

# Industrial Report

May 2019



**AMOU**

Australian Maritime  
Officers Union

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## Monthly Meetings

<b>Date:</b>	<b>28<sup>th</sup> May 2019, 1000 hours</b>
<b>Locations:</b>	<b>EASTERN AREA:</b> AMOU, Suite 1, Level 5, 377 Sussex St, Sydney, NSW 2000
	<b>WESTERN AREA:</b> Navy Club Inc., 64 High Street, Fremantle, WA 6160
<b>Date:</b>	<b>30<sup>th</sup> May 2019, 1500 hours</b>
<b>Location:</b>	<b>SOUTHERN AREA:</b> Institute Chambers, 22 Divett Street. Port Adelaide, SA 5015

# President's Report

## Tim Higgs

*President and Svitzer Melbourne Tug Master*

Welcome to the May Industrial and President's reports.

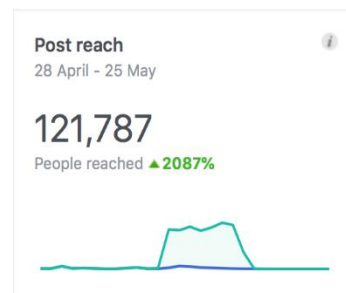
We have all witnessed a month that will go down in Australian history. No one expected the election to unfold the way it did, and we said goodbye to one of Australia's best Prime Ministers the Honorable Bob Hawke. As for the membership and the union's business, the month has been busy with numerous EA's settled including our first joint officers EA with AIMPE under the Nautilus Federation of Australia paving the way forward.

### Federal Election

Unfortunately, the Federal election has been and gone and the result was something that not one poll predicted. I received a call from a member early on the Sunday morning with some concern as to what it means for him and his livelihood. At that point in time I was as confused as anyone as to how we had found ourselves in the same political landscape as the previous 6 years. On reflection we face a mammoth task surviving another term with a government that is obsessed with destroying what's left of the Australian shipping industry through deregulation, abuse of the coastal shipping legislation and granting visas to foreign officers on bogus grounds. We will continue to fight by lobbying all sides of politics to address the critical shortage of Australian Officers for the maritime infrastructure to continue operating well into the future. Aside from this we will renew relationships with those re-elected senators and build professional working relationships with the new senators as the coalition government by the look of the results at this stage will need at least 4 of the 6 cross bench senators to pass legislation.

### Membership communications

Some interesting figures from the electronic direct mail and social media marketing campaign from the union in the final days of the federal election campaign. During the week the AMOU ran the campaign 89,000-plus Facebook feeds had a "Don't Abandon Australian Shipping" AMOU campaign advert in front of them. This form of communication is far reaching and used in a direct campaign through social media publicly promotes our union and industry further than we have previously achieved. Whether we like it or not communication has changed, and we need to shift with it!



### Executive Council

Last week the Executive Council met with seven councilors present, four apologies, one absent and the Executive Officer (in attendance). As per normal there was robust discussion and debate on all facets of the unions business and policy. Some of the discussions led to resolutions and action points including the following:

- Executive Officer's report on developments throughout each of the union's industries was well received.
- A maritime policy approach to the new government will be based on previous policy under the coalition government: To continue working with all industry stakeholders and to lobby for a bipartisan approach to shipping and tax relief for Australian officers to create a level playing field for them globally.

