

Industrial Report

March 2019



AMOU

Australian Maritime
Officers Union

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Monthly Area Members Meetings

Tuesday 26th March 2019

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

President's Report

Tim Higgs

President and Svitzer Melbourne Tug Master

Welcome to the March Industrial and President's report.

March has flown by with the continuation of attacks upon the Australian Shipping Industry and throughout the industries we have representation within. Apologies, unfortunately today I can't be present at any of the monthly meetings as I am currently attending Svitzer's 2.5-day Works Council.

Business of the Executive Council

We are the oldest registered union within the Australian union movement; something that is held close and dear to all. But you didn't have to look too hard to realize our history is very checkered especially from within. It's very easy to stand on a soap box, shut down or supposedly question this today with the use of social media but what was becoming apparent was the need for the Executive Council to have the courage to think beyond one term and about creating a future for our members and a prosperous union generally.

Very early in my tenure as President I heard the history from various union officials and members that respectfully retraced the union's history. What became very apparent early in this research was the negative impact our own internal politics had placed on the union. This was made very clear in the Macken report completed in 2008. In reading this report it was very apparent to those in leadership roles, although never being released to the wider membership, that our own internal politics were our own undoing.

No one likes change, but what was becoming apparent very early was that we needed change to move on from the union's previous regime to create a union that is driven by the membership and a union that was able to survive the financial strains that today's industrial climate places upon the union movement.

Although being very difficult to manage it was very clear to the Executive Council that we needed to respectfully recognize the history, learn from it and ensure in moving forward there was no repeat of history. We needed to create a union that best catered for its member's needs. Given this, it was evident we needed an outsider with the correct skill set to independently review the union and its operations.

Upon this subject this Executive Council faced numerous heated discussions and robust debate about what needed to change and what didn't and how we went about it. A lot of this could have possibly been pushed aside as it was too difficult or there was too much risk attached to it for us politically, but there was one clear message that kept ringing home - if we didn't change, we as a union were destined to suffer serious consequences.

As the elected officials of the union we have managed to achieve numerous things within this term so far:

- Employment of the Executive Officer to oversee the day to day operations of the union and ensure the members are getting the best service possible with the resources available.

- Winning the High Court case over the visa issues we faced in the Offshore Oil and Gas Industry
- The removal of Masters and Deck Officers from the skills shortages list (although the goal posts continue to be moved on us)
- Negotiation of a staff agreement that is economically viable and realistic in conditions aligned with today's industrial movement
- Employment of new, vibrant committed staff in Fremantle, Sydney and Brisbane
- We will shortly see the relocation of an existing staff member to Melbourne giving the membership better coverage in the Southern Area
- Opening dialogue with AIMPE and the strategic cooperation agreement to work together under the Nautilus Federation of Australia banner
- Financial savings for both unions through jointly operating from the same premises in Fremantle, Melbourne, Brisbane and soon Sydney
- Major overhaul and restructure of the unions IT systems
- Streamlined accounting and rigorous auditing to enable ourselves to be more efficient and responsive to the needs of the membership as well as compliant with the onerous legislative requirements

Given we are still some months away from nominations opening for the quadrennial elections, the day to day business of the union hasn't stopped and it won't and there is still plenty of business for the Council to continue working on to deliver a union that best fits today's industry and the needs of our membership.

Communications

This is something that is continually evolving, and we know it still needs a lot of work. But we delivered 55 memos last year and 11 so far in 2019 plus these monthly industrial reports that are informative of where our industrial staff and leadership are at with the current issues facing them; from those employed on Bruny Island ferries in Tasmania to the pilots employed in Darwin and everywhere in between.

Don't abandon Australian shipping

This campaign is ongoing. It was designed and named in such a way that it could be used as an umbrella for numerous smaller campaigns throughout the industry. For example, we are facing further immigration battles in industries other than the oil and gas sector. There is evidence of a new industry developing in aquaculture, particularly salmon in Tasmania where visa abuse is rife. We know of one offshore oil/gas employer in particular that is involved in providing wet well boats in Europe and is also now delivering similar vessels to the Tasmanian salmon industry. This is relatively new technology to the industry so to run the argument that a foreign master and officers have the experience that we don't and obtaining specialist visas is again a rort of the immigration system. We are in the process of attempting to work with both companies in Tasmania to negotiate conditions of employment and to employ local Australian officers to fill their requirements.

