing this report the results of the vote had not been declared.

Fremantle Ports took a 'take it or leave it' stance, which resulted in the parties hitting a stalemate. Subsequent to the parties not being able to reach an agreement on a number of matters, Fremantle Ports put the Agreement out to the vote.

The AMOU does not support or endorse the proposed Agreement as it does not reflect a fair and reasonable outcome for employees. The AMOU has encouraged its members to vote AGAINST the proposed Agreement.

The parties were not able to reach agreement on several matters, including:

1. The term of the Agreement.
Fremantle Ports have proposed a four (4) year term. The AMOU does not recommend that employees commit themselves to being locked into a restrictive and old-fashioned enterprise agreement for four years. The AMOU has identified a number of issues with the current and proposed enterprise agreements that need to be rectified. Fremantle Ports' proposed agreement is not good enough for employees to agree to a four year term.
2. Inclusion of the annual salary increases in the agreement.

The parties have been able to reach an agreement in relation to the annual salary increases to apply to the employees (i.e. a base salary increase of \$1,000, or in accordance with the WA Government Public Sector Wages Policy as amended from time to time, whichever is greater).

Fremantle Ports, however, have proposed to outline the salary increases, among other key entitlements in a Memorandum of Understanding (MOU) rather than the enterprise agreement. The AMOU has been strongly opposed to this as annual salary increases are an employee's entitlement that must be contained in an enterprise agreement. In this particular circumstance, there are a large number of classifications covered by the agreement whose salaries and/or salary bands are not contained in the enterprise agreement. Therefore, to ensure the application and payment of the salary increases by the employer, the entitlement to the annual increase should be included in the agreement and not an MOU.

If Fremantle Ports decides to not pay the salary increases, employees will not be able to take the matter to the Fair Work Commission (FWC) for enforcement. If the entitlement is not contained in the enterprise agreement, the FWC does not have jurisdiction to hear the matter. Instead employees would have to go to another court of competent jurisdiction, such as the State or Federal civil courts that are more arduous, expensive and time consuming. For example, the filing fee for the Federal Court is \$1,290 for an individual. This is just to file the form!! Then to add the costs of lawyers/barristers on top of that. Matters in the State and Federal courts can take more than 12 months to be resolved.

What Fremantle Ports is doing is a tactic used by employers to discourage employees from enforcing their entitlements, because pursuing a matter in the civil courts, compared to the FWC, is too expensive and takes too long. Would you spend several to tens of thousands of dollars to recoup a \$1,000 annual increase that your employer refuses to pay?

Fremantle Ports' position is that the inclusion of entitlements like superannuation and annual salary increases are not necessary and would just be a waste of paper and ink.

3. A fair and genuine consultation process.

The AMOU has been pursuing a claim for the consultation procedure outlined in the agreement to reflect the terms of the model consultation clause. The AMOU noticed that the current enterprise agreement did not promote a fair and genuine consultation process in the event of workplace change(s), where the employer has the duty to notify its employees of a workplace change in writing; discuss the change with the affected employees; and provide all relevant information and material in writing. However, Fremantle Ports once again are of the view that it is not necessary for these matters to be contained in the agreement.

4. A fair and legally compliant dispute resolution procedure.

The AMOU noticed the dispute resolution process in the current enterprise agreement also was not adequate and had left employees extremely limited in the type of matters that could be put in dispute, as well as how the dispute can be resolved.

For instance, the dispute settlement procedure can only be utilised if it is about the "meaning and intention" of the Agreement and/or the NES. Firstly, this is in contravention of the Fair Work Act and anyone who has used the dispute resolution procedure before knows that disputes are not limited to the "meaning and intention" of an agreement (or NES), as it can be about 'any matter arising under the agreement' (or NES).

Fremantle Ports' position is that employees will still have the right to pursue any breach of agreement or denial of contractual benefits claim in a court of competent jurisdiction, that is not the Fair Work Commission.

The results from the vote should be released by Fremantle Ports in the next couple of days.

