

Industrial Report

September 2018



AMOU

Australian Maritime
Officers Union

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Date: 25th September 2018

Locations:

EASTERN AREA:

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

SOUTHERN AREA:

Mance Lounge - The Mission to Seafarers – Victoria, 717 Flinders Street, Docklands Victoria
3008

WESTERN AREA:

Navy Club Inc., 64 High Street, FREMANTLE WA 6160

PRESIDENT'S REPORT

President's Report

Dear Members

Welcome to the September Industrial and Presidents report.

September has been a busy month again and it seems that parts of the industry are showing signs of slightly picking up. While other parts of the industry, in particular harbor towage, are entering into uncertain times with the arrival of Engage Marine into Port Latta in Tasmania with a one stop shop operation scheduled to start harbor towage in Geelong and Port Jackson next month. Additionally, the staff have been busy as always working with members on EA negotiations, grievances and attending industry conferences and discussion forums.

Executive Council Meeting

A quorum of the Executive Council delegates met in Melbourne on the 10th and 11th of September. It was productive 1.5 days debating and discussing numerous issues facing the unions operations and the membership.

Some of the action points and resolutions from the meeting:

- Endorsed the ACTU mediation process activated by the President with MUA
- President to seek a meeting with senior MUA officials to bring the current behaviour and litigation to a head, with the aim to mend the relationship to resemble the historical respect between each Union, its officials and members
- The management of the Unions investments by Yellow Brick Road (YBR) has been discharged and currently in the process of being invested with Vangaurd due to poor management and rising fees from YBR
- Seek advice through the Nautilus Federation internationally about the Danish union Metal Maritime demanding to attend and be a part of the Maersk Offshore EA Negotiations. (Since advised they have no legal standing locally under the FW Act or via the Danish flag register as agreed with the Danish Officers Union)
- Endorsed the members section of the website be developed and completed utilizing a small group of members to be involved in the strategic scoping session with the website designer from the media firm
- The website scoping will be based on the following 3 pillars - growth of membership, retain and engage the membership, activate the membership
- Liaise with the Unions new accountants to prepare to go out to tender for a new auditor for the 2018 financial year and various reports to meet statutory and membership requirements
- Progress report on the relocation of the Sydney office from Sussex Street to AIMPE's building in Surry Hills
- Progress report on the current staff recruitment program

PRESIDENT'S REPORT

AMSA relationship and consultation

It was brought to the union's attention recently the recurring use of poorly maintained and defective pilot ladders has been continually putting members lives at risk. The AMOU along with AMPIE sought an urgent meeting with AMSA. Long story short we didn't receive the reply we expected from AMSA, so this was immediately raised with senior management and rectified. Although, it has highlighted the need for closer consultation to re-establish a working relationship. This is taking place on several different fronts through scheduled direct meetings and industry consultation committees we are involved in as you will see further on in this month's industrial report.

Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017

As of last Thursday, the bill was sitting at 37 on the register for the Senate. We are continuing to monitor and working with AIMPE and others to lobby the cross-bench senators to ensure the bill is blocked. Through the Nautilus Federation there is discussions afoot for a joint campaign through social media to tie in with lobbying in Canberra for the current bill and thinking forward beyond the election next year and the high possibility of seeing a change in government.

Maritime Industry Australia Limited (MIAL)

Next month MIAL will be holding their annual conference in Canberra . This year's conference is titled SEA18 "Skilling our Maritime Nation". The theme and program being strongly focused on the maritime skillset and the need to retain what is left and rebuild it. MIAL currently has a skills census under way to collect data on the current situation with the skills set and where are we going to be in years to come: <https://mial.com.au/our-work/seafaring-skills-census>. This is currently being completed by the shipping industry employers and the preliminary results will be tabled at SEA18. The AMOU will be present at the conference and additionally I am meeting with MIAL's CEO in the lead up to the conference to discuss issues facing today's industry and our membership.

Eastern Area Secretary resignation and election

In recent weeks those eligible members in the Eastern Area should have received notification and nomination forms from the Australian Electoral Commission AEC for the current election.

- Nominations opened Monday 3rd September 2018
- Nominations close Tuesday 2nd October 2018
- Ballot opens Friday 2nd November 2018
- Ballot closes Friday 30th November 2018

PRESIDENT'S REPORT

Nautilus Federation of Australia (NFA)

AIMPE President and Members from the national executive participated in a joint NFA session at our recent executive council. From this there was a fruitful discussion about where both organisations see the future opportunities and efficiencies.