- Pre-election meetings and productive discussions with MIAL regarding the strategic fleet, AISR, coastal trading and SeaCare.
- Confirmation of authorisations/delegations – document these as a policy including definitions.
- Staff employment terms and conditions revised and agreed, and requirements discussed for Chris Neiberding who will be relocating to Melbourne next month. There was also a review of the Executive Officers performance as per his conditions of employment that sits outside of the AMOU's staff agreement.
- The union's secure membership database Unison is due for a contract renewal which had already been endorsed by council along with additional upgrades and service modules for staff. This year's new auditors were critical of the database and its functionality for compliance reporting. We have already acted on this and met with Unison. We are conducting a full review of the legacy issues with the set-up and data entry from previous administration staff dating as far back as 2011. These errors will be rectified, and all staff properly trained.
- The conduct of area meetings was discussed, particularly the continual disregard for the union's rules and the conduct of Eastern Area meetings held each month held in Sydney. The council unanimously resolved that all meetings should be held in accordance with the rules, following an agenda and with the minutes to be recorded as a true and accurate record of the meeting. An agenda and minute template will be provided to all area meetings.
- A resolution unanimously supported the President's stance and instruction to all staff, union officers and officials that all communications involving membership details must come exclusively from the National Office on a formal memorandum from a secure AMOU email address. Additionally, that all personal/work email addresses of members must not be revealed in emails to any other members or parties.
- A resolution from the Sydney Eastern Area meeting requesting members personal email addresses be released to the Eastern Area Secretary's Hotmail account for use from a unsecured, non-AMOU computer or IP address was denied unanimously for obvious breaches of the union's privacy policies let alone any breaches of legislation.
- In response to this discussion the President advised the council that the Eastern Area Secretary was advised this stance on privacy by him personally in January of this year and that any memo or correspondence he wished to send to the membership could be done via National Office in a safe and secure means on his behalf. To date there has not been one request for such communication.
- The need was discussed for a secure file sharing platform for the union to conduct its business with staff and officials based all over the country. As highlighted in the Auditor's report to council *Dropbox* is one of the most hacked file sharing platforms in existence. The President will continue working with our IT team to find the most secure platform without breaking the budget.
- Further discussion took place on the reinvestment of the membership's share portfolio and cash investments following the near collapse of *Yellow Brick Road Investments* reported through the Royal Commission into banking. The council moved last year following thorough research by a finance sub-committee that the funds will be invested into managed funds with *Vanguard Investments Australia*. Currently we are facing some additional hurdles following the Royal Commission as we are both a not-for-profit organisation and a registered trade union.
- The following policies are undergoing review to move with internal and external changes: Purchasing & Procurement, Internet Email & Social Media, Privacy & Confidentiality, Capitalisation (Asset Values) and Credit card & Expenses. Some of these reviews have been conducted as a result of this year's regulatory financial and compliance audit.
- A discussion and update on the Nautilus Federation of Australia was completed with Martin Byrne Federal President of AIMPE present. The council discussed the relocation to Surry Hills and the hurdles we have overcome to make the building compliant. Renovations have begun and both parties are hopeful relocation will take place in the not too distant future. We are now co-locating in Fremantle, Melbourne and Brisbane and offering the best spread of

support to members both unions particularly the AMOU membership have seen in years. There was further discussion on shared resources, joint activities, integrated systems, post-election strategy and future pathway.

- The NZ Merchant Service Guild (with President Bryce Gordon and General Secretary Helen McAra present) were guests at council as we have attended Guild Executive meetings in recent years. We discussed union membership for ex-pats, sea-time allocation for cadets, mapping the Oceania gas trade & trans-Tasman services, cruise ships manning and senior personnel back-up. The use of Australian officers on the NZ coast was discussed when positions cannot be filled by New Zealanders; e.g. the Australian officers who are currently working on *COSL Prospector* (the DP semi-sub drilling rig working in NZ waters) and who have joined the Guild. There is a need to promote the reciprocation on this coast as there is a significant number of New Zealanders not a member of either union. We concluded that there is a need to communicate more regularly on this issue.

### **Audit Report**

The AMOU's new auditors presented their first audit report at last week's council meeting. In brief, as the full report is still being finalised to be released in preparation for next month AGM's. The change of auditors has been nothing but healthy for the union's compliance as we felt there was a conflict of interest in the previous auditor also providing accounting services. Now StewartBrown is the auditor and Refuge Accounting is the accountant. The new auditor opened her presentation with the following comments "*the AMOU officials and staff have been the most transparent of any of her clients*" and that we produced the "*most comprehensive response of any client to the Audit Management Letter*" that had seen. Here are some of the points raised and discussed:

- No liquidity issues
- Liquid funds and sensitive information make the AMOU a prime target for cybercrime so there is an urgent need to be vigilant on the threshold of significant financial transactions and with the protection of members personal details.
- All communications with members should be centred on the union's server so best IT practices are maintained for protection from the hacking of members personal details and contacts if breached.
- Recommends an IT audit be completed ASAP.
- Recommends insurance against financial loss through cybercrime.
- Issue with keeping fixed asset register up to date is being addressed
- Credit card and expenses policy more rigid with repercussions where documentation not accompanying each transaction. This was already identified last year by the President and Executive Officer with some (particularly departing) staff not producing receipts for some months prior to leaving the union. This saw the introduction of an accounting application called Receipt Bank and a stricter reconciliation on a monthly basis by the administration staff.
- Unison and Xero have now been changed to ensure revenue is recognised when received into the accounts rather than when invoiced
- Recommended to ensure Vanguard investments are ethical and in line with AMOU ethos
- Critical of inadequacy of membership database (Unison) to generate desired reports but lack of alternatives means AMOU has to make it functional. (recommended staying with what you know, and investing in making it work)
- An outside party should review general journals (this is currently in discussion to be completed by the union's accountant for transparency)
- A comprehensive payroll review exercise is to be conducted by AMOU accountants to ensure set up is accurate

Our long-serving councillors passed comment at the end of the auditor's report that it was by far the most comprehensive, frank and refreshing report we have received to date. Changing auditors has been a healthy wake-up call and in line with the

current council's mantra this term to set and implement the changes necessary to secure the union's future. A full report will be released to the membership in line with legislation and the union's rules in readiness for next month's AGM's.