Harbour City Ferries – Sydney, NSW Harbour City Ferries Maritime Agreement 2018

Negotiations to replace the *Harbour City Ferries Maritime Agreement 2015* commenced on 6 February 2018. The AMOU met with HCF, MUA and AIMPE on 13 March 2018 to progress negotiations.

The AMOU and AIMPE were pursuing a claim for a separate enterprise agreement covering employees employed by Harbour City Ferries (HCF) as Masters and Inner Harbour Engineers. Following discussions amongst the three maritime unions, the AMOU & AIMPE delegates unanimously supported the following matters being put to their respective memberships for endorsement:

- (a) that the AMOU & AIMPE withdraws its claim for a new enterprise agreement, being the *Harbour City Ferries Masters & Inner Harbour Engineers Enterprise Agreement 2017*, that will cover employees employed as Masters and Inner Harbour Engineers; and
- (b) that the classifications of Master and Inner Harbour Engineer will be covered by the proposed *Harbour City Ferries Maritime Agreement 2018* (Maritime Agreement);
- (c) that the AMOU & AIMPE will form a single bargaining unit with the MUA during the negotiations for the proposed Maritime Agreement; and
- (d) that the three maritime unions will enter into a deed with HCF, which will include:
 - (A) that HCF will not commence the voting process without the endorsement of all three maritime unions; and
 - (B) that HCF will not meet with unions separately in relation to any matter connected with the negotiations for the proposed Maritime Agreement.

The AMOU visited members at HCF on 16 and 19 March 2018 to discuss the above mentioned matters with members. The AMOU has received endorsement from 61.82% of its membership and will be moving forward with the negotiations.

Mid West Ports Authority – Geraldton, WA Maintenance & Marine Specialist Enterprise Agreement 2017

On 1 December 2017 the Fair Work Commission approved the *Mid West Ports Authority Maintenance & Marine Specialist Enterprise Agreement 2017* and came into operation on 8 December 2017.

On 1 March 2018 the AMOU received notification from Mid West Ports Authority (MWPA) that the Agreement was invalid, on the basis that 13 BHF maintenance employees employed by MWPA at the time the vote was undertaken were technically covered by the enterprise agreement, however, they were not provided an opportunity to vote on the Agreement on 26 July 2017.

The employees in question were previously employed by Maicon Engineering and GCo Electrical and were transferred to MWPA on 1 July 2017 when the Port Authority decided to bring in-house the provision of maintenance and operating services for their Berth 4 & 5 Bulk Handling Facility (BHF).

A dispute arose between MWPA and the MUA after several BHF maintenance employees terminated their individual flexibility arrangements set out the shift work arrangements. Consequently, the Agreement does not set out the shift work arrangements for maintenance employees. Instead it only provides for day work maintenance employees who work between 0800 and 1700 hours, Monday to Friday, all other hours

worked are paid overtime at the rate of double time. Considering the BHF maintenance employees work shift work, all hours worked outside the aforementioned hours are paid overtime.... Cha-ching \$\$\$\$\$\$

The matter has been referred to the Fair Work Commission for their assistance in the matter. On 26 March 2018 the parties were before Deputy President Binet in an attempt to resolve the dispute. The parties have agreed to enter into an Interest Based Bargaining (IBB) process to assist the parties in the negotiations. The parties will be before the Commission again to commence the IBB process in the upcoming weeks.

The AMOU will endeavour to keep members up to date as this matter progresses.

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

Negotiations for the proposed agreement to replace the *Port Authority of New South Wales - Port Kembla Marine Pilots Agreement 2015-2018* formally commenced on 26 March 2018. The parties have exchanged a list of claims and are in the process of considering those claims.

The next meeting has been scheduled on 3 May 2018.

INDUSTRIAL REPORTS

Jan Thompson *Industrial Officer (Melbourne)*

Victoria International Container Terminal Limited

We met with the company again on 22nd March to resolve the rostering arrangements. To date the appointment of the additional staff / reallocation of staff has not assisted the existing staff to implement a true 4 on 4 off roster as the new appointments are engaged on the 1820 roster. If we can address some of the predictable working arrangements that will assist member's work family life balance.