- AMOU Executive Officer and AIMPE President met with President Ross of the Fair Work Commission to discuss the synergies of industrial staff acting on behalf of both membership's with regards to right of entry and negotiations as a bargaining representative
- The meeting with President Ross had a positive outcome and we can move forward sooner rather than later with joint operations to deliver better membership representation and efficiencies
- A discussion and update on the relocation of the Sydney office and the building and technological issues that have slowed the upgrades to two floors of the building in preparation for the AMOU's staff arrival
- Next meeting scheduled for the NFA steering committee will take place while attending the ITF Congress in Singapore next month
- Joint campaigns for coastal shipping legislation and reforms

EDSPDPA INPEX Training Fund

As reported earlier in the year, the Union has secured the funds to train 20 x Trainee DPO's. There has been various delays to this commencing due to, although not restricted to, training providers and the requirements for employment of the trainees. This is finally getting some traction and INPEX has gone out to two of the offshore manning agents asking them to tender for the training of 10 trainee DPO's each. Additionally, in recent weeks we have secured the funding for 2 x new entrant deck cadets. These will also be employed through an offshore manning agent.

We will inform the membership as soon as we have the information on who the direct contact is at each manning agent to apply for the DPO training as well as the 2 x cadet positions.

In closing as the AMOU's representative on the INPEX training committee it is rewarding to see the fund coming to life and training starting to take place. Proposals have been approved for the Union as well as employers Go Marine, Fugro, Svitzer and MMA. This is a positive given the current state of the industry. The AMOU will continue to put forward proposals each year to build the maritime skills set across all areas of the industry.

As always Stay Safe
In Unity



Tim Higgs
President

EXECUTIVE OFFICERS REPORT

Executive Officers Report

MARK DAVIS

Executive Officer (Sydney)

MIAL survey

If you can get it done in time please follow this link <https://www.mial.com.au/our-work/seafaring-skills-census> to complete the MIAL skills census. Keeping MIAL informed is of service to us as well as we have a joint interest in ensuring the available skills are used by the local industry as opposed to being bypassed by those employers who would source overseas visa-holders. The survey closing date has been extended from 21st to 26th September.

Australasian Marine Pilots' Institute (AMPI) workshop

This was held on 20th and 21st September in Darwin and was attended by a number of AMOU Marine Pilot members as well as me. I was unable to attend all sessions due to other commitments in Darwin but gave a short speech on pilot's liability and indemnity issues and participated in a panel discussion on the subject alongside other contributors to the debate. The issue is of great importance in the pilotage world as well as to all those in command of commercial vessels. The other fascinating debate was that on the alternative pathway to the training of Pilots presently being debated internally by AMPI. This involves maritime industry experience, completing core modules to gain a minimum AQF 6 qualification, 9 months sea time and then specialist theoretical Pilot training before beginning to train hands on as a Pilot. The significant issue in this proposal is that it is accessible to those with less than a Master Class I certificate. AMOU will also be formulating a position on Pilot training anticipated to be centered on Master Class I as an entry prerequisite.

New Industrial Officer – Sydney Office

On 17th September our new Industrial Officer Marty McEvelly started working for the AMOU. Marty is a solicitor, he's young and dedicated and as he's from the finance sector he has negotiations and dispute-handling experience but nothing maritime apart from being mates with one of our members. If you're in touch with the office, please make him feel welcome. We have a training programme in place for Marty and hope to have him fully up and running in no time at all.

Industrial Officer - Fremantle Office job interviews

Interviews will be conducted with 5 prospective candidates for the Fremantle-based Industrial Officer in the afternoon of 25th and morning of 26th September.

EXECUTIVE OFFICERS REPORT

AMSA Marine Order 505 Meeting

AMOU Harbor City Ferries delegate Terry Schydlo was kind enough to stand in for Executive Council Port Services Delegate Darryl Dorrn to attend this very strategically important Maritime Industry Reference Group meeting in Canberra on 19th September. Terry's comprehensive report is reproduced further in this Industrial Report and will be of significant interest to members on DCVs. Terry is thanked sincerely for his commitment and the thoroughness of his input and report.

ASP - Rio Tinto Vessels

The draft Enterprise Agreement (EA) promulgated by the company highlighting new and proposed changes to provisions was circulated to members. Members were asked to contact the delegates or me directly if they have any concerns or proposals relevant to the provisions highlighted. I have heard very little. Nathan Niven from the Institute met with AMOU members and fed back the views of AMOU members to me. I've emailed the company to get dates to reconvene the negotiations.

ASP – TT Line

20 ballots were sent out to AMOU members; 17 votes were cast and all 17 were in favour of the agreement. A very pleasing result and some testament to the value in visiting the vessels. The company is due to meet AMOU and AIMPE jointly, hopefully next week to provide an update on the newbuilds and discuss future initiatives.

