

Industrial Report

August 2019



AMOU

Australian Maritime
Officers Union

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Date:	20th August 2019
Locations:	EASTERN AREA AIMPE Office, 148 Hannell Street, Wickham, Newcastle NSW
Date:	27th August 2019
	WESTERN AREA Navy Club Inc., 64 High Street, Fremantle WA 6160

President’s Report

Tim Higgs

President and Svitzer Melbourne Tug Master

Welcome to the August Industrial and President’s reports.

Area Members’ Meetings

This month, in line with a decision of the Executive Council, an Eastern Area Members’ Meeting will be held in Newcastle on Tuesday 20th August instead of Sydney on 27th August. The wider decision to apply more flexibility to the scheduling and location of area meetings was based on feedback from a number of well-attended AGMs and Newcastle was the specific request of those attending the Newcastle AGM. The objectives are to get the numbers up, endeavour to generate more interest in AMOU activities, use the opportunity to consult with the membership on priority initiatives and to reach members whom under a rigid scheduling system would not otherwise have the chance for input without considerable travel being involved. These meetings will also involve a social event afterwards where a limited budget allows for some money to be put on the bar. This kind of flexibility for area meetings has been happening in SA for a couple of years now to coincide with the availability from seagoing duties of the Southern Area Secretary and will now be implemented in all States where there is a demand.

Recently-elected Executive Council

Just to set out again your representatives on the Executive Council for the next 4 years here is the list of those elected, their positions and their current jobs:

Position	Office-holder	Current occupation
President	Tim Higgs	Tug Master – Svitzer Australia (Melbourne)
Vice President	Ken Blackband	Tug Master – Svitzer Australia (Brisbane)
National Councilors	Matt Jepson Brent Middleton	Master – <i>ICS Silver Lining</i> Master – <i>OSV Go Sirius</i>
Offshore Oil & Gas Delegate	James Gregson	DPO – Semi-sub rig <i>COSC Prospector</i>
Pilot Delegate	Andrew Hawkins	Marine Pilot – Port of Townsville
Port Services	Darryl Dorrton	Marine Officer - MSQ
Seagoing Delegate	Ryan Thornton	Chief Officer – <i>ETV Coral Knight</i>
Towage Delegate	Shanon Barrett	Tug Master – Svitzer Australia (Brisbane)
Eastern Area		
Secretary	Brent Warhurst	Chief Officer – <i>Pyrenees Venture</i>
Vice President	Jan Andersen	Tug Master – Svitzer Australia (Bowen)
Southern Area		
Secretary	Luke Hosking	Master – <i>ETV Coral Knight</i>
President	Andrew Walsh	Second Officer – <i>MMA Inscription</i>
Western Area		
Secretary	Glenn Andersen	Organiser – Fremantle Office
President	John McDonald	Chief Officer – <i>Sapura Constructor</i>
Vice President	Brad Cooper	Second Officer – <i>Siem Aquamarine</i>

Super Funds

A number of members inquire of the AMOU which Super Fund they should join. This puts us in a difficult position as we are not accredited financial advisors and therefore have no authority to dispense financial advice and no protection if we do advise members and things go pear-shaped. The Australian Financial Review and Canstar provide annual figures on the comparative performance of Super Funds; so if you want to see how your fund is performing or generalised information prior to making any decisions on which fund to join or transfer to, you may want to go to their websites. Anything more specific should be sourced from professional financial advisors.

Officer and Related Party Disclosure Statement

The following is our disclosure of the remuneration of elected officers for financial year 2018 for your information. This disclosure is a legal requirement clearly for transparency purposes. Any queries please email Mark on mark@amou.com.au

OFFICER AND RELATED PARTY DISCLOSURE STATEMENT in accordance with Section 293J Fair Work (Registered Organisations) Act 2009

I, Timothy Bradley Higgs, being the President of the Australian Maritime Officers Union, declare the following Officer and Related Party Disclosure Statement.

Organisation Name:	Australian Maritime Officers Union	Branch Name:	N/A
Financial year start date:	1 st January 2018	Financial year end date:	31 st December 2018

Top Five Rankings of Officers – Relevant remuneration and non-cash benefits

When all officers in the organisation are ranked by relevant remuneration for the financial year, the following officers are ranked no lower than fifth:

Full Name	Office (e.g. Secretary)	Actual Amount of Relevant Remuneration	Value of Relevant non-cash benefits	Form of relevant non-cash benefits (e.g. car)
1. Glenn Hans Andersen	Offshore Oil/Gas Delegate	\$81,807.75	\$0.00	
2. Daniel Alexander Pearson	Western Area Secretary	\$222,435.97	\$0.00	
3. Timothy Bradley Higgs	President	\$18,461.53	\$0.00	
4.		\$	\$	
5.		\$	\$	

- Only those officers listed above received relevant remuneration from the organisation, relevant boards or related parties. No other officers in the organisation received relevant remuneration from the organisation, relevant boards or related parties.

MV Noongah Tragedy

This report is taken from the Merchant Navy News, Edition 19, Spring 2019. 50 years ago on 25 August 1969, the Australian Coastal ship *MV Noongah* foundered off Smokey Cape, New South Wales with a cargo of steel bound for Townsville in Queensland. Of the 26 crew members, 21 of them were lost.

MV Noongah



50 years ago

On 25 August 1969, the Australian Coastal ship MV Noongah foundered off Smokey Cape, New South Wales with a cargo of steel bound for Townsville in Queensland. Of the 26 crew members, 21 of them were lost.

Two small general cargo ships were ordered in 1952 from the Scottish shipyard of James Lamont & Co. Ltd., of Port Glasgow on the River Clyde by the Australian Shipping Board (ASB), predecessor of the Australian National Line. They were named *Nilpena* and *Noongah*, identical sisters, single deck, single screw motor ships with a raised quarter deck, engine aft design typical of British coasters of the time. Their length was 243 feet overall, beam 37 feet, loaded draft 15 feet, with tonnages gross 1,464, deadweight capacity 1,673 tons. The ships had two holds, with No1 in a well, aft of the raised forecastle and No.2 on the raised quarter deck forward of the navigation/accommodation. The two holds were fitted with MacGregor steel hatch covers which may possibly

of had a bearing in the eventual tragic loss of Noongah. Each hold had two sets of union purchase 5 ton derricks each attached to a fore mast, the raised winch platform/ stump mast between the two holds and a goal post arrangement in front of the navigation bridge. Accommodation for the complement which initially comprised 30 persons was situated aft with two wooden lifeboats on either side fitted with Welin' wind out' davits.

Noongah's main engine was built by British Polar Engines Ltd., of Glasgow, a 6 cylinder, 2 stroke single acting Polar oil engine which generated horsepower of 1,000 bhp, giving a speed of 9.5 knots. Navigation equipment was minimal, with just a magnetic compass, an echo sounder, and associated radio and direction- finding equipment. Radar was not fitted when I sailed in her in 1963. Port of Registry was Melbourne and classification was with Lloyds. She was a neat little ship with a nicely raked stem, cruiser stern and topped with a small funnel. The ship was certainly no ocean greyhound and from personal experience in a force nine 'east coast low' gale the *Noongah* became quite difficult to handle, just maintaining steerage way in what was a similar area off the NSW east coast to where she was subsequently lost seven years later.