Gippsland Ports

We have urged Gippsland Ports to pay the outstanding backpay to the staff while the Victorian Industrial Relations Department resolves the funding for the pay and manning of the new dredger.

Tasports

Tasports Agreement is finally out to vote. Although advising DP Barclay on 23rd February that we had resolved the matter of VTS Officers being relocated from Bell Bay to Launceston, things subsequently unravelled. Subject to the MOU being endorsed by Members, we are hopeful that the discussions on the 22nd March have now resolved the matter.

Portland Tugs

Negotiations commenced on 20th March to renew the agreement, the company was seeking a rollover, however our claim that the remuneration should be increased by 14% initially to reflect the additional towage jobs in the port has somewhat taken them aback.

Boskalis

We appeared before Deputy President Bull on 1st March to cross examine the Manager of Boskalis. DP Bull has reserved his decision and we note he is yet to hear AIMPE on the same matter. Presumably he will hear both matters and make the same decision.

Rhode Neilsen

The FWC has provided the documents supporting the RN application for the non-union agreement that applies to Deck and Engineering Officers nationally. Once again in the dredging industry 5 employees, of which at least one is a Deck Officer have agreed to terms and conditions of employment that undermine the conditions of employment that members have negotiated over the many years. We are in discussion with AIMPE to prevent the application proceeding.

Svitzer *Anatoma*

Glencore has finally confirmed that the *Anatoma* will extend beyond 21st March to 31st May 2018. As this takes us past the nominal expiry date on the agreement, we have met with Svitzer and it has been confirmed that 1.9% will apply to the salaries post 30th March 2018.

Teekay Tankers, Bulk, *Sycamore* and *Ocean Shield*

In relation to the all the Agreement negotiations we are still waiting for a response from Teekay.

On 8th March, the three unions and delegates met with Teekay and Quadrant to discuss their proposal to use the remaining trainee cadet budget on training existing staff. Although it is their idea, they were somewhat short on details and they will revert on:

- o Will the training funds be allocated to a common pool covering all disciplines?
- o What is the quantum of the training fund?
- o Can travel and accommodation costs be covered?
- o Can this be retrospective?

INCO

Finally, after 2 years of battle in FWC, we met Andrew Dally and Kelly Lawrence from INCO to commence negotiations on 8th March. The big issue remains the Second Mate. INCO is now trying to say that they have no money for the Second Mate, while they can employ 6 IR's on the vessel, when ASP previously manned the vessel with 2. That argument does not wash. The other issue is that they have been unable to secure a permanent berth in Melbourne and owing to the port charges they are seeking to man the vessel for 14/21 days at a time. INCO are to respond to our claims mid April.

Searoad Shipping

Discussion's continue with Sarah Cerche from MIAL to finalise the paper work for the vote and FWC approval and are hopeful that it would be progressed shortly before we start again in May.

Toll Marine Logistics

Despite several emails, Toll have ignored our emails regarding the longstanding dispute of superannuation payments on termination for leave accrued on the BBC Brisbane.

MODEC

Discussions continue with MODEC to finalise the Pyrenees Venture Agreement. We have received informal advice that the MV11 contract will be extended by 6 months and we have sought a meeting to finalise the agreement and secure a retention bonus.

ASP Ship Management

We are still waiting for the draft that was promised prior to Xmas!

INDUSTRIAL REPORTS

Dan Pearson

Industrial Officer (Fremantle)

Overview

The Offshore Oil and Gas Sector remains upon the rollercoaster with a bit of optimism for the forthcoming months and concern for the latter part of 2018 and the beginning of 2019. Longer term contracts are being issued by the clients but with day rates barely covering crew costs. One must wonder if this is last minute bargain hunting by the clients before an upswing in activity or whether the market players with deep pockets are muscling out the weak.

Whilst we have seen a rationalising of the market and the number of operators back to a core, you would have to think a further drop in the number of operators could result in a market that is a lot less competitive. What the ramifications of this would be is anybody's guess. Only time will tell.

