

# Industrial Report

June 2019



**AMOU**

Australian Maritime  
Officers Union

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## Monthly Members’ Meetings following Annual General Meetings

### EASTERN AREA:

#### **Mooloolaba - Monday 24<sup>th</sup> June 1000 hours**

*Pacific Room Mantra Mooloolaba Beach, 7 Venning St Mooloolaba*

#### **Sydney - Tuesday 25<sup>th</sup> June 1000 hours**

AMOU, Suite 1, Level 5, 377 Sussex St

#### **Gladstone – Tuesday 25<sup>th</sup> June 1200 hours**

Rydges Hotel, 100 Goondoon St

#### **Cairns – Tuesday 25<sup>th</sup> June 1700 hours**

Cairns RSL Club, 115-119 The Esplanade

#### **Newcastle – Wednesday 26<sup>th</sup> June 1400 hours**

AIMPE Newcastle Branch Office, 148 Hannell Street, Wickham

### SOUTHERN AREA:

#### **Melbourne – Wednesday 26<sup>th</sup> June 1000 hours**

202/20 Convention Centre Place, South Wharf

#### **Launceston – Wednesday 26<sup>th</sup> June 1800 hours**

Best Western Hotel, 3 Earl Street

#### **Adelaide - Thursday 27<sup>th</sup> June 1500 hours**

Institute Chambers, 22 Divett Street. Port Adelaide

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### **WESTERN AREA:**

#### **Fremantle - Monday 24<sup>th</sup> June 1000 hours**

Navy Club Inc, 64 High Street

#### **Geraldton – Wednesday 26<sup>th</sup> June 1800 hours**

Ocean Centre Hotel, Corner Cathedral Ave & Foreshore Drive, Geraldton

#### **Darwin - Wednesday 26<sup>th</sup> June 1800 hours**

Darwin Sailing Club, Atkins Drive, Fannie Bay

# President's Report

## Tim Higgs

*President and Svitzer Melbourne Tug Master*

Welcome to the June Industrial and President's reports.

I am writing this month's report from Oslo in Norway where I have been attending the ITF's Offshore Taskforce Group (OTFG) meeting. June has a busy month with the annual audit and report to the membership being finalised along with the preparation with the Australian Electoral Commission (AEC) for the union's quadrennial elections.

### ***Annual General Meetings***

This week each area will hold Annual General Meetings (AGM). Some areas have numerous meetings scheduled so as many members can attend as possible. The Annual Report from the Executive Council as well as the financial report from the auditors has been made available to all members prior to the AGM so members can prepare themselves to discuss the unions activities. This year I have managed to take some leave from work and on my return from Oslo I will be attending the Western Area Fremantle meeting, Eastern Area Sydney, Southern Area Melbourne and Launceston meetings. Upon completion of the AGM agenda the meeting will be closed and the monthly meeting opened to discuss the Industrial Report.

### ***ITF Offshore Task Force Group***

Last week I attended the OFTG meeting in Oslo along with 20 other ITF affiliates from all over the world to discuss the issues the Offshore Oil and Gas Industry is facing today. Most affiliates present are facing similar issues with the global downturn. Although most were saying there was signs of a turn and slight increase in work. I expressed the concerns we have, given there is a continental shelf agreement between affiliates, yet we see many ship owners working with Australian operators to falsify requirements in an attempt to justify specialist visa abuse to bring foreign officers onto our continental shelf. During meeting Maersk Supply Service made a presentation to the meeting and painted a bleak picture for many of the offshore shipping companies worldwide who are basically owned by the banks. Many of the companies familiar to us are on the list with the banks having written down the debts about as far as they are willing to go with an industry still oversupplied with offshore vessels. Ship owners or the banks are reluctant to scrap them so it's going to take some time for things to return to some sort of normality for the industry. To be able to survive many of the ship owners are looking for alternative streams of income outside the traditional offshore work scope. Maersk shared its vision of what alternatives are on the horizon and where they plan to head. Maersk is looking at;

- Optimizing their core business
- Creating integrated solutions (tow & mooring, light well intervention, subsea construction, IMR)
- Diversification (Deep Sea harvesting/mining, renewables, decommissioning and ocean cleaning)

The following link <https://vimeo.com/286936275> is a great video that was part of their presentation that outlines one of their visions beyond oil. It was encouraging to hear their vision and where they plan the business to go

beyond the oil peak that's predicted to be in the mid 30's. With Maersk's International manager HR present I took the opportunity to meet one on one to discuss their operations in Australia and the issues our members are facing in the current EA negotiations with Maersk Australia. I also additionally met with both the Norwegian Seafarers' Union and the Norwegian Officers' Union to discuss the financial situation of Solstad and the entitlements our members have with Solstad in Australia as well as ways that we could work together to ensure they are protected given Solstad's precarious financial status. Further to this, we discussed the growth and opportunities within aquaculture with Tasmania expecting up to six wet well vessels over the next few years.