AMOU logo and rebranding

Whilst respectfully recognizing the unions old logo, it was clear that we needed an new visual identity in particular for campaigning and the website. On numerous occasions I have witnessed confusion of the public of AMOU with another union with a not-too-dissimilar acronym. The new logo has received a lot of positive and very limited negative feedback in the last 12 months, to the point that we have now decided to roll out the new look logo across the union's stationery, website, campaigning material and new merchandise.

Until next month as always stay safe

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

Tim Higgs
President

Executive Officer's Report

Mark Davis

Executive Officer (Sydney)

North West Shelf Shipping Service Company

Trident/STAPL employment/promotion

The Continuity of Operations Agreement (COA) for the North West Shelf Project states that where there is *'any manning shortages occurring for any reason'* AMOU needs to *'cooperate with the Employer concerned to the fullest extent possible... to obtain a replacement'*. Trident/STAPL identified a shortage of senior officers. This may well be caused by the failure to train, retain or promote internally. The point being that the obligation is created by providing *'any reason'*. This was the reason we had to assist Trident to source external candidates, as unpalatable as this is for existing officers denied promotion. Twenty-three CVs from AMOU members were submitted to the company as a result of the memo sent to members in January in response to Trident's appeal for gas-experienced officers. Six have now been identified for further interview/assessment and we understand a number of these members are now on board.

Conversion of casual officers:

The Northwest tankers have two Third Officers. Trident considers the extra 3/O to be casual. The issue of converting the casuals to permanent employees has been raised at NWS/Trident/STAPL meetings attended by the COA Arbitrator and has found favour as an element of a retention strategy. Trident understands that it must report on the progress of this permanency to the regular meetings of all of the parties. I have asked Glenn Andersen to handle this issue with Trident and casual officers seeking permanency are to send their details to Glenn to allow him to make the case with the company. There is a recent FWC case that has raised the profile of the issue of conversion of casuals to permanent in certain circumstances and this has become a political issue. The AMOU approach is to claim a casual conversion clause into all EAs applying to operations in which casuals are employed.

Retention strategy:

Trident has sent a memo to all officers seeking to engage in one-to-one discussions to develop a retention strategy initially with Masters, C/Os, Chief Engineers and 1/Es that *'may involve; training, employee development, promotional opportunities, and your priorities as an individual'*. Financial incentive is absent from this list. There is divided opinion within the AMOU Trident membership as to whether this omission was appropriate.

Four ships:

The Arbitrator's decision that Australians will crew the last 4 out of the then 9 vessels on the project was a significant victory for the maritime unions but one that has clearly not been well-received by the companies. The alleged senior officer crewing crisis has been spun into the question *what happens if a ship is delayed by the absence of a senior officer?* The companies' spin goes further to provide that such an absence means we can't crew 4 ships so we should spread the crews from the 4 ships across just 3 ships. This has been strenuously resisted by the three unions. The *Northwest Stormpetrel* is now due to

depart in July but there has been no discussion on the logistics of the transfer of crews to either *Northwest Shearwater* or *Northwest Seaeagle*. The companies had hoped to avoid this happening, but it is now coming to a head. An outcome from the latest meeting held on 18th March was that NWSSC had to get the mandate from the other partners to now advance these discussions.

Landbridge Infrastructure (Darwin) - Pilots

The matters that needed to be concluded that lay outside the EA process that were dragging on interminably and were central to the recruitment and retention strategy that underpinned the set of negotiations have been settled and everything has been agreed. Our two Pilot delegates have been superb throughout the whole negotiation process as has the solidarity of all 10 Darwin Pilots

Port Authority of NSW – Newcastle Pilots EA

Six sets of negotiations have now been held and it seems even clearer than in my February report now that there is precious little will on the part of the Port Authority of NSW – Port of Newcastle to address the central issues claimed by the Newcastle Pilots. As reported, these are the roster, the roster rules, the fatigue management principles and other professional safeguards (such as indemnity) and reward systems to be prescribed in the EA. The next negotiation session is set for 27th March. This was a deferral from the previous date of 22nd March and was necessary as there were too few Pilots on the belt roster to allow for the release of our two delegates. This was brought about by the main issue we are trying to convince the PANSW to address; insufficient Pilots.

New Brisbane-based Organiser

It is with considerable pleasure that I can report the employment of Tracey Ellis as our new Organiser who will be based in a separate office next to the AIMPE office in Bowen Hills Brisbane. After a drawn-out process in which Towage Delegate Ken Blackband, Tim and I interviewed 5 candidates over a 9-month period, Tracey became the obvious choice. She is introducing herself below. Suffice to say that Tracey resigning her Transdev Brisbane Ferries Master's position over concerns with the operation and staying on as delegate to see the EA through to a successful conclusion, because she had promised her colleagues that she would do so, tells much of her character and tenacity. In the 3-week period that she has been employed she has already begun to make her mark. We all welcome her to the AMOU family.

