

Industrial Report

September 2019



AMOU

Australian Maritime
Officers Union

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Date:	24th September 2019 - 1100 hours
Locations:	EASTERN AREA AMOU Office, Unit 13 ‘Rockton’ 40 Brookes Street, Bowne Hills, Brisbane QLD 4006
	<i>Aurora Australis</i> book launch with author Sarah Laverick AIMPE Office – 148 Hannell Street, Wickham, Newcastle NSW
Date:	24th September 2019 – 1000 hours
	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 September President's and Industrial report. September has proven to be an extremely busy month especially for the union's Sydney based staffed who have been busy packing up the Sussex Street office in preparation for relocating to Surry Hills. Although given this there is still the most important obligation and that's protecting and bettering the interests of the union's membership. We have this month seen the kick off of the Svitzer National EA negotiations, Svitzer being the largest employer of the union's membership this and many of the other EAs currently in negotiations Mark and his industrial team have their work cut out for them as we enter the final quarter of the year to close out 2019.

Marine Orders 505 Certificate of Competency Consultation

We have received numerous contacts from members with concerns over AMSA's calls for comment over the consultation for changes to Marine Orders 505 Certificates of Competency thanks to all those members that have made comment. We have had industrial staff, Executive Councilors and members at consultative meetings and both Brent Warhurst and Tracey Ellis finalizing our submission which will be presented and discussed by the Industry Reference Group (IRG) where we have a seat. Basically, at the end of the day AMSA is being driven by small vessel operators and the fishing industry to again downgrade our qualifications. One of the proposals is if you have a boat license you should be able to get a Coxswains certificate automatically and that smaller certificates should be able to self-regulate their medical certificates. Really, what's next in the downgrading!

INPEX - Enhanced Disputes Settlement Procedure Development and Production Arrangement (EDSPDA) Japan Tour

Both Mark and I along with AIMPE and the MUA are currently in Japan with INPEX, touring their LNG plant, facilities and their international Tokyo office. We met with the CEO, Representative Director and President of INPEX Mr. Ueda on Friday and discussed the agreement and the benefits it is having for both INPEX and our membership. Although we took the opportunity especially the DP training that has been provided, when speaking with the Mr. Ueda we emphasized that all opportunities are not being maximized under the EDSPDA particularly the clause that states "INPEX is to maximize the employment of Australians on the project". On Wednesday we will meet again with Mr Ueda, the Australian President and their senior management teams so we will again raise this as our major issue given that phase two development is on the horizon and there should be 100% utilization of Australian officers throughout this phase.

National and Eastern Area Office Relocation

Friday the 13th and 14th of September saw an historical move in the Nautilus Federation of Australia with the AMOU National and Eastern Area office being relocated to 52 Buckingham Street Surry Hills taking up office on the ground and first floors of AIMPE's national office. This move hasn't been easy as there were building compliance issues and renovations that needed completing prior to us moving

in. The opportunity this relocation presents the union with from a financial point of view will be instrumental in securing financial stability and longevity for the union. Although not completely unpacked and organized, the staff were operational on the Monday morning in their new office. The move provides them with a cleaner and fresher atmosphere than the old Sussex Street offices. Throughout this project Liz Jenkins the Office Manager has been instrumental in delivering the renovations and relocation with the minimum of fuss I would like to thank Liz personally for taking this work on while still performing her normal duties.

Sydney Monthly Meetings

Given the relocation of the office to Surry Hills, unfortunately the new board/meeting room is still not safe for access given the documentation that is still waiting to be filed following the move. We have therefore had to make the difficult decision to not hold a September monthly meeting in Sydney for the sake of the members safety. Monthly Meetings will recommence in October in the new office.

In closing I would like to acknowledge the enthusiasm and the work being completed by the new executive members along with the new Western Area President. The work that is being done or meetings attended helps spread the workload especially for both Mark and I. Thank you to you all for your vital input and efforts towards the union's operations.