### **The last four years**

Over the last four years I have been honored to be the elected president of this union and to serve the membership. When I took over the role there was no indication of the downturn throughout industry that we were about to face. Throughout the term we have had a government that has been determined to destroy the Australian shipping industry. We have seen some of the toughest times faced by the membership. The Executive Council and I have worked through this along with the highs and the lows of the term. We have had numerous robust debates but one thing that has been clear throughout the term is that the Council has been united in the realization of the difficulties our union faces if it is to survive. We have worked tirelessly throughout the term to ensure the union could survive and be given the best opportunity to serve its members well into the future. We have had many successes, but one key stand-out was the win in the high court for the offshore visa case. This was something that hadn't been achieved in the unions 100-plus year history. Although the win was short lived with the goal posts for visas shifted quickly by government, it's a feat that should be emphasised. Following the unions rule change which saw the breakdown of the silos represented by the divisional system we have also seen the successful appointment of the unions first executive officer to run the day to day operations of the union. The days of honorary officials being available every day to make decisions and keep the industrial program on track are well gone. None of us likes change but we must adapt in an industrial world that is always changing. These are some of the achievements of which we are proud (although not limited to):

- Lewin Report (strategic review of the union and its industrial program)
- High Court Offshore Visa case win
- Appointment of the unions first Executive Officer
- Updated and implemented policies for the unions operations
- Review and implementation of a market-aligned staff agreement that is fair and equitable
- Formation of the Nautilus Federation of Australia with AIMPE
- Employing new staff to offer better servicing, organizing and superior geographic coverage for the membership
- Transitioning and balancing the industrial campaign from servicing to a better mix of both servicing and organizing models
- Appointing new independent accountants and new not-for-profit specialist auditors
- Taking control of the union's finances and implementing rigorous budgeting
- A new IT system rather than previous ad hoc system that had been in place for years
- Successful campaigns from within and in social media
- New website (not completed)

The Executive Council including myself have unfinished business. There is still a long way to go throughout this electoral period and beyond. We are a united team that has the best interests of the membership and your union at heart and we will continue the work needed to finish rebuilding a better union for us all well into the future.

In closing one the things that I took from Maersk's presentation in Oslo was the need to adapt, identify the opportunities and create a vision in that direction. If we can as a union take something from this being supported and driven by the membership, we will be a very successful union.

As always Stay Safe

In Unity

A handwritten signature in black ink, consisting of a horizontal line followed by a stylized, scribbled mark.

Tim Higgs  
President

# Executive Officers Report

## Mark Davis

*Executive Officer (Sydney)*

### **Port Authority of NSW – Newcastle Pilots EA**

After 12 sets of negotiations there has still been precious little meaningful movement from PANSW to address the central issues raised by the Marine Pilots. There is some willingness from the employer to address training needs. Presently there are four training Pilots, the employment of whom was not staggered in a logical fashion to smooth the path to becoming licensed by not having to compete amongst themselves for training pilotages. The staggered introduction of new Pilots was an AMOU claim that received no support from the PA presumably on the grounds that it was dictating when to employ Pilots and therefore trespassing upon the employer's right to employ. More Pilots were certainly needed, and this was also claimed by the Pilot group but having employed the four trainees all in a short space of time the consequence is it will take much longer for them all to become licensed. This is also exacerbated by the lack of Pilots that can perform check pilotages, further slowing the licensing process. The PA has made a proposal to supplement the ranks of check Pilots and this represents one of the few positive developments in nearly 6 months of negotiations. The Pilot group has made a counter-proposal to the PANSW "best and final offer" and if no traction is forthcoming the group will be considering some very serious options.

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

Engage has towage contracts in Geelong, Port Latta and both Sydney ports. The company had been consulting with AMOU and AIMPE regarding an alternative structure to the partnership arrangements that apply in other company contracts. The discussions were very constructive but the company has now gone quiet the past 2 months so the suspicion has to be that they are reconsidering their options with the potential consequence that they will fall back onto common-law contracts – an extension to the current unsatisfactory employment arrangements and a retrograde step after the previously positive discussions. handling procedure.

### **Dredging industry**

The flurry of activity in this sector has caught us somewhat off guard and we are witnessing a preponderance of non-Australian senior officers on the dredgers. We have sought CVs from all members with dredging experience in order to be able to mount the labour market argument with the dredging companies and with the immigration department to ensure local content. Industrial staff are now being encouraged to regularly monitor State government websites listing infrastructure projects in order for us to be proactive in establishing communications with dredging companies, immigration and the government entity putting the work out to tender.

## Industrial Reports – Glenn Andersen

*Organiser (Fremantle)/Offshore Oil & Gas Delegate*

### Foreign Officers

AOS has been advised the AMOU will proceed with a Fair Work application to test the meaning of the Job Security clause (6) of the AOS EA. Our target is the offshore construction vessel *Sapura Constructor*. This vessel is a frequent visitor to our economic zone, but Sapura always bring their own masters and chief officers.