Noongah was an Aboriginal word for the Kurrajong tree, launching taking place in December 1954 and finally delivered to her new owners in April 1955. The intended trade for the sisters was to carry timber and general dry cargo between mainland ports and Tasmania. They fitted nicely trading as handy little units for what was now the ANL Traffic Department carrying various cargoes amongst which early in her career was bagged wheat from South Australian ports to Tasmania. This was before the introduction in 1958 of the first of the two similar Australian built 'half- sisters', *North Esk* capable of handling wheat in bulk. By the early 1960's *Noongah* was trading regularly directly between Brisbane and Hobart direct carrying general cargo such as Golden circle tinned fruit, building material etc south and Cadbury chocolates and apples north! This little ship was ideally suited to handle this type of light volume cargo plus the odd top up with potatoes from Devonport. An unlikely voyage at Christmas 1961 saw *Noongah* make an emergency trip from main southern ports to Darwin when another ANL ship *Wangara*, grounded at the entrance to Port Phillip. In the middle 1960's *Noongah* was regularly engaged in the BHP steel trade from Port Kembla/Newcastle to North Queensland ports.

In 1965 *Noongah* was stripped of her cargo handling gear in order to enter the Bass Strait Searoad Service carrying containerised cargo, timber packs and additional paper reels from Burnie in order to supplement the faster ships engaged in the Searoad Service.

With additional modern tonnage in 1967 becoming available *Noongah* was refitted with her derricks and returned to the East Coast steel trade to North Queensland ports. On a north bound voyage having loaded at Newcastle with 1,472 tons of mixed steel products she sailed fully loaded at noon on the 23 August 1969 with a freeboard of just 4 feet 10 inches. The previous month she had undertaken repairs in Sydney to No.1 hold tank top while 1200 rivets were also replaced. The voyage north was routine until in the area of Port Macquarie the following afternoon the weather deteriorated to the extent that the ship was subjected to a full-blown force 10 gale. The wind was blowing from 45 degrees on the starboard bow, with wave heights peaking at 10 metres, with associated waves the length of which were estimated to be 130m between crests. By 2000 hours the ship had been reduced to barely 3 knots and rolling heavily. A starboard list had been noted increasing during the 8-12 watch and then in the middle watch enormous amount of water were observed across the fore deck well in the way of the lower placed No.1 hatch secured with steel hatch covers. At 0345 *Noongah* finally lost steerage way and at 0352 the first radio message was dispatched indicating a starboard list of 15 degrees. Finally, at 0437 a SOS radio message was sent advising the ship which was near Smoky Cape was being abandoned. She finally sank three minutes later sinking by the head. The two Welin wind out davits were unable to be operated for the wooden lifeboats to be launched so the only available lifesaving equipment were the two RFD life rafts, a 10 person and a six person plus personal life jackets. Of the crew of 26 only five survived the maelstrom that night.

The search that followed was the largest undertaken in Australia's peace time maritime history and involved eight RAN ships and seven Merchant ships together with RAN and RAAF aircraft. Greaser Kenneth McIntyre was

posthumously awarded the Royal Humane Society of NSW 's Bronze Medal 'for bravery in attempting to save the lives of crew members of the *Noongah*.

In June 1971 her sister *Nilpena* was sold overseas and in 1986 finally meeting a similar fate in heavy seas in the Bay of Bengal. Having developed a list in heavy weather and once again lifeboats were unable to be launched which resulted in just a sole survivor who spent five days drifting in a life raft before being rescued. The British pairs other Australian built 'half- sister', ANL's former *South Esk* was lost in February 1980 on passage from Hong Kong to Manila initially reporting a 20 degree list in heavy weather, crew preparing to abandon ship, no further messages and was lost with all hands.

I sailed on another similar small quarter deck ex Union Company of New Zealand collier which later sank with the loss of all hands in a typhoon in the South China Sea. Her sister ship sank off the North Cape of New Zealand and divers discovered her steel hatch lids had been displaced from the sunken hull. Did the enormous amount of water battering the steel hatch lids in the forward well deck cause these steel hatch lids to be dislodged resulting in a sudden ingress of water into the holds thus causing an unmanageable list?

Resulting from my experience in these underpowered small motor ships I changed to a different shipping company which had large powerful steam turbine ships!

Captain Iain Steverson FNI
Former BHP Marine Superintendent

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IN MEMORY OF

<i>Master: Leo Botsman</i>	<i>Bosun: John Fleming</i>	<i>Crew Attendant: Nick Maragos</i>
<i>First Mate: Archibald Mitchell</i>	<i>Able Seaman: Keith LeFevre</i>	<i>Greaser: Kenneth McIntyre</i>
<i>Second Mate: James McCormack</i>	<i>Able Seaman: George Jenkins</i>	<i>Greaser: Charles Donnelly</i>
<i>Third Mate: Alfred Hopkins</i>	<i>Able Seaman: Patrick Kilgariff</i>	<i>Chief Steward: Eric Hynes</i>
<i>Chief Engineer: Paul Hutton</i>	<i>Able Seaman: Stanley Davis</i>	<i>Chief Cook: Thomas Ford</i>
<i>Fourth Engineer: Gerald Abbott</i>	<i>Able Seaman: Ralph Chappell</i>	<i>Second Cook: Hector MacDonald</i>

As always stay safe

Tim Higgs President

In Unity



Tim Higgs
President

Executive Officer's Report

Mark Davis

Executive Officer (Sydney)

Port Authority of NSW – Newcastle Pilots EA

Despite meticulous research in advocating the claims by the delegates and very solid negotiating strategies this protracted set of negotiations has resulted in a sub-standard settlement for a number of reasons. Many claims were structured to address what was seen as the failure of the PANSW to manage the pilotage service in an effective manner. The number of Pilots on the roster was insufficient, and as a result, whilst annual leave was factored into the roster, any other forms of accrued time-off could not be taken by the Pilots as there was no roster relief particularly for the unlimited licence-holding Grade 2 and 3 Pilots. The Pilots were also prepared to come in on their rostered time off to plug gaps in the roster. This resulted in exhausted and frustrated senior pilots and an extraordinary accumulation of time-off. There was a lack of succession planning until the need and method for the introduction of new Pilots was advocated as an EA negotiation claim and then there was a mad scramble to introduce new Pilots. Four new Pilots were introduced within a very short timeframe which coincided with the unavailability of a number of Grade 3 Pilots; the only Pilots that could conduct pilotage checks for the new recruits. Whilst Grade 2 Pilots had been prevailed upon heavily to oversee training pilotages such as observations and supervisories without being specifically remunerated for this they kept the training going as best they could but rightfully claimed a fair percentage increase to recognise this contribution. The claim regarding new Pilots was a 6-month staged introduction to ensure new Pilots were not jumping over each other for the same jobs to advance their licensing. This was summarily rejected by PANSW. The result was that during the negotiation period the new Pilots were struggling to get the training pilotages and were looking at extended periods to reach their unlimited licence status. In finally realising that this was a problem the PA proposed to pay four Grade 2 Pilots half of what they were prepared to pay Grade 3 Pilots to perform check pilotages. Industrial action was not felt to be the solution so apart from this element, the EA was little better than a roll-over with 2.5% for 4 years and no back-pay. If this were not sufficiently disillusioning, the CEO of PANSW determined that it was not worthwhile going through the Wages Policy Task Force procedures for a mere 2.5% extra for 4 x Grade 2 Pilots; with the result that the Pilots' employer was put in a position that the proposed settlement was not honoured. This has made a total mockery of 6 months of already extremely frustrating negotiations. PANSW Newcastle has now decided that there will be 4 more Grade 3 Pilots appointed from the Grade 2 ranks at a cost of an additional 10% each; 7.5% more than the PA was prepared to offer the Grade 2s in the first place. Why was fair recognition not offered the Grade 2 Pilots during the negotiations proper? Anyway the next step is that the Pilot Group will meet on 20th August and agree our approach and the AMOU negotiating team will meet the PA on Thursday. Needless to say we cannot wait.