Industrial Report – Tracey Ellis

Organiser (Brisbane)

Introduction

I have been a member of the AMOU since becoming a Coxswain in 2009 whilst working for Brisbane Ferries as a CityFerry master. I went on to complete my Master Class IV and MED III and drove Brisbane City Council's fleet of CityCats for about seven years.

Before Brisbane Ferries, I worked as Leading Hand Dining on Captain Cook Cruise's *MV Reef Endeavour* which operated between Cape York and Port Hinchinbrook.

While travelling overseas, I had a little bit of day work on super yachts in the US. I also worked as a waitress and loaded car decks aboard Interisland Line's *MV Kaitaki*, a 180m ROPAX vessel operating in Cook Strait in New Zealand.

I became an AMOU Delegate at Brisbane Ferries in 2013 and participated in two EBA negotiations before resigning my role as a CityCat Master and becoming an AMOU Organiser.

Transdev Brisbane Ferries

My first two weeks as an Organiser saw me wrapping up the Brisbane Ferries EBA negotiations I had been working on as a workplace delegate. We reached an in-principle agreement that provides Masters an extra 10 days off per year, a 12.6% pay rise over 3 years plus a wage guarantee of at least \$24,000 more per year than what had previously been guaranteed for working full time. The agreement also provides better indemnity insurance and the ability to dispute rostering issues in the Fair Work Commission. Unfortunately, Transdev Brisbane Ferries reneged on the agreed wages and put an EA out to vote that saw members up to \$1700 out of pocket. I filed for an urgent meeting with Deputy President Asbury and she agreed that Transdev breached their 7-day notice period by changing figures in the document and she cancelled the ballot. The DP also stated that Transdev reneged on wages and recommended they pay the money that they originally offered, including backpay from the date of the original ballot. Transdev has agreed to do so.

Workplace disciplinarys

I sat in on a couple of workplace disciplinary meetings in Brisbane. So far one has been successfully resolved.

Maritime Safety Queensland

I observed the final day of MSQ's EBA negotiations. During the meeting, Chris Neiberding successfully negotiated a clause that ensures MSIs are suitably trained in the event they are required to investigate on behalf of AMSA and the parties reached in-principle agreement.

Cairns

I met with some Masters who are mid-EA negotiations with Pro Dive. Our next meeting with the company will be a full day on the first of April. While in Cairns, I met some of the Svitzer Tug Masters and Ports North Pilots.

Svitzer/ACTU training

I'll be attending the AMOU caucus meeting on 25th March. I look forward to meeting some of you there. While in the area, I'll be attending the ACTU Negotiation Skills for Organisers course with Marty McEilly.

Industrial Report – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Foreign Officers

A recent email informs me that deck officers have now been added to a new skills shortage. Unfortunately, some members are convinced that somehow the AMOU can wave a magic wand and make it disappear. We are not consulted at all when these decisions are imposed on us. The visa issue followed by casualisation are the two most problematic issues we face.

Ship visits

Vessels visited over the last month include: *Northwest Stormpetrel*, *Siem Thiima*, *Mermaid Cove*, and the *Far Seeker*.

Monthly Industrial Reports

An electronic copy of the February AMOU Industrial report was emailed out to the ships but unfortunately some just bounced back. Companies occasionally change email addresses for their boats, if you can remember flick me a quick email with your vessel's bridge email address on it.

INPEX/MMA

Only work commitments are preventing the WA Office from initiating the process in the bid to secure permanent positions for those casual officers working onboard Mermaid's two INPEX project vessels.

Svitzer Lines Boats, Kwinana.

The AMOU and MUA were requested to meet with Svitzer for further negotiations. Our side responded by saying this will not be for negotiating, as such, because we believed Svitzer had agreed some time ago to a particular clause. The meeting was convened and apart from this one clause the rest of the proposed agreement was tidied up. Last Friday both unions attended Svitzer's Kwinana shed to consult with the members. The meeting came to a position on the issue of casuals covering permanent's absences. This will be relayed back to Svitzer in due time.

