

# Industrial Report

January 2020



**AMOU**

Australian Maritime  
Officers Union

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<b>Date:</b>	<b>Tuesday 28<sup>th</sup> January 2020</b>
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# President's Report

## Tim Higgs

*President and Svitzer Melbourne Tug Master*

Dear Members,

Welcome to the President's and Industrial Report for January 2020.

Here we are 2020 and the first month is all but gone. The year is lining up with possibilities and signs of a genuine resurgence of work around the industry; in particular the oil and gas sector. Personally, I don't think we will ever see the peaks and booms of the past but it is positive to see seismic vessels and more drill rigs mobilising for work on the coast with several contracts being awarded late last year and this month to shipping and construction companies. We have been active with John McDonald the Western Area President inspecting numerous offshore vessels in recent months prior to them coming to work on the coast. The key reasoning for this is to ensure we fill as many officers' positions in all ranks as possible for the membership.

### **North West Shelf Shipping Service Company (NWS), the three-union Continuity of Operations Agreement (COA) and Trident LNG**

Trident is not a signatory to the COA they are just NWS's manning and management service although they seem content to keep influencing the outcomes from COA meetings through the manipulation of so-called skills shortages, the lack of training and promotion from within.

For the last couple of years, we have fought with the partners of NWS to maintain the four Australian flagged and crewed gas tankers until the end of project as per the COA. The union has had a good working relationship with NWS through the COA for decades and we have worked through difficult times in a professional manner to seek a solution although it would seem this is becoming strained through current discussions and their push on behalf of Trident for us to agree a labour agreement for the use of foreign officers and masters on board the NWS vessels. The labour agreement has been put to the members on board the vessels to have their say and they have since voted to reject the proposed labour agreement. There is further information in Mark Davis's report on the progress of the discussions and negotiations.

### **AMOU Direction 2020**

Where are we as a union headed in 2020? We are actively engaged on numerous forums, committees and councils throughout industry acting on behalf of the membership pursuing protection of qualifications, skills, training and industry standards. Further to this we need to continue the growth of the union and protecting it and its members well into the future. To deliver this your Executive Council will be focussing on the following:

- Completion of the members' section of the website

- Creating more sophisticated and contemporary union publications in particular the monthly industrial reports
- Enhancing the communication with the membership
- Increasing membership density generally but in particular in port authorities, port services providers and stevedoring
- Mobilising engaging and organizing new members in potential new areas of the maritime industry
- Achieving and maintaining 2000 financial members - the union currently has 1853 financial members
- Maintaining the integrity of the union's policy of opposing Immigration Labour Agreements
- Working with industry to achieve a multi-party agreement on a sustainable coastal trading policy

Earlier in the month we reached out to the membership offering assistance to those who have been affected by the fires. If you have been affected please contact Mark Davis in the national office to discuss how the union may be able to assist. Further to this all members and their families have access to Hunterlink services.

In closing, the organisation is in a good position for 2020 and there looks to be the possibilities of growth and opportunity for the unions members hopefully throughout the year. I am looking forward to the challenges we have in the year ahead.

As always stay safe.

Tim Higgs  
President

## Executive Officer's Report

Mark Davis

*Executive Officer (Sydney)*

### **Trident LNG**

#### Labour agreement & Memorandum of Understanding

What are Labour Agreements?

**Labour agreements** are formal arrangements negotiated between an employer and the Australian Government which lets an employer recruit an agreed number of skilled workers from outside Australia.

Shell is seeking a Labour Agreement (LA) to allow the company to recruit 2 Masters, 2 Engineers and 2 Chief Officers from the Shell international fleet, having previously served aboard *Northwest Shearwater*. A set of benefits to AMOU and AIMPE members were negotiated and conditionally agreed on 3rd December in the form of a Memorandum of Understanding (MOU). If the MOU was agreed by the AMOU Executive Council (and AIMPE) and Trident members, the two unions would write to Immigration in support of the LA. We have traditionally vehemently opposed LAs and our opposition has thus far been respected by the appropriate division of Immigration and no Labour Agreements have been issued. The AMOU Executive Council decided to put the MOU out to Trident members via a Survey Monkey ballot to decide whether to support the AMOU signing the MOU or not. The memo to Trident members accompanying the ballot was neutral in that it contained no recommendation either way. This was done on 16<sup>th</sup> December. The ballot result was that 27 members opposed signing the MOU and therefore opposed the LA and 9 members were in favour of signing the MOU.