Engage Towage

The company, which represents the joint venture between Engage Marine and Smit-Lamnalco Towage has been consulting with AMOU and AIMPE regarding an alternative structure to the partnership arrangements that apply in other company contracts. The discussions have so far been

quite constructive. An informal discussion took place some 6 weeks ago to update the AMOU on the state of play but nothing formal has been convened since. Engage is actively pursuing towage contracts around the country and still working through the alternative structure internally with the deadline of 1st September. Indications are that the roll-out of this structure will be in Sydney and that it is up to the tug crews whether this takes the form of a collective agreement or a continuation of the common-law contract set-up that is presently the case. AMOU and AIMPE will be meeting with Engage Towage on 21st August.

Trident Shipping

Potential privacy infringements

As reported last month CCTV is being installed on the bridge of the four Australian registered LNG carriers. Shell is proposing to use the data obtained from this and the Voice Data Recorder for remote navigation audits. This has not been the subject of any consultation and a significant number of AMOU members have raised concerns about the invasion of privacy, the lack of any transparency regarding who uses the data and for what purpose, how long it is kept for and whether this is just another initiative of the company to alienate the bridge team. This latter concern must be seen in the context of the shipping partners to the North-West Shelf Continuity of Operations Agreement (COA) wishing to reduce the number of Australian registered ships on the project and the attempt to hold the AMOU in breach of its COA obligation to find suitable officers to crew the vessels. The tendency of the company to single out officers that take an openly trade union position on issues means that we have had to use the COA dispute settlement procedure in a manner in which as many crew members as possible sign a letter to the Master commencing the procedure to address the privacy concerns,

Attempted vessel reduction

NWSSSC and Shell's aggressive push to spread the crews attached to the four ships across only three ships and the release of a 'Statement of Position' outlining their reasoning was the subject of a long drawn-out meeting on 12th August. The following is our summary of the position as advised to Trident members after this meeting:

"Dear Members,

Thanks to all of the AMOU members who took the time to do the critique of the Trident/STAPL Statement of Position. The information was invaluable with the limited time we had to respond prior to today's 0800 hours meeting and it allowed us to compile a reasonable submission to shoot holes in the company's statement.

Glenn Andersen and I represented the AMOU at the meeting. Trident was predictably miffed at the criticisms levelled at them regarding the company's shortcomings when it comes to retention strategies and maximisation of promotional opportunities. They were also criticised for failing to communicate with AMOU and AIMPE prior to launching the Statement of Position regarding officer shortfalls, confirmation of casual 3/Os as permanent and a host of other issues. These will now be addressed between AMOU and Trident directly without the wider Continuity of Operations Agreement audience.

There is no doubt that the Shell stable of companies represented at the meeting is hellbent on spreading the crews for 4 vessels among just 3 and much was made of the commitment that all crew members would remain employed with the primary role of the surplus appearing to be to reduce leave balances. We asked the direct question as to how long they would remain employed and this was met with an inconclusive response. Much has to happen before this option can be contemplated.

The meeting concluded with Shell undertaking to advertise 'constantly' for officers, they will investigate visa options with Home Affairs and they will talk to AMSA regarding certificates of recognition. They asked us to undertake to support them and to facilitate this and they will copy us any relevant documentation. This process is expected to take 6-10 weeks and then we reconvene and if the senior officer supply situation has not improved the companies will revert to their position of consolidation of 4 vessels to 3. AISR was not countenanced as an option for consideration by Shell at all.

We said that we're prepared to cooperate, and we will also go out to the membership for CVs again. If we return to the table after an unsuccessful exercise we are not committed to taking any next steps.

This list of recommended action points from our response is our list to be addressed at the direct discussions with Trident:

1. Trident/STAPL provides an accurate and detailed account of the results of the consultation with senior officers on retention strategies
2. Trident/STAPL identifies exactly what the companies' current retention strategy entails
3. The introduction of predictability into swings and a reduction of the length of swings to 6 weeks
4. Officers being assigned to and retained on one ship with an emphasis on consistency in the make-up of both swings of officers (with promotion the obvious exception)
5. Setting a timetable for the confirmation of additional 3/Os as permanent employees
6. The issuance to all officers of a statement specifying exactly where they stand within the promotion matrix also detailing the prerequisites for promotion to the next rank.
7. Elimination of the practice of dropping newly promoted officers down to their previous rank. The exception to this could be justifiable disciplinary reasons.
8. A frank discussion on the usage of VDR and CCTV footage in order to avert the inevitable dispute
9. An explanation from Trident/STAPL on exactly what is the intention as regards currently employed qualified (or soon-to-be qualified) officers potential promotion and what training and development initiatives are being put in place to facilitate this
10. The reinstatement of step-outs to advance career fulfilment and the promotion process
11. The promotion and employment of officers so there are at least 9 officers of each rank and 17 x 3/Os
12. Preference for promotion of long-term 3/Os to 2/O rather than new less experienced and qualified recruits
13. Increased usage of the fast-tracking promotional facility to alleviate any perceived shortfall in officers.
14. More rigorous consideration and more interviews of outwardly suitable-looking tanker officers and less emphasis on STAPL's interpretation of the *recent deep-sea experience* criterion."

Gas tanker job opportunities

ALL members who have gas, chemical or any tanker experience including FPSOs and FSOs and who are prepared to apply to Trident for a job on the gas tankers on the route between Karratha and Japan and are available for work at a month or so notice should let me know asap. Many members applied earlier in the year by sending me their CVs as requested. If you still wish to be considered and there are no amendments or additions to your CV please just email me with your name and '*Trident job*' in the subject line. If you sent in your CVs in response to the dredging experience request and wish to be considered for the gas boat jobs and you think you have the experience please put your name and *Trident job* in the subject line also. If you need to update or focus your CV for the gas boat jobs please include your full CV. Any new applicants please send me your CV. If any members are aware of anyone else whether a member or not with gas experience please encourage them to make contact with me.

Industrial Report – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Vessel Inspections

Transocean Drillship *KG2* manned and operated by Rigforce.

Trident LNG Ships EBA

AMOU members are continuing to send in EBA claims.

Trident LNG Ships COA Meeting

The August 12th COA meeting was my first attendance at one of these regular get-togethers. To me the plot is very simple, the three unions on one side of the table argue that a deal was made years ago for four Australian manned and registered LNG carriers to exist in the LNG export trade for the life of the gas field. Meanwhile the other side would rather see a much quicker exit of those vessels and their Australian crews. An Arbitrator's decision scuppered those plans some months ago. What we are allegedly facing now is a shortage of qualified deck and engine-room officers which, according to Trident, could either delay or prevent sailings. Their fix is to reduce the number of vessels from four down to three. By accident, or design, this supposed long-term shortage of qualified Officers can only be the fault of the employer. The AMOU has proven the availability of suitable Australian deck officers exists. From a maritime perspective I believe the processes Shell follows to train and promote masters and deck officers are a barrier to a smooth and timely transition from junior to senior rank. Sure, we are dealing with a volatile cargo, but technology lowers those risks to an acceptable level. Without taking anything away from the maritime skills associated with sailing these vessels across the oceans, we are dealing, basically, with transporting a tin-can, full of gas, from Australia to Japan. It is not going to the Moon. The Shell training matrix involves lengthy qualifying periods of sea time, we all know there is no way around that requirement. However, a Chief Officer, even without LNG experience should not need years of training to learn how to load and discharge this type of cargo. Both sides committed to approaching the officer shortage in a variety of ways: normal advertising, AMOU members database, and the use of the working visa program.