Westug

In answer to approaches from Westug union members, all three maritime unions attended meetings at Cape Lambert and Karratha (2). The turnout at these meetings was much more than any of us had expected. To say we were pleased with the numbers would be an understatement. As a result of those meetings at least another six Westug employees have signed up with the AMOU. We are now very well represented on both Westug sites. It is a credit to those long-term members who were prepared to hang-in there and wait for the right opportunity to organise a fight-back. That fight-back is now well underway. The following motion was voted on, and passed unanimously by the three meetings:

1. *To increase the density of union membership within the Westug company*
2. *Each Union to challenge the twelve-hour captive time issue, at the Fair Work Commission*
3. *Lobby WA State Parliament to prohibit the Partnership model from WA State owned ports.*
4. *Commit to future combined unions meetings*

Apart from the threat of Partnerships, onboard captive time is what finally provided the tipping point for employees. After years of duplicitous behaviour from various management figures the mass of that workforce has come to a conclusion that the only way to bring about change is to unionise and unite the workforce. As some of you may well know, at the completion of a regulation twelve-hour shift the tug master cannot simply stop whatever task is being performed, head back to base and go home. During the week all three unions placed the captive time issue into dispute with the company. A meeting with Westug management is set down for Wednesday 27th March. When taken alongside the action by disgruntled Mackenzie Tug employees in Bunbury this is all good news for AMOU representation in the WA harbour towage industry.

Maersk EBA negotiations

One minute Maersk management is mad keen to continue negotiations, the next minute they are off overseas for weeks at a time. They also expect we drop all other work and convene a meeting the second they return. Well it doesn't quite work like that. Maersk has now upped their EBA Commencement Rate offer to 5%. What this means is that from 2012 to 2019, had you actually received annual increases, they would have been increases of 0.7% per year. By my calculation an immediate salary increase of 6.8% is what is required to catch-up with the current benchmark. Maersk, right now, is paying IR's and Caterers a 2018 salary which is very, very close to an offshore benchmark, however when we calculate a 5% increase to a Maersk master's 2012 salary, we reach a figure which is way, way below the DOF Offshore salary of April 2019. When you factor in Maersk's offer of a three-year deal with 1% increases over the last two years, you can appreciate our opposition. There is no chance the AMOU would be advocating for 1% salary increases for Swire, Solstad or any other offshore company in the foreseeable future. This represents not only an attack on the offshore benchmark it is an attack on the wage relativities in the Offshore Industry. An update was sent out to AMOU Members on Friday.

OSM EBA Negotiations

Communications between OSM and the WA Office have now been resumed. We are scheduled to recommence EBA negotiations on Thursday 28th March. Recently OSM has, by email, increased their original miserly offer of 1.5% on commencement to a paltry 3% on commencement. If you have read the above report on the Maersk EBA salary offer you will see why I will not waste your time by extrapolating the OSM figures.

OSM Fair Work Commission conference

Last Thursday (21st) Fremantle AMOU Industrial Officer Glenn Walsh and myself attended the FWC in regards to a Superior Certificate Training application matter and conversion from casual employee to permanent. In both cases OSM would not even acknowledge any AMOU emails to do with either subject. At the FWC conference the solicitor representing OSM advised the FWC Deputy President that it was the other way around. OSM opened by saying the 2010 Svitzer EBA, under which OSM operates in the offshore, does not come under the jurisdiction of the FWC and that it operates as a common law industrial instrument. If that is found to be true it could mean a visit to the Federal Court. Without ruling on the veracity of that claim, the FWC listened to each side of the argument and eventually settled with the recommendation that the parties meet within the next week, to sort out their differences then return to the Commission, if necessary.

Atlas Professionals

As reported in February, a number of assurances made by Atlas at the February 8th meeting were not included in the Atlas report. The company then released a document to employees which failed to

include some of those assurances. Is this intentional or just sloppiness on their part? Of interest to the union is a FWC commitment for Atlas to show the training matrix, which supposedly prevents some permanent employees from transferring to a drill-ship.

Vessel Inspections

Go Marine has climbed on the 'no funding' bandwagon, as per Swire Pacific, but with the twist that only AMOU employees or elected officials will be funded to carryout vessel inspections. It looks like Maersk might be following suit.

Solstad/Farstad

Still no date set for the first Consultative Committee meeting for 2019

Industrial Reports – Jarrod Moran

Senior Industrial Officer (Melbourne)

TasPorts

Tugs

With a little more than 4 months until the recently endorsed EA expires members have begun thinking about items for the next round of negotiations.