### Ship visits

For the first time in nearly two years there have been no ship visits for the month. I am due in Darwin next week and will be making ship visits.

### Trident LNG Ships

A preliminary EBA negotiation meeting took place at the AMOU Fremantle office on Tuesday 11th June. Present was Neil Griffith from Trident, Mike Carroll from AIMPE with me representing the AMOU. This meeting was more or less designed to identify any claims from either side, which may have the ability to create major points of difference between the parties. From Trident's side they are basically happy to roll the present agreement over, with, of course, employee expectation of salary increases along the way. There is a concern from Trident that being able to man the vessels with enough qualified and certificated masters and deck officers has been, and continues to be, a problem to the point at which sailings could have been in doubt. If that were to be the case and departures from Dampier were delayed or rescheduled, then it follows there would be repercussions. In my opinion Woodside would making phone calls to Canberra very quickly. It was also put to us that staff are, at times, less than cooperative when it comes to putting themselves forward for the company required shore-based training courses i.e. Fast Rescue Boat, Confined Space Entry, to name a few. Trident Deck Officers may, of course, have their own thoughts on this subject. My comment was maybe there are some courses which have a questionable value, and employees do not want to be *trained*, continually, and in every leave period. We are already aware of issues around permanency and different parts of the present agreement not being followed, and we will look at tidying those up. Trident would like to complete the process by early August.

### AOS

Earlier this month an issue arose onboard the AOS manned *Seven Eagle*. The vessel was mobilised from Singapore for new installation/dive operations in the Bass Strait. Both delivery and work scope wage rates were paid on the 117% Schedule. At the completion of the initial contract new work was then awarded to the vessel. The rate was then dropped to the 107% support rate. This raised the whole *Specialist Vessel* subject, a very misunderstood area. AOS employees onboard the *Seven Eagle* got together to oppose this reduction in wages. The correspondence from that group was well written and put forward a logical argument to retain the 117% rate. The three unions then got involved in the issue and as a result the company relented, and without prejudice, agreed to restore the original rate for the full period of the extra contract. This was a victory for on the job unity. The *Fugro Mariner* will be mobilising out of Bali early July for a fifteen-day contract for ESSO, in the Bass Strait.

### INPEX/MMA

I recently met with MMA (Mermaid Marine) partly to meet their new HR person. As well as pointing out the very objectionable *Disputes Resolution Procedure* contained in their EA. I enquired about *Casual Conversion* (Casual to permanent employment) the answer was at the moment their permanency rate was up around 45% and there is no immediate plan to create further permanent positions. MMA was informed the AMOU would enact the disputes clause of the EDSPDPA to secure permanent positions onboard those MMA vessels currently assigned to the INPEX offshore operation.

### Westug

Westug is keeping up the pressure on our members at Cape Lambert. We think cracks are starting to appear in their aggressive campaign to fool employees into joining one of these dodgy business ventures.

**WA State Government Ports Minister**

Contact is being maintained with the Minister's Office. The partnerships issue is only one of the subjects the AMOU is seeking Government assistance with. How all this ends up, we will just have to wait and see.

**Maersk EBA negotiations**

Maersk took its time but eventually rejected our formal proposal made at the May 7<sup>th</sup> meeting. In a rather bad-tempered reply Maersk management accused the AMOU of *capricious and unfair conduct* as well as *undermining good faith bargaining requirements*. These people just don't get it: Maersk employees have voted twice to reject EA proposals, which would see the loss of hard-won conditions. Who wants to agree to uncapped numbers of unpaid training days? Protected industrial action may be the only way to secure a fair and equitable EA from Maersk.

**OSM EBA Negotiations**

The proposed OSM Employment Agreement has been voted down. OSM will not divulge the numbers. Following the ballot loss OSM offered to re-start negotiations, but only after a six-week gap. Both unions have attempted to arrange an earlier date, but OSM have succeeded in delaying the process. In an attempt to speed things up an application alleging bad faith bargaining from OSM, was lodged with the Fair Work Commission. Although this FWC application has ended up adding to the delay at least a favourable outcome will make it harder for OSM to continue with their delaying tactics.

## Industrial Reports – Jarrod Moran

*Senior Industrial Officer (Melbourne)*

### **TasPorts**

#### Pilots

TasPorts has agreed to our claim that 2 additional pilots are needed in the roster to maintain service, provide opportunities for training and professional development and give access to leave. Advertisements have been posted for Pilots in Bell Bay and Hobart. Many of the claims we have for TasPorts as part of the current EA negotiations will now fall away as the above matters should be resolved. Next EA meeting is likely to be in around 2 weeks in Launceston.