### ***Life Membership Presentation Dinner***

Last week while the Executive Councilors were in Sydney, we took the opportunity to award two of the three life members from this term of council with Life Membership Certificates. Unfortunately, Steve Groves was unavailable due to chasing barramundi up in the Gulf country, but Wayne Moore and Murray Doyle were available to attend along with life member Kevin Fleming as their guest of honor. The night was enjoyed by all and it was a privilege for me as President to present both members with the highest honor of the union for their unconditional support and selfless commitment to the union and its membership over the years. At some stage in the near future I hope we can similarly honor Steve Groves.

In closing I would like to clear the air about the various rumors and accusations generated by a select few about the *Eastern Area Secretary* being denied the opportunity to communicate with his membership (as he has referred to them in the past) not the union's membership. The area secretary was advised in January, nearly six months ago, that he could communicate with the union's membership via the executive officer sending a memo on his behalf through the union's secure server. Being a Svitzer employee who had his personal details stolen from payroll emails being hacked by external email accounts, there was no way I was going to be responsible for passing on members personal details. I stand by this decision as I have witnessed firsthand the hassle that is caused by your personal details falling into the wrong hands through hacking. One in six Australian businesses are hacked or traced by cybercrime syndicates waiting for the opportune time to act. We need to try to eliminate and at worst mitigate these risks on your behalf. My stance on the privacy of our members has now been totally backed by the union's auditors as well as our lawyers. Additional to this privacy stance, last year the Executive Council moved that all officers, officials and staff needed to sign a *confidentiality deed*. This is due in some part to the nature of what some staff deal with through disciplinary hearings. Members are all entitled to protection of their personal details as there are many elements of a confidential nature in the union business these days. In recent weeks after claims had been circulated that we are the only union in the country that has taken this stance; the ACTU advises that this is certainly not the case and many unions operate with *confidentiality deeds*. The feedback both myself and other councilors have received from members is that they are glad we have taken a hard stance in the memberships best interests when it comes to privacy and the security of both personal and union information.

If any member has a genuine concern for this stance or anything within my report or the industrial report that follows, you have always had a forum to discuss this at monthly meetings or emailing me or picking up the phone as I always do my best to respond.

As always Stay Safe

In Unity



Tim Higgs  
President

# Executive Officers Report

**Mark Davis**

*Executive Officer (Sydney)*

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

After 10 sets of negotiations there has still been precious little meaningful movement from PANSW to address the central issues raised by the Marine Pilots. Some slight progress has been made in response to our claim to ensure the number of Pilots authorised to conduct new Pilot observations, supervised pilotages and checks. This is a core issue now and the next few years. The number of Pilots needs to increase to allow the usage of the extraordinary amount of accumulated time off and long service leave plus the need to replace unlimited Pilots as a result of resignations and retirements. Until the retention factor is addressed this will not improve substantially. One AMOU claim was to stagger the engagement of trainee Pilots at 6-monthly intervals to allow for a focused transition to licences. In rejecting this claim the PANSW has employed 4 in very short order leading to competition amongst the trainees for certain ships to get the numbers up for their licences. This also puts a strain on the Pilots required to conduct the training especially when sickness and accident has taken a number of Grade 3 check Pilots out of the system thereby further frustrating the progression of the trainees. We are hopeful that our attempts to facilitate management efficiently managing the pilotage service will not continue to fall upon deaf ears.

## **Engage Marine/Engage Towage**

As reported in April Engage has towage contracts in Geelong, Port Latta and both Sydney ports. The company has been consulting with AMOU and AIMPE regarding an alternative structure to the partnership arrangements that apply in other company contracts. The discussions have been very constructive, and the company's proposal has been innovative. The proposal involves an employer/employee relationship but unfortunately so far there has been no emphasis on enterprise bargaining with the preference seeming to be common law contracts. Our two unions have been approaching this with an open mind but anything outside the Fair Work Act arrangements will be difficult to sell. Mention has been made (but without full debate) of the alternative systems used in the North West Shelf Continuity of Operations Agreement and INPEX's Enhanced Dispute Settlement Procedure (EDSPDPA) which promote collective bargaining but provide a specialist dispute handling procedure.