Pilots

The current EA for the Pilots expired on 17 November 2018. TasPorts recently issued the requisite Notice of Employee Representational Rights (NERR) to members to commence negotiations. We had our first meeting with TasPorts on 19 February. Main issues for pilots are wages increases, training & professional development, and accrual rates for TOIL.

TasPorts Corporation

A Log of Claims for members will be developed in the coming weeks with negotiations to commence shortly thereafter.

Port Lincoln Tugs

The 3 maritime unions met with PLT late last year and put forward proposals that would satisfy all of our outstanding claims. PLT (via representative Mark Diamond) said they would consider our position. In early January PLT indicated that they could not accept our proposals and would set this out in writing to us. Members have now been informed directly that PLT would put their proposed agreement to the workforce for a vote. Our joint proposal is that we roll-over the existing agreement for 12 months and use that time to properly consult with members about the differences in wages rates across ports.

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 are now organising a password protected portal that we can use to exchange information and thoughts across both vessels and all swings. Negotiations will commence again shortly.

Toll

Shipping Supervisors

A number of meetings have taken place with toll regarding a replacement agreement. Toll has put an offer to members which is being considered and discussed among the group. The rosters proposed by Toll will be part of discussions to be had during the first week of March.

Seagoing Collective Agreement

The seagoing agreement expires on 31 March 2019 and a log of claims is being developed. At this point some members would accept a roll-over for 12 months to consider issues raised with the new vessels while others think a longer roll-over would be preferred.

Flinders Ports - FACT

The agreement for the Supervisors at FACT has been drafted and is currently being reviewed by the FACT legal team to ensure FWC compliance. We hope to have this back from legal soon.

Flinders Ports - Pilots

While we reached 'in principle' agreement with Flinders Ports regarding the new Pilots agreement in 2018 a couple of matters have changed since, which can affect the basis on which we settled. We have notified the FWC of a bargaining dispute and met in conference at the FWC on 25 February. All members unanimously voted to seek the assistance of the FWC.

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 two well boats to the coast in coming months. The agreement we reach with Huon will set the standard for the industry. We have had one meeting with Huon. They employ one Australian 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. Issues to do with the previously reported TasPorts pilot numbers and the Huon pilot exemptions will be discussed with the Tasmanian Opposition Transport Spokesperson, David O'Byrne, in Hobart on 7 March.

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 before negotiations commence. Please contact me directly with any queries about your EA below.

| Agreement | Expiry Date |
|--------------------------------------|--|
| Flinders Ports Pilots | 30 June 2018 |
| FACT | 31 March 2018 |
| PLT | 28 January 2018 |
| TasPorts Pilots | 17 November 2018 |
| TasPorts Tugs | 30 June 2019 |
| 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 |
| Aurora Australis | 30 June 2018 |
| Aburri | 22 December 2018 |

| | |
|-------------------------------------|-----------------|
| Ronja Huon | 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 |

Senate Inquiry

The Senate Rural and Regional Affairs and Transport References Committee is currently inquiring into: *'The policy, regulatory, taxation, administrative and funding priorities for Australian shipping'*. The deadline for submissions to this Inquiry is 5 March 2019 and the reporting date is 13 August 2019. In an election year the AMOU submission to this Inquiry will form the policy we will ask politicians to follow when we vote for them. Details on the inquiry, including the terms of reference, are available at: [Senate Rural and Regional Affairs and Transport Shipping Inquiry](#). Please advise if you have any comment on the terms of reference.

Industrial Reports – Chris Neiberding

Senior Industrial Officer (Sydney)

Pro Dive

So far, the EBA negotiations for Prodiver have been painful. Only recently and after much pulling of teeth did the AMOU manage to schedule a whole day of negotiations. Before that we were not meeting regularly and when we were it was only for a few hours. We were not blind to the fact that this was the company's preference but at the same time 1900-2100 hours were the only times we could manage to have delegates present. I'm hopeful that the next day long meeting will be more productive, and we have something tangible to show members.