#### TasPorts Corporation

We have had 4 meetings with TasPorts for this replacement EA. The current document was renegotiated only 12 months ago so members are seeking minimal change, including a fair wage increase (not tied to the State Government's maximum wage offers). Some additional matters have been raised by members that go to the application of the current EA and should be fixed up during these talks.

### **DP World Superintendents**

We continue to have discussions with DP World around terms and conditions for Superintendents and members desire to formalise arrangements with an EA. The most recent group discussion was in late December which included the Chief Operations Officer. We have advised DP World that we want to reconvene negotiations ASAP.

### **Searoad Shipping**

We had a start stop commencement to negotiations for a new agreement late last year. Members have organised a password protected portal that we can use to exchange information and thoughts across both vessels and all swings. Searoad has recently advised that as their preferred negotiator is on maternity leave, they can't see talks recommencing until October. Searoad has also advised that they want to pay an allowance currently represented in the EA as part of salary rather than the customary on-board cash payment. They have advised they want this to start on 1 July 2019. We have raised our opposition to this and if the matter is not resolved by 1 July 2019 it would seem we have little option but to seek the assistance of the Fair Work Commission.

### **Toll**

#### Shipping Supervisors

A number of meetings have taken place with Toll regarding a replacement agreement. Part of what Toll wanted to achieve in this round of talks was a disaggregation of the all-in Supervisors' wage. This has proved an impossible task with none of the players who were involved in EAs over many years around the table. The history of how the wage was struck has been lost. Our simple offer of settlement to Toll is now a 3.5% wage increase, extra Supervisors in both Burnie and Melbourne and clarity around the interpretation of a number of clauses.

#### Seagoing Collective Agreement

The seagoing agreement expired on 31 March 2019. Toll has verbally advised that the offer may be 3.5% per year and a roll-over for 12 months. This has not been confirmed. Toll does have additional manning on the new vessels and members feel at a minimum this should be reflected in a roll-over EA.

### **Huon Aquaculture**

Huon has had the Norwegian flagged *Ronja Huon*, a 76m well boat/fish carrier off the Tasmanian coast since 2014. In August this year it will be joined by the *Ronja Storm* a 119m well boat. Additionally, we understand that Tassal will be bringing a well boat to the coast in coming months. The agreement we reach with Huon, if satisfactory should set the standard for the industry. Huon employs only one Australian, a cadet who is a member. The deck officers are Norwegians employed on s482 visas (with one recently getting permanent residency). Marine and Safety Tasmania has granted 24 pilot exemptions to 8 Norwegian deck officers since 2014. The deck officers are employed by Solvtrans, but the agreement will be negotiated by Huon. Our Log of Claims includes a clause in the new EA which would give preference to Australian workers before foreign nationals on temporary visas. Huon has verbally advised that they would like to employ more Australians and would welcome advice from the AMOU on suitable candidates. Huon has provided us with a draft EA and we will meet again shortly.

### **Port of Portland Tug Masters and Launch Masters**

We meet with the Port of Portland on 21 March and have resolved all outstanding matters except remuneration. Tug masters are working increasingly more jobs each year and the wage proposals offered by the employer didn't reflect this. A proposal to fix this is has been discussed between the Port and members and we are close to a resolution.

### **SERCO**

Serco negotiations have stalled. Serco is seeking wholesale change which members are not willing to accept. Members would seem generally happy with the current work conditions and are seeking minimal changes. Members are considering options to pursue a new EA and meetings have taken place at most worksites.

### **Victorian Regional Channel Authority**

We had previously sought to negotiate an agreement for Marine Operative members employed by the VRCA earlier this year without much joy. We have now established that the VRCA is a Victorian Government Authority and the Government has indicated to them that they need to conclude an agreement with us based on the Governments bargaining framework and in line with the Government's wages policy. We were advised that from 6 May 2019, the Marine Controllers at Geelong (who are currently employed by Linx) will have their employment transferred to the VRCA. Their current agreement will also transfer with them. We are waiting on Government approval to VRCA to commence bargaining.

### **RSV Nuyina**

We have had one meeting with Serco regarding the replacement Icebreaker *RSV Nuyina*. Serco is seeking a Greenfields agreement with the 3 unions to cover this vessel. Info on the ship can be found at: [www.antarctica.gov.au/icebreaker](http://www.antarctica.gov.au/icebreaker). The vessel is currently being built in Romania where it will have harbour trials in late 2019 before proceeding to sea trials in Norway in early 2020 before delivery to Hobart next year. Serco has indicated a preference to employ Tasmanians on the vessel if available.

### **EA's in Progress**

The following is a list of EA's that I am currently working on. Some are near completion; some are just starting, and some are in the planning stage. Please contact me directly with any queries about your EA below.