Westug

As part of the Rio Tinto Petition disciplinary settlement, made between AMOU, AIMPE and Westug, all signatories to the offending petition were sent letters from management. The July meeting included a verbal commitment to treat all employees equally. The company also stated that they would need to investigate any bullying or harrasment associated with the petition process. This was not something within AMOU's control. As reported in July the settlement sees all employees free from any disciplinary measures as a consequence of signing the petition. AMOU Executive Officer Mark Davis and AIMPE President Martin Byrne met with Mark Malone and Luke Bettsworth last Wednesday 21st August. The company's explanation of the response letter to petitioners was that it was necessary to send a reply so that the employees knew that the matter had been dealt with and concluded that the letter states that the company has investigated and decided to take no further

action. This can be relied upon in future by members as evidence that there was no misconduct to be built upon at a later date.

Two AMOU members have been issued with letters stating that their conduct, around the Rio Tinto petition issue, may not have been in accordance with company policy. In plain language it is alleged they have bullied others into signing the petition. This week AMOU Industrial Officer Glenn Walsh represented one of those members. At the meeting it emerged there was no complainant, and no complaint at all, apparently a civil conversation between two employees discussing the petition found its way back to head office. Fertile imaginations then took over. The threat of dismissal hovered around this member for weeks. We now believe he is in the clear. A letter of allegation and then a show cause letter was sent to another member regarding an incident unconnected with the petition. The AMOU is assisting this member also. This appears to be an effort to make an historical incident insufficiently acted upon at the time stick to an employee possibly for want of evidence regarding petition-related behaviour. The treatment meted out to a loyal and dedicated bunch of employees is nothing short of disgraceful, all because they are resisting management pressure to join a partnership. All these employees want to do is to remain inside a Fair Work Act employment agreement. The Act is most certainly not as fair as its name might suggest, but is infinitely superior to the partnership model.

Maersk EBA negotiations

Following high level talks in Norway between AMOU President Tim Higgs and Maersk management we thought the negotiations could advance, on the basis of mutual understandings. When it came to open discussion of these points, management quickly informed myself and AIMPE's Mike Carroll that we would both need to accept the twice rejected Maersk EBA as the template. And that only then could we talk about those mutual understandings. They will not accept that Maersk employees voted down that inferior EBA, twice. The genuine attempt by the union to make headway has not worked as well as it could have. The AMOU has spoken about, and has started the paperwork, to undertake a protected action ballot. Over the next week I will attempt to phone every union member to gauge the support for that sort of action.

OSM EBA Negotiations

A short and second EBA negotiation session for this month saw the first-year salary offer from OSM increased to 4%. Like Maersk, they have a major difficulty in the reality of a failed EBA ballot. Before we were rushed out the door our side agreed to put forward some bullet points for discussion. It is progress but there is still a way to go.

Teekay/Ningaloo Vision

The parties will meet again in Melbourne on September 6th we are close to putting out a document for members approval. The big sticking point is the company's desire to remove the Cadet Training clause from the EBA. Any agreement to this would most certainly have a flow-on effect throughout the whole maritime industry. Frankly I find it hard to believe Teekay could even imagine the three maritime unions giving up on the expectation that young Australians have an opportunity to start a career at sea.

Toll Inshore and Offshore EBA's

My email requesting a second meeting with Toll has not been acknowledged by their office. I will make another attempt.

Industrial Report – Jarrod Moran

Senior Industrial Officer (Melbourne)

TasPorts

Pilots

We have presented again to TasPorts our position paper that Pilot wages should be increased to parity with Flinders Ports Pilots. The main points from the paper are that:

1. While employed by State Government Authorities, Pilots are part of the maritime industry and are not constrained by Government Wages policies.
2. The wages of TasPorts pilots are less than equivalently skilled and experienced pilots in other parts of Australia.
3. The circumstances in 2010 that lead to FWA awarding a wage less than that which applied to pilots at Flinders Ports no longer have relevance as:
 - The Tasmanian shipping task is increasing.
 - Tasmania's cost of living is currently higher than Adelaide, Perth, Darwin and Canberra.

TasPorts has responded that they want to make across the board wages offers to all TasPorts employees and they are constrained by the Tasmanian Government's Wages Policy that limits increases to 2% with an additional 2% available via productivity improvements. An offer from TasPorts is expected at our next meeting in late August.

TasPorts Corporation

We have had 8 meetings with TasPorts for this replacement EA. The current document was finally settled only 12 months ago so members are seeking minimal change. TasPorts has offered 2.7p.a. increases for a - year term. Our next meeting is 21 August.

DP World Supervisors/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. The Supervisors EA expires later this year and we have approached DP World seeking their thoughts on when we should start negotiations. They have yet to respond to us.

Searoad Shipping

Negotiations recommenced on our stop/start discussions on 25 July. Members have a limited number of claims including 1:1 leave (in line with AIMPE and MUA) and a pay increase. We have a current allowances dispute with Searoad whereby joining and leaving allowances have been paid in cash on board and recently Searoad moved to pay these entitlements through payroll. The first matter we want resolved via the EA talks is a cost neutral outcome for members on this change. We have also requested a Works Council meeting to occur parallel to EA talks to discuss some practical matters such as the appropriate manning on the *Searoad Mersey II* and arrangements for the construction/delivery of the replacement for the *Searoad Tamar*. The next EA meeting is 5 September and the Works Council meeting is 30 August.

Toll

Shipping Supervisors

Toll has made a settlement offer that members are content with that will now be put to a vote. Wage increases will be 3.5%, 3%, 3% and 3% backdated to October 2018.

Seagoing Collective Agreement

The seagoing agreement expired on 31 March 2019. Toll has offered a 3.5% roll-over for 12 months (March 2020) which is acceptable to members. Voting will occur shortly.

TT-Line

ASP – Spirit of Tasmania I & II

I have met with members on board regarding their now expired EA. We are seeking meetings with ASP to renegotiate and these meetings will be held jointly with AIMPE.

Shipwrights and Pursers

I have met with members on board and a draft Log of Claims is being prepared. This EA doesn't expire until June 2020.

Huon Aquaculture

Update

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. Huon employs one Australian cadet, who is a member. The deck officers are Norwegian and employed on sub-class 482 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. We have been meeting with Huon about an EA to cover the two vessels. Our claims include a clause 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 like to be fully Australian crewed by 2024. They have also stated that they would welcome advice from the AMOU on who suitable candidates may be. Huon has now advised that they are unable to find suitably qualified Australians to fill the deck officer roles and have asked the Federal Government for special permission to employ foreign workers on a Labour Agreement, a contract with the Government to allow foreign nationals into the workforce. We have advised Huon that we oppose this request and our formal submission on this is set out below. We have also advised them that the draft EA they have presented falls short of what Australian deck officers expect and that we find it offensive that foreign workers with no connection to Australia or sympathy for Australian workers could vote to approve an EA that is less than the minimum we expect. Huon has now released the draft EA for employee vote without the endorsement of any of the maritime unions. Correspondence regarding our position on their EA is attached. I will be briefing Tasmanian Federal politicians about these matters over 20-22 August.