Harbour City Ferries

The only outstanding issues with the renewal of the HCF EA is how we capture protections against vessels chartered into the service undermining the HCF operation and securing ongoing benefits of travel passes now that Transport for NSW has mandated HCF to have to fund these benefits.

Landbridge Infrastructure (Darwin) Pilots

The main sticking points for the Pilots remain the substance to the retention strategy, an indemnity clause and options regarding vehicles. There is some reliance on uniformity with common provisions across the port, which is the reasoning behind getting the DPO EA boxed off first. The next meeting is likely to be 3rd or 5th October.

Landbridge Infrastructure (Darwin) Port Operations EA

As mentioned above this draft EA was voted down by the employees. Clarification sessions on the reasons and how to address them were held on 21 & 22 September at the port. A number of misunderstandings were addressed by additions, clarifications and redrafting of the terms of the document, but the bottom line was that an increased percentage on salaries was sought.

EXECUTIVE OFFICERS REPORT

Port Authority of NSW – Port Kembla Pilots’ EA

The main issue of how we agree to represent the time-in-lieu and the functioning roster in an enforceable form outside the confines of the EA has been agreed. It now seems that the final issue of setting the parameters for the company underwriting Pilots’ legal expenses has been all but agreed so it appears that the negotiations are over.

TeeKay Shipping

Dampier Spirit

Negotiations took place on 24th September with company representatives and on our side of the table two Delegates, Industrial Officer Marty McEvelly and me. Much progress was made and a number of union claims have been successfully addressed. The Company will need to consult Jadestone on some of the issues, particularly those with a financial implication and we have some wording to formulate and send to the company. The parties will likely reconvene jointly with AIMPE once this process has been undertaken.

Lowlands Brilliance and Mariloula

We are in a similar situation with the Dry Cargo EA. We had a successful negotiation with the Company, two Delegates and me on 31st August and a number of our claims have been addressed. Teekay will be consulting with Bluescope on the financial issues and we will reconvene again hopefully jointly with AIMPE to try to sort out the term of the EA and the increases.

Industrial Reports – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Darwin Ports

Following the voting down of the recently negotiated EA by the Darwin Port Operations staff, a “clarification” meeting was held on 20th September. Please see Mark’s report as he represented the union at the session.

Bunbury Pilots

The reason given for a lack of progress is that a new HR person has only just been appointed to the position.

Ship visits

The King Bay Tugs EA negotiation gave me the opportunity to carry out ship visits. Due to meeting commitments and ever-changing vessel schedules I only managed two ship visits: The SOUTHERN OCEAN and the SIEM AMETHYST. After 12 months of ship visits I have not been able to get on-board one Maersk vessel. Once again restrictions placed upon union officials entering the DCW either delayed or prevented ship visits.

OSM Employment Agreement

Good feedback from members has enabled me to put together a log of claims for the current negotiations. At the same time I was made aware the company are refusing to honour a number of clauses in the current EA. It is not uncommon for offshore companies to state to employees that this clause or that clause is “no longer company policy”. This is not acceptable and after suitable dialogue has been unsuccessful the AMOU will use legal procedures to seek redress.

The company is inconsistent in its application of dead-days for travel and this has been brought to their attention without success so far. The next step is the Fair Work Commission.

INPEX

On September 6th I met with two INPEX representatives at our Fremantle office. The aim is to continue the relationship with regular meetings. In an encouraging move they now say it is not a prerequisite that officer trainees contribute towards INPEX “sponsored” training. With the periods of time off work involved very few officers could afford to maintain a family and possibly a mortgage as well as contribute financially.

There are some who have already managed to qualify for INPEX sponsored training.

INDUSTRIAL REPORTS – GLENN ANDERSEN

I am receiving messages from members seeking one of those sponsorships. I am not fully conversant with the entire sponsorship process but I am working on it. Tim Higgs is our representative on the INPEX training committee I will need to work closer with Tim and the INPEX representatives to achieve the outcomes we all think are possible. It is still early days in the INPEX training scheme.

MMA/INPEX

Additional Allowance Dispute:

As part of the INPEX EDSPDPA or procedure of dispute resolution, a conciliator may attempt to resolve the dispute by conciliation in the first instance. The conciliator may make a written recommendation to the parties. In this case the conciliator has released a written recommendation. That recommendation has found there is no case to support the payment of an allowance to compensate for what the unions say is the special nature of the work carried out by the two vessels (*MMA Brewster & MMA Plover*) as well as the type of hazardous cargo carried onboard. It is still possible for an additional payment to be negotiated. Failing that outcome the AMOU has the option to re-open EBA negotiations, as the AMOU/MMA Employment Agreement does not include a “No more Claims” clause.