<b>Agreement</b>	<b>Expiry Date</b>
TasPorts Pilots	17 November 2018
TasPorts Corp	20 May 2019

Searoad Shipping	31 July 2017 (replacement 12-month deal expired before it was approved by FWC)
Toll Supervisors	21 October 2018
Toll Shipping	31 March 2019
Victorian Regional Channel Authority	First EA
Port of Hastings	4 December 2018
Serco	31 December 2018
<i>Aurora Australis</i>	30 June 2018
<i>Aburri</i>	22 December 2018
<i>Ronja Huon</i>	First EA
Portland Tugs	30 June 2018
DP World Supervisors	2 December 2019
DP World Superintendents	First EA
VICT	19 October 2019
Polaris Marine ' <i>John Duigan</i> '	First EA
ASP Ship Management (TT-Line Fleet)	31 July 2019
TT-Line Shipwrights and Pursers	30 June 2020
<i>RSV Nuyina</i>	First EA

## Industrial Report – Chris Neiberding

*Industrial Officer (Sydney)*

### **Teekay**

Currently the majority of AMOU members working on the *Ocean Shield* are from the Dry Cargo Fleet. There seems to be some confusion over employees covered by the Dry Cargo Fleet getting their correct entitlements. There is also an agreement, the Teekay Shipping (Australia) Pty Ltd / AMOU (Deck Officers) Government Services & Security Fleet Enterprise Agreement 2011 that currently continues to cover the *Ocean Shield*. The Teekay Shipping Australia Pty Ltd/AMOU Seagoing Deck Officers Dry Cargo Enterprise Agreement 2017 has been approved by the Fair Work Commission. However, the scope of this agreement appears limited to the vessels *Mariloula* and *Lowlands Brilliance*. The Teekay Shipping (Australia) Pty Ltd / AMOU (Deck Officers) Government Services & Security Fleet Enterprise Agreement 2011 came into operation on 12 February 2013 and had a nominal expiry date of 7 October 2015. It covered employees working on the *Ocean Shield* and was not replaced. It therefore continues also to apply to employees working on the *Ocean Shield* until terminated or replaced. The AMOU has been working with members and AIMPE to resolve the issues to ensure members receive the relevant backpay and percentage increases from the Dry Cargo fleet EA. We have had written agreement from the company this will take place, but we will meet with them face to face on 24<sup>th</sup> July to resolve any further issues.

### **TasPorts Tugs**

Next week I hope to visit TasPorts Tug members and discuss the coming EA which is overdue. I am just waiting on confirmation and availability of other union officials. The AMOU had written to TasPorts outlining that the EA was overdue, that they should issue the NERR and that the AMOU is ready to meet and start bargaining. There is a meeting pencilled in for the 2<sup>nd</sup> July but TasPorts are yet to confirm.

### **Svitzer**

#### Svitzer EA

A number of the delegates are talking to members about the AMOU log of claims, most of which were provided at the Works Council. We hope to have a log correlated and out for circulation to the delegates early July. Svitzer has stated that the meetings will take place in Sydney in August. When asked how aggressive the company's claims were going to be Svitzer was evasive so I assume that to mean their claims will be quite aggressive. We won't know until we have them in front of us.

#### Sydney Licence

There is still no movement on this issue.

### **Bruny Island Ferries**

Sealink took over the operation of the Bruny Island ferries last year and have since let the conditions erode and have asked employees to sign individual contracts. The AMOU is currently talking to members and encouraging all non-members to join. It is our hope that with enough support we would be able to get them back on an EA and off the Award rates.

### **Individual Issues**

There have been a few individual disciplinary and enforcement issues that have also been resolved.

**Relocation**

As many of you know I am relocating to Melbourne and will be working out of the Melbourne office very soon and implementing my Southern Area portfolio locally. Not that I'm disappearing, but I would like to thank all the delegates and members in NSW and Queensland for their support. I have enjoyed working with everyone over the last 7 years.

## Industrial Report – Martin McEvelly

*Industrial Officer (Sydney)*

### **ASP RV Investigator Officers' Enterprise Agreement**

This EA was approved by the Fair Work Commission (FWC) on 18 June 2019. This was a remarkable turnaround time as the EA was voted up unanimously by Deck Officers and Engineers in early May. Hopefully this will be a trend that we will continue to see from the FWC and the extensive delays that we have witnessed over the last few years are a thing of the past. Helping the fast approval timeframe was undoubtedly due to the fact that the Commission didn't require ASP to make many undertakings, showing that the EA met the majority of their technical requirements. Backpay has already been implemented as a result of the agreement being approved.

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

We are still awaiting a copy of a draft EA from ASP for the Unions to review before it is put out to vote. Negotiations have concluded and although there are a number of concessions that ASP have insisted upon, including a redundancy cap of 78 weeks and extension of the span of hours, the terms are generally positive for members. I have been dealing with ASP extensively over the last few weeks and will continue to push them for the agreement to be finalized and put out to members of all three maritime Unions aboard the *Larcom*.