A COA meeting was held of all parties on 9<sup>th</sup> January. Trident and Woodside pointed the finger at the AMOU saying that if a ship is lost it is because we put the MOU out to ballot. They blamed me specifically for sending it out to ballot and that I should have respected the agreement in principle reached on 3<sup>rd</sup> December. This was refuted as any MOU was stated on 3<sup>rd</sup> December to be specifically subject to the decision of the AMOU Executive Council.

At this 9<sup>th</sup> January meeting we identified the members' primary issues with the MOU. We suggested an elongated relief notification period designed to give us more opportunity to find an Australian relief before resorting to a visa-holder. The companies' response was that this would make longer swings effectively mandatory if we closed ranks and Shell would not agree as it was "*unsustainable and a health and safety hazard.*" They did not know the answer to our question regarding what the triggers are for the departure of the visa-holders. Whenever the LA is granted, and the visas issued they would slot 2 international fleet Masters and 1 C/O into the fleet immediately. They admitted that the reduction of leave balances was a motivation even though we had previously pointed out that leave balances were never a priority and their main driver for this whole exercise was the so-called senior officer shortage.

It was also agreed that we would all try to develop a common position to be advocated at a series of shipboard meetings to take place on all four vessels. There was some willingness to make editorial changes to the MOU, but these were largely cosmetic except the change in Clause 1 whereby instead of:

*“Trident LNG (and STAPL) **wish to maintain operations on the four LNG carriers...**”*

It would be worded:

*“Trident LNG (and STAPL) **will maintain operations on the four LNG carriers...**”*

On 13<sup>th</sup> January Shell contacted the parties stating that despite the above change already having been agreed:

*“On reflection, we are unable to agree to the proposed wording change suggested by the officer unions for clause 1 of the draft MOU at the meeting on 9 January 2020.”*

#### Training & Promotion Regime

Notwithstanding this suspect behaviour, we were still mandated in the MOU to come up with a Training & Promotion Regime (T&PR) which the two unions see as an opportunity to address some of the members’ unaddressed points of concern from the MOU and to provide officers with some incentives to reconsider the MOU at such time as shipboard meetings would take place. Here are a few examples of what we put into the T&PR:

*10. Trident will advise the AMOU of the existing Trident deck officers proposed to undertake study leave in 2020 and agreement will be reached on the numbers for this and subsequent years. Sufficient additional relieving 3/Os will be engaged, and officers shall act up in the higher rank to facilitate the relief of officers taking study leave.*

*17. Trident LNG, AIMPE and AMOU will identify and agree upon the existing Officers who require promotion assessment as a matter of priority.*

*18. Trident shall maximise utilisation of the facility to accelerate the application of the Shell promotional matrix for suitable Australian officers to C/O and Master.*

*19. Trident LNG will identify and advise the AMOU as a matter of priority those 3/Os to be promoted to 2/O in order to implement Cl.14 of the MOU. Preference will be given to ex-Trident LNG cadets permanently serving as 3/O and who hold a C/O certificate. Next priority will be permanent 3/Os with a C/O certificate. The company will also advise the union of the schedule for promotion of these officers.*

*20. In order to implement Cl.15 of the MOU, Trident LNG will advise the relevant union of the names of the officers it intends to make permanent, the process to be adopted and the intended timing of the confirmation of permanency.*

We have had two conference calls convened by the Arbitrator involving AMOU and AIMPE, Trident & STAPL and one without the Arbitrator. To say that these have been unproductive would be an understatement. It seems Shell has dictated that there will be no further movement and the employer's response was basically a reiteration of what is in the collective agreement. All of the above provisions plus a load more were rejected under spurious pretexts and passages where the unions were to agree or be consulted or advised were all deleted.

If there is no TP&R that all parties can support it is unlikely there will be shipboard meetings, the MOU will not be signed, and the Labour Agreement will not go ahead with our blessing. They can either unilaterally submit it and take their chances or they may activate the threat of getting rid of a fourth tanker.

This strategy from Shell is designed to leave the AMOU in the position where the same MOU plus a non-beneficial T&PR would be put to members and rejected. Potentially this will allow Shell to portray the AMOU as the supposedly guilty party responsible for the departure of the fourth ship.

The Arbitrator is due to make one-to-one calls with each of the four parties prior to a face to face meeting scheduled for 31<sup>st</sup> January in Sydney.