## ***ABFC Ocean Shield***

The pay and conditions of AMOU members aboard this Australian Border Force Cutter should be prescribed by the Teekay Shipping Dry Cargo EA 2017 but it seems Teekay has been insisting that members sign a seafarer's agreement specifying the Teekay Shipping AMOU (Deck) Government Services & Security EA 2011 which provides less favourable salary and conditions. A meeting has been sought and AMOU and AIMPE will endeavour to get this back on it's legal footing.

## **Tassal**

Tassal is a Tasmanian-based Australian salmon farming company founded in 1986. After our dealings with Huon Aquaculture (see Jarrod's report below) we thought it prudent to make contact with the company in advance of the appearance of its Norwegian well boat later in the year. Our reasoning is simply to increase the chances of the employment of AMOU members on the boat rather than confront a fait accompli as was the case with the full set of Norwegian Officers on Huon's vessel(s). Tassal has responded very diplomatically confirming that where possible, the company always looks to use local or Australian labour, providing the skills mix and capabilities do not place the operation, vessel or our livestock at risk.

They have said they are *“more than happy to connect once we better understand our proposed resource requirements, which we anticipate will be towards August/September.”*



## Industrial Reports – Glenn Andersen

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

### Foreign Officers

The recent Federal Election result means we will just have to work harder to get Australian Deck Officers up the gangway. We will not stop trying. The WA Office is currently working on a new angle of attack.

### Ship visits

The only ship visit for May was a Fremantle visit to the *Sapura Constructor*. Ship visits are a core part of my duties as an AMOU Organiser, but recent months have seen the volume of those visits drop. The work involved in defending existing wages and conditions for both Maersk and OSM employees has taken up a large amount of time. We are now at the business end of those EBA negotiations. A poor result will have a negative flow-on effect to all Deck Officers employed in the Offshore Industry. I hope you can all appreciate that at this particular moment it comes down to a choice of ship visits or the quality of Offshore EBA's.

### Trident LNG Ships

A planned workplace visit to the *Northwest Sandpiper* was cancelled at the last minute. The vessel's early departure from the Singapore dry-dock was the reason given. We are planning to begin the Trident EBA renewal process over the coming weeks.

### AOS

After completing its contract in the Bass Strait, the *Sapura Constructor* called into Portland before departing to Fremantle then on to the NW Shelf. In order to save a few pennies, it was decided the two (Australian) 2/Officers should be off-loaded, at Portland. The C/O and 1<sup>st</sup>/O could shoulder the bridge watch-keeping responsibilities between themselves. After a stern email and a phone-call with AOS this decision was reversed, and one local 2/Officer was retained. We believe AOS when they say it was not their plan to dump the 2/Officers. Happily, the Malaysian owned *Sapura Energy Company* saw the light. During the subsequent Fremantle ship visit a Sapura Project manager joyfully introduced himself, my introduction was backed-up with a question *Why are Australians not employed in all senior position?* His joyful disposition quickly disappeared. He is now under no illusions of what the AMOU idea of local manning means.

### Income protection

During my time at sea I never saw the need to contribute that extra bit to have income protection tacked on to my superannuation account. Recent experience in this job has now changed my mind. Currently I am assisting three members to access their income protection insurance. All three will never go back to sea. Even though all of them face tough times ahead, at least they will receive regular payments for two years. At some stage they will apply for Loss of Certificate of Competency Compensation. Compare that to another member who was badly injured whilst on leave. He had no income protection and to get any compensation he will be forced to sue the friend who allegedly caused the accident. The off-road vehicle was not covered by third-party insurance.

### Loss of Certificate of Competency Compensation

Recent Offshore EBA's with the above clause contain certain changes which, depending on one's interpretation of the wording, will take away, the "No-Fault" intent of that clause. This is all part of the AMMA (Aust. Mines and Metals Association) attack on the wages and conditions enjoyed in the Offshore Industry.

## **May Day**

A small group of AMOU members, and their wives, took part in the annual May-Day celebrations in Fremantle. Armed with an AMOU banner (new logo), Australian Merchant Navy flags and AMOU pennants we marched along with easily a few thousand others. Afterwards we enjoyed a few drinks at the High St. Navy Club.

## **INPEX/MMA**

Deck Officers are still being offered DP training positions as part of the AMOU/INPEX training program. A number of trainees have emailed the union to thank us for initiating and making this very good program succeed.

## **Svitzer Mooring and Lines Boats: Kwinana**

Last week my AMOU colleague Glenn Walsh attended a workplace meeting; this meeting marked the opening of the new EBA ballot. Both unions are endorsing a Yes vote to this multi-union agreement. My thanks for the input from the MUA Official involved, our AMOU Delegates, AMOU members and their MUA colleagues.