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

I have been fortunate enough to have visited three of the ASP-managed Rio Tinto vessels in the last few weeks. I would like to thank the members aboard the *RTM Twarra*, *RTM Weipa* and *RTM Piiramu* for their time and hospitality when I visited the ships in Gladstone. I was also accompanied by Nathan Niven of AIMPE and Phil Jones of ASP. As was discussed, it appears the company is not willing to provide any additional proposal to encourage members to agree to the 78-week redundancy cap that ASP is insisting upon in the agreement. With the exception of this clause, the agreement is generally a good one for both Deck Officers and Engineers in the Rio fleet. However, the proposed cap will impact upon many members and it is understandably a divisive issue. It appears that the company is confident that it will be able to achieve a successful vote should the EA be put out to vote with the cap included. I expect they will do so in the coming weeks. By the time this report is issued, I will hopefully have also been aboard the *RTM Wakmatha* and look forward to meeting members aboard and hearing from them.

### **Teekay Ocean Protector**

There have been a number of failed attempts to schedule a meeting to further discuss this EA. A final sticking point remains AIMPE's refusal to support the EA unless the claim for a dedicated Electro-Technical Officer (ETO) on each swing is addressed. As we outlined previously, the company has rejected most of the Union claims. We will continue to try to arrange a further meeting with delegate attendance a crucial requirement. Chris Neiberding will be taking ownership of the remainder of this process.

### **Teekay Tanker Enterprise Agreement**

The EA for the *Dampier Spirit* was successfully voted up by AMOU members in late March and we are still waiting for it to be approved by the Fair Work Commission. It is currently waiting for consideration by Commissioner Yilmaz. We have seen some progress from the FWC in their approval timeframes, including the EA for the *Investigator* as discussed above, which was submitted two months after this one, so hopefully the wait is not much longer.

### **Roads and Maritime Service NSW Award**

RMS will be incorporated into Transport for New South Wales (TfNSW) on 1 July 2019. TfNSW remains committed to not changing any daily operations or employment conditions for current employees under RMS at this time. With the support of Unions NSW, negotiations for the Consolidated Salaried Award is almost complete. This will remain the EA that applies to maritime employees after the transition to TfNSW. They have made a concession on the term of the Award and it appears likely that it will be extended to two years and a pay increase of 2.5% each year is also probable. We are still in dispute with RMS regarding the lack of consultation, through the NSW Industrial Relations Commission. Although we have been approaching this in good faith, this has been undermined by a recent newspaper article which shows that the plan for the restructure was in place long before it was announced (also through a media leak), as well as the fact that they have in place plans to cut employee expenses by over \$1.9 billion in TfNSW over the next ten years. An email has been sent to all members at RMS which has a bulletin and a survey from Unions NSW and the combined Unions that I ask all members to respond to and share with their colleagues. Employees' jobs and working conditions are under attack by TfNSW and we need to do all we can to protect them.

### **Transdev Sydney Ferries**

We are still waiting to hear more from Transdev Sydney Ferries regarding how they are going to approach some of the significant changes that are due in the coming months. Specifically, how they will manage the requirement to transition the dry hire of the charter vessels as required under the EA and the qualifications required for the new 'tubbies'. We will keep members informed through the delegates as things progress. A number of individual issues continue to raise their heads which shouldn't need Union involvement. For example, a member was recently denied bereavement leave, despite this being covered quite clearly by the EA as well as the NES. Although this was quickly corrected after escalation to the Union, it is something that should have been dealt with by the company much better. If any members are seeing other examples of issues that aren't being properly managed by Transdev, please continue to get the delegates involved and make sure we continue to protect your rights.

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

Negotiations have been continuing, though we are currently at somewhat of an impasse with Fantasea for their first EA in over a decade. Unsurprisingly, the issue which divides the parties is pay. The company has offered an increase of 3% in year one and 2.5% for the remainder of a three-year term. This is much lower than we believe employees are entitled to after a long period of time without a properly negotiated EA as well as in comparison to market rates. The MUA has been driving a wage claim which has an approximate 20% wage increase and appear to be gearing towards a protected action ballot. We will continue to engage with members and the MUA to determine how we continue with the negotiations and achieve the best outcome for all parties.

### **Inco Enterprise Agreement**

There has been no further progress since last month's report.

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

We are getting closer to reaching an agreement on a new EA. The outstanding issues are term where we and the MUA want 2 years to align the EA with the expiry of the Port Authority EA's in Port Kembla and Sydney and the company wants to avoid that at all costs; consultation on policies where the company wants to remove the requirement for the Unions to agree to changes; and conditions for PPT workers in VTIC. I would like to thank Chris Neiberding for attending the most recent meeting in my absence, as well as the continued work of the delegates.

Hopefully, we will reach a conclusion at the next meeting on 28 June 2019 and move towards bringing the negotiations to a close.