MSQ

Last week somewhat out of the blue I received a telephone call from MSQ trying to clear up the AMOU's last outstanding item for the EBA negotiations. MSQ had agreed on a MOU to provide AMSA with employees to do investigations. The MOU is in its dying days and those tasked with the investigations wanted assurances that once the EBA was signed the MOU would not spring back to life. We finished the phone call with agreement that words of comfort would be inserted into the EBA to assure employees this would not happen. MSQ would supply them in our next meeting on 20th March. When we arrived at the meeting MSQ did everything to deny the agreement. At one point I was surprised they admitted the phone call took place at all. So, we started again and finally after a few hours they had agreed to the same position they had over the phone... again. We agreed on a set of words to go into the EBA and had them read out loud (twice) noted them down and I made sure there were witnesses. The meeting finished and an hour later I wrote to MSQ with the wording letting them know AMOU was now in a position to give in-principle agreement. Minutes later I received an email telling me that was not agreed, and the words were not to go into the agreement. I thought I was going mad. Only after the unions requested an intervention from the General Manager Angus Mitchell did sanity prevail and MSQ started to keep their word. I'm pleased to say we have the agreed words now inserted into the EBA and we can now give in-principle agreement. In addition, Transport and Main Roads (TMR)/MSQ will provide support in a submission to Cabinet Budget Review Committee that seeks approval of an operative date of 1 October 2018.

Svitzer

(Every day is a Svitzer day)

Darwin

Both the AMOU and AIMPE continue talks to finalize the Svitzer Darwin POPs and EBA. There has been some movement on the POPs but the EBA conditions and pay remain an issue. Currently the two unions are only asking for the same conditions found in the national EA no more no less. As easy as that sounds there have been a number of edits to the clauses when they have been moved across and therefore the intent of the wording is twisted and lost. We continue to iron this out. We understand there have been interviews for more crew since the last meeting and hopefully they may be on the job or at least training by now. The next meeting follows the Svitzer Works Council on the 28th.

Svitzer Works Council

From 25th until 27th Svitzer will be holding their Works Council in Sydney. This is an opportunity to tell members about the business and all things Svitzer. I won't say much more as I'm not sure what I can and can't say about the agenda. The gathering however does present an opportunity for the AMOU to have all the delegates in one place and discuss the upcoming EBA and the Nautilus Federation of Australia (NFA)

Svitzer Individual issues

It has not gone unnoticed by the AMOU that Svitzer has been issuing a lot more written warnings and please explain letters to members and we have brought this up with Svitzer at a local level and nationally. We have no doubt that there has been a directive from above for Port Managers to issue warnings for what would usually be a conversation between Manager and Master. We understand that these things are going to be issued from time to time, but the pendulum seems to swing pretty heavily one way at the moment. We continue to talk with Svitzer about the issue. If you have been issued with a letter for anything remotely disciplinary please let your delegate or AMOU know.

POPS

Svitzer

Brisbane

Svitzer has recently asked for a later start time with a carrot of some extra crew. The members are currently considering the position.

Newcastle

Some good news, recently Newcastle have settled on a set of POPS.

Sydney

All three unions have met with the Sydney Port Authority and Svitzer to try and resolve the ongoing issue about the licence. There continues to be misinformation from the Port Authority and in one case the Port Authority changed its story from that in a previous meeting attended by myself and the MUA. As you would suspect members are now even more suspicious of any request/ letter/comms coming from the Port Authority or anybody else. There has yet to be another meeting planned since this admission.

SMIT

Smit Lamnalco Gladstone

The local Port manager in Gladstone is trying to rewrite history and enforce a new interpretation of some of the clauses in the EA. Some History: In the last set of negotiations Masters were very measured and conservative in their log of clams, even accepting a zero-percentage increase for the good of the company along with doing a number of revalidation courses in their own time. Now the local manager is refusing to pay for Masters GMDSS courses as was agreed. After local meetings between the AMOU and the company and one conciliation teleconference with the FWC the matter will be arbitrated.

Cairns Tugs and Pilots - visit with Tracey

Recently at the Cairns RSL the AMOU had a brief catch up and introduced the AMOU's new QLD-based organiser Tracey Ellis to the Tug Masters and Pilots. Thanks to all who attended. It was a good turnout.

Next time we will make sure to get the other members in the port. Unfortunately, we had an evening meeting that didn't allow us to see all the members on the Reef boats.

Industrial Report – Marty McEvelly

Industrial Officer (Sydney)

ULIO Conference 2019 (Union Lawyers and Industrial Officers)

I attended the NSW ULIO Conference that took place at the start of March 2019. This is an annual two-day conference that covers some of the emerging and topical industrial law issues facing Unions. The theme for the event was sexual harassment and discrimination in the workplace and there was significant discussion on what the future legal environment will look like in this very complex and sensitive area. There was also talks on some landmark decisions that Unions have achieved including the *Skene* case that dealt with the classification of casual workers as well as speeches on developments in unfair dismissal case law, challenging non-union EA's, Right of Entry updates and practical assistance with pleadings and written advocacy. Overall, it was an incredibly informative few days that I'm certain will assist in ensuring we continue to deliver the highest possible service to our members. Please do not hesitate to contact me should you require further information about the conference or ULIO.