Farstad

We have seen the Ocean Monarch finally depart from the anchorage off Fremantle. Farstad has had its vessels in support of this rig for some months now and I have had the opportunity to meet with our members on a number of occasions when the vessels have been alongside in Fremantle.

The MUA signed off on their Enterprise Agreement and whilst some of the conditions they sought have been achieved, those conditions do not come into force until just prior to the Officers Agreements expiry dates. In light of this, we sought to have an FCC meeting but changes to operations schedules meant this has been postponed until the 6th March. The agenda for this meeting is available on the Facebook portal and any Farstad officers wishing to have any items added to the agenda should put these up for inclusion.

In relation to the merger, the process is continuing with many vessels now coming under the Solstad management system. The changes appear to be going through relatively painlessly but our members have concerns as to what the future may hold. It will be sad to not see the vessels bearing the big white F on the side as it has been a part of the fabric of this industry for many years. Of the Operator group, it would appear that SolstadFarstad is trying to position itself with market share. Reports suggest that 16 vessels could be under management by the end of April; however it is noted that some of these contracts may only be short term and the potential to be back into the single digits is always present.

Maersk

In the lead up to Christmas, there were a number of meetings held with Maersk about the replacement EA. At the time, MUA was finalising the document with Farstad and the expectation from AIMPE and AMOU was that the MUA would pursue similar conditions with Maersk. We await developments but note recently that a safety concern over possible legionella contamination sparked a complete walk-off by the ratings aboard the *Maersk Logger* and one can only draw a link between this type of action and an escalation of an industrial campaign particularly when the MUA had successfully balloted for protected action prior to Christmas. We will update when Maersk re-engages for ongoing negotiations.

Swire Pacific Offshore

Swires has in recent days sent through notification that the Pacific Hawk would be joining their fleet in Australia in the next month. We are currently looking for opportunities to visit the vessel upon its arrival in Australia. The MUA have recently lodged their agreement with the Fair Work Commission in almost identical terms to the Farstad agreement.

Atlas Programmed Marine

Programmed called for an urgent meeting to indicate their intention to carry out a redundancy process. We are currently eyeballing their workforce composition with particular reference to the fact that they are currently utilising s400 visas aboard the *Posh Arcadia*. You may remember that Programmed was the first company to seek a Labour Agreement from the Department of Immigration and Border Protection. To date they have not been successful in their attempts to achieve this agreement due to the pressure we have been applying in opposition. The fact they are seeking to make Australians redundant when they continue to utilise foreign labour is unpalatable to the AMOU and we will continue to pursue the rights for Australian Officers to have full and fair opportunity to secure work.

AOS

AOS has the majority of work of the labour hire companies with some 10 vessels currently under management in Australia. In a meeting with AOS, their representative suggested that whilst there is a flood of vessels at present, the remainder of the year was looking a little bleak. In recent days the *Southern Ocean* mobilised to replace the *Atlantis Dweller*, which is experiencing some technical issues with its crane. It was uncertain if the *Dweller* was de-mobilising to Singapore for repairs or whether the vessel would continue on project in a diminished capacity. The *Fugro Voyager* will be mobilising shortly for some geo-technical sampling. This is again expected to be a short-term contract. We are currently having an argument about the manning scale of this vessel, but other developments within the Fugro operated fleet may resolve this.

GO

GO emerged from the voluntary administration process late last year, and whilst still operating they do not appear to be successful in gaining any of the few contracts that are out there. Given the market rates and the fact the bigger players such as Maersk and Farstad are fighting for market share, margins are tight and one wonders if GO have the available funding to tender successfully. At this stage, no Officers have been slated for redundancy but this could eventuate if the situation does not turn around for GO. The AMOU listed an issue of having a Second Mate on the GO Koi in front of the conciliator for the INPEX project. The GO Koi has been contracted to support FPSO offtakes and some other guard and stand-by duties. Given the delays in relation to the commencement of operations in relation to the FPSO, the matter has been adjourned for the time being but we will continue to monitor the situation and will update as it develops.