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

PON have advised us that they have appointed a consultant to conduct negotiations for the new EA on their behalf. It appears the next meeting will be taking place in early July, though dates have not been confirmed. I will reach out to delegates once a date is locked in. Backpay has already been agreed to by the company, in recognition of the fact it was their decision to make their HR manager redundant midway through negotiations which has caused the delay.

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

The Port Authority has recently written to all employees to discuss the findings of a recent payroll review. They have determined that over the last seven years they have overpaid 90 employees and underpaid 117. Those who have been underpaid will be receiving their payments shortly. Those overpaid will, rightly, not be pursued for those funds. How this can happen in a modern business with a recognized payroll system is beyond belief, with the company laying the blame on poor payroll practices and management which they are confident they have now addressed. This should serve as a lesson to all members to ensure they pay attention to their pay as some employers cannot be trusted. We are also dealing with the Port Authority regarding their decision to restructure the ERT team, which is currently responsible for, amongst other things, the operation of the gangway at the Overseas Passenger Terminal. There is much to be figured out, including what will happen to the current members of the ERT, as well as who will then be responsible for gangway operations in the future.

### **NSW Ports Enterprise Agreement**

After a very succinct negotiation process that consisted of only two meetings, NSW Ports will be issuing an EA for an employee vote in the coming weeks. As members will undoubtedly recall, the last EA negotiations were a drawn out and difficult process and it is as a result of the outcomes fought for and achieved back then that this agreement was able to be reached so quickly. The only major sticking point was pay, with the final agreed outcome being a 2% increase in 2019, with 2.5% in 2020 and 2021. My thanks go out to the delegates and members for their assistance and hard work in reaching such a timely outcome.

### **Annual General Meeting**

I will be the AMOU Industrial representative at the upcoming AGM's being held in Gladstone and Newcastle as listed at the beginning of this Industrial Report. I'm looking forward to meeting even more of our members and will be happy to answer any questions you may have.

## Industrial Report – Glenn Walsh

*Industrial Officer (Fremantle)*

### **Mackenzie Towage Bunbury**

The latest enterprise bargaining meeting was significantly more productive than all prior attempts, but there are still substantial hurdles to overcome if we are to avoid the need for protected industrial action. The company is seeking to finalise its position on a range of Union claims which will then determine our next move. AMOU is also investigating claims that standby crews are not being paid in accordance with the rostering provisions provided in their common law contracts of employment. If there is evidence of ‘wage theft’ the Unions will aggressively seek immediate redress and recompense for our members.

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

Bargaining is nearing the point where our members are seriously considering the need for protected industrial action. The SPA bargaining representative has been given limited time and space to reconsider the position on the remuneration, reclassification and redundancy claims made by the AMOU. Our members stand united and ready to protect their entitlements; a point that has been expressed very clearly to SPA management.

### **OSM**

The matters in dispute that have been referred to the WAIRC for determination have now been listed for early July . We are confident in resolving these matters for the benefit of our members.

### **Mid-West Ports**

AMOU continues to work with the MWPA CEO and General Counsel to resolve the relevant matters in dispute, and it appears that some of the concerns will be resolved very soon. We hope that the commencement of the various consultative committees next week will serve to recover the Port’s relationship with Union officials and members. The recent history of antagonism and mistrust can only be improved via open and transparent communication and consultation between all parties.

### **Odyssey Marine**

Prior to the commencement of bargaining, AMOU members will meet again in Port Hedland to determine the collective log of claims. We are hoping to secure a majority of employees as AMOU members in support of our bargaining position.

### **Argonaut Marine**

After initially refusing to bargain for an enterprise agreement, and then electing not to oppose the AMOU application for a Majority Support Determination with the FWC, Argonaut’s managing director has since made submissions opposing our application. Given the spurious claims made by the employer, AMOU is confident that the MSD application will succeed, forcing the employer to bargain with its employees and the Union.

### **Toll Energy Logistics Pty Ltd North West Agreement 2019**

Toll management has issued the NERR for the *MV Astrolabe* enterprise agreement. By default, AMOU will bargain on behalf of members employed on this vessel and is currently communicating with Toll in relation to the commencement of the enterprise bargaining process.

### **Trident**

Shell (Trident) recently informed LNG Gas Carrier masters and deck officers of the intention to implement remote navigation audits by saving and accessing data on the ships voyage data recorder (VDR) and also the ship’s bridge

cameras and microphones. The audits are to be conducted without notice and/or consultation with the Masters who are otherwise apparently required to access the data and send this to shore before it is analysed by someone in London and the findings submitted to the vessel. Evidently this process commenced onboard the *Northwest Stormpetrel* in April and currently onboard the *Northwest Sandpiper* as it heads to Japan. AMOU shares members' concerns and is seeking clarification as to whether the surveillance, recording and auditing of conversations on the bridge are in breach the Surveillance Devices Act 1998, the Privacy Act 1988 or any similar legislation designed to safeguard their privacy.