## **Westug**

Westug continues to coerce employees into joining *Partnerships*. Those employees who resist the coercion are being told their training for higher positions within the company will be placed on hold. This is the sort of despicable tactic we are facing with this company.

## **WA State Government Ports Minister visit**

This month AMOU Fremantle office officials met with the Hon Alannah MacTiernan. The Minister assured us that WA Government regulations relating to pilot exemptions will not be relaxed to allow foreign masters the opportunity to gain pilotage exemptions in WA. The subject of Harbour Towing Partnerships took up much of our time. The Minister is well aware of the controversy, which surrounds this alternative and destructive employment model. The State Government is already examining the legal status of the Partnership model. The Queensland Government's policy towards Partnerships will be now be included as a reference tool. Glenn Walsh raised the aggressive anti-worker atmosphere prevalent throughout WA Ports management, we both reported on instances of harsh treatment of workers together with very loose interpretations of certain EBA clauses. Alannah MacTiernan is aware of a certain culture within some parts of WA Ports Management; she is prepared to take up the challenge to change it. WA State-owned ports operate as GTE's (Government Trading Enterprises). As far as the AMOU is concerned some of them act as if they are their own fiefdoms, i.e. lands of a feudal lord. But the good news is the present WA Government is presently undertaking a review of the governance arrangements of those GTE's. The Minister agreed to future meetings with the AMOU.

## **Maersk EBA negotiations**

Two weeks ago, AMOU/AIMPE met to further the EBA negotiations. There appeared to be no way to breach the impasse, which developed between the sides. An offer was put to Maersk whereby the current 2010 EBA would, with some minor adjustments, remain in place for two years. A key part was an opportunity for Maersk to close their substantial Offshore Industry salary gap whilst also being able to sit back and observe how other companies fare in the EBA stakes throughout the next two years. The very strong hints of a Protected Industrial Action ballot most probably influenced their decision to ask our side to put this forward as a formal offer. As soon as Maersk heard OSM were taking their sub-standard EBA proposal to an employee ballot, they (Maersk) decided they would respond to the offer when the result of the OSM ballot was known.

**OSM EBA Negotiations**

After weeks of ignoring union offers to return to the negotiating table OSM have closed their eyes and jumped into the EBA ballot ocean. I cannot see them surviving, employee dissatisfaction could not be higher. OSM has distorted comparable industry wage figures in order to find support amongst Deck, and Engine-room Officers. Both unions have actively campaigned for a no vote. In the meantime, the AMOU has lodged applications with the WA State Industrial Commission to force OSM to honour conditions contained in the existing EBA.

**Swire Pacific**

I can only report slow progress on the Consultative Committee meeting plans. Swire management has offered to meet and discuss the issue of work performance appraisals for casual employees.

## Industrial Reports – Jarrod Moran

*Senior Industrial Officer (Melbourne)*

### **TasPorts**

#### **Tugs**

With little more than 3 months until the recently endorsed EA expires, members have begun thinking about items for the next round of negotiations.

#### **Pilots**

Meetings with TasPorts were put on hold as they considered our claim for 2 additional pilots. We claim that training and professional development, and the ability to take leave will be resolved with more resources. We understand that the Board meeting last week ticked off on our claim although no official confirmation from TasPorts has been received by the Union yet.

#### **TasPorts Corporation**

Two meetings have taken place with TasPorts for this replacement EA. The current document was renegotiated only 12 months ago so members are seeking minimal change.

#### **DP World Superintendents**

We continue to have discussions with DP World on 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 stop start 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.

Meetings have been held with members on both vessels and 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. Resources is again a big issue and Toll will employ new supervisors in both Melbourne and Burnie. We are close to finalising arrangements.

#### **Seagoing Collective Agreement**

The seagoing agreement expired 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.

#### **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. The agreement we reach with Huon will set the standard for

the industry. We have had two meetings 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. Our Log of Claims which 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.

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

We met 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 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 seek minimal changes but are considering options to pursue a new EA.

#### **Victorian Regional Channel Authority**

We previously sought to negotiate an agreement for Marine Operative members employed by the VRCA earlier this year but 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 Government's 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 for the VRCA to commence bargaining.

#### **Bruny Island Ferries**

The Bruny Island Ferries EA has expired and with a change of ownership of the company the new operators Sealink have employed members on individual contracts that have diminished entitlements. We are putting together a log of claims and hope to meet with Sealink soon.