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

As reported in December, negotiations between Engage Marine and the three unions have moved from the usual negotiating table to the *new approaches* realm within the Fair Work Commission. Instead of talks based on rigid positions from which compromises satisfy neither party, the emphasis in the bargaining is on establishing and finding solutions based on the interests of the parties. We all underwent a training day convened by FWC Deputy President Booth on 11<sup>th</sup> December which introduced the process and had some practical exercises to imbue us with the new approaches spirit. The process kicked off in earnest on 19<sup>th</sup> and 20<sup>th</sup> December and some progress in establishing common ground resulted. The unions were tasked with providing a briefing document to Engage Marine on the resource-based no strike/alternative dispute procedure structures and Engage Marine was tasked with providing a briefing document on Cooperatives. These became the bases of discussion at a meeting of all parties without the FWC present on 23<sup>rd</sup> January. A number of options were tabled particularly structures based on the principles of the North West Shelf Continuity of Operations Agreement and the INPEX Enhanced Dispute Settlement Procedure Development and Production Arrangement and the parties adjourned for further consideration of these. The next step will be a FWC-convened session on 12<sup>th</sup> February unless the parties agree to meeting amongst themselves prior to this.

Mark Davis  
Executive Officer

## Eastern Area Secretary's Report

### Brent Warhurst

*Eastern Area Secretary*

#### **Marine order 47 update**

Last week I attended a meeting as the AMOU representative for an industry review of the new Marine Order 47. The order was subject to a Notice of Motion to Disallow by Senator Brown in November for reasons unknown.

The new MO47 was released in December as part of AMSA's ongoing simplification process. The main changes were made to combine the two marine orders that used to cover FPSO's and offshore units into one simplified order. The other major change was to make it easier for operators to carry out UWILD (Under Water Inspection in lieu of Drydocking) or enhanced survey.

There are no changes affecting manning and issuing of certificates. The changes are now where we find the requirements. Previously most marine orders repeated or stated specific requirements in every order. AMSA has sought to minimise the content of each Order and leave us to find where the legislative requirements are in reference to other orders that apply.

From the meeting feedback that was given, AMSA has promised to provide more extensive support material when new Marine Orders are published, to ensure that as operators we understand the requirements placed on us and where we can find the correct information.

The motion for disallowance will be heard again on 4<sup>th</sup> February. AMSA as per Senator Brown's instructions has consulted with industry on the changes. This means the motion will probably be dropped and we will now operate under the new Marine Order. If the Marine Order is disallowed, then it reverts to the old two Marine Orders and AMSA has to wait six months before similar legislative changes can be made.

#### **DP Training - Technical Advisory Committee (TAC)**

All vocational training in Australia is subject to very rigorous standards. Australian Industry Standards coordinates Industry Review Committees (IRCs) which oversee the standards industry by industry. The Maritime IRC is made up of current industry representatives including AMOU, MUA, AIMPE, training institutes, employers and industry representative bodies. Some recent projects of the committee have been a review of the Master's qualification package, Chief IR qualifications and some of the elective units on tanker work.

When a new course is requested a sub-committee called a TAC is formed with industry experts and representatives who will report to the IRC. the content of the course is designed by the TAC industry experts to meet the industry needs.



The DP TAC was formed late last year to look at setting up DP training in the Australian industry format. The committee has so far met twice and completed what looks to be a mix of the best of the NI courses and DNV courses.

The main advantages of having the courses in this format are that if DP moves into the part A of SOLAS then we would be in a very strong position and well ahead of the rest of the world in making the training part of our STCW commitments. The other advantage is that those coming through from an Australian recognised training perspective may be looked upon more favourably in the future for employment as opposed to unverified foreign certificate holders. Lastly and importantly as DP skills are expensive and training including sea time can be difficult to complete, an Australian approved course may be able to attract government subsidies to ensure skills levels are met for industry.

Please be aware this is only the second meeting of the TAC and the work being done may not advance in this potentially productive direction. We will have to wait and see what comes of it.

### **Social Media accounts**

Our social media accounts have become very important in our brand awareness. It is important to show there are three maritime unions working for the industry and not just the big one that has four fulltime media staff on pay.

I have been running the Facebook page and Instagram accounts with the help of some of the Executive Council. It would be great if members could contribute any subjects of interest and photographs with company permission. Especially some of the fantastic work of the *Far Saracen*, *Far Senator* and *MATV Sycamore* in the media recently providing support to bushfire victims and evacuees.

If you have any stories/photos/videos please send them to [media@amou.com.au](mailto:media@amou.com.au) or message the Facebook page. Also, please use the tags [#amou](#) [#amoumembers](#) [@australian\\_maritime\\_officers](#) and other sea related content tags if posting to your own accounts. This is a great resource to showcase our strengths to public and politicians alike.