As always stay safe

Tim Higgs

Executive Officer's Report

Mark Davis

Executive Officer (Sydney)

Employment roster

It is clear that the roster has not been working at its optimum to find jobs for members seeking work so we are refining the system in two ways. Firstly we have already done a full update of the list of employers that receive it and it should also now be received by the correct person in the enterprise that deals with job opportunities. Secondly we need to ensure all unemployed members are on the list. The downturn in the industry has been so prolonged that we have no expectation of members to continue paying the \$330.00 minimum full membership subscription in circumstances of financial hardship. Please email me and explain your circumstances if you are in this predicament. All members who are unemployed, genuinely seeking work and available to start at a month's notice should send your up-to-date CV to admin@amou.com.au and your details will be added to the roster. I have the CVs of the gas tanker job applicants from earlier this year so please just advise admin of this and we will use the CV we already have.

Disciplinaries

It seems strange to write to you all in this vein but we are very concerned that the AMOU industrial staff members are being inundated with work arising from disciplinary measures taken by employers against our members. This is especially the case in the towage industry where our largest towage employers are taking every opportunity to escalate relatively innocuous incidents and circumstances into fully blown disciplinary matters with consequences either documented in personnel files or dismissal. We have had numerous cases with employers Westug, Svitzer, Smit-Lamnalco and Engage Marine doing exactly this. Of course we are assisting members and challenging companies that overstep the mark and will continue to do this. We all know that incidents happen and personalities clash but no-one can afford to take anything lightly these days. Anyone working under a warning needs to be especially careful and anyone who blows over in a D & A test, has received a talking to or suspects that an employer is gunning for them should immediately contact us so we can be forewarned and talk through a strategy to avoid giving any employer a pretext to take disciplinary steps.

Gas tanker job opportunities

I put this article into the August Industrial Report but there was not much uptake. **Please read this:**

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.

Here is the Trident ad placed in the Nautilus International's monthly magazine the Telegraph

The advertisement is set against a background of a blue sky with light clouds and a dark blue ocean. At the top left is the Trident Shipping logo, which consists of a stylized white 'T' made of diagonal lines followed by the text 'TRIDENT SHIPPING' in white. To the right of this is the 'faststream recruitment group' logo in white. The main text is in white and bold, stating that Trident LNG Shipping Services Pty Ltd are recruiting for experienced and highly motivated Masters and Chief Officers to join their reputable LNG fleet. Below this, it lists the requirements for suitable candidates: a valid AMSA Certificate of Competency, an advanced Dangerous Cargo Endorsement (Oil, Chemical or Gas), and a minimum of 3 years of sea time in rank on Oil, Chemical or Gas tankers with DWT over 30,000. At the bottom, there is a semi-transparent white box containing contact information: an email address and a phone number. A red line is drawn across the top left of the ad, starting from the Trident logo and extending towards the right.

TRIDENT
SHIPPING

faststream
recruitment group

Trident LNG Shipping Services Pty Ltd are recruiting for experienced and highly motivated Masters and Chief Officers to join their reputable LNG fleet.

Suitable candidates must have:

- Valid AMSA Certificate of Competency
- Advanced Dangerous Cargo Endorsement (Oil, Chemical or Gas)
- Minimum of 3 years of sea time in rank on Oil, Chemical or Gas tankers with DWT over 30,000.

If you would like to hear more about these opportunities and have the required qualifications and experience, please send your updated CV to TridentShipping@shell.com

Alternatively, please call on +61(0)893386259

Newcastle Marine Pilots

The vote for this enterprise agreement was overwhelmingly positive despite the fraught nature of the negotiations and the somewhat disappointing settlement. The port authority has however listened to the AMOU in terms of the need for succession planning and two new trainee Marine Pilots have been employed to cover forthcoming retirements. Congratulations to the new appointees. The Marine Pilot training regime has improved by the prospective appointment of up to 10 (in total) Grade 3 Check Pilots. This is designed to accelerate the training and licensing programme and provide trainee Pilots with increased opportunities for training pilotages. We hope all new Pilots genuinely benefit from these changes.