Labour Agreement - AMOU response

The following approach is taken in all maritime sectors when AMOU is confronted with a proposal for a Labour Agreement.

“Dear Sir

Re: Proposed Labour Agreement

At the outset it is important to state that this organisation wholeheartedly opposes your request for and the need for a labour agreement.

The Masters’ and Deck Officers’ labour market

In April 2017, Ship’s Master and Ship’s Officer were removed from the 457 subclass visa lists as a response to evidence supplied by the AMOU of the significant number of highly qualified and experienced Masters and Officers actively and unsuccessfully seeking employment due to the continued inundation of foreign officers. Following this move Australian Masters and Officers should have been provided the opportunity to take up employment in their chosen field and showcase their skills and experience. Not only did this not happen but it became much worse for them. In addition to the vast number of 457 Masters and Officers still on the coast, without any market testing or consultation with AMOU, a sizeable echelon of foreign Officers illegitimately issued with 400 subclass visas appeared off our coast to further shut them out of the jobs.

The Australian Government accepts the realities of the seafaring labour market. On page 6 of the Regulation Impact Statement on the Coastal Trading (Revitalising Australian Shipping) Amendment Bill 2017 it states that:

‘There is an oversupply of Australian seafarers, both ratings and officers, and a lack of training berths on Australian vessels.’

Today there are in excess of 500 Masters and Officers who are AMOU members and either paying to be on the employment roster, looking for work independently or without any designated employer. You will be aware that there are Officers in this country who are not members of the AMOU. The sum of our knowledge and unemployed non-Members represents the Australian professional deck officer mariners’ job market. This is a disturbingly large figure and, when put into the context of a labour agreement renders the request unrealistic. Not all of these Officers will have the certification and skills sought in your proposal but there is a considerable number that will be in a position to satisfy the Huon’s demands.

Recently TasPorts advertised Pilot positions in Bell Bay and Hobart. More than 160 applications were received. With the aid of our Pilot Members, TasPorts shortlisted 30 suitable applications for interview.

As you will be aware under Australian Maritime Safety Authority criteria, trainee pilots must have certain Certificates of Competency, a Certificate of Medical Fitness, have undertaken a trainee pilot induction approved training course and have at least 36 months of qualifying sea service as master, navigating officer in charge of a watch or pilot on vessels of at least 500 gross tonnes. Pilots rank as some of the most highly experienced and skilled professional mariners on our coast. AMOU Pilot Members consider that there are at least 30 such mariners instantly available in Tasmania.

The AMOU is aware of a Member who has upwards of 20 years experience on ‘fish handling’ vessels, 13 years as Master on ‘well boats’ and with 8 years in Tasmanian waters. He responded to Huon advertisements for Deck officers but did not gain an interview.

Questions and Responses

I refer to our questions to you on 22 July 2019 regarding the proposed Labour Agreement and your response on 23 July 2019. For ease of reference I have transcribed both questions and responses below:

AMOU Question:

1. Is it your position that Huon Aquaculture will directly employ the Deck Officers subject to the proposed Labour Agreement?

Huon Response:

1) Due to the changes that were made as part of the transition from the 457 to the 482 Visa regime and the subsequent removal of Ship’s Officer and Ship’s Engineer from the Occupation List we do not have any other option available to us other than to employ these positions directly under the Fishing Industry Labour Agreement.

Solvtrans is now precluded from Sponsoring Visa's for both of these roles and can only sponsor the Ships Master. Huon and Solvtrans are currently determining the most appropriate employment arrangement to manage this situation and Crewing in general going forward and will consult with all parties once a definite decision is reached.

Re your reference to Berger Fiskum, you are correct in that he did not have any direct well boat experience when he joined however he shadowed experienced Crew and was able, over a period of time, to gain the experience necessary to undertake the role in his own right. We continue to and will be implementing this practice on an ongoing basis. Hence both Chief Engineer roles being occupied by Australian citizens.

AMOU Comment:

Why aren't Australian Deck Officers being afforded the same opportunities as Berger Fiskum and being allowed to shadow experience crew now so that Australians can quickly undertake the more senior roles? Why didn't Huon Aquaculture implement 'shadowing' arrangements for local Officers when the MV Ronja Huon was first chartered 4 years ago?

AMOU Question:

2. How long would it take to train an Australian Deck Officer and how much experience would an Australian Deck Officer require before Huon Aquaculture would consider them to be suitability qualified to be employed on a 'well boat'?

Huon Response:

2) Each individual circumstance will be different dependant on the individuals background and experience.

AMOU Question:

3. Is the reduction in the utilisation of foreign crew on the MV Ronja Huon due to foreign crew acquiring Australian citizenship or Australian permanent residency since 2015 affording them automatic work rights or due to Huon Aquaculture (or Solvtrans Rederi AS Australia Branch) engaging new employees with existing Australian work rights?

Huon Response:

3) The reduction in foreign Crew on the Ronja Huon is, as mentioned above, due to both of the Chief Engineer positions being filled by Australian citizens and a Master, originally from Norway, gaining permanent residency.

AMOU Comment:

Why does Huon continue to only deny Australian Deck Officers positions on their vessel(s)?

AMOU Question:

4. What training arrangements do Huon Aquaculture have in place or propose to have in place to ensure that Australian workers are able to displace your supposed reliance on foreign workers and at what time do you envisage your Australian workers will fully replace your foreign crew?

Huon Response:

4) The training arrangements include having engaged two Cadets and as demonstrated by our appointment of two Australian Engineers sourcing suitably qualified Crew and pairing them with well boat experienced Crew to upskill and then transition.

It is Huon's intention in conjunction with Solvtrans to continue to implement formal succession/transition plans with the arrival of the Ronja Storm in November this year.

As we have previously stated it is our intention to have a fully Australian based Crew by the end of the current 10 year Charter Agreement for the Ronja Huon which is in 2024.

AMOU Comment:

Why aren't Australian Deck Officers being afforded the same opportunities as Berger Fiskum and being allowed to shadow experience crew now so that Australians can quickly undertake the more senior roles? It would seem apparent from the AMOU produced material attached on the timeframes for attaining Deck Officer Qualifications and the AMSA material below that Huon Aquaculture cannot meet its desired goal of being fully Australian crewed by 2024 without allowing Australian mariners with a current ranking higher than a cadet training opportunities now or current foreign crew gaining Australian citizenship.

AMOU Question:

5. How does Huon Aquaculture consider that local candidates, or indeed foreign seafarers, could satisfy the requirement that to be employed as a Ships Officer they must hold a pilot exemption before first joining a vessel?