To follow our Instagram the address is: [@australian\\_maritime\\_officers](#)

## Industrial Report – Glenn Andersen

*Organiser (Fremantle) and Western Area Secretary*

### **Vessel Inspections and Ship visits**

As an indication of increased activity in the Offshore Oil & Gas Industry the union has been carrying out a number of vessel inspections, mainly seismic survey and their support vessels: *Amazon Conqueror, Maria G* and *Siem Sapphire*.

January 2020 started off well with a visit to the *Northwest Stormpetrel* on New Year's Day. Visits this month include: *Sunrise-G, MMA Brewster, Mermaid Searcher, Pacific Responder, Pacific Grackle, Pacific Hornbill, Skandi Darwin* and *MMA Inscription*.

This year I hope to return to the levels of ship visits achieved in 2017/18

### **Trident LNG Ships COA Meeting**

I attended the Trident COA Labour Agreement meeting on January 9<sup>th</sup> in Melbourne. Discussion opened with the negative AMOU Labour Agreement ballot. The Trident/Shell team went on the offensive saying the result meant the *only* way forward was to go down to three vessels. Their fall-back position was that the AMOU should go back to members for a re-think. My assertion at the August 12<sup>th</sup> meeting about the senior deck officer shortage being a contrived shortage was thrown back at us. My reply was that I believed that to be true back then and nothing has changed since. Eventually they agreed to alter and add to some of the wording contained in the Labour Agreement MOU, but days later withdrew some of those commitments.

### **Trident EBA negotiations**

As reported in December the current EA has been extended up until August 2020. I have already received claims from some of the ships. A mature document such as this really only requires fine-tuning. However, there are a couple of glaring shortcomings in the present document, the main one being length of swing. Why, back in 2014 it was agreed the default roster would be three swings I do not know because right now that can mean a possible eight or even ten-week roster.

### **Maersk and OSM EA negotiations**

I am currently working on a document to present to OSM. When that is completed I expect a further meeting will be held.

The Maersk negotiation has gone about as far as it can go. Maersk management has performed a pretty mean trick. We put forward a genuine proposal aimed to get at least one deck officer sponsored through a mates/master's course during the 2.5-year term of the agreement. In return we would concede a reduction in the training wage from 75% of the 100% schedule down to 60% and possibly 50%. The clause they put forward did not commit to providing any officers with study leave, so we went back to the original clause. Despite this, Maersk has put the 50% rate in their EA proposal.

We are aiming to finalise this agreement next Wednesday 28<sup>th</sup>.

### **Offshore Oil & Gas EA Negotiations**

2020 will be a busy year with more EA renewals. Companies include: Solstad, Dof, Swire Pacific Offshore and AOS.

Look out for words like: Norwegian Roster, 5% wage increases, pilotage exemption payment for Masters and guaranteed dead-day payments.

### **Disciplinary Proceedings**

If you remember the AMOU President's report of last year you will be aware of the increase of disciplinary cases against deck officers and masters in particular. It is still happening. Please consider likely consequences before you choose a particular action. Companies are shooting first and thinking about outcomes later. Do not think you are immune to this aggressive program. No amount of glowing references from client reps or project managers will save you. Some companies are determined to lower permanency numbers. Would it surprise you if a dismissed master is then offered a casual position? If you are confronted with a tricky situation, before you react give us a call. Advice from your union is free.

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### **Solstad**

Once the employee representatives have been endorsed we will start the log of claims process. Once that is underway we will seek meeting dates with the company.

### **Swire Pacific Offshore**

Our delegate has already started the log of claims process. I have emailed members and asked them to consider what they deem worthwhile adding.

### **TOLL *Astrolabe* EA**

The unions met with Toll on January 20<sup>th</sup> and we are close to an agreement, with the possibility of a final document ready at the next meeting

### **Westug**

Pilbara-based harbour towage company Westug/Engage Marine is once again attacking the employment conditions of their employees. This time it is their accommodation arrangements. Without providing exact details of their plans, Westug has embarked upon a fishing expedition - cleverly disguised as Workplace Consultation - to see just how far they can push their Fair Work EA protected employees. The Westug partnership employees have no option other than to cop anything dished up to them, or resign. It seems to us that employees could lose the exclusive use of their allotted bedroom, meaning every time they swing-off they must clean out the room, ready for their opposite to move into. The allocated room is in reality their second home, somewhere they can place

family photos, nick-nacks, whatever makes them feel a little closer to family and home. It now seems that is all about to change if the company has its way

.