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

AGREEMENT	EXPIRY DATE
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
<i>Aburri</i>	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
<i>RSV Nuyina</i>	First EA

## Industrial Report – Chris Neiberding

*Industrial Officer (Sydney)*

Chris is currently on leave as he is getting married. We would like to congratulate him and his new wife and wish them all the best in their future life together.

When he returns in June, Chris will be relocating to Melbourne and will share the portfolio currently being managed by Jarrod.

Please speak to Tracey (Queensland) at [tracey@amou.com.au](mailto:tracey@amou.com.au) or Martin (NSW) on [martin@amou.com.au](mailto:martin@amou.com.au) if you require assistance on anything Chris has been dealing with while he is away. He has completed a handover for all of his matters to either of them.

## Industrial Report – Martin McEvelly

*Industrial Officer (Sydney)*

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

As reported last month, during my last visit to Gladstone, the three maritime Unions reached an in-principle agreement on the terms of an EA. We are still awaiting a copy of a document from the company for review. I am anticipating another visit to Gladstone in mid-July and will endeavour to ensure that we have an EA ready to vote upon by then. It has been a long process to get to this stage and I'm confident we are almost at the end of the line for the patient members aboard the *Larcom*.

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

The agreed upon EA went out to vote in the last two weeks and was unanimously agreed upon by all Deck Officers and Engineers. I would like to thank the members for their work in getting the agreement finalized and for voting to approve it. The EA will be submitted to the Fair Work Commission for approval in the coming days. This is an historic document as it is the first joint agreement between AIMPE and AMOU since the Nautilus Federation of Australia strategic cooperation initiative commenced in 2017.

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

The company has still not returned with any concrete information with regards to what is proposed to encourage members to agree to the redundancy cap from which ASP is not budging. However, it appears that ASP would like the Unions to visit all of the vessels in Gladstone over the course of July. I will most likely be the representative who makes that trip and look forward to speaking to members directly about the ongoing saga that is this EA. I know it has been a divisive process, however I am confident that by the time of my visit to the ships, ASP will have come to us with a proposal and we can then get an EA out to members to vote upon. This has dragged on for much too long.

### **Teekay Ocean Protector**

A meeting had been scheduled on 15 May to discuss the EA. The primary discussion point was going to be AIMPE's refusal to support the EA unless their claim for a dedicated Electro-Technical Officer (ETO) on each swing was addressed. To date, the company has rejected most of the Union claims. Unfortunately, the meeting was cancelled last minute due to difficulties in ensuring delegates were available to attend. Given the crucial point we are at, it is imperative that the members are the ones who are making the decisions rather than officials, so we were not willing to continue with the meeting. We are now in the process of attempting to rearrange and schedule a new meeting.

### **Teekay Tanker Enterprise Agreement**

The EA for the *Dampier Spirit* was successfully voted up by AMOU members in late March and we are waiting for it to be approved by the Fair Work Commission. Given their backlog, we are not expecting further information for a number of months.

### **Roads and Maritime Services NSW Award**

As reported last month, RMS has been going through a significant change, with it due to be integrated into Transport for New South Wales (TfNSW) by 01 July 2019. TfNSW remains committed to not changing any daily operations or employment conditions for current employees under RMS at this time. As a result, we have been continuing, under the guidance of Unions



NSW, to negotiate the Consolidated Salaried Award. Bargaining power is limited and given the uncertainty, our focus has been on getting a maximum pay increase (capped at 2.5% due to the NSW government wages policy) and maximizing the term of the agreement. RMS want to have a single year agreement, whereas we want to extend it for as long as possible. They are still considering this request. We have also made progress with clarifying a number of maritime clauses in the Award. We are still in the NSW Industrial Relations Commission with RMS about their lack of consultation regarding the change. Our aim remains to ensure they are being as open and transparent as possible with both Unions and employees. Our understanding is that there will be information sessions held for all Maritime employees on 30 May 2019. I ask that all members attend and if you have any questions you would like specifically answered regarding the change to please ask me so I can get the answer added to the circulating FAQ's that RMS and TfNSW have been updating.

### **Harbour City Ferries**

The Delegates and I have had a number of meetings with HCF in the last month. We have had to raise our concerns with them regarding several issues, including the E-List, repeated control failures, uniform consultation, the application of the parental leave policy under the EA and most recently to discuss the upcoming changes regarding the charter and on demand vessels. Although we had wins, it is indicative of an employer who is making decisions without thinking through consequences as much as it should. We will need to remain vigilant in the coming months. There will be changes due to the new vessels and evolving business, but please rest assured that between your delegates and AMOU officials, we will ensure the rights and interests of AMOU Masters and Engineers at HCF remain protected.