State Skills List

I have been to several meetings during the past week to discuss the status of our members' jobs in relation to the Western Australian Skilled Migration Occupation List (WASMOL). As part of the election promise by the McGowan Government, the WASMOL was effectively torn up and the only occupations which remain on this list relate to the provision of visas for allied health professionals for public hospitals. However, there is a push from some sectors for a review of the settings and in particular the education sector for settings which encourage international students. The concern by this sector is this market in WA is effectively stagnating whilst other states, with more favourable visa provisions, were attracting an ever-growing market for international students. Whilst this should not affect the current status of the positions of Ship's Master and Ship's Officer, we must remain vigilant in order to prevent these categories entering the list again. We have seen in the past where a change in policy can have an unintended consequence and participation in these stakeholder meetings is essential.

Western Australian Coastal Shipping Commission

More commonly remembered as Stateships (if you are not too old), the legislation for the provision of this service remains in force. Many of our members from the area would be acutely aware that the provision of the service was born from a need of access to reliable transport of goods independent of road transport which was prone to flooding during the wet season. Whilst the road network has drastically improved and flooding events are less likely to impact on this network, the recent dumping of 2 years' worth of rain in Kimberley last month has shown that road transport is still susceptible to weather events. With the science indicating these extreme events becoming more common, perhaps it is time to reignite this conversation with the State Government.

Trident

As was previously reported, the future of these contracts is set to come to an end. The question for our members is when. There was a meeting held between the stakeholders on 13th February and the maritime unions all put forth the same position; that the 4 Australian manned tankers should be the last to go. It has been put forth that some of the ships engaged in the Delivered Ex Ship (DES) contracts would begin to reduce in Q1 of 2019 with 3 ships leaving the run then a reduction of 2 more ships in 2021 and the remainder departing by 2026 with potentially 1 of those remaining until 2029. Commercial considerations will determine which ships will be selected but the contention of the unions is the hull is irrelevant, but the

crew is part of the agreement which has successfully operated for the past 30 odd years and as such transferring of crews between ships should be on the table. There is another meeting set down to occur on the day of the monthly meeting and we should find out whether there is a commitment from the operators to support our call for the retention of the Australian manning.

Additionally, we sought a meeting with Trident to discuss the potential manning issues they face in light of a number of resignations over the last 18 months. Given the uncertainty of the future of the vessels, our concern is that Trident may struggle to back-fill positions given the sheer amount of time it takes to become endorsed for these vessels. We are currently awaiting some documents in relation to the skills and qualifications of the workforce in order to identify future opportunities for promotion and where the workforce requires an injection of suitably qualified Officers to maintain the operation of these ships. Needless to say, the inability to supply qualified Australian manning would not bode well for our arguments about retention of the Australian-crewed vessels.

Svitzer Towage

Fremantle and Kwinana - The saga over the Port Operations Procedures continues to drag on. As part of the concerns raised by the Officers in Fremantle and Kwinana about the implementation of the belt rosters, the Health and Safety representatives raised a Provisional Improvement Notice of the prospective changes in relation to fatigue with the State regulator WorkSafe. It took some time for the recommendations to be delivered by the Inspector. Whilst the Inspector decided to lift the PINs, the concerns raised in his report supported the arguments that the AMOU and AIMPE had raised throughout the process, and if not addressed prior to attempting the implementation of these rosters could result in the PINs being reissued. The company has sought from the Fair Work Commission directions in relation to progressing the matter. Given they have done nothing to address our, and now WorkSafe's concerns, we find it difficult to ascertain exactly what they expect to achieve particularly when the matter was specifically adjourned to allow for the delivery of the WorkSafe report.

Svitzer Line and Launch Kwinana - I have had the opportunity to meet with the members at this workplace twice in recent weeks to gather the items for inclusion in the log of claims in relation to the upcoming renegotiation of their EA. There is some concern that the port is issuing licences for other operators to work in areas which have traditionally only been serviced by this company and whilst this is consistent with competitive practices to which government operated entities must adhere, the members have raised that there is inconsistency with the approach. We are currently seeking dates with management to discuss the replacement agreement.