Members of the three unions are determined to fight against this latest initiative as a united front. A good solid resolution was voted up at a joint meeting this week in Karratha.

## Industrial Report – Jarrod Moran

*Senior Industrial Officer (Melbourne)*

**Note – Jarrod has been on leave since the New Year break and is not due back on deck until 10<sup>th</sup> February. The following is his December 2019 report**

### **TasPorts Pilots**

The Pilots EA expired on 17 November 2018. We have been in negotiations with TasPorts for a replacement EA for nearly 12 months. Most matters have been agreed but a significant outstanding matter is wage increases. Our position, first put to TasPorts in March 2019, was for wages to be on parity with the wages of Flinders Ports pilots. Our position is justified by a 2010 Arbitrated FWC Decision that pegged Tasmanian pilot wages against pilot wages nationally and awarded TasPorts pilots parity with Flinders Ports that was then discounted for the cost of living difference between South Australia and Tasmania. Since that time the wages of TasPorts pilots have slipped when compared to Flinders Ports pilots hence our claim for parity to be restored in at least the first year of the new EA.

TasPorts have offered 2% p.a. wage increase for a three-year term that may be increased by an extra 0.7% p.a. if pilots can demonstrate cost savings through changes to the EA. This position is in line with the Tasmanian Governments Wages Policy. So, we are at an impasse. We sought the assistance of the Fair Work Commission in resolving our dispute on 12 December where TasPorts upped their offer to 2.7% p.a.

Due to other matters currently at the forefront regarding the ACCC, TasPorts and pilot members in Tasmania are considering the latest offer.

### **DP World Supervisors/Superintendents**

We had our first meeting with DPW on 15 December regarding a new EA. DPW have appointed a new Operational Manager who will lead negotiations. He starts employment in January and meetings will commence in February.

### **Searoad Shipping**

We continue to plod slowly with Searoad on our outstanding issues. The current EA expired mid-2018. 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 have delayed negotiations again this month and we next meet with them on 20 December.

### **SERCO**

#### DMS

As detailed previously Serco put their draft EA directly out to vote and this was overwhelmingly rejected by employees. Members embarked on protected Industrial action that in conjunction with

the unsuccessful EA ballot has prompted Serco to seek meetings to progress our discussions. Rather than Serco being locked into their EA or no EA at all, we have requested that they provide a full rationale on each item of our EA to which they cannot agree. Hopefully this approach will lead to a finalised document soon. In the spirit of co-operation members have agreed to lift all overtime bans until we have had a chance to meet with Serco and hear their position. After many months of no talks, we reconvened over 4 and 5 December. Serco have now responded to all our claims and our preferred EA. We expect to meet with them in early January hopefully to start finalising a joint document.

#### RSV Nuyina

We have reached an in-principle agreement with Serco on an EA to cover the new Icebreaker. We have a joint Officers Agreement with the AIMPE. This document is available to all members on request. Info on the ship can be found at: [www.antarctica.gov.au/icebreaker](http://www.antarctica.gov.au/icebreaker)

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

We continue to discuss with the VRCA appropriate terms and conditions of employment for the Marine Operatives at Crib Point. The new CEO at least seems to understand that the current employment arrangements are less than suitable (in my mind they are below the Award). We will next meet with management on 20 December.

#### **Spirit of Tasmania**

##### TT-Line Shipwrights and Pursers

The Shipwrights and Pursers EA expires in mid-2020. Members have produced a Log of Claims and we have delegates from both vessels. Annual leave and departures of by key TT-Line management have delayed negotiations until early next year.

#### ASP

Deck Officer employed by ASP on the Spirits have put together a Log of Claims which was presented to ASP on 29 November. We are waiting for ASP to advise of our next meeting date. We will bargain together with the AIMPE on this agreement.

#### **Flinders Ports Pilots**

The current Flinders Ports Pilots EA expires in March 2020. A members' meeting to commence discussion on our Log of Claims for the new EA took place on 26 November 2019. We have asked Flinders Ports to issue the Notice of Employee Representational Rights (NERR) early in the new year to formally kick off our bargaining.

#### **Toll Shipping**

The Toll Shipping EA expires in March. Meetings with members will be arranged over the coming weeks to develop our position on a Log of Claims.