ASP Gladstone Bunkering Facility Enterprise Agreement

Frustratingly, the company cancelled at very short notice the EA negotiation meeting that had been scheduled for mid-March. It has now been rearranged for 15 April 2019 which is the earliest time all parties can reconvene. The outstanding issues remain the same, namely salary, span of hours, cap on redundancy and the inclusion of a Masters' indemnity clause. This EA is taking significantly longer to finalise than we had anticipated, and we will make every effort to ensure that the negotiations are concluded at the next meeting.

ASP RV Investigator Officers' Enterprise Agreement

At our members request, Jarrod Moran visited the *Investigator* on 08 March 2019. The news of the visit sparked ASP into action after months of delays and they agreed to a proposal to address the troublesome Service Steps issue that had been holding back an agreement on the EA. This means that we have now agreed in principle to the terms of the agreement and the final touched need to be completed to the wording and technical aspects of the EA before being put out to vote. We expect this to happen sooner rather than later.

ASP Rio Tinto Fleet Enterprise Agreement

We held a frustrating meeting with ASP on 13 March to discuss the Deck Officers and Engineers EAs. As expected, the key issue for discussion was ASP's claim to cap redundancy at 78 weeks. AIMPE's Federal Executive passed a resolution the day before our meeting to say they would not accept the cap until the Unions had spoken to Rio Tinto about their intentions and the possibility of increasing the ASP managed fleet. When it became clear we may not accept the cap, ASP almost walked out of the meeting saying that they will not offer an EA without the cap included. A memo has gone to members asking for feedback to be sent to their delegates.

A meeting has been scheduled with Rio Tinto and Mark Davis along with Martin Byrne, AIMPE President, will be meeting with them on 26 March 2019. We will know more and be better equipped to determine how to proceed after this discussion.

Teekay Ocean Protector

After some progress in February, no further meetings or discussions have been had regarding this EA. This is because Teekay's IR Consultant is on leave. At the last meeting, the company rejected the majority of our claims and doesn't seem willing to negotiate much further so we expect to see some sort of a draft agreement to be received from them in the coming weeks. If you have feedback or comments regarding the Memo sent out after the last meeting, please feel free to contact me or your delegates.

Teekay Tanker Enterprise Agreement

As of the time of writing, voting on the agreement is open. We have supported the approval of the EA and expect it to be passed and submitted for approval by the Fair Work Commission shortly.

Teekay Dry Cargo Enterprise Agreement

The EA has been submitted to Fair Work for approval after being successfully voted up by members. The Fair Work Commissioner assigned the EA has required a number of issues to be addressed to ensure clauses are consistent with governing legislation.

Roads and Maritime Service Award

Negotiations for the RMS Consolidated Salaried Award covering employees of the NSW State maritime regulator have commenced and a log of claims from the Unions has been finalized and submitted. We have a new delegate and she is doing very well in her role at the negotiations to date, which tend to be protracted affairs. At this time, despite weekly meetings, little advancement has been made and all parties are working to clarify each other's claims. Uncertainty over the NSW election outcome is also slowing progress with both sides eager to find out who comes out on top. We expect to see more outcomes from these negotiations over the coming months.

Harbour City Ferries

The EA's were approved by the Fair Work Commission on 7 March – congratulations to all involved in the negotiation and approval process. However, this was overshadowed by the news that HCF (soon to be Transdev Sydney Ferries) won a new nine-year contract to provide Sydney ferry services. They have already announced this to employees along with a summary of some of the changes that will take place over the course of the contract.

With this comes a significant amount of uncertainty as to what will happen and what that means for our members. The Unions and delegates met with their Chief Officer of Train and Ferry Operations this week at the Maritime Consultation Committee and received some clarity on what the next few years will look like. Although some questions were answered, we are still seeking more clarity on what we consider important to members.

I ask that if anyone has any questions or concerns to please contact your delegate. They have been doing a great job so far of collating everyone's questions and we will continue to work with them to ensure we are as prepared as possible for the future.

Inco Enterprise Agreement

Unfortunately, despite last month's success in having what we thought to be a productive meeting with Inco at the AMOU office regarding restarting EA negotiations, they have gone quiet on us since then. We have seen this before and will put increased pressure on them to make some progress with the EA's in the coming weeks.

Rohde Nielsen (RND Crewing) Enterprise Agreement

We are awaiting a decision from the Fair Work Commission as to whether this EA will be approved. As you may recall, RND submitted an EA with conditions below industry standards. I appeared before the Commission alongside AIMPE in Newcastle on 12 February 2019 and have made our case that it should not be approved. Since then the company has made a number of undertakings with the aim of addressing the deficiencies pointed out by the Unions and the Commission at that hearing. We expect to have a decision in time for the April Industrial Report. This will be an important decision as RND were recently announced to have won a contract in Cairns and this EA, if approved, would likely cover any new employees.

Port Authority of NSW – Newcastle Enterprise Agreement

Negotiations have begun and we met with the Port Authority on 19 March 2019 to outline our log of claims. We have an experienced team of delegates and have put together a good log. We are now waiting for the company to review our claims and we expect the next meeting, scheduled for 9 April to be much more robust. One key claim they have made is that they will not be able to backdate any salary increases due to the state government wages policy. This creates some difficulties with regards to timeframes for approval as the current agreement expires on 30 June 2019. We will keep this in mind and endeavour to reach agreement as soon as possible.

Port of Newcastle Enterprise Agreement

EA negotiations have begun, and we have already had two meetings regarding the EA renewal. It has been a busy few weeks though, with PON only confirming approximately three weeks ago of the intention to begin negotiations. Since then we have confirmed our three delegates from the three largest parts of the PON business as well as finalizing a comprehensive log of claims. We have now received PON's log, with their key claim revolving around the scope of the agreement and who it will cover. We suspect they are trying to increase the number of employees under contract whom they want to fall outside of the EA. We will need to be wary of their intentions, especially given the restructure and changes they have made over the last 18 months. I am looking forward to working with the team of delegates in ensuring we reach the best outcome for all members.

North Queensland Bulk Ports

There are a number of disputes currently running between the Pilots and NQBP. These include matters such as TIL for training days; pilot progression and the date of the annual salary increase. Although most of these are being effectively handled at this time by the local delegates, it is concerning to see the attitude that the company is taking and it may come to a head in the coming months if this trend continues.

Industrial Report – Glenn Walsh

Industrial Officer (Fremantle)

Pilbara Ports Authority

Subsequent to the agreement reached at the recent FWC conferences we are still encountering problems with the implementation of the proposed shift changes. Evidently there is a communication breakdown between PPA HR and their workplace management. The agreed terms of our settlement are being inconsistently applied which may ultimately cause a return to the FWC.

MacKenzie Towage Bunbury

In response to an FWC majority support determination application, and in lieu of a hearing, MacKenzie Towage has now agreed via their lawyers to commence enterprise bargaining with the AMOU. The MUA and AIMPE have similarly pushed this employer to commence enterprise bargaining with their members. We anticipate a joint union bargaining process, but with separate enterprise agreements.

Southern Ports Pilots EA Bargaining

We are due to commence the next round EA bargaining process with the Southern Ports Authority for the Bunbury and Esperance ports. AMOU members have already committed significant time and effort with the development of a proposed EA/log of claims.

OSM

After OSM's repeated failure to acknowledge matters raised in dispute, and its refusal to engage with the DSP, AMOU referred two disputes to the FWC for conciliation. Unsurprisingly, the AMMA representative provided DP Binet with myriad excuses for OSM's absence but couldn't substantiate these claims with any evidence. Despite parties then agreeing to meet after the FWC conference to attempt to resolve the disputes, the OSM General Manager has subsequently failed to attend the scheduled meeting. These dispute matters will be referred to the Commission. EA bargaining will resume shortly with the expectation that the current disputes will dramatically impact upon negotiations. While we remain committed to getting an agreement signed, we are conscious that the employer is seeking to significantly diminish the terms and conditions provided under the current Svitzer agreement.

Westug

AMOU recently met with its members in Cape Lambert and Karratha to discuss the major workplace changes that have been implemented without appropriate consultation as required by the relevant industrial instruments. In particular, the changes the company has made to captive hours onboard its vessels. In company with the MUA and AIMPE, we have initiated the relevant DSP and are meeting with senior management to formally discuss the matters in dispute.

Mid-West Ports

AMOU has expressed concerns that recent redundancies effected by MWPA fall short of the provisions of s389 of the Fair Work Act. Additionally, we have raised issues in relation to the potential misconduct of MWPA senior management. Prior to referring these matters to the FWC, we are scheduling meetings with the MWPA CEO in attempt to address our concerns.

Disciplinary Matters

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