Defence Marine Support Services Program – Request For Tender (DMSSP – RFT)

The following is an extract from the Aus Tender website. For more details check out this link: <https://www.tenders.gov.au/Atm/Show/9a50de79-07c8-4f3b-a3df-b17fcd151a0>

The DMSSP RFT is an open approach to market for the provision of the following discrete Service Packages:

- *Service Package 1 – In Port (INPT) Services - provision of diverse marine support services within ports and harbours around Fleet Bases. This Service Package will be managed nationally with local tasking and management by the Navy Port Services Managers. Service Package 1 is based on the ASDEFCON (Support) template and utilises a Rate of Effort (RoE) model;*
- *Service Package 2 - Out of Port (OOP) Services – entails the maintenance, operation and crewing of specified large hull vessels, to support ADF training and operations. This Service Package will be managed nationally with tasking through Fleet operational arrangements for units operating predominantly in Australian waters. Service Package 2 is based on the ASDEFCON (Support) template and utilises an availability model; and*
- *Service Package 3 - Towing Services - provision of general tug, towing and berthing services for naval vessels, with the requirement also to maintain Government Furnished Assets (GFA) tugs to support nuclear powered warship visits at specified locations. This Service Package will be managed nationally with regional tasking and management by the Navy Port Services Managers. Service Package 3 is based on a tailored ASDEFCON (Services) template and utilises a RoE model.*

Presently these services are supplied by Serco in the case of SP1 and SP3 and Teekay Marine Resources in the case of SP2. No doubt both of these companies will be tendering for all three packages as will other enterprises. One such pro-active company approached the three maritime unions to negotiate an MOU designed to safeguard the remuneration and employment conditions of the employees presently working in these areas, should the company be the successful tenderer. AMOU and AIMPE met jointly and with the company drafted the MOU which is to be signed by all four parties. The MOU provides that best endeavours will be used to ensure the transition of existing workers employed by Serco and Teekay to the employ of this company as well as honouring existing salaries and conditions.

Australian Reef Pilots (ARP)

This company is now one of the five Australian transport sector operating companies of Canadian pension fund OPTrust, alongside Melbourne-based pilotage provider Australian Pilotage Group and Argonaut Marine Group. ARP has 43 Pilots, 8 of whom are contractors, 35 of whom are on substandard common-law contracts. The company is seeking cost savings from its Pilots that in the view of many of them is simply unjustifiable bearing in mind they are already significantly below the earning capacity of other pilotage providers around the coast. Discussions have been held with many ARP Pilots regarding AMOU membership and representation with the effect that we have signed up a number of them to full financial membership. If we can secure this for a majority of the 35 Pilots we will be in a position to endeavour to negotiate an enterprise agreement with ARP and relieve the Pilots from the vulnerability of their substandard common-law contracts.

Engage Marine/Engage Towage

After 8 months of on and off AMOU/AIMPE discussions with these employers we are now at an interesting stage. They want to put in place an innovative structure based on the employment of crews by a cooperative of which representatives of crews and management would form the board. Remuneration would comprise the award minimum (payable by the cooperative) and the remainder to make it up to an alleged market rate for Tug Masters would be provided by a unit trust. Co-ops would be structured on a port by port basis and crews in each port via the co-op would decide whether they would be on an individual contract or a collective agreement. Any agreement would not be a Fair Work Commission approved enterprise agreement; meaning that it would not be supported by any of the maritime unions. The parties are now in discussion with the Fair Work Commission to explore solutions using the FWC's *new approaches* pathway.

Industrial Report – Glenn Andersen

Organiser (Fremantle)/Offshore Oil & Gas Delegate

Vessel Inspections and Ship visits

Transocean Drillship *KG2*, manned and operated by RIGFORCE.

Pacific Gannet, VOSS Shine, Northwest Stormpetrel

Trident LNG Ships EBA

AMOU members are continuing to send in EBA claims. No date has been set for the next meeting.