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

We have had four meetings with Fantasea since last month, with all parties willing to commit time to ensuring we reach a positive and expedient outcome. The MUA has significantly more members and the meetings revolve largely around their log of claims. A frustration for us has been that claims are amended each week, in particular with regards to rostering and PPT clauses. Despite this, the meeting on 22 May was productive and we are edging closer to a settled position. Wages have not yet been discussed and we expect this will form part of our next discussion.

### **Inco Enterprise Agreement**

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

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

I have been to Newcastle a number of times over the last few weeks and we are getting closer to reaching an agreement on a new EA. Meetings alternate between those in which we discuss a combined log of claims (with the MUA) regarding the general aspects of the EA, and those with just our delegates and the company to discuss the MOU that outlines the particular conditions of VTIC employees. I am expecting we will be close to a final position after the next number of meetings for each aspect, due in no small part to the excellent work of our delegates. The next meeting is 27 May 2019.

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

PON has advised us that they have appointed a consultant to conduct negotiations for the new EA on their behalf. They are currently briefing the consultant and we expect to be called in to restart negotiations shortly. Our log of claims was submitted before the company made their HR manager redundant, so it shouldn't take long to make progress on a new agreement once the company is ready to restart.

### **North Queensland Bulk Ports Pay Dispute**

We achieved a significant victory for all Pilots at NQBP earlier this month. After the most recent EA was agreed upon in March 2018, the company backdated the effective date of the agreement to 01 March 2018 and the applicable pay increase was paid from then. In 2019, NQBP advised our members that they had formed the opinion that, based upon the expiry date of the EA, that the next annual increase would not be applied until April 2019. We were not going to allow the company to attempt to cheat our members out of an increase that had been negotiated in good faith only 12 months earlier and lodged a dispute. Disappointingly, we needed to ask for the dispute to be escalated to the CEO before they finally realized they were in the wrong. Well done to the delegates and members who raised this and fought for it on behalf of all NQBP Pilots.

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

I have recently been assigned this portfolio and have since met with a number of our delegates and members at the Port Authority to discuss a number of matters. These include the ongoing issue related to fatigue for VTS officers and the attempted dissolution of the ERT team without adequate consultation. I will be taking on these matters on behalf of members in the coming weeks. I ask all members at the Port Authority who would like to discuss any issues with me to please send me an email or call.

### **NSW Ports Enterprise Agreement**

I was issued a letter earlier this week confirming that NSW Ports would like to commence bargaining for a new EA and it has issued employees with a Notice of Employee Representational Rights (NERR). Since then I have reached out to our delegates and we are in the process of compiling a log of claims. I understand that the last EA was a difficult and protracted affair and I aim to ensure that this process is much more straightforward. The first EA meeting will be held on 29 May 2019.

### **Adelaide**

I will be attending the Southern Area Members Meeting that is being held at Institute Chambers, 22 Divett Street, Port Adelaide on 30 May 2019 at 1500 hours. I look forward to meeting more members and encourage all to attend.

## Industrial Report – Glenn Walsh

*Industrial Officer (Fremantle)*

### **Mackenzie Towage Bunbury**

Bargaining continues sporadically for the joint Union's agreement. The meetings so far have been largely unproductive as a result of the company's lawyers' antagonistic attitude and behaviour. We have expressed an expectation that the company must provide its position in relation to our claims prior to the next meeting. This will determine the potential for a Protected Action Ballot. Given the solidarity expressed by the members of each Union, we have a clear mandate to push hard for a fair deal for our members.

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

Bargaining is progressing at a reasonable pace. The SPA bargaining representative has committed to presenting SPA's position on each of our claims prior to the next meeting. We have expressed a wish for the SPA CEO to be better involved in the negotiations as his decisions might otherwise be tempered by the views of the bargaining representative.

### **OSM**

The matters in dispute that have been referred to the WAIRC for determination are waiting for listing dates. We are pursuing each of these matters as a contractual benefit claim because the employer has maintained that they are not party to the relevant EA (despite the transmission of business) but have instead incorporated the same terms and conditions of employment into common law contracts.

### **Westug**

The lack of jurisdiction for the FWC to arbitrate in this dispute stems from the dispute settlement procedure clause in the relevant EAs. This clause limits the arbitration of disputes to circumstances in which both parties agree for this happen. We need to ensure that each of our many EAs provide dispute clauses which enable us to refer matters for arbitration without the consent of the employers.

### **Mid-West Ports**

AMOU is now working directly with the MWPA CEO to resolve the relevant matters in dispute and prior to being referred to FWC for conciliation.

### **Odyssey Marine**

In a move which was probably made to exclude the MUA from this workplace, Odyssey Marine has advised that the current deck crews on their vessels in Port Hedland will be retrained and re-employed as Masters, and that deck hands will be sourced from external providers in Port Hedland. In issuing the NERR for the new EA, the employer prevented MUA from representing its members.

Upon advice from MUA, many of these members have since elected to join AMOU and have nominated us as their bargaining representative. While this represents a significant membership boost for AMOU, it raises a concern that employers are apparently going to great lengths to avoid resistance from Unions. Member meetings in Port Hedland are scheduled for the coming weeks.

**Argonaut Marine**

After initially refusing to bargain for an enterprise agreement, Argonaut has since elected not to oppose the AMOU application for a Majority Support Determination with the FWC. We expect the matter to be heard on submissions with a decision due by late June 2019.

**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)*

### **Svitzer Darwin**

The AMOU has reached an in-principle agreement on a 4-year EBA with 2% per year, plus a 2.5% wage increase in the first year to pay for the additional workload after taking on harbour towage. I lodged a dispute in the Fair Work Commission after Svitzer refused to follow the local POPs clause and scheduled work that exceeded 14 hours with a Master on standby for 27 hours. I withdrew the dispute after Svitzer committed in writing to follow the Darwin POPs clause instead of the EBA clause where 16 hours is the maximum. They also committed to meeting with our delegates to tackle the crewing issues that made it possible for the breach to happen in the first place. They will create a scheduling table that provides clear details about average job times for schedulers and will look at hiring extra crew.

I attended the May Day March with Greg Yates from AIMPE and some delegates.

### **Port of Brisbane**

The Port of Brisbane rejected our request for a 2% floor to CPI in the BMT EA because we refused to trade off any conditions for the increase. Our members have informed the POB that they would consider a floor of 1.5%. We are waiting for their response.

The Port of Brisbane's Port Office EA negotiations are underway. We have rejected their offer of CPI or 1% and have countered with 2%. We are waiting for the AIMPE and MUA officials to return from leave/become available to continue the negotiations.

### **Pacific Tug**

EA negotiations have commenced with the company offering a 4-year agreement and an increase of 1.5% per year. Pacific Tug has said they will provide employees with a draft EA in the coming days.

### **Cairns**

#### **Sunlover**

I am currently working through the changes HR has proposed for the new EA.

#### **Sea Swift**

Now that Brendan from AIMPE is back from leave, I have emailed Sea Swift and told them the AMOU would like to recommence bargaining. I am awaiting their response.

### **Intercity Group**

The company still hasn't put forward its intended EA. There is a joint AMOU/MUA meeting for the masters of their dive vessels at 1800 on 6<sup>th</sup> June at the Cairns RSL.

### **Pro Dive**

We are set to appear in the Fair Work Commission on Monday 3 June to finalise our hours of work dispute. We hope to determine the number of hours expected to be worked for a Day Rate.

**Port of Townsville Ltd**

After concerns were raised by members about the dispensation of qualifications and training requirements required for a new Pilot Manager to be trained as a Pilot, I lodged a dispute with the Fair Work Commission. Unfortunately, Deputy President Asbury said it was likely that the Pilot Manager is principally employed as a Manager and not a Pilot, therefore the conditions of the EA are not relevant. I will now seek a meeting with MSQ to outline our concerns about their low standard of training requirements.

**Smit Lamnalco - National**

This company has allegedly started using urine tests instead of the usual swab to perform drug and alcohol tests in Mackay. HR has stated that this is part of a national policy. I have asked for a copy of the policy and to resume previous discussions to clarify procedures around swab testing and the implications of medications, etc. I am waiting for a response.

**Smit Lamnalco - Gladstone**

The AMOU has engaged Luke Tiley from Hall Payne Lawyers to argue that Smit Lamnalco should pay for the revalidation of their Master's GMDSS qualifications. This case will be heard in the Fair Work Commission on 28th May.

**Brisbane Ferries**

AMOU masters and I visited Aus Ships at Rivergate Marina where the latest CityCat is being built. We were able to stand inside a mock-up of the wheelhouse design and provide feedback to the builder and Brisbane City Council on the layout of the controls, electrical equipment and visibility. We are waiting for the Brisbane Ferries EA to be approved by the Fair Work Commission. In the meantime, I have been working with Transdev and the Rostering Committee to finalise the new rosters.

**If you're in QLD and would like me to visit your workplace to talk to members, please contact me on 0427 204 738 or [tracey@amou.com.au](mailto:tracey@amou.com.au)**