## Industrial Report – Chris Neiberding

*Senior Industrial Officer (Melbourne)*

### **Svitzer National EA**

Svitzer and the 3 maritime unions met on the 13<sup>th</sup> and 14<sup>th</sup> January for an EA drafting session. Notwithstanding that we do not yet have an in-principle agreement there are items in the unions' log not yet finalized, all parties thought it was important to start the drafting as there are many items that we have agreed. A small group of union officials and delegates got through quite a bit of material over the 2 days with most of the time spent of Permanent Part Timers, but I'm sure there are no surprises there.

There will be another planning session with Svitzer and the unions on Friday 24<sup>th</sup> January and face to face meetings with all the delegates in Sydney on the 4<sup>th</sup> and 5<sup>th</sup> February. The AMOU can assure members that every claim put forward by Masters was given airtime in the meetings and debated and fought for and I commend all the delegates in the representation of their constituency. With a combined 127 claims to argue in a windowless hotel conference room at Sydney airport, by the time the last full 4-day session concluded everyone was ready for the break.

As previously stated, the EBA has not been finalized and there remains some outstanding items for the AMOU to get through, the overall package looks positive.

### **Victoria Regional Channel Authority (VRCA)**

The VRCA and the AMOU were due to report back to the Fair Work Commission detailing their progress on the EA, however despite the glowing report the VRCA gave the commission we had to disagree and inform the Commission that barely anything has been achieved since the last conciliation session. The AMOU further asked the Commission to set a date for another conciliation session.

The AMOU report to the Commission seems to have sparked a response from VRCA with a revised offer being sent to the AMOU two days later. Delegates are going over the revised offer however the requested for a Fair Work conciliation remains.

### **TasPorts**

Masters Indemnity & Overriding Authority provision remains the outstanding item for the AMOU. Progress has slowed since the Christmas break and is yet to pick up with the human resources manager having been on leave until 2 weeks ago. The AMOU has asked TasPorts for a response on our claim but have not heard back from the company.

TasPorts has agreed to the claim, however in their revised draft they cite the claim being subject to their insurance policies, the content of which we are unaware. We have no interest in a provision that references an undisclosed document, especially one which is capable of unilateral amendment by the employer.

**Port Lincoln Tugs**

AMOU understands that Port Lincoln Tugs is seeking to put some of their engineers through Master Incapacitated Training. The company's General Manager claims that this is for genuine emergency and for the safety of all, however the members remain unconvinced. We are also concerned as to who will provide the training. As far as we are aware, it is not from the current Port Lincoln Tug Masters and if it will be delivered by another tug company, they may be in breach of policy and be putting their jobs at risk. So far no such training has occurred and we will be talking to Port Lincoln Tugs further to sort out this issue.

**Searoad**

The AMOU has conducted 2 ship visits on the *Searoad Tamar* this month (one joint visit with AIMPE) to chat with the officers about their EA. We will also try and get to the *Searoad Mersey II* when suitable dates line up. The officers at Searoad are far from impressed about how long the EA is taking and for good reason. The last document is from 2018. Since Christmas we have been in touch with the company' MIAL representative for a meeting date however I was surprised that with all the difficulty it took to get everyone in the same place at the same time, they only scheduled a two-hour meeting. We have since asked that it is at least three hours. We can only hope it is productive.



## Industrial Report – Martin McEvelly

*Industrial Officer (Sydney)*

### **Registered Organisations Commission (ROC) Audit**

One of the requirements that all registered unions need to comply with relates to Union Governance Training. All elected officials of the AMOU are required to complete training in Union Governance within 6 months of their appointment to an elected position. The ROC-approved course covers matters such as financial management and ensuring that all decisions are made for the purposes of advancing members interests. I am pleased to report that all our officials completed this training and we achieved a 100% compliance rate in a recent audit conducted by ROC on registered organisations. This has been a focus area for the ROC in recent times and is something that many unions struggle with. It was great to receive their positive feedback.

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

We have lodged our appeal against the approval of the Enterprise Agreement (EA) that was approved by the Fair Work Commission (FWC) on 22 November 2019. Specifically, we have appealed against the decision by Commissioner McKinnon that the clause *Compensation for Medical Inability to Revalidate Certificate* was discriminatory on the basis of age and thus unlawful. We have also objected to the finding that ASP's undertaking that the clause was to have no effect, extinguishing the entitlement to compensation, was appropriate.

As it stands, the EA as approved by the FWC is in effect. However, due to the potential impact that this decision has to similar entitlements across the industry, we had little option but to appeal. Our submissions have been made, with ASP's response due on 11 February 2020 and a hearing scheduled for 17 February 2020. We are undertaking this challenge jointly with AIMPE.