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 Arbitrators decision scuppered those plans some months ago. What we are 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 long-term shortage of qualified Officers can only be the fault of the employer. The AMOU has proven that 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 smooth and timely transitions from junior to senior ranks. 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. 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, this turned out not to be the case. Those petitioners who followed union advice will have a record of the event stuck to their employment file, while those who chose to reply to a management demand, will not. As reported in the August report the settlement sees all employees free from any disciplinary measures, however, a group much larger than the original two (as stated by management) were then issued with letters stating their conduct regarding 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. Recently 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 report of 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 unfortunate employee for weeks. We now believe he is in the clear. 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 employers want to do is to remain protected by a *Fair Work* employment agreement. The Fair Work Act is most certainly not as fair as its name might suggest, but is infinitely superior to the Partnership model's ethos of might is right. As the dust settles on the recent attack launched upon members of all three maritime unions, we should assess the gains, and losses, on both sides. The only loss to Westug has been to its reputation but seeing that company's reputation was practically rock bottom the fall can't have been that far. Employee intimidation, unfair dismissal, gross discrimination against union members and secret witnesses, these are all in Westug's bag of dirty tricks. Some union members have succumbed to the pressure and, eyes closed, jumped into a partnership. Other union members have weathered the storm and remain under the protection of a Fair Work EBA. One of our members was dismissed on the strength of a three-and a-half month old allegation of misbehaviour. It will be interesting when the two complainants give their evidence in open court.

GO Marine/ INPEX

The absence of a second officer onboard the *GO Koi* is still a live INPEX dispute. The AMOU was sent company information regarding hours of work. That information was lacking in many ways. The union has now insisted upon more detailed information concerning STCW hours of rest and copies of various logbook entries. This vessel is operating with a master and a chief officer manning the bridge, twelve hours on and off. How can that happen when DP2 operations require two DPO's on the bridge, at all times. Do they have two mattresses and a galley on the *GO Koi* bridge?

Maersk EBA negotiations

EBA negotiations remain stalled, at the last meeting Maersk management gave both unions the ultimatum: We will only talk about the Oslo consensus if both unions agree the recently voted down EBA is resurrected and used as the EBA template. When we declined their offer, we were shown the door. A different version of that meeting is now doing the rounds which infers both union representatives are not telling the truth about what consensus the Oslo meeting, between AMOU President Tim Higgs and the Maersk HR person, reached. I will leave it to our members to work out who is telling the truth. The genuine attempt by the union to made 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. I have consulted with members regarding a PAB. The fact that Maersk and OSM negotiations are identical, and current means I am emailing both sets of reports to both groups of members.

OSM EBA Negotiations

A meeting last 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. We appear to be making headway with this overseas owned labour-hire company. OSM talk about making eight deck officers permanent I am afraid that number will include the four or five Norwegian visa-holding deck officers, add the one permanent Australian deck officer and it means only two more casual Australian deck officers are

likely to get a permanent spot. That scenario will be unacceptable to AMOU members. A visa-holder automatically becomes a permanent employee. It has been pointed out to OSM management there is nothing to prevent them bringing their total of permanent Australian deck officers up to eight, right now. They say it can only be done after a new EA is signed.

Solstad

We are currently attempting to convene a Consultative Committee meeting; a previous meeting was scuppered by Solstad with little warning and no reason. This company is taking an aggressive line towards their deck officers, putting interpretations upon clauses which go against the spirit of the agreement. Be prepared for a rough ride when EBA negotiations start-up, sometime in the near future.

Teekay/Ningaloo Vision

The parties met in Melbourne on September 6th and we are now close to putting out a document for members approval. The big sticking point had been the company's desire to remove the Cadet Training clause from the EBA. Teekay eventually backed down from that clawback but want us to agree to a few words concerning the cadets which will make them feel a little less disappointed. I will consult with H.O. Any agreement to remove cadet training 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 the expectation that young Australians have an opportunity to start a career at sea.

Toll Energy Offshore EBA

Our first real negotiation took place the other week. You may remember how Toll broke off negotiations with the AMOU with only one clause left to agree upon, before defaulting back to their original and substandard document and putting it out to vote. This vote came in the shape of a show of hands on the bridge! It would have taken brave person to openly vote against the company who employed you, as a casual just a few days before. The AMOU took TOLL Energy to the Fair Work Commission to challenge the underhand methods used to get the EBA voted up. Eventually Toll withdrew the agreement from the FWC so it never reached the approval stage. The HR person who engineered the process no longer works for Toll. Negotiations have started on the basis of the document as it was before the company broke off negotiations last year.

TOLL Astrolabe EBA

A meeting to negotiate a new composite AMOU/MUA/AIMPE employment agreement is set down for October 3rd.

Industrial Report – Jarrod Moran

Senior Industrial Officer (Melbourne)

TasPorts

TasPorts announced a major re-organisation of management on 13 September. A new position of Marine Operations Manager will now oversee Pilots and Launch Masters. The Harbour Master position will be moved into the Compliance, Safety and Sustainability Department and seems to have few direct reports. Notwithstanding that we have EAs with TasPorts that detail procedures that should occur if TasPorts is considering major change. We have only been made aware of the restructure through members; meaning that if there is any potential prejudice to AMOU members there is the ability to create a dispute.

Pilots

Despite repeated requests for a meeting to discuss the expired EA and our wage claim (parity with Flinders Ports Pilots), TasPorts has not convened a meeting since 13 August 2019. The process to employ the two additional pilots we successfully campaigned for has been completed and the new starters commence in the coming weeks.

TasPorts Corporation

We have had 10 meetings with TasPorts regarding this EA. TasPorts will issue the latest draft EA for vote in the coming weeks even though we have concerns with some matters they wish to remove. TasPorts has offered 2.7% p.a. increases for a 3-year term.

DP World Supervisors/Superintendents

Stevedoring Superintendent members desire to formalise terms and conditions has driven the need for an EA. We continue to have discussions with DP World with the most recent group discussion 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

We have had an EA meeting and a Works Council meeting during the past month. Members have a limited number of claims for the EA including 1:1 leave (in line with the AIMPE and MUA) and a pay increase. We have a current allowances dispute with Searoad whereby joining and leaving allowances etc. have been paid in cash on board and recently Searoad moved to paying these entitlements through payroll. The first matter we want resolved via the EA talks is a cost neutral outcome for members on this change. Searoad has undertaken to provide us with their offer on the allowances matter and a marked-up EA by 11 October 2019 before our next EA meeting on 18 October 2019. The Works Council meeting concentrated on 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*. Another meeting should take place in coming weeks.

Toll Shipping Supervisors

The Toll Shipping Supervisors EA was voted up by members and is now with the FWC. Wage increases will be 3.5%, 3%, 3% and 3% backdated to October 2018.

Toll Seagoing Enterprise Agreement

The Toll/AMOU Seagoing EA roll over was voted up by members and is now with the FWC This EA expires March 2020 and provides a 3.5 % wage increase backdated to March 2019.

TT-line (ASP)

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 the AIMPE.

TT-Line 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

See attached info flyer. The Huon EA was voted up by employees and is now with the FWC. Our position on their EA is also attached. Our campaign to ensure Australians fill these jobs continues.

Tassal

We expect that Tassal will be bringing two well boats on to the Tasmanian coast this year for their aquaculture operations. We met with Tassal on 20 August 2019 and were excited that they planned to have a vessel in Hobart by the first week in October and were looking to have an EA and Australian crew in place by then too. We have heard nothing from them since but will be following this up of course.

Port of Portland Tug Masters and Launch Masters

After a lot of back and forward to preserve AMOU member jobs, members at Portland agreed to a 4-year deal with 2% p.a. wage increases.

Serco

Serco negotiations have stalled. We have had protected action approved by the FWC. Serco on 19 September advised that they would put their substandard draft EA out to vote. We have arranged meetings in WA and NSW this week to talk these matters through with members. We will urge all employees to vote NO to the Serco EA and consider taking strike action.

Victorian Regional Channel Authority

We 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 the Government approval to the VRCA to commence bargaining. On 1 July we were advised by members that a new roster was being implemented in Hastings which placed them 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 a 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. FWC instructed us to propose a more reflective 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 the new appointee has commenced. As such the VRCA applied to the FWC to defer the report back meeting and successfully rescheduled this to 26 September. Despite requests for an offer from the VRCA that reflects award conditions the VRCA has had limited contact with us or members. We look forward to seeing them in the FWC on Thursday.

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. The company has undertaken to provide us with the latest schedule of dates for the delivery of the vessel, the proposed manning and a draft EA before our next meeting on 25 September 2019.

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)
Victorian Regional Channel Authority	First EA
Port of Hastings	4 December 2018
Serco	31 December 2018
Aurora Australis	30 June 2018
Portland Tugs	30 June 2018
DP World Supervisors	2 December 2019
DP World Superintendents	First EA
VICT	19 October 2019
ASP Ship Management (TT-Line Fleet)	31 July 2019
TT-Line Shipwrights and Pursers	30 June 2020
<i>RSV Nuyina</i>	First EA
Tassal/Solstad	First EA

Industrial Report – Chris Neiberding

Senior Industrial Officer (Melbourne)

Svitzer Australia National EA

The AMOU has spent the last few weeks receiving and correlating our members' log of claims (LOC) for the Svitzer EA. A considerable amount of time was spent with the AMOU state representatives debating each claim and going over their merits. In all 8 draft LOC were prepared and amended after countless phone calls and teleconferences. Svitzer opened negotiations with a 2-day meeting in Sydney on 12th and 13th September with all parties to the agreement represented. It made for a full house with more than 40 people in attendance. HR head Elizabeth Ferrier opened the negotiations with the expectation that within the next 100 hours that Svitzer had set aside for the negotiations the parties would reach an in-principle agreement. CEO Nicolaj Noes gave the unions a business update and spoke about competition that had reached some of the ports and also some of the new ways Svitzer is trying to innovate in the way they do business as a whole with an emphasis on being dynamic and changing to suit the market. We won't go into detail here but if you have further questions please get in contact with your state delegate. Comments then came from the AMOU, AIMPE and MUA. Ian Bray from MUA stated that the enemies of the company lay elsewhere and no one inside the bargaining room was a threat to the business. Greg Yates from AIMPE spoke about having transparent discussions and honouring the final deal, in a reference to the ongoing POPS discussions and various interpretations going on around the country. AMOU echoed both these statements and added that the union wanted also to deal with the many locally based LOC issues that had come up in the course of speaking to members. It is our intention that all local port issues get a fair hearing and separate time should be allocated for this. Svitzer tabled its LOC and went through the items. Members will note that Svitzer rather than rewrite specific clauses has deliberately kept them as discussion points, so we have asked for further clarity. The AMOU was particular interested in the prescribed training courses and revalidation courses. We have asked Svitzer to provide a table by the next meeting for clarity. Once we have this, we will provide it to members. Overall Svitzer stated that these items for discussion were put together to mainly address flexibility. During the second day the unions tabled their LOC and went through each item with question time available at the end. As I write this the parties are working on a time to map out areas of similarity with times and dates to enable us to have separate meetings to go through the individual port issues. Nothing has been finalised yet.

Port Authority of NSW – Newcastle VTIC

There is a number of outstanding issues regarding the VTIC MOU between the AMOU and the Port Authority of NSW. It seems the Port Authority will not attend any more meetings to resolve the issue until the industrial dispute with the MUA is finalised. Of course we know once the dispute is over the Port Authority will want to close up any outstanding issues quickly and take the EBA to a vote. It has frustrated members and the AMOU has again approached the Port Authority to have a conversation about the MOU. We are awaiting a reply.

Bruny Island Ferries

Sealink, who run Bruny Island ferries are currently talking to crews on the possibility of a non-union agreement that will not be registered with the Fair Work Commission. We have advised the small group of members that are on the ferries that this would not be a good idea and if agreed they would forgo any impartial umpire and run the possibility of undermining industry conditions. The members have taken the advice and we hope they will be able to convince the larger group of non-members to support a proper enterprise agreement. At this stage we believe the non-members have no objection to the union bargaining however are not keen to pay the union fees. The AMOU will try to get down there asap to inform non-members of the issues with a non-union unregistered agreement.

TasPorts Towage EA

After a reshuffle in TasPorts organisational structure mid-September, the AMOU was concerned that any meetings for the TasPorts Towage EA renewal would be cancelled or worse, maintained unproductively. The scheduled meeting went ahead, and it was a relief to hear TasPorts had redrafted their log of claims with a number of previous items withdrawn. For those of you keeping up to date with this EA you will remember in my last report the company's log of claims was extensive and would see most conditions stripped down almost to Marine Towage Award level. The AMOU commented at the time that the current EA was a mature document that had evolved to the specificities of the business and members' needs. The idea of going back to wording in the award is simply ridiculous. These comments were shrugged off. Fast-forward to the last meeting and TasPorts now has acknowledged exactly that. This may seem like a small win but worth noting that this has significantly reduced the amount of time and resources delegates and the union would have had to spend arguing to maintain current conditions. I'd estimate 6 months. This still leaves a number of important issues to sort out, one in particular is the Masters' indemnity. The AMOU has asked TasPorts to supply us with the current provision for Masters' professional protection and are waiting for their response.

The 3 maritime unions and TasPorts towage manager Mark Egan will now conduct joint meetings in all ports to iron out some local issues or port operating procedures and misinterpretation of the EBA. Currently we have agreed on a 3-day period from 30th September to 2nd October. The AMOU asks that members take the time to come to these meetings and engage in the process. We will provide more detail as it comes.

Industrial Report – Martin McEvilly

Industrial Officer (Sydney)

Marty is on holiday back in Ireland until 14th October so we've retained his August Industrial Report below for your information.

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

Subsequent to our success in securing a PABO in FWC, Mackenzie management recently provided our members with a counteroffer in the form of an abridged enterprise agreement, despite giving sworn evidence during the FWC hearing that this new offer was never contemplated or discussed with our members. Our concerns with regard to Mackenzie’s dishonesty, ineptitude and apparent lack of regard for their employees (our members) have been realized by this latest offering.

As described by one of our members, this offer is akin to putting lipstick on a pig, as in real terms, our members would likely end up much worse off than working under the awful common law contracts that are currently in operation. As a result, and upon successful completion of the PAB, (ballot closes on 3 October) we will likely commence various and escalating forms of protected industrial action in direct consultation with our members.

Southern Ports Authority Pilots EA Bargaining

We have reached an in-principle agreement with SPA and now only need to finalise editing and make some minor amendments prior to balloting the members. Our members have achieved significant gains including the reclassification of current staff, and parity in pay and conditions across the Southern Ports. Our members were a very strong and united group who were well led by Les Turner and Rob Lovell. Congratulations to Les and Rob who have officially been appointed as the Harbour Masters in their respective ports.



Mid-West Ports

Subsequent to the recent FWC conference, parties agreed to consider further information provided by MWPA in relation to employees hours and rosters. We suspect that this will not alter our view that the MWPA has breached the relevant industrial instrument, and that we will likely need to resolve the matter by reverting to FWC arbitration. The second Consultative Committee meeting has been

scheduled for mid-October. Given MWPA's recent advice that they are "*collecting and looking at the data regarding trade, shipping numbers and schedules*", we suspect that a major restructure of the marine operations is on the cards. We have relayed to MWPA our member's concerns that current management personnel have limited practical understanding of marine operations, and in some instances appear to be making decisions based upon incorrect information. We are concerned that without employee involvement in any proposed changes, poor decisions are likely to be made with potentially negative implications for MWPA employees and stakeholders.

Odyssey Marine

At our second bargaining meeting OM has agreed to consider and respond to our claims via the creation of a proposed agreement for our consideration. We hope to reach agreement on key terms and conditions shortly.

Argonaut Marine

AMOU was successful in securing an order for a Majority Support Determination in the FWC. DP Binet accepted our submissions in their entirety and dismissed the AMG claim that the group, to be fairly chosen ought to have included all of their Marine Pilots, even though most of them will never work in the Port of Dampier, or even in Western Australia. Parties have since provisionally agreed to begin enterprise bargaining with a meeting scheduled in the week commencing 14 October.

Toll Energy Logistics Pty Ltd North West Agreement 2019

I was unable to attend the most recent meeting, please see Glenn Andersen's report for updates.

Pilbara Ports Authority (PPA) Port Hedland VTS EA

We expect the remaining matters to be tabled and considered at our next meeting on 1 October 2019. Of concern is the PPA's ongoing reliance upon the WA State Government's current wages policy which limits all pay rises to \$1000 p.a. We have additionally expressed our concerns to Minister MacTiernan but have received the pro forma response being provided to all WA public sector employees and Unions. We are otherwise quite close to resolving the respective bargaining positions.

Teekay Vacamonte

At the initial bargaining meeting the unions (AMOU, AIMPE and CFMMEU) presented their claims in response to management's expressed wish to roll over the current agreement. At the last meeting virtually all Union claims were rejected in their entirety with a proposed counter pay offer of CPI. The meeting ended abruptly without a subsequent meeting being scheduled. Unions have since requested a meeting with senior management to discuss our concerns with their bargaining position.

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)

MSQ

The Enterprise agreement has been approved by the CBRC and is currently being voted on by employees.

MSQ-VTSO

MSQ has confirmed that they are going to conduct an independent VTSO review. They are currently working with the unions to create the terms of reference document which will provide the scope of the review. Some of the things that will be looked at are rosters, working conditions, the number of VTSOs on at night etc. Once terms of reference is complete, MSQ will begin the review. This month I've visited the VTS centres in Hay Point, Townsville and Brisbane and am hoping to get to Cairns and Gladstone in the near future.

Smit Lamnalco

Greg Yates from AIMPE and I met with masters and engineers in Mackay and Townsville to discuss the lack of a drug and alcohol policy, the possible underpayment of allowances, and a few other issues including the lack of ability to take leave in some ports.

The Gladstone banked leave dispute was resolved in our favour in the Fair Work Commission. We will be back in the Commission on 3 October 2019 for the Casual Conversion dispute.

We are awaiting the Fair Work Commission to make a decision in the GMDSS dispute.

Daltug

Greg Yates and I visited the Daltug worksite while we were in town. We also had a joint AMOU, AIMPE and MUA members meeting where we discussed the current issues being faced.

Svitzer Bowen

Greg Yates and I met with masters in Bowen to discuss the current EA negotiations. Chris Neiberding is currently negotiating the national agreement so there should be more information in his industrial report.

Svitzer Darwin

The AMOU has escalated the POPs hours of work dispute to the national level and Chris Neiberding has taken over this issue. Once this has been resolved the AMOU will be in a position to endorse the EBA.

Bay Island Transit Systems- Sealink

I've been down to the vessels on a number of occasions to speak with members about the items they'd like to see in their log of claims. Paul Gallagher from the MUA and I will be meeting with the company on Monday 23 September to discuss the safety issues brought up and to start EA negotiations.

NQPB pilots

I met with some of the pilots when I visited their Hay Point office this week.

Intercity Group/ Entrada Travel Group

EBA negotiations are underway. We've seen some movement in our favour after the meeting on Wednesday 18 September and will continue to push for the rest of the items in our log of claims.

82nd Anniversary of the Annual Seafarers Service

I attended the memorial service and wreath laying ceremony on behalf of the AMOU in Brisbane this month. The ceremony was held at St John's Anglican Cathedral and commemorated the sacrifice of the men and women of the Royal Australian Navy and the Merchant Navy.

Australian Reef Pilots

We have had an influx of membership forms after the company began contract negotiations with the pilots. Mark Davis and I have identified a number of unfair conditions in the contracts and are working with the Pilots in a bid to improve the working conditions and get an enterprise agreement that is recognised by the Fair Work Commission.

P&O *Wunma* and *Aburri*

EBA negotiations are continuing for both vessels. Nathan Niven from AIMPE and I are hoping to meet with the company by the end of September.

Seaswift

The AMOU, MUA and AIMPE met with Seaswift this week and despite the Fair Work Commission giving an indication of their intentions with the modern award review, the company has refused to finalise the EBA until the Commission has completed the process. I'll let members know as soon as negotiations have resumed.

Pro Dive

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

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.

Sunlover

The Sunlover EBA is currently before the Fair Work Commission where there is some dispute about whether the agreement passes the *better off overall test*. Once this is rectified the agreement will be approved.

Port of Brisbane

The Port Office EBA is currently before the Fair Work Commission for approval. The agreement will come into effect 7 days after approval.

Brisbane Ferries

Last month I met with Brisbane Ferries to discuss the payroll issues. The company has begun random audits on pays and the AMOU will follow up to make sure that further audits will be done if required. We also secured a few wins for the workers in the form of rain coats for masters, an increased shoe allowance and better lighting on the fuel pontoon.