Svitzer Lines Boats, Kwinana.

Substantial progress was achieved at the Friday 21st meeting between Svitzer, MUA and the AMOU. The permanency issue was agreed upon as well as parameters to be placed around the conditions of short-term employment. The outstanding issue is over travel money. The workforce will have to consider the choice between keeping a revised travel clause or a compensation payment.

King Bay Tugs (KBMS), Dampier

The second round of EBA negotiations took place at Karratha on August 30th & 31st.

The meeting opened with the company revising upwards their plans to reduce wages and conditions from an initial minus 12% to a minus 6%. No doubt the reaction from the workforce to the minus 12% offer shook them up somewhat. Management had attempted the personal approach to employees, without success. At the end of the second day the three unions met with an all-up meeting of the members. The company’s latest offer was unanimously rejected. The feedback from those on leave has been a similar rejection.

On Thursday 20th the company sent out an email informing us they have decided to put their final document out to ballot on September 28th. This aggressive move was anticipated. With a workforce which is almost 100% unionised, Riverwijs is being overly optimistic if a positive vote is expected.

Individual Workplace Disputes

INDUSTRIAL REPORTS – GLENN ANDERSEN

In the last 12 months I have taken on a number of individual workplace disputes in most cases the AMOU member believes he or she can talk with management to sort things out.

History tells me that this is when contact with a company HR person can compound the damage, which may have already occurred. It is an unequal situation and might be the first time you have been in such a predicament. For the HR person it will just be one more of the many disciplinary cases they have dealt with. Phone calls are not written accounts, whereas emails are. My advice is to contact the union very early, be very careful about accepting company phone calls; sometimes they will use an unfamiliar number to call you on. Make it clear you prefer contact via email and ensure that all contact with the AMOU is via personal email address and telephone.

The very fact they know the union is involved will make the company act with caution. The union will get involved officially, when you request it.

INDUSTRIAL REPORTS – Jarrod Moran

Industrial Officer (Melbourne)

Svitzer

Melbourne

Melbourne POPs were discussed with Svitzer on Tuesday 4 September. Svitzer claim they want to better utilise the 13th and 14th crews (on the 4th tug) in Melbourne and want to explore flexibility that might be available to achieve this. Svitzer have suggested introducing a (up to) 6-hour break during shifts which has been resisted by members. All parties are considering how flexibility for the 4th tug can be found.

Tasports Tugs

Members have been seeking to renegotiate their expired EA with Tasports for almost 3 years.

The AIMPE settled on a new deal with 2% p.a. wage increases and AMOU members are seeking the same outcome (to consolidate the current terms and conditions of the expired EA while time is allowed for a new document to be developed).

Tasports advised delegates of the 3 unions at a meeting on 3 September that due to potential competition from other tug companies (Engage Marine) they were refocusing their priorities. For the immediate future, in order, they will concentrate on business reform, customer engagement and tug EA specific matters. They advised that the document we had been negotiating was set to one side and Tasports was in the process of developing an alternative document.

A future meeting date was set down for 27 September where this new document would be discussed. At the time of writing Tasport's new document had not been sent to unions.

Serco

Negotiations continued to replace the Serco (DMS Maritime) EA from 7-10 August 2018. The current EA, which is due to expire in December 2018, is the second EA we have had with Serco (DMS Maritime) which brought together the Howard-era Australian Workplace Agreements (AWA's). The AWAs had various terms and conditions between members doing the same or similar work and as such the current EA has many anomalies. While the combined log of claims from the 3 maritime unions seeks to sort out these anomalies while keeping the current structure of the EA and clarifying things that are unclear, Serco is seeking a total re-write of the document. Serco have presented revised terms and conditions and wage rates. These matters are being considered by members. Serco has also proposed reducing the current 60 plus classifications to 10-15 classifications. An audit of qualifications of members is currently being undertaken to see exactly where members fit into the structure proposed by Serco.

On 14 September Serco's draft replacement agreement was forwarded to the unions together with proposed position descriptions for the classifications under their document.

INDUSTRIAL REPORTS – JARROD MORAN

This document and the PD's will be considered at our next round of discussions from 3-5 October.

AMOU members are represented in the discussions by a delegate from Western Australia and a delegate from New South Wales.

Port Lincoln Tugs

Negotiations between the 3 maritime unions and PLT continue on a replacement EA.

The wages offer from them for a 4 year deal is:

- Year 1 (backdated to 27 January 2018): 1.00%
- Year 2 effective 27 January 2019: 1.00%
- Year 3 effective 27 January 2020: 1.5%
- Year 4 effective 27 January 2021: 1.5%

This represents a 5% wage increase over 4 years. The national CPI for the 12 months to June 2018 was 2.1%, the Adelaide figure is 2.7% (the main contributor being fuel).

Average wage increases in Australia for the 12 months to June 2018 is also tracking at 2.1%.

My view is that any offer that is less than CPI should be limited to a 12-month deal only, so that any immediate movement in CPI can be more or less immediately contemplated by workers.

We have asked PLT for information on wages costs (including what superannuation has been paid) for tug crews for 2017/18 which will help us when considering the company's offer.

VICT

It seems that VICT have picked up a number of new contracts and advised the AMOU on 27 July that they would be seeking to employ an additional 15 casuals.

Members have concerns about the current rostering, fatigue and applicable pay rates. A meeting between management and delegates took place on 20 August where new 4 on/4 off rosters were presented.

It was explained by management that these new rosters would be rolled out over the coming weeks and this positive development was welcomed by delegates who considered that the new rosters would alleviate the fatigue and pay issues.

Despite the implementation of the new rosters it seems a lack of trained employees and congestion on the dock due to weather in Asia has led to a situation that longer than expected hours and shorter than expected breaks occurred. I have also had concerns raised with me that the 4/4 roster may now take a bit longer to fully implement than was initially thought. Members views on these issues have been sought and in conjunction with delegates our plan to fix issues before they become critical will be explored.

DP World Superintendents

After many months of seeking to start negotiations with DP World about an agreement for their Superintendent employees without success, the AMOU made a Majority Support Application in the FWC to seek to get DP World to the table. DP World agreed immediately before the Commission hearing to a series of meetings in terminals in Melbourne, Sydney and Brisbane to ascertain the main issues of members. These meetings occurred in the second last week in July.

The meetings have reinforced to members that while some issues such as communication structures and delegation etc. can be raised and rectified at a local level the threshold issues of hours of work, overtime entitlements and on-call arrangements need a nationally consistent standard that is best achieved through an EA. No positive development has happened since the initial meetings with DP World and we have asked the FWC to again hear our Majority Support Application. This took place on Tuesday 28 August 2018 in Sydney.

DP World undertook to provide members with a draft contract that would cover their terms and conditions of employment.

The draft which was supplied in mid-September was in the view of members unsatisfactory so we will now develop our own draft EA and seek to have our matter reconvened in the FWC.

Flinders Ports

Pilots

Negotiations for the Flinders Ports Pilots replacement agreement have concluded and we are currently in the process of drafting a replacement agreement. Flinders Ports have offered wage increases of 3.5%, 3.5%, 3% or CPI whichever is higher and 3% or CPI whichever is higher. Members consider a 4-year agreement is too long and will settle for a 2 year deal with 3.5% annual wage increases.

Flinders Ports & Flinders Ports Marine Services

This part of the Flinders Ports business covers members including those employed as launch masters, VTS, in-hydro survey and clerical positions. This is a joint agreement with the MUA. Negotiations for a replacement EA continue with the majority of issues for the AMOU membership satisfied. Flinders Ports have offered annual wages increases of:

Year 1 – CPI +1% (March quarter CPI for SA) = 3.4%

Year 2 – 3%

Year 3 – 3%

Year 4 – 3%

This is currently being considered by members.

FACT

INDUSTRIAL REPORTS – JARROD MORAN

AMOU Stevedoring Supervisors at Flinders Adelaide Container Terminal are concerned about their roster and fatigue issues. These matters have dominated discussions for the replacement FACT EA.

Members developed a roster regime which increased the staff pool from 10 to 12 supervisors but full discharged annual leave. Rostering this way also decreases the average weekly hours but provides additional flexibility for irregular hours periods. The claim also sought pay increases of 3% and 2.5% in years 3 and 4 of the deal. FACT management after considering our offer for many weeks, agreed in mid-September to the members proposal.

Searoad Shipping

A 12-month EA with a pay rise was voted up by members some time ago but has been stuck in the approval processes of the Fair Work Commission and has yet to be ratified. By the time it gets through the Commission it will be time to put another document to the members. Searoad will be represented in the next round of negotiations by MIAL. MIAL indicated last month that they would respond to a list of issues raised previously by members before negotiations start. This response has not been received yet.

TOLL – Shipping Supervisors

The Toll Shipping Supervisors EA expires on 21 October. Members have prepared a Log of claims and the first meeting with Toll takes place on 24 September. Members think the agreement can be finalised quickly.

INDUSTRIAL REPORTS – Chris Neiberding

Industrial Officer (Sydney)

Brisbane ferries.

EBA negotiations have been going on for around 17 meetings and we are now at the point where we anticipate the company will try and put the draft EBA out for a ballot. The AMOU is still not content with the document and if the company does decide to put the EBA out for a ballot we will be recommending a NO vote. We also urge all non-members to join the AMOU as soon as possible. If the union is going to have any strength in moving the company from their current position, we need every one in. The outstanding items for the AMOU are:

- Masters remuneration: we say there should be a clause that keeps Masters at a rate of 30% above the deckhands and that relativity should be maintained throughout the life of the agreement
- Indemnity clause: the AMOU has provided the company with an indemnity clause that is in line with the Harbour City Ferries indemnity clause which we believe should be easily reproduced in the Brisbane ferries EBA. Keep in mind TRANSDEV run both operations
- Parking and transit times to remain cost neutral to employees or paid
- The company's current offer on wages is WPI for the first 2 years of the agreement and 5.8% in the 3rd year for Masters.

Stradbroke Ferries

The unions met with Stradbroke ferries on 18th and is still in the early stages of negotiations

Prodiv

The first meeting was held in Cairns last week and will continue on 3rd October

Quicksilver.

The company and the unions are at a stalemate in negotiations. We are currently discussing our options with members.

MSQ

Negotiations are progressing and it's evident what a difference a change of government can make. MSQ have been more receptive to bargaining however there still lingers a preference to put suggested new clauses in policy rather than the EBA. The next meeting will be on 2nd October.

INDUSTRIAL REPORTS – CHRIS NEIBERDING

NQBP Pilots

The EBA has been voted up and will now be submitted to the FWC for approval.

Smit Lamnalco - Amrun

The unions met with Smit to have discussions on Amrun on 11th and are cautious about proceeding in haste to get any EBA or POPs done. We meet again on 27th.

Smit Lamnalco - National

Smit held meetings with both the AMOU and the AIMPE separately to discuss any port specific issues. A delegate from each port was flown in by Smit plus the port manager and IR representative for a meeting. It turned out to be a bizarre meeting that only went for 3 hours to go through all port issues. This seemed like a tick and flick exercise. We will see if anything discussed actually progresses; especially considering it was Smit's IR reps last week on the job.

Svitzer Darwin

The unions will continue EBA and POPS negotiations for 2 days the week of 24th. More to report after these meetings.

Svitzer Sydney

Svitzer now claims to be in the position of having a licence which includes captivity, however it is still not willing to produce the licence and until it does the AMOU is not willing to meet to discuss the issue.

Sydney Port Authority

There will be another hearing in the commission on 27th where the MUA will table reasons why they think the EBA should not be approved. The AMOU has had direction from members that they are happy with the EBA and the process.

Port Authority of NSW Newcastle Marine Pilots EBA

As I write this the Port Authority has contacted the AMOU with regard to starting the Newcastle Marine Pilots Agreement renegotiation.

TasPorts Pilots

The AMOU will be in the FWC next week on behalf of the TasPorts pilots regarding a dispute over leave. We have also written to TasPorts asking them to issue the notice of representational rights so we can start the EBA process. So far they have not responded.

Sea Swift

Sea Swift has now filed their forms seeking approval for the *Sea Swift Pty Ltd Employee Enterprise Agreement*. The AMOU will now also file the forms for the approval of the agreement.

Manly Fast Ferries

The AMOU is waiting on the company to issue the NERR so we may start negotiations for the Masters' agreement.

IRG 505 AMSA meeting 19th September

Briefing

Whilst most opinions were heard out and tested it appears the agenda is heavily skewed towards industry specifically in regard to moving away from standards that were widely regarded in some states as a high benchmark. We have some common ground with Bhagwan Marine (Kevin Clifford) who has supported most of the union's recommendations and to an extent Svitzer via the write-in correspondence. We face an interesting battle with the tourism operators and to an extent fisheries, whom firmly believe the "operator knows best (SMS)" and "other legislation will cover it, WHS etc" which from impressions seems to be music to AMSA's ears. AMSA appears to have been handed multiple systems from the states and some are clearly better than others. With their rush to wipe out all exemptions it appears they're racing for the lowest denominator.

Policy 1 – Review of 505 and guidance notices

Initial reasoning for review – 505 and all other legislation are "too hard" for operators to understand and work under and they want a simplified system with less jargon

- AMSA stated that the legal wording in 505 has to be maintained as it is a regulatory and legal document. However it is open to a review.
- AMOU holds its position of an open mind however against any diminishment to safety standards within the document
- AIMPE suggested merging the qualifications with areas such as Marine Orders 71,72, and 7 which AMSA took on-board
- Industry appeared understanding in the terms of the legal framework but stated that previous reviews (John Claydon? '16 review etc) and previous agreements are not presented and questioned why the positions proposed there are not built on. AMSA stated they no longer have the document in question but gave no other reason why

Guidance / Factsheets

- All industry present agreed that having factsheets for potential crews regarding how to obtain qualifications and a simple repository for employees and employers to search for information regarding crewing was needed
- Industry participants suggested booklets or online PDFs
- AMSA seemed more interested in online technologies and stated that PDF's do not allow a content search function (words inside the document do not show up in the online search keywords) and will be sticking with HTML format
- As AMOU representative I welcomed the idea of clarity for employees attempting to move up within the industry

INDUSTRIAL REPORTS – CHRIS NEIBERDING

Policy 2 – Review the Qualifications around Lower Grade Certifications

Initial Reasoning – All parties agreed that Exemption 38 (low skilled work) has been an utter failure and as such want to see it removed. Industry claims (especially aquaculture) that the Coxswains grade 2 is far beyond what they perform and as such are seeking either allowing the in-house training of a company to be sufficient or the Coxswains grade 3

- Brad McCallum representing the National Aquaculture Council acknowledges the need for some form of training and proposes the “agreed in principle?” 2014 proposal of a Coxswains Grade 3 containing a lot of restrictions and 3 elements of the package. He at present did not have multiple copies and will send them out to the IRG parties for review. Concerns were raised regarding the lack of firefighting and confined space awareness/training, which was acknowledged but the level of which is still up for “debate”. Brad’s proposal had a zero-passenger limit
- MIRC Chair Steve Moon from Projects Global representing marine park tourism seemed to like the idea of Coxswains Grade 3 however he was insisting on passengers, to which AMSA came up with the nominal number of a maximum of “6 persons” on-board notwithstanding the vessel survey requirements
- As AMOU representative I agreed that the phasing out of Exemption 38 is important however before any option is suggested further information regarding the Coxswains Grade 3 would have to be put forward for review, however in principle and without prejudice the proposal sounds promising
- Australian Sail requested that the RYA tickets be looked at and possibly could be merged with Cox 3. Information regarding these courses to be provided to all members

Policy 3 – Review of the GPH Certification

- AMOU, AIMPE, MUA and pleasantly surprising Bhagwan, Svitzer and HCF all strongly advocated for keeping the GPH Certification and needs for a qualified person on-board
- Fisheries initially stated status quo (operators decided)
- MUA pushing for NSW based system where every vessel will require one
- Once this was proposed Fisheries/Aquaculture moved a more hard-line stance against it, stating the low complexity of duties and the cost to industry, consistently falling back to the “SMS”

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- Steve Moon saw the reasoning in it but questioned if there could be a trial period prior to someone having to obtain it in case they do not enjoy the industry (a period of 6 months was put forward), AMSA's view is that the first year of service on the water is the most dangerous and likely for injury
- A suggestion of a Maritime "white card" similar to the construction industry was put forward by AIMPE, whereas it's the base qualification to step on any vessel as an employee or contractor, based on a distance education/online course. This gained some traction within fishing and tourism industries that seemed open to the idea.

Policy 4 – Streamlining Certifications

Initial Reasoning – AMSA is on the path of "removing complexities" regarding qualifications and being pushed by industry under the guise of cutting red tape

- Certificates from 5 to 10 Years
 - Push seemed to come from AMSA trying to cut down workload
- Require Mandatory Completion of Task books
 - Questions raised about the current content and completion ability, not completely opposed to the idea as long as it doesn't stifle someone's career
 - Most parties showed concern over possible content and as such AMSA has agreed to send out task books to parties to review including completion percentage
- Applicant for Master <24 must hold a Coxswains CoC and will no longer be an entry point
 - Raised that if the Cox Grade 3 is initiated that the GPH will have more units of competency regarding ESS than the grade 3.
 - Most parties agreed that the M24 should still be an entry level ticket that can be achieved via GPH or Cox 3.
- Required sea service to be recorded in hours and not days
 - This led to some interesting discussions where industry aligned with the unions on some points. The counter offer that it should all be hours, and days should be removed totally raised concerns about fatigue from AMSA. It was pointed out however that AMSA already reneged on this in NSCV Part E by allowing the Operator to deem what is acceptable fatigue and breaks
 - In my mind as AN AMOU member, if the shift I have performed is 12 hours then I have been at the helm/MCR for 12 hours minus breaks, if I've been there for 3, then it is 3. This strange system where the 3 carries over, however the 12 does not makes no sense.

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- Stated that AMSA would have the ability to see through dodgy operators or seafarers when sea time is submitted and would highlight possible fatigue issues within a company then triggering a review into the said SMS. This seemed to make AMSA uneasy about enforcing compliance as they wish to wash their hands of it where possible.
- Removing the Following Tickets. (Should be endorsements)
 - There was a wording mistake in this proposal, it appears that AMSA wants to remove all endorsements.
 - Whereas someone like myself with a sheltered waters M24 would lose my ticket as per the proposal worded, instead I would be now able to go to the EEZ; whilst this personally benefits me, I made sure to remove that “hat” so to speak and advise them that allowing an entry level ticket, as their first command out to the edge of the EEZ seems somewhat negligent
 - Industry’s and AMSA’s response was that the company and their policies will determine that and rule out those candidates from obtaining jobs that do these tasks
 - It was reiterated by the unions that not all operators are even and as such it may lead to incidents
 - Industry stated it shouldn’t be regulated because of “a few bad operators”, it should instead go after those operators
- Make Provisions for new Tickets (M35 -> M45 and M80 -> M100)
 - The reasoning from industry is that only minor exemptions already allow this and as such it should be made the norm.
 - Concerns raised as they were later about the stand-alone engineer on vessels as currently set at over 35m and 750kW, would this change, AMSA could not say but appeared their position was no?
- Increasing the machinery limitations from 750kW to 1000kW for MED 2
 - Industry, especially Sealink stated how hard it was to find MED 1s and how there isn’t much difference with engines, it should be halfway between a 3 and a 1
 - AMOU offered that the MAR training course for the MED 2 is well below the standard of the MED 1 (2 weeks opposed to 8-10). The auxiliary systems on such vessels are also more complicated. Some industry members agreed on this
 - It was stated by AIMPE that industry has been cheating via the national law de-rating what is an 1000kW engine and not counting the second engine which would have significantly raised the level of engineering required
 - As above this raised concerns about a lone engineer on vessels and the door opening for companies to exploit dual certificate masters

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- Combining of steam tickets
 - Awaiting clarification on what this looks like
- Simplifying the sea-time requirements for engineering CoC for trade and non-trade options
 - Awaiting the formal sea time requirements to be proposed to the group and the relevant trades capture in the “Acceptable” pool.

Policy 5 - Removal of First Aid as a requirement of issue or revalidation of CoC

Background – AMSA and some industry are convinced that the WHS laws are enough and as long as operators provide some form of first aid person/s in the workplace that they’re covered

- Strong opposition from Unions regarding this matter, also Svitzer, Bhagwan Marine and industrial commercial operators regarding the removal of the certificate, consider it a massive step backwards
- The aquaculture and tourism industry believe that the Operators and their SMS’s along with the WHS laws cover it perfectly and as such want it removed
- AMSA was queried that it’s only required to be valid once every 10 years during this period and a lot can change in the first aid world in that time, having the bare minimum of knowing what masters, engineers and GPH’s have to do is a necessity
- Repeatedly claimed that AMSA is allowing the lowering of the bar when other industries are pushing for the bar to be raised. AMSA’s response is they’re only looking at bringing it in line with current WHS standards.
- This debate ended with the room deeply divided on the issue

Policy 6 – Streamline the requirements for command of DCVs that are sailing

- RYA to provide more information to the parties on this matter. It seemed to revolve around getting trainers on learn-to-sail boats away from a “member of the club exemptions” and into a trained person

Policy 7 – Review of medical and eyesight requirements, forms and guidance materials

- This seems to stem from the use of “self-declaration” medicals for the lower grade tickets and their actual function, all parties are awaiting the findings of the review by Sonic HealthPlus
- It was around this point where AIMPE made the claim regarding the vision of engineers and whether they should be held to the same standard as deck officers, especially in regard to colour-blindness
- As an AMOU representative and acknowledging that some engineer’s duties now involve a level of watch keeping, a departure from this standard is unexpected let alone the connotations between colour coded pipework and electrical wiring.

- These apparently do no phase AIMPE who state that even with grayscale they could differentiate between wiring and pipes.
- The idea wasn't overly debated however AIMPE seemed to get some traction that companies will decide whether it's their policy to have persons employed whom are engineering, to not be colour-blind.

Other Business

- Chris Ha from Sealink at the last moment proposed a change to the M24 that if operating within inland waters/Sheltered waters could be boosted to M35.
- This was met with objection from the AMOU where the goalposts keep moving, with the possibility of being that person's very first command, in charge of engines close to 750kW it was a recipe for disaster
- AMSA seemed to dislike the idea especially considering their agenda of removing "exemptions" like sheltered waters etc.
- Most industry groups were against the idea and saw the dangers for what is was

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