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

A teleconference was held on 09 December 2019 with ASP and the Unions to discuss the EA and provide feedback to the current draft version that ASP had prepared. I highlighted several oversights, including that some previously agreed claims had been excluded and some language that needed tidying up. We were told to expect a copy of an updated version for members to review in the coming days. Yet, in what is becoming an unsurprising outcome, ASP has failed to provide us with a copy of the EA. I understand that they are busy with addressing the Rio fleet appeal as well as undoubtedly seeking new contracts, however ASP owes it to their very patient employees on the *Larcom* to bring this saga to a close. I will pressure them once more in an effort to reach that outcome.

### **Transdev Sydney Ferries**

It's been a busy start to the year for the ferries and it doesn't seem likely to slow down any time soon. By the time of reading, the Captain Cook charter vessels should be taken in under the dry hire requirement disclosed in the EA and fully manned by Transdev Masters, Engineers and GPH's.

The *Master 35 Internship*, the career pathway to allow Master V's within the business to get their sea time for their Master IV certificates has also begun. The EA recognizes the need to have a career path and it is something that the company and other Unions have been pushing for. I'm pleased to report that the AMOU took a leading role in framing what the program ought to look like. We are awaiting confirmation of the final deed of agreement between the Unions and Transdev. We believe the draft circulated by the company confirms a sustainable and achievable means by which to assist Masters within the industry to develop their qualifications without needing to leave to seek command hours outside of their employment. At the time of writing other Unions have raised objections with the deed and we are waiting to understand those objections. It would be a significant lost opportunity if the Internship program were not to be realised.

Outside of the above, we have a busy 2020 ahead with new vessels, First Fleet refits and timetable planning all on the near horizon. Advertisements have also gone out for permanent Master and Engineer positions and new E-lists should be created in the coming weeks. The next MCC will also be held at BSY on 06 February 2020. I thank the delegates once again for their continued efforts in assisting members with the remainder of the day to day issues that they face.

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

As reported at the end of last year, the EA remains before the FWC for approval. The Unions objected to its approval on the basis that it does not meet the Better Off Overall Test (BOOT). To clarify, we argued that the entitlements in the agreement do not meet the minimum requirements of the *Ports, Harbours and Enclosed Water Vessels Award 2010*, which covers ferry work. NRMA argue that as Fantasea predominantly covers non-ferry charter work, the EA should only be compared to the *Marine Tourism and Charter Vessels Award 2010* which has significantly reduced entitlements.

Submissions have been made to the FWC by all parties and a hearing will be held with the FWC on 30/31 January 2020. I will let members know the outcome of that hearing and provide a timeline on next steps. I appreciate your patience and know that it has been a long time since the EA was put out to vote. Although, I would like to reassert that simply because the EA has not been approved does not mean that members do not have the right to request a conversion from casual to permanent employment. Please contact me should you have any questions on this.

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

We are almost at a point of the EA going out to vote. All that remains is for the MUA to approve their MOU after a few concerns were raised in recent weeks. The Port Authority has caused delays in recent weeks by failing to address some of our drafting concerns, including consultation on the transition to VTS and how they would handle the roll in of the performance bonus. Specifically, how the pro rata amount from 01 July 2019 to the date of the roll in would apply. They have finally addressed those questions and subject to a last review of the content and language of the EA, it should go out to vote in early February. It has been frustrating getting to this point but your delegates have put considerable effort into getting an EA and MOU that is as beneficial as we could achieve at this time, without making any significant concessions. I thank them for their great work.

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

After the resounding 'No' vote to the sub-par agreement put forward by PON in December, we have not yet been back to restart negotiations. I issued a memo in the first few days of 2020 asking members to consider how they would feel if we were to make an application for Protected Industrial Action, to ensure that PON approaches the next round of negotiations in good faith. Overall, I received very little negative response and I'm glad to see members appreciate that we may need to take these steps to achieve a proper EA for all employees at PON.

We have not made that application as yet which is largely due to the fact that in a Consultative Committee Meeting held on 20 January 2020, PON confirmed that they would no longer be engaging the legal representative that had been assisting them. As you will recall from my reports about the negotiations, their lawyer was a significant barrier to any efforts to reach a negotiated position and was responsible for the terms in the EA that resulted in it being voted down.

We see this as a sign of good faith from PON and after speaking to delegates we have agreed to give them one last opportunity to show that they are interested in finalizing this EA in an amicable way. The next meeting is scheduled for 13 February 2020. I'm optimistic this meeting will be much more productive, though we remain entitled to make an application for protected action should this not be the case.

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

After the comprehensive payroll review conducted by PANSW that resulted in a number of salary adjustments being made across the Port Authority in mid 2019, it has since been identified that some employees have subsequently been subjected to wage theft. Specifically, VTS Supervisors have not been paid properly since the last EA was agreed. Although PANSW are in the process of finalizing the adjustments and repaying those affected what they are owed, it serves as a reminder that all members should be checking their wages and comparing them to their entitlements under the EA.

The VTS Fatigue Committee is not scheduled to meet again until March, following December's meeting where PANSW agreed to ensure the support shift desk is filled. I have not heard that this has not been happening, which is positive. Hopefully this continues.

Our dispute regarding the complete failure to properly consult with the members of the Emergency Response Team remains on foot, though in a meeting on 22 January 2020 PANSW threatened to go ahead with their plans on 01 February 2020 despite the unions confirming that the dispute has not been resolved. We are currently considering whether to escalate this to the Commission. Although we believe we have a high likelihood of success, we are considering the implications for members of the ERT in doing so and will be guided by members.

ERT are currently shadowing and assisting Duty Manager Cruise Operations (DMCOs) in their new role of monitoring alarms on the new cruise ship gangways. Removing this support is a serious safety concern. There are also problems with the operating procedures that have been highlighted by the

DMCOs that PANSW seems unwilling to properly address. We have also been informed that the company are training up contracted security staff to assist in monitoring the gangways and removing railings. This is unacceptable in our view, both from a safety standpoint as well as being a direct attack on permanent jobs and against the spirit of the EA. We are in discussions with members affected and the MUA to confirm how we address this.

#### **Port Authority of NSW – Port Kembla**

It's been industrially quiet since the last transition to VTS meeting was held on 11 December. The next is scheduled for 11 February 2020. If any members have anything they would like addressed in that meeting or if there any other concerns from members in Port Kembla, please let me know.

#### **INCO Ships**

We have finally heard back from INCO and are now in the process of finalising our updated log of claims to bring to the company. I have only heard back from one member with regards to matters we wish to get addressed. I ask that any member who has feedback or a claim they would like to see included in an EA to please contact me or their delegate as soon as possible. We will also need to liaise with AIMPE as it is intended that the EA will be a combined officers agreement. I have reached out to their Senior Organiser and will liaise with him in the coming days to get a position with which to go to the company.

## Industrial Report – Glenn Walsh

*Industrial Officer (Fremantle)*

### **Mackenzie Towage Bunbury EA**

We are waiting for the final EA draft from MMT before the agreement is finally put to a vote. While the process has been arduous, it has achieved excellent outcomes for each of the maritime union's members. While it has been a collective effort, we need to recognize the brave and tireless contributions of the masters working under constant duress in a toxic work environment. Damien Billi, Sam Forestier and Gary Jeisman have been a particularly valuable source of support, inspiration and guidance for their Union colleagues, and for the Union staff from the very outset of the bargaining process.

### **Southern Ports Pilots EA**

Shortly after the successful Protected Action Ballot was delivered, the parties reached in principle agreement on all of the outstanding matters which will see the agreement put to ballot in the coming weeks. Thanks to the SPA Pilots group for their solidarity, support and assistance. Les Turner and Rob Lovell were particularly instrumental in the successful outcomes reached on behalf of all SPA Marine Pilots. We wish Rob Lovell well for his future endeavours.

### **Mid-West Ports**

Subsequent to AMOU final submissions for the 5-day FWC hearing scheduled for March, parties have reached a settlement in relation to their underpayment claims. The true value of the collective action and solidarity shown by our members cannot be underestimated in relation to the outcomes achieved.

### **Odyssey Marine EA**

Parties met early in the new year and made significant progress towards reaching agreement on many matters. Pay and superannuation are key claims that remain in abeyance. Bargaining is set to resume in February.

### **Argonaut Marine EA**

Parties met for the third time with AMG updating their response to a raft of Union EA claims. While significant progress has been made, we anticipate the outstanding matters will generate some lively discussions at our next meetings. The generally improved demeanor of the AMG representatives has served to facilitate much more productive and genial negotiations.

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

The final agreement is due to be put out to ballot. While AMOU expressed reservations about some of the items the members have agreed to, we still believe that a reasonable outcome has been achieved. In stark contrast to other workplaces currently engaged in EA bargaining, the number of AMOU members and the level of member activism was significantly lower and extremely disappointing. The AMOU has invested significant resources in support of this group of long-term employees for a number of years but has failed to see any increase in Union presence in the workplