

Industrial Report

October 2018



AMOU

Australian Maritime
Officers Union

TABLE OF CONTENTS

<u>PRESIDENT'S REPORT</u>	<u>3</u>
<u>EXECUTIVE OFFICERS REPORT</u>	<u>6</u>
<u>INDUSTRIAL REPORTS – GLENN ANDERSEN</u>	<u>11</u>
<u>INDUSTRIAL REPORTS – JARROD MORAN.....</u>	<u>15</u>
<u>INDUSTRIAL REPORTS – CHRIS NEIBERDING</u>	<u>18</u>
<u>INDUSTRIAL REPORTS - MARTIN MCEVILLY</u>	<u>21</u>

Date: 30th October 2018

Locations: **EASTERN AREA:**

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

WESTERN AREA:

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

1st November, 2018

SOUTHERN AREA:

1300 hours - Institute Chambers, 22 Divett Street, Port Adelaide SA 5015

PRESIDENT'S REPORT

President's Report

Welcome to the October Industrial and Presidents report.

Firstly, apologies to all members present at the area monthly meetings today as I am not available to be present due to currently being engaged on night shift. October was an extremely busy month which saw me attending both the ITF Congress in Singapore and MIAL's SEA18 conference in Canberra on behalf of the membership.

AMOU President and CFMMEU MUA Division International President meet in Singapore

As you may recall in last month's report I commented on seeking a meeting with the division's senior officials to attempt to open dialogue to bring the current behavior and litigation to a head and mend the relationship to resemble the historical respect between each union, its officials and members. Such meeting took place in Singapore between Paddy Crumlin and me and it was agreed we would open dialogue to work through the issues.

Not less than 24 hours after this meeting with Paddy, at the commencement of the ITF Congress Dockers Section Conference an MUA flyer was distributed labeling the AMOU a "*Yellow boss's union*".

The flyer was not authorized by any official from the MUA. Although the Deputy National Secretary Will Tracey took it upon himself to speak publicly from the floor of the section conference about the AMOU, Victoria International Container Terminal (VICT) and the flyer. Both his speech and the flyer were full of inaccuracies and innuendo designed to support the MUA's campaign for the ITF to declare VICT in Melbourne as a port of convenience (POC). Mark took the floor in response twice but the ultimate result was that the section voted to declare VICT a POC.

The flyer in question would be considered to be defamatory and achieves the reverse of opening dialogue in an effort to restore some form of a professional working relationship.

Both unions are due to meet with the ACTU next month to discuss the relationship and the current issues. One would hope that prior to then common sense would prevail and if there is any dignity left that the practice of *good seamanship* would be honoured and a frank discussion takes place leading to some resemblance of a professional working relationship.

ITF Congress Singapore

Given the above comments about the MUA's behavior at Congress a complaint was lodged with ITF officials on the basis that the flyer was a clear breach of their "*Mutual Respect Policy*". At this point in time there had been no response from either the ITF President or the General Secretary about the flyer or the breach of their policy. In fact, the ITF staff tasked with investigating the incident reported that nothing offensive took place during the speech and that the policy doesn't apply to issues between affiliates. Having experienced what happened at Congress and the attitude from ITF officials in recent years towards our union, one has to start questioning the role the ITF plays and the value of being an affiliate or participating in ITF activities. In recent years we have lost our seat at the Offshore Task Force Group to make room for another affiliate to retain a seat and become the chair of the group. When questioning this move, I was advised it will happen whether we like it

PRESIDENT'S REPORT

or not as a membership vote would come into effect and superior numbers will determine which union gets the seat. We are one of the only nations in the world that doesn't have a local ITF affiliates' consultative committee between affiliates that works together in a constructive manner to ensure all affiliates are fairly represented. Given this when the next Executive Council is convened our affiliation will be placed on the agenda for discussion. If you as a member have anything to add please contact your industry delegate on council to voice your opinion or concerns.

Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017

Word from the union's friends in Canberra is that the bill is dead although it will sit on the roster for debate in the senate until next year's elections. This being the case we can't relax on the issues that currently face the industry and our members and we will continue to discuss and lobby where required to endeavor to protect what's left and secure a future for the Australian shipping industry providing employment for the membership.

Maritime Industry Australia Limited (MIAL) SEA18

The AMOU was represented by both Jarrod Moran and I in Canberra earlier in the month. The discussions around the skills shortages were robust and industry was seeking solutions. Unfortunately, no single solution is the answer to the shortages we face throughout industry but numerous solutions it would seem are needed to start moving in a positive direction.

Deputy Prime Minister Michael McCormack hosted a breakfast discussion from what I have been told as I was still in the air from Singapore, but his speech didn't really offer much for the industry or its future. Shadow minister Anthony Albanese's speech later in the day was very supportive of the industry. He outlined the need for reforms that would require a bipartisan agreement politically and he supported MIAL's initiative that as an island nation we need a "*Strategic Fleet*". We will continue to work with MIAL and both sides of politics to rebuild Australian shipping. We need to maintain the maritime skills set as an island nation with the world's 5th largest shipping task and the only way that can be done is through training, but you need a fleet for that to take place!

One of the main reasons for our attendance was the discussion around skills shortages particularly the alleged shortages of Masters Unlimited to enter the marine pilotage industry. This is something that the AMOU has raised for some years now through its lobbying in Canberra but until recently it has fallen on deaf ears. What was of great concern to the union given the feedback from the membership was the agenda item to discuss alternate pathways for the training of marine Pilots. Recently at the Australasian Marine Pilots Institute's (AMPI) workshop in Darwin those members present moved to support a training scheme that could easily be misunderstood to be a re-hash of the failed *ab initio* training scheme of almost a decade ago to be the solution for the alleged shortage of masters.

It was made very clear early on at SEA18 by a representative present from Gore Bay tanker terminal that they would not welcome this initiative, nor would they have tankers transit in or out of Gore Bay without a Master Unlimited Pilot. This comment set the tone for the discussions. It was then reiterated that the AMOU's Executive Council had recently endorsed that they will not support any reduction from a Master Unlimited but would ask that some thought be given to the removal of command time under some state legislation as a prerequisite for some employees. The removal of the invisible age barrier placed on those that are over their mid 40's may bring a wealth of knowledge and experience to some ports and help relieve the alleged shortage. As we are all stake holders of the industry could we consider adopting a similar system to New Zealand where they retain Master Unlimited as a requirement, but Pilots are initially employed by port authorities as Marine

PRESIDENT'S REPORT

Officers trained through all facets of port operations prior to commencing pilotage training. This suggestion would take a commitment from the entire industry because privatization of ports has led to many different service providers, unlike those ports across the ditch where the entire port service is provided by the local port authority.

We will continue to work with MIAL, Canberra and AMPI to work our way through these discussions in a constructive manner to seek solutions to the skills shortages but to also respect the principle that sea going experience can't be taught it needs to be gained through time.

Eastern Area Secretary Election

The ballot opens this Friday 2nd November. The ballot paper will consist of the following Candidates in order;

Candidates Names in order of the ballot

THORNTON, Ryan
ROSS, Captain Ivan
GREGSON, JAMES

In the near future a special memo will be sent to those members in the Eastern Area with a profile of each candidate.

Both myself and the Executive Council wish all candidates the best of luck in the election and would strongly advise the Eastern Area members to vote and have their say in their union's governance.

In closing, October has been a productive month. We have seen Marty a new staff member start with us based in Sydney we are in the process of finalizing an Industrial Officer for Western Australia and are still working on Brisbane representation. I will keep you informed of any further developments with staffing. I am sure as the end of the year draws closer we are going to see more industrial issues come to a head but we will remain focused and work through these towards a better outcome for our entire membership.

As always Stay Safe
In Unity



Tim Higgs
President

Executive Officers Report

MARK DAVIS

Executive Officer (Sydney)

New Industrial Officer – Sydney Office

Marty McEvelly makes his first industrial report in this October edition. He's up and running receiving training from legendary MSG of Australia and AMOU stalwart Michael Fleming on the Fair Work Act, maritime industry historical and present-day context and trade union compliance requirements. We're also throwing enterprise agreement (EA) enforcement and disciplinary cases at Marty as well as giving him his first EA renegotiation to handle. Marty remains unfazed and seems to be enjoying the new job.

Industrial Officer - Fremantle Office

The interview process concluded following 5 interviews conducted by Capt. Tim Newton (standing in for President Tim Higgs who has been heavily committed of late) and I. We have settled on a candidate and the next step is establishing the salary level. Terms and conditions are provided by the new staff agreement. Following the notice period with the present employer we are hopeful of a start for the new Industrial Officer late next month. Tim Newton's involvement in and dedication to this task has been much appreciated.

ASP - Rio Tinto Vessels

We are hopeful of getting the negotiations reconvened next month to bring the process to a conclusion. There is a limited number of issues outstanding. The delegates will be consulted and involved in the talks wherever possible and we will endeavour to visit the ships during the process to keep members informed. The delays in the settlement of this EA are regrettable and we seek the indulgence of the membership in this respect, and trust that the end product will to some degree justify the wait.

Harbour City Ferries

The outstanding issues for the renewal of the HCF EA have now been settled. The two issues were 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 fund these benefits. Much credit must go to the political influence and skill of MUA Division advocate Paul Garrett in achieving an excellent result in both of these negotiations, which were conducted away from the EA negotiating table. The following are the terms of the new deal on these two issues.

EXECUTIVE OFFICERS REPORT

Charter vessels

Where subcontracting occurs, the Operator shall utilise Dry Hire arrangements (except in reference to section 2 below). To operationalise this, the following arrangements will be required under the new Ferry Systems Contract:

1. *Where the Operator requires the use of chartered vessels to deliver the Core Services, the Operator will do so on a Wet Hire basis for only so long as is required to recruit and train crew and then shall revert to a Dry Hire basis. The parties to the EA of the Operator shall ensure that the recruitment and training of crew is completed as early as is practicable, including consultation commencing at the earliest opportunity. The period of the engagement between Wet Hire and Dry Hire shall not be for a period exceeding six months. The Operator shall not be able to substitute one Wet Hire vessel for another Wet Hire vessel for the purpose of extending or recommencing the six-month service period.*
2. *The Operator will still be able to engage ad hoc chartering scenarios such as for emergencies, operational breakdowns, special events, summer running and to support infrastructure works related to wharves. It is noted that in relation to the latter the Operator shall make every attempt to ensure the work is performed within their fleet in the first instance.*
3. *Where vessels are engaged on a Wet Hire basis (both during the transition period and for the performance of ad hoc services) the terms of engagement will include:*
 - *Induction of the crews of such Wet Hire vessels shall be in accordance with the Operator's safety management system; and*
 - *The minimum pay and conditions of the crew will be provided by the Charter vessel operator in accordance with the Ports, Harbours and Enclosed Vessels Award 2010.*

Travel Passes

1. *Transport for NSW is prepared to offer that staff eligible to hold a travel pass will have access:*
 - a. *To the Sydney Metro services between Rouse Hill and Bankstown; and*
 - b. *The existing Inner West Light Rail services including all stops between Central and Dulwich Hill and future South East Light Rail services including all stops between Circular Quay to Nine Ways/Randwick.*
2. *In addition, so as to recognise the many years of dedicated service provided by staff and to assist with the transition, for 'transferred' employees, service with the employer for the life of the new EA is eligible service for the purpose of achieving the former employee gold pass*

The EA is now settled and a meeting of AMOU members will be held on one of the Freshwater class ferries on Wednesday 31st October where the delegates and I will explain the changes to the agreement, open the floor to questions and put the endorsement of the draft EA to ballot. Scrutineers have been designated and the vote will be counted and declared at the meeting.

EXECUTIVE OFFICERS REPORT

Landbridge Infrastructure (Darwin) Pilots

After two further meetings (3rd and 23rd October) since last month's Industrial Report the position remains that the main sticking points are the retention strategy, the indemnity clause and options regarding vehicles. It was however unanimously agreed by the Pilots to trial the new roster and leave arrangements (including the unavailable days scheme) for a 6-month period from 1st November. A further meeting hopefully to bring the negotiations to a conclusion will be held on 30th October.

Landbridge Infrastructure (Darwin) Port Operations EA

The draft EA was voted down by the employees. 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. The company was unwilling to increase the monetary elements of the previous settlement and the agreement will again be put out to ballot.

Port Authority of NSW

Port Kembla Pilots' EA

The final issue of setting the parameters for the company underwriting Pilots' legal expenses should an incident occur has been agreed and there is now a draft EA in the process of being analysed by the delegates and me.

Port of Newcastle Pilots' EA

The delegates and I met with PANSW and Newcastle Port management on 24th October following a Consultative Committee meeting at the port, and we agreed a deadline for the submission of our log of claims of 8th November and the first date for the negotiations of 22nd November. The existing EA does not expire until 25th March 2019, but the company appears keen for the renewal not to get snarled up in the festive and holiday season.

TeeKay Shipping

Sycamore

It has been agreed to vary our EA, which had gone through the Fair Work Commission review process, to line it up with the AIMPE settlement which involved agreement to the higher 13% superannuation employer contribution rather than the structure agreed in our negotiations of 9.5% plus a 'Sycamore' allowance equivalent to 3.5% to make up the difference to 13%. The proposed draft variations have been reviewed and the company has our response.

Dampier Spirit

Much progress was made, and a number of union claims have been successfully addressed, including the most solid version of the Indemnity Clause and in principle, a new clause cementing into the EA the Master's overriding authority from the Quality Management System. The Company is consulting client Jadestone on issues with a financial implication. The parties are reconvening jointly with AIMPE on 20th November.

EXECUTIVE OFFICERS REPORT

Lowlands Brilliance and Mariloula

Since the last Industrial Report, a meeting between the company and AMOU has been held and on 23rd October a joint meeting with AIMPE was held, which basically aligned the position of the two unions. The only outstanding issues pertinent to the EA are financial. As a union we have the issues of the extended hours of work in Port Hedland to address, a number of issues regarding the treatment of casuals, particularly a mechanism for the transition to permanent employment and a long-overdue review of the grading list.

Ocean Protector

Dates for negotiations for an EA for this addition to the Teekay fleet are being discussed as I write. This EA will also be negotiated jointly with AIMPE. The first meeting will likely be towards the end of November. The EA will, in all likelihood, resemble the *Sycamore* EA. AMOU delegates are in place and will be attending the negotiations.

North West Shelf Shipping Service Company

Progress was stalled in the negotiations for the continuation of the Australian crewing aboard the last 4 vessels out of the 9 presently operating the service from Karratha to Japan. The company announced at the death knell of a meeting with the three unions held on 11th October that it wishes to sell 3 vessels at various stages in 2019 and has identified that one of these will be an Australian registered vessel. This was a bombshell as the unions had just sought to conclude the meeting to consider respective positions on 'The Shipping Agreement', a document raised by the company at the meeting, referred to in the Continuity of Operations Agreement (COA) but one unfamiliar to the unions. This is a document to which the unions are not a party, but which may have an impact on the main issue at hand. It has now been sent to us for consideration. The next step is that the unions have put the matter of whether the sale of an Australian registered vessel is in breach of the COA to the Arbitrator and the arbitration will be conducted in Perth on 8th November.

I had the privilege of boarding the *Northwest Stormpetrel* at anchor in Singapore on 18th October along with representatives of the other unions all attending the ITF's 44th Congress in the city at the time. I had the opportunity to have discussions with the Master, all four deck officers and both deck cadets during the visit as well as jointly convening a meeting with AIMPE and the engineers to provide an update on the state of play.

EXECUTIVE OFFICERS REPORT

A Great Sea Story



The passenger steamer *SS Warrimoo* was quietly knifing its way through the waters of the mid-Pacific on its way from Vancouver to Australia. The navigator had just finished working out a star fix and brought the master, Captain John Phillips, the result. The *Warrimoo's* position was LAT 0o 31' N and LON 179 30' W. The date was 31 December 1899.

"Know what this means?" First Mate Payton broke in, "We're only a few miles from the intersection of the Equator and the International Date Line". Captain Phillips was prankish enough to take full advantage of the opportunity for achieving the navigational freak of a lifetime. He called his navigators to the bridge to check & double check the ships position. He changed course slightly so as to bear directly on his mark. Then he adjusted the engine speed. The calm weather & clear night worked in his favour. At mid-night the *SS Warrimoo* lay on the Equator at exactly the point where it crossed the International Date Line!

The consequences of this bizarre position were many:

The forward part (bow) of the ship was in the Southern Hemisphere & in the middle of summer.

The rear (stern) was in the Northern Hemisphere & in the middle of winter.

The date in the aft part of the ship was 31 December 1899.

In the bow (forward) part it was 1 January 1900.

This ship was therefore not only in:

Two different days, two different months, two different years, two different seasons, but in two different centuries - all at the same time.

Industrial Reports – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Darwin Ports

Following the voting down of the proposed Darwin Ports EA a telephone conference meeting took place on 10th October. The workforce was determined to win higher yearly wage increases than the negotiated 2.25% per year, for the next four years. But it appears management is unresponsive despite the workers having already put aside the union's call that the agreement was worth voting up. The workers are now calling for 2.5% annual wage increases while the other side are talking about offsets to justify the extra 0.25%. At the time of writing management was preparing to put the agreement out to ballot again..

Bunbury Pilots EBA

The reason given for a lack of progress is that a new HR person has only just been appointed to the position. With the appointment of a new HR Manager and assistant, on Wednesday 17th we held our second meeting after a pause of nearly four months. The new Southern Ports HR Manager is Michael Gillett, ex Mermaid Marine. His vocabulary appears restricted and consists primarily of the word 'no'. At the first meeting in June we had made some progress, but that momentum has been well and truly lost.

Ship visits

They have ground to halt in the last month. The upcoming appointment of a second paid official in the Fremantle Office will see a restart to the very important ship visits programme.

OSM Employment Agreement

Very little to report here although I expect the next few weeks to produce some progress.

INPEX/MMA

MMA Brewster and MMA Plover special payment

The INPEX conciliator has notified the two unions involved, MUA & AMOU that he has concluded no change to his findings and that no special, or extra payment is justified in relation to the carrying of hazardous chemical cargoes.

The AMOU has the option to re-open EA negotiations, as the AMOU/MMA Employment Agreement does not include a 'No more claims' clause, although with the type of Disputes Clause contained in the MMA Agreement, it will be an uphill battle to take it any further. Both unions need to consult with members to plan the next move.

INPEX

To show the State of WA what a good corporate citizen INPEX is, the company has committed a six-figure sum of money to local charities. I met with an INPEX representative who is collecting opinions from the three seagoing unions as to what type of charity they should donate to. At the moment charities helping the homeless are favourites to receive donations.

INPEX Training

Following the news that twenty trainee DP positions have been approved for funding by INPEX, deck officers may now hopefully be in a position to complete the DP desk-time or simulator course required to gain the full DPO qualification. The more qualified Australian DP operators we have locally, the less justification to the issuing of temporary work visas to foreigners.

Svitzer Lines Boats, Kwinana.

There is still no resolution to the matter of travel money payments. This is the one and only remaining issue to be sorted out.

King Bay Tugs (KBMS)

With the RiverWijfs KBMS Employment Agreement ballot being utterly rejected, the third round of the EA negotiations were held this time in Fremantle. The two-day meeting produced an agreement in principle. All company claims for wage and allowance reductions were withdrawn. Some think the attempt to clawback tens of thousands from workers' salaries was just a stunt to put the unions involved on the back-foot when it came to wage increase demands. In the end an agreement in principle included a four-year agreement. The first two years will see wage-only increases of CPI and the last two years will be two lots of 2.5%. There now appears to be some confusion from the management as to some of the detail in the agreement. This will hold up the next ballot or could even send us all back to the negotiation table. In my opinion this well organised workforce will once again vote no if the company wants to dispute what we say has been agreed to in principle.

Westug/ENGAGE Marine

Westug operate tugs in the NW ports of Dampier and Cape Lambert. Recently through ENGAGE Marine they sent out what amounts to an Expression of Interest for the Partnership Model of employment; a concept opposed by all three maritime unions. Last Monday I met with ENGAGE Marine's Luke Bettesworth to discuss the issue and a report of that meeting will be sent out this week.

Mid-West Ports, Port of Geraldton

The Port intends to implement a major workplace programme, which includes redundancies. According to the EA the AMOU must, at a certain stage be informed of the planned changes. In an odd move management emailed the intention of the programme to the Fremantle Branch of one union involved, but not to the Fremantle Office of the AMOU, instead sending it to the AMOU Sydney office. The EA states that the Port is under an obligation to notify the AMOU and discuss the proposed change. The AMOU intends to keep the Port Company aligned to its agreed obligations. If the union, through its members, is of a mind to place the intended changes in dispute, then clause 9.3.7 (b) of the EA allows for the “status quo” to exist while the matter remains in dispute.

Maersk

The AMOU along with AIMPE held EA talks with Maersk on Thursday 25th. AMOU Executive Officer Mark Davis attended, along with myself, and AIMPE representatives. Both unions have fundamental differences with some of the claims put by the employer. At one stage management threatened to break-off negotiations and put their proposed agreement out to ballot. This type of stunt is not uncommon during negotiations. A company puts up claims, which they know are unpalatable to the employees and will be actively resisted. They then back-track to what they see as what their employees could possibly tolerate and vote yes to. This calculated gamble on their part means the union must have and maintain clear lines of communication with all members and employees. Companies will enforce unfriendly EA clauses and you might be on the receiving end. Both unions met again on Monday October 29th.

Ningaloo Vision (Teekay) EA

The first round of negotiations for the renewal of the *Ningaloo Vision* EA took place in Perth on Friday October 26th. A *Ningaloo Vision* employee represented the vessel’s Deck Officers. This agreement is a composite agreement involving the AMOU, AWU & MUA; AIMPE has a stand-alone agreement but bargains jointly with the other unions. The EA has a nominal expiry date of June 30th 2019. The company’s lead negotiator gave a rundown of the current business and market conditions facing Teekay and the need for them to remain competitive and flexible. It's much the same opening we receive from all employers. On this occasion Teekay is aiming for a three-year agreement despite past preferences for four-year terms. The company log of claims was presented with the standout being a bid to radically alter the Norwegian roster system. This is a roster and not a leave system (3 on, 3 off, 3 on, 6 off), the chances of our side agreeing to this claim are remote in the extreme. The unions gave up a number of conditions to buy the roster system (including LSL). Teekay is taking on a significant challenge in pursuing this claim. A combined Log of Employee Claims were presented to Teekay and spoken to by a host of individuals from our side. The very cordial meeting then adjourned for the next planned meeting in Perth on December 14th.

Solstad

As from a couple of weeks ago Farstad are now officially known as Solstad. This month I attended my first ever Consultative Committee meeting, alongside two employee representatives. Being a recent convert to this concept I enjoyed the opportunity to meet with the company HR and AMOU representatives. The SCC is a forum for both sides to air viewpoints. It is the union's intention to set up similar Consultative Committee meetings right throughout the offshore companies.

The AMOU/Solstad Fair Work conference matter involving Deck Officer training is set to be re-listed in the FWC after a two-week adjournment.

Industrial Reports – Jarrod Moran

Industrial Officer (Melbourne)

TasPorts

Tugs

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

In late September 2018 TasPorts put two offers to the AMOU and the MUA to consider:

- Option 1: Roll-over the 2013 EA with 2% annual increases applied to wages and allowances and relevant clauses updated to comply with the Fair Work Act; or
- Option 2: An updated version of EA reflecting TasPorts' final position on bargaining claims (with 2% wage increases).

Delegates have endorsed Option 2 and we are waiting for a response from Tasports.

Pilots

A dispute between North West Pilots and Tasports regarding time in lieu when Pilots return from rostered time off or leave to cover pilotage couldn't be resolved at the workplace level and has been subject to one Conference in the Fair Work Commission. A second Conference was scheduled for 18 October but was deferred at the request of TasPorts. A new hearing will take place after 12 November 2018.

Additionally, the current Pilots agreement expires on 17 November and discussions to replace this agreement are supposed to commence 90 days before expiry. TasPorts have yet to indicate that they want to start discussion dispute on our request to do so. This matter will be joined in with the TOIL matter before FWC.

Serco

Negotiations continued to replace the Serco (DMS Maritime) EA from 2-5 October and 22-24 October 2018. The current EA, which is due to expire in December 2018, is the second EA we have had with Serco (DMS Maritime) which have brought together the Howard era Australian Workplace Agreements (AWA's). The AWA's had varied 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

INDUSTRIAL REPORTS – JARROD MORAN

maritime unions seeks to sought out these anomalies but keeping the current structure of the EA and clarifying things that are unclear, Serco was seeking a total re-write of the document. Serco developed revised terms and conditions and wage rates and a reduction in the current 60 plus classifications to 10-15 classifications.

Members had a lot of issues with the Serco proposals including the radical move by Serco to completely replace time off in lieu with paid overtime only. Unhappy that the Unions (AMOU, AIMPE and MUA) were not willing in the first instance to concede to losing TOIL, Serco asked the Unions to produce a document to begin discussions on and Serco will advise its position on our proposals. Negotiations have been progressing slowly and at this time it would seem unlikely that we will have reached agreement before the current EA expires.

Port Lincoln Tugs

In the last monthly report, I included that:

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 12 month deals 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 companies offer.

PLT have since then verbally increased their wages offer to 2% in 2019, 2020 and 2021. We are still waiting on the wage costs information from the company.

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 third week of July. The meetings have reinforced to members

INDUSTRIAL REPORTS – JARROD MORAN

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. At the time of writing we are waiting on a new FWC hearing date.

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. I have had initial discussion with MIAL and a meeting with delegates and the company will occur on 19 November 2018.

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. A further meeting took place on 11 October. Frustrated that Toll were not taking our claims seriously, Members reduced claims to the minimum they would accept, and we made Toll aware of our revised position on 17 October 2018. We are waiting to hear back from Toll.

Industrial Reports – Chris Neiberding

Industrial Officer (Sydney)

Brisbane Ferries

Negotiations for the 2017 Brisbane ferries EA have run their course and members have asked the AMOU to file for a protected action ballot (PAB) which we have done. This was approved by the FWC last week. The PAB order will now go to the Australian Electoral Commission (AEC) and then the AEC will request member information from the AMOU. If you have not updated your membership details in some time we suggest you do so immediately. AMOU can only provide the information to the AEC that members have provided to us.

Also if you are not a member there is still time to join, however the window will close once we provide the list to the AEC.

Manly Fast Ferries

Manly Fast Ferries has been refusing to negotiate and has only now released the NERR. The first meeting will take place on 30th October.

Stradbroke Ferries

Stradbroke Ferries agreement negotiations have been moving on amicably. The negotiation environment is completely different to what it was a few years ago and this can be attributed to the old hostile management being replaced. Despite this good news the company still refuses to consider the indemnity clause that the AMOU has put forward; the same clause that Sealink currently has in the Gladstone agreement. The question now becomes why do those in the Gladstone operation get better protections than those working in the Stradbroke operations? There are two more back to back meetings booked in for November.

Svitzer

Bowen

Svitzer has contacted the unions for the next meeting to review stage 1 and start the implementation of stage 2 of the Bowen operations. The AMOU will not be moving to implement stage 2 until stage 1 is finalised.

Darwin

POPS, EA, Crewing

The unions made it very clear at the start of the POPS that we would not be even looking at the EA until the POPS are agreed and crewing is determined and agreed. Somehow, yet still unsurprisingly Svitzer have found themselves short of crew and members are feeling the strain despite the fact they had notice well in advance. This is simply a money saving exercise. The AMOU has requested an urgent meeting with Svitzer to put some more pressure on the company. The unions are awaiting dates for the next POPS and EA meeting.

Newcastle

There have been a number of outstanding issues in Newcastle surrounding PPT leave entitlements. The AMOU has had a response from Svitzer regarding these entitlements however we still question their validity and we are seeking further advice.

Smit Lamnalco

Amrun

The Unions and SMIT are working through the Amrun POPS with meetings both on 26th and 29th October. There is time pressure to get this finished however and we will continue to schedule meetings until they are finalised.

Gladstone

It seems the Gladstone operation management is now refusing to pay some members some of their revalidation requirements. There has been a practice of waiting until members have a qualification about to expire and when the member books in for their revalidation and pays the cost the company refuses to reimburse the expenses. This was far from what was said in the EA. The AMOU is working on dates to meet with the company ASAP.

MSQ

MSQ has sent the unions a proposed draft EA and we have sent it to members for feedback. We will not be agreeing to an in principle agreement until we hear from members. We note there are still issues that MSQ has not addressed as the AMOU had requested and we will be following them up on this.

Prodiva

Items for discussion were sent to the company and we are waiting for a reply and meeting dates.

Sealink Gladstone

With the retirement of one of the skippers on the *Bruce* this has meant the first on last off clause has come into play and Sealink seems to be doing everything it can to avoid the clause. The AMOU and members met with Sealink and put forward some options. We will meet back again in November.

Port Authority of New South Wales

VTS

After a workload study was conducted by the Central Queensland University (CQU) for the Sydney Harbour VTS, the unions have been requesting a meeting with Harbour Master Philip Holiday to go through the 15 recommendations that were made by the report. Philip Holiday declined to meet with the unions and only after a PIN notice was put on the port for safety concerns, did he send Work Health and Safety Manager David Page and Senior Manager HR Sarah Marshall to meet with us. It was more than disappointing that Mr Holiday did not want to attend.

We were surprised to hear that some in management had only just read the report before the meeting and others only a few days before. We would have considered that the information in the report required urgent action. Despite this those at the table showed a willingness to action some of the items in the report, however until the next meeting we will not know how committed they are to action.

EBA

The EBA has now been ratified in the FWC after a long process between the MUA and the Port arguing about the clauses in the fleet review.

Fleet review

The AMOU has given the port our nominations for the fleet review committee.

Industrial Reports – Martin McEvelly

Industrial Officer (Sydney)

It's been a whirlwind first month with the Union. I'd like to take the chance to thank all of the members, delegates, executive officers and staff that I've met, emailed or spoken to since I started. You have all been very welcoming, helpful and willing to pass on your knowledge. I am already looking forward to meeting more of our members in the coming months. It's an incredible industry you have, despite the many challenges, and I'm certain I'll continue to learn more and more about the maritime world as my journey with the AMOU continues.

As well as working on a number of disciplinary matters, I have also been given a small portfolio of enterprise agreements.

ASP Gladstone Bunkering Facility Enterprise Agreement

First round of negotiations for a renewed EA between ASP and the AMOU, AIMPE and MUA begin on 31 October 2018. A log of claims is in the process of being finalised and I will be in Gladstone between 30 October and 02 November to attend the negotiations and meet delegates and members. The last negotiations took almost two years to finalise so we are very eager to ensure that we don't see a repeat of that this time.