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

AMOU will meet with members and non-members in Port Hedland to discuss our position for the pending VTS enterprise bargaining process. Local delegates have worked hard to develop the draft log of claims and we will seek to significantly improve levels of Union membership via the initial meetings in Port Hedland.

**Disciplinary Matters**

The remainder of my work has been in assisting members with grievance complaints, disciplinary processes and other enquiries.

## Industrial Report – Tracey Ellis

*Organiser (Brisbane)*

### **Pro Dive**

We are still awaiting a Fair Work decision on the hours of work dispute. The company has decided to go against Deputy President Asbury's initial view that the masters should be under the Marine Tourism Award and have stated that masters will remain on the Diving Award. We have already notified Deputy President Asbury and await her response.

### **Brisbane Ferries**

The new rosters have almost been finalised. Unfortunately, the company made changes to the agreed rosters and replaced some long shifts with shorter drills shifts. After some negotiating by the delegates, the company has agreed to work with them to fix this issue. The EA has been approved by the FWC and it will commence on the 27<sup>th</sup> June along with the new rosters.

### **Port of Brisbane-BMT**

Despite the AMOU rejecting the 1%-CPI wage offer, the Port of Brisbane has decided to put the EA out to ballot.

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

The AMOU has remained firm on our 2% wage claim and negotiations are continuing.

### **Cairns Intercity Group**

The AMOU and the MUA had a joint Masters and divers meeting in Cairns earlier in the month. We are still waiting for the company to produce a draft EA. I spoke with the Chamber of Commerce representatives who are writing the EA and they said it is nearly ready.

### **MSQ**

I met with MSQ Marine Officers at their annual conference. Thanks to AMOU Executive Councillor Darryl Dorrn for organising time in the schedule for the unions to attend. It was a great opportunity for the AMOU, AIMPE and Together to meet with members who were actually in the same place at the same time.

### **Sea Swift**

The AMOU is supporting AIMPE in a move to bring the company back to the negotiating table. The Institute filed a Bargaining Dispute in the Fair Work Commission which will be heard on Monday 1<sup>st</sup> July.

### **Smit Lamnalco- Gladstone**

Luke Tiley from Hall Payne Lawyers has done a great job putting forward the AMOU's case in the GMDSS revalidation dispute. The final evidence was heard in the Fair Work Commission on 21<sup>st</sup> June and we are now awaiting Commissioner Spencer's decision.

A number of casual employees requested to be made permanent after the new Casual Conversion legislation came into effect. Smit Lamnalco has rejected all of their requests. The AMOU is working with the AIMPE to dispute the company's position on this issue.

### **Smit Lamnalco - Amrun and River Logistics**

The AMOU, AIMPE and MUA met with Smit management to discuss the Amrun and River Logistics Port Working Practices. An agreement was made about the Amrun master's swing off day. Masters will receive 3 hours pay if

they miss the 1500 flight out. Tug masters will also be able to make the decision to return to sheltered waters in adverse weather conditions.

River Logistics- the AMOU told the company that we want the 4<sup>th</sup> crew member on the new vessel, Sara, to be a mate. Smit is waiting on the official vessel length before they can commit to having a 4<sup>th</sup> crew member. Smit agreed to change the wording of the PWP to specify that working 14 hours would only happen in 'exceptional circumstances.'

#### **Smit Lamnalco Townsville/ Mackay**

Smit has allegedly been drug testing using urine samples in the first instance. I am still trying to get them to the table to finish writing the drug and alcohol policy they had started. The policy needs to ensure they are only testing to see whether employees are fit for work and not invading the privacy of their leave.

#### **Townsville Pilots**

The AMOU met with MSQ and the Port of Townsville to discuss the dispensation of qualifications and training requirements required for a new Pilot Manager to be trained as a Pilot. We reached agreement and will be working together to create a suitable training matrix.

#### **Svitzer Darwin**

The AMOU has just received the final draft of the EBA and once that is checked it'll be ready for the company to put it to ballot.

#### **Sunlover**

The EBA was voted up by 100% of the workforce. It will now be sent to Fair Work to be approved.

#### **Australian officers on Australian projects**

There are several Australian dredging projects coming up that do not have Australian officers onboard. The AMOU has compiled a list of qualified and skilled officers and are currently putting pressure on companies and relevant Government departments to try and ensure Australians are utilised before visa holders.

We also recognise that there is a lack of work in Australia's maritime industry and that it would be beneficial for us to create a database of reputable foreign companies who hire Australians. This would allow us to let them know when one of our members is looking for work and would in turn give our members more skills and experience on their resume, increasing their chances of landing a job in Australian waters. If you've worked for a foreign company that treats their employees well, please email me on [tracey@amou.com.au](mailto:tracey@amou.com.au) and I'll add them to the database.