Huon Response:

5) *The reference to the pilot exemption that you mention in the Ship's Officer advert was always intended to be that candidates had the appropriate skills and experience to obtain this exemption not to come with it. This reference has been removed from the most recent adverts that were placed in June.*

Source: Australian Maritime Safety Authority (<https://www.amsa.gov.au/qualifications-training/international-qualifications/career-path-master-and-deck> accessed 5 August 2019)

The AMOU approach

Our approach to labour agreements is negative because we are thoroughly unconvinced that there is a sufficiently robust system used by employers in our industry to genuinely account for the alleged merits of the ex-pat over the local officer. Our position is that there needs to be genuine labour market testing but the process needs to be much further refined than just this. We wonder exactly what competencies it is Huon actually needs and where this is documented, apart from the cover letter to your proposal. To use Huon as the exemplar of how the system should work the following steps should be undertaken:

- 1. Huon should provide the CV of each individual ex-pat officer for whom a visa application is contemplated; then*
- 2. This CV must be assessed alongside the position description for the position specified in the vessel's Safety Management System (with revision numbers and dates also specified); then*
- 3. If these are consistent, an independent assessor should undertake a Verification of Competency exercise overseas for any ex-pats for whom a visa may be sought, prior to any visa application being made; then*
- 4. Genuine labour market testing should be undertaken to find a local Officer with a CV to match the position description in the SMS using all available media and industry sources; then*
- 5. If these genuine attempts have failed to find such a local Officer the AMOU should be consulted to identify suitable candidates; then*
- 6. Following this process if no local officer can fulfil all of these requirements, a visa may be sought for the ex-pat specialist that has successfully undergone the process in steps 1-3 and a short-term engagement agreed for the ex-pat to train an Australian in the role; then*
- 7. The most suitable local Officer will be employed into the position (subject to step 8 below); then*
- 8. Any local employed will be subjected to the same Verification of Competency process using the same independent assessor; then*
- 9. If the local Officer is successful, his/her employment becomes unconditional and he/she takes up the position with the ex-pat specialist alongside in a training and advisory role so that the specialist skills can be passed on.*

Short of implementation of this system, a Labour Agreement is unconscionable to the AMOU and is a by-pass mechanism designed to circumvent local labour.

As an adjunct to our approach we are looking at training in a holistic fashion and will be endeavouring to ensure there is no possible future shortfall in qualified and experienced personnel and those with the specialist niche qualifications and experience so heavily relied upon by employers to justify bypassing Australian Masters and Officers.

Summary

We are looking forward to assisting you to achieve what should be your priority in bringing additional vessels to the coast - employing Australian labour but we will not be doing this by extending any support for the proposed labour agreement. We see an industry training programme as key to securing the future supply not labour agreements. The Australian Masters and Officers labour market the proposal seeks to circumvent is substantial. We will always assist Huon to source suitable Australians and where the local market cannot generate that exceedingly rare maritime specialist, we have a fair process to apply.

For the reasons above we recommend that your application of a Labour agreement is rejected."

Tassal

As discussed above we expect that Tassal, another Tasmanian-based aquaculture company will be bringing two well boats on to the Tasmanian coast this year. Vessel owner Solstad has arranged to meet with us on 20 August to discuss an EA to cover these vessels.

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 increasing numbers of jobs each year and the wage proposals offered by the employer don'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. We have embarked on a protected action ballot which is currently open and are seeking authority to commence industrial action in pursuit of our claims.

Victorian Regional Channel Authority

We had previously sought to negotiate an Agreement for Marine Operative members employed by the VRCA earlier this year without much joy. We have now established that the VRCA is a Victorian Government Authority and the Government has indicated to them that they need to conclude an agreement with us based on the 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. On 1 July we were advised by members that a new roster was being implemented in Hastings, which placed members on a 3-week cycle – 7 x 12-hour days shifts, 7 x 12-hour night shifts and 6 days off. Members are employed part time for 30 hours per week, so the new roster has them working 101 hours of unpaid overtime over the roster period. We immediately put this matter into dispute in the FWC. The FWC instructed us to propose a more effective wage structure and roster to VRCA and to report back to the Commission by 22 August. Unfortunately, the VRCA is currently seeking a new CEO and the Acting CEO is reluctant to make decisions until a new appointee has commenced. As such the VRCA applied to the FWC to defer the report back meeting and this was successfully rescheduled to 26 September. Nonetheless, we are meeting with the Acting CEO on 19 August to further discuss our concerns and will plan our next move after this meeting.

RSV Nuyina

We have had three meetings 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. 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 Corp	20 May 2019
Searoad Shipping	31 July 2017 (replacement 12-month deal expired before it was approved by FWC)
Toll Supervisors	21 October 2018
Toll Shipping	31 March 2019
Victorian Regional Channel Authority	First EA
Port of Hastings	4 December 2018
Serco	31 December 2018
<i>Aurora Australis</i>	30 June 2018
<i>Aburri</i>	22 December 2018
<i>Ronja Huon</i>	First EA
Portland Tugs	30 June 2018
DP World Supervisors	2 December 2019
DP World Superintendents	First EA
VICT	19 October 2019
Polaris Marine <i>'John Duigan'</i>	First EA
ASP Ship Management (TT-Line Fleet)	31 July 2019
TT-Line Shipwrights and Pursers	30 June 2020
<i>RSV Nuyina</i>	First EA
Tassel/Solstad	First EA

Industrial Report – Chris Neiberding

Senior Industrial Officer (Melbourne)

Seaswift

It was expected that the AMOU and other unions were going to receive an update on the Award Modernisation process from Deputy President Asbury however she has not received one herself and is not expecting an update for a few more weeks. Therefore the scheduled conference will be relisted within the next fortnight. We will let members know as soon as we hear anything back from the FWC.

Svitzer

Darwin

The three maritime unions will write to the Darwin Port Manager in the next few days following the last Port Operating Procedures (POPs) meeting. The unions are concerned with Svitzer's reluctance to implement into the POPs recommendations from crew and outcomes from the Fatigue Risk Assessment. What started out as a positive process has now deteriorated and members no longer have faith in it.

The following issues remain outstanding:

1. Crewing requirements. There are currently insufficient crews to safely operate and maintain the tugs. Our recommendation is at least 12 x 100% 6/6 + 50%PPTs + Casuals.
2. PPT quarterly review has been removed in the current draft. This was not agreed.
3. A 12-hour break is required after standby. Rest periods are constantly disrupted on standby and additional rest is required when coming off a standby shift.
 - a. A minimum 10-hour break before commencing LNG Standby
 - b. A minimum 12-hour break after a standby > 24 hours.
 - c. 10-hour break for LNG Standby < 24 hours > 12 hours.
 - d. If the LNG standby is < 10 hours normal rest periods will apply.
4. Crew reject working past midnight to 0200 am on a day of leave.
5. Crew request a 10-hour break after 12 hours of continuous duty.
6. Tug crews record finish time as 30 mins after the last job and all fast alongside at tug berth. This has been deleted without consultation.
7. Scheduled hours of work should not exceed 12 hours. When changes occur, crews can work past 12 hours only when all other resources available have been exhausted.

Newcastle PPTs

Some positive news at last on the PPT front. Svitzer has finally recognised all of the outstanding AMOU claims for leave payments from the last 3 or so years, in total just over 60 days worth. Svitzer has also agreed on how PPTs will be paid in the future. The AMOU has been working with Svitzer on a table that will make sure there is no mistaking how PPTs are to be paid. PPTs will be paid exactly the same as a full time employee who receives the same leave. The AMOU would see this table inserted into the EBA. All thanks can be directed to AMOU Delegate Dean Bensley who has championed this project from the start and worked tirelessly to get PPTs paid the correct entitlements.

Superannuation

Recently a member noticed an anomaly in super payments. Svitzer had not been reimbursing insurance premiums as required under clause 25.1.2. Svitzer has rectified the situation for this individual but we would encourage all members employed by Svitzer to check that their own super payments are correct and if not report it to HR and/or Payroll ASAP. AMOU has asked Svitzer to conduct an internal audit of employees super following this single incident and said they will review internally and get back to us.

Master Traineeships

Wednesday 31st July the AMOU took Svitzer to the Fair Work Commission regarding a breach of the EBA. We asserted that Svitzer had not applied clause 16 Selection and Recruitment when it came to a trainee position. From the unions view Svitzer had completely disregarded this clause with a recent traineeship both in the beginning of the traineeship and in the creation of another fixed term contract for a trainee to complete the Master's Handbook. It is regrettable that the AMOU had to go to such lengths for the company to recognize its obligation to consult with the AMOU on Master traineeships. However as you know this has been an ongoing issue with Svitzer.

Deputy President (DP) Bull found that the Svitzer had not abided by clause 16. *Selection and Recruitment*, the DP also noted that Svitzer should keep the Masters informed, consulted with and on side as he saw the Masters position as one of the most respected and important on the Tug. DP Bull however, did not have the power to overturn an already agreed Trainee contract but instead directed the parties work on an exchange of letters that would outline a more robust consultation process when it came to the engagement of Master Trainees. Svitzer agreed and asked that the company is given until the end of the week (2nd August) to get a draft set of words to the AMOU. The matter has been left open and DP Bull has asked to be updated on our progress. The AMOU has already emailed Svitzer (and DP Bull cc'ed) requesting that any further new Master traineeships be stopped until the letters have been completed and the process in the EBA be adhered to.

We understand this may not be a satisfactory outcome for many but note Training and Traineeships will be one of the first things on the AMOU's agenda in the EBA negotiations. It is important to note that this dispute is not about any one individual but about making sure Svitzer follows the EBA which was negotiated by the unions, agreed with by the company and voted on by members.

Svitzer Cairns

As Svitzer members will be aware the Cairns tug crews some time ago agreed to forgo a number of pay increases which would be reflected in tariffs in order to win the contract in Cairns. The Unions and Svitzer adjusted the EBA accordingly and Svitzer won the contract. A few years on and after a number of requests Svitzer has still not provided the AMOU with any evidence that the tariffs were indeed lowered. We understand members have been asking for this information but only received verbal replies. The AMOU has formally requested that this information be provided ahead of the EBA. We are sure Svitzer can see why this information would be important to give to members after they sacrificed 3 years of pay increases and members can only wonder why the information has not been provided.

Industrial Report – Martin McEvelly

Industrial Officer (Sydney)

ASP Gladstone Bunkering Facility Enterprise Agreement

ASP continues to drag its feet on this EA. They have realised that assumptions they made during the negotiation process at the beginning of this year are not able to be followed up on – particularly in passing cost onto their client, so negotiations have stalled. Now that they have the *Investigator* and Rio Tinto Fleet Officer EA's agreed upon, I'm expecting to see progress soon. The officers aboard the *Larcom* have shown considerable patience throughout this process and I'm hoping to have something more positive to report by next month.

ASP Rio Tinto Fleet Enterprise Agreement

The EA went out to vote for a second time on 18 July 2019 and returned a Yes vote with 82% of Deck Officers and Engineers voting in favour of the agreement. The cap on redundancies is a significant win for ASP, however with over two years of backpay on the line, it is understandable that officers have voted in this way. The agreement has been submitted to the Fair Work Commission for approval. ASP will start the process of paying backpay in the coming weeks though this may take some time for all entitlements to be paid. If members have any questions or concerns regarding backpay or any aspect of the EA, please let me know.

Teekay Tanker Enterprise Agreement

This EA has been approved by the Fair Work Commission and came into effect from 23 July 2019. I understand that backpay is in the process of being arranged. Do not hesitate to contact me if you have any concerns with the backpay or process.

Roads and Maritime Service NSW Award

After eight months of protracted and complex negotiations, the combined Unions have reached an in-principle agreement on the content of the new, 2 year term Award. A memo went out to members outlining the details and asking for a vote to be cast on whether they agree with the terms of the Agreement. Unions NSW and the Unions with members from RMS will be in the NSW industrial Relations Commission on 29 August 2019 and we will need to give our position on the Award by then. I am advocating a Yes vote and will await further feedback from members.

Transdev Sydney Ferries

Since our last update the August MCC was held. The last one at Hunter Street before they move to be hosted in Balmain. A detailed outline of what was discussed was issued to members by delegates the day after the meeting. It was one of the more subdued MCC's that I have attended, and it was more of what was not said that was the main takeaway. It appears clear that there will be significant discussions in the coming weeks and months regarding manning and qualification requirements for the new river vessels and charter boats. Each Union and the company will have a different interest driving them when it comes to this, so we are working hard to ensure AMOU members interests will be thoroughly represented in the consultation that will take place leading up to these changes. If anyone has any other questions or concerns about this or any other matter at the ferries, please reach out to your delegates as first point of contact.

Fantasea Cruising Masters, Coxswains and Deckhands Enterprise Agreement 2019

After owner NRMA ended negotiations abruptly, the unfinished EA was submitted to employees of Fantasea Cruising to vote on Tuesday 23 July 2019. This was done without the support of either of the Unions involved in negotiations (the AMOU and MUA). Despite our recommendation to members to reject the EA for a number of reasons, the agreement was still voted up. 94% of eligible employees voted and of those, 66% voted in favour.

Although disappointing, the timing of the vote was unfortunate as Fantasea unexpectedly lost their contract work with Transdev Sydney Ferries the day before voting opened. As a result, the majority of employees were more concerned with keeping their hours up or holding onto their job rather than fighting for working conditions. The company put a lot of effort into encouraging a yes vote, even going as far as getting the NRMA CEO to do vessel visits when voting opened. Feedback from employees also indicated that a number of them were concerned about being pawns in a larger strategy from the MUA against NRMA (also owner of Manly Fast Ferries) and reacted to that. However, at the end of the day this was not the best deal we could have got given a fair opportunity to negotiate and we are disappointed with the outcome. Our members certainly shared that view.

The company has said that it will not be paying any backpay or providing entitlements under the EA until it is fully approved by the Fair Work Commission. This also extends to the promise as part of negotiations to convert an agreed number of casual Masters and Deckhands to permanent employees. As it stands, less than 7% of Masters, Coxswains and GPH's are permanently employed at Fantasea, with the remainder long term casuals. We expect this employee vulnerability is being used as a strategy to further disengage employees from the Unions and to dissuade us from objecting to the agreement. I fully expect the MUA will object to the agreement on the basis of the underlying award and as a result the agreement should fail the BOOT (Better off overall test). This means that approval of the agreement, and backpay, is likely to be significantly delayed. I will discuss this with members before we determine how we will approach the approval of the agreement.

Port Authority of NSW – Newcastle Enterprise Agreement

There is no update from July. As a result of a dispute taken to the FWC by the MUA, the Port Authority is unwilling to progress the EA any further until the matter is finalised. Agreement was not reached at conciliation in mid-July, and both parties remain steadfast in their opposing views. It is likely the Commission will need to intervene to make a decision on the matter, which will delay putting the agreement out to vote for a number of months. As the Port Authority has repeatedly said that backpay will not be made, the consequence is that all employees are missing out on a salary increase for as long as this drags on. We are considering what options are available to us to attempt to encourage the company to progress the EA and not hold all other employees and our members to ransom. This may include considering application for a protected action ballot, but I will discuss this further with delegates before making any recommendations to members.

Port of Newcastle Enterprise Agreement

After a six week delay, we were back around the negotiation table with PON and their legal representatives in mid-August. Little progress was made as we spent a large part of the meeting going over our claims again and then listening to PON read through their position on a number of our outstanding claims from a letter they had issued a number of days prior. The most significant outcomes were that they have now confirmed one of their principal claims is in relation to scope (they wish to remove any employees with direct reports from the operation of the EA) as well as agreeing to meet more frequently in the coming weeks. I expect we will see much more progress in the coming weeks.

Port Authority of NSW - Sydney

The disbandment of the Emergency Response Team and who will be responsible for the operation of the gangway at the Overseas Passenger Terminal remain focal points of late. It is becoming more and more clear that the Port Authority has made decisions without consulting employees or Unions. Members are doing a good job in reminding the company of their genuine consultation obligations and we are preparing for a potential dispute if they continue to fail to consider the views of employees, in particular when it comes to safety. The remainder of concerns coming from the Port Authority are being well managed by the team of delegates to whom we would like to pass on our appreciation.

Port Authority of NSW – Port Kembla

I have recently been in touch with members to discuss the upcoming transition from a VTIC to a VTS in Port Kembla. It appears that the new Harbour Master is moving too quickly to implement the change and we will ensure that the process is slowed down to ensure that genuine consultation with employees and the Union takes place. I have only been to Port Kembla a handful of times since I began with the AMOU and none were to deal with the Port Authority. I'm looking forward to meeting some of our members there in the coming weeks and months. If there are any other issues that are ongoing that anyone would like to bring to my attention, please feel free to contact me.

NSW Ports Enterprise Agreement

The EA remains with the Fair Work Commission for approval.

Leave

I will be on annual leave for the period 09 September 2019 to 11 October 2019. I will endeavor to tie up as many loose ends as possible before that time. If anything urgent arises while I am away, please contact Executive Officer Mark Davis.

Industrial Report – Glenn Walsh

Industrial Officer (Fremantle)

Mackenzie Towage Bunbury

A Protected Action Ballot application has been made in the Fair Work Commission. Upon approval, our members will consider a range of options in order to again attempt to convince the employer of the merits of our claims. We were expecting an offer to be made by the employer, but nothing has surfaced to this point.

Southern Ports Pilots EA Bargaining

We have yet to reach agreement on the pay parity claim for Trainee Marine Pilots as SPA is seeking to wind back current levels of remuneration without any associated trade-offs. We expect this matter to be further delayed by the absence of the General Manager for the next month.

OSM

OSM via their AMMA representative is still seeking to avoid scrutiny in the WAIRC as they did in the Fair Work Commission. The hearing for this dispute is currently being listed via negotiation between the parties. EA bargaining is continuing, with management due to respond to the AMOU/AIMPE pay claim at our next meeting. If this is agreed to, it is likely that we will simply roll over the previous Svitzer-OSM enterprise agreement with market-aligned salary adjustments and practical amendments.

Mid-West Ports

The parties appeared before DP Binet to resolve a long-standing dispute in relation to the back payment of overtime for shift workers; Marine and Land Operations Supervisors. Despite what we say it is a clear entitlement under the enterprise agreement, MWPA is diametrically opposed to our claims due to the reliance upon misguided and flawed advice from their own HR managers. We suspect that significant back payments recently made to MUA members employed by MWPA have dented their operating budget (and pride) which has caused them to argue this matter to the bitter end.

Odyssey Marine

Odyssey Marine has yet to respond to the Union's log of claims. Repeated attempts have been made to contact their representatives with no success to this point in time.

Argonaut Marine

AMOU has made closing written submissions with the company Respondent's submissions due next week. the Respondent has indicated that it will appeal any adverse decision which will prolong the matter indefinitely. We remain hopeful that a decision in our favour will allow the parties to commence bargaining before the end of September 2019.

Toll Energy Logistics Pty Ltd - North West Agreement 2019

No further progress has been made since our recent meeting.

Pilbara Ports Authority (PPA) Port Hedland VTS EA

The initial bargaining meeting in Port Hedland was efficient and mapped out what we all hope will be a brief and uneventful enterprise bargaining process. Our members are essentially aiming to make modest improvements to their current enterprise agreement. The next meeting is scheduled via video conference from the AMOU Fremantle office.

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)

P&O Wunma

Nathan Niven from AIMPE and I visited the *Wunma* in Karumba and spoke with engineers and officers about the EBA. We discussed the log of claims and note that the crew would like EBA finalised as soon as possible.

TSHD Brisbane

While we were in Karumba, Nathan Niven and I visited the officers and engineers onboard the dredge *Brisbane* to discuss the upcoming EBA.

RV Investigator

I visited the *Investigator* with Nathan and Greg from AIMPE while it was in Cairns. The EBA covering this vessel has recently been settled and approved and is the first joint AIMPE/AMOU agreement since the Nautilus Federation of Australia strategic cooperation between the two unions began in 2017.

Seaswift

I attempted to visit Seaswift vessels in Cairns on the 5th and 9th August with Greg Yates and Nathan Niven from AIMPE. Unfortunately, we were not allowed on board for a quick chat with the crew and instead were accommodated in a donga 50 metres away from the ship. No members came to the donga to meet with us. I'd imagine the walk from the ship to the donga would have potentially 'outed' members and wasted time that crew would want to spend finishing tasks. Please let me know if there's another way members would rather meet with the union next time.

The Fair Work Commission still has not finished the modern award review and has postponed the conference with the unions and Seaswift until it is complete. Unfortunately, no new date has been set.

Pro Dive

We are still waiting for Fair Work Commission to decide on our hours of work dispute and for the company to provide us with a revised offer.

Intercity Group

The proposed EBA meetings did not go ahead on the 14th and 15th August and have been rescheduled for 27th August. Genevieve from Intercity Group has assured me that their draft EBA will be available at the meeting.

Smit Lamnalco – Gladstone

The delegates and I met with the company to discuss the Legionella issue and the various disputes we have in Fair Work. At that time, all but one vessel had been cleared of Legionella and the showers were untagged and ready for use. The remaining vessel was awaiting another round of test results.

Despite some positive discussions with the company, it looks like we'll still have to pursue the Casual Conversion and Banked Leave disputes in the Commission on the 4th and 9th September. We are still waiting to hear the decision from Fair Work in the GMDSS revalidation dispute.

Smit Lamnalco National

I am still trying to get Smit to the table to finish writing the drug and alcohol policy they started with Townsville masters. Sasha Holdsworth, from HR, promised to get to Townsville to speak to masters about any issues they have.

I asked the company to clarify whether CPI has been paid on the allowances, as per the EBA, and am still waiting for their response.

Dredging

The AMOU is still lobbying companies and the government to get Australian officers back on board dredges. I'll update you when we have more news.

Svitzer Darwin

The POPs discussions haven't sorted out the scheduling issues, so the AMOU has escalated it to the national level. Once the local issues are resolved the AMOU will be in a position to endorse the EBA.

MSQ

Unfortunately, the Enterprise Agreement is still in the hands of the Cabinet Budget Review Committee. I'll let you know when this process is complete and the EA gets sent to the Fair Work Commission to be approved.

Brisbane Ferries

I will be meeting with management this week to discuss the outstanding payroll and roster issues.

Port of Brisbane- Port Office

The Port Office EBA was voted up by 90.24% of the workforce. It is now up to the Fair Work Commission to approve the document. This could take a couple of months. The company has agreed to backpay everyone from the 1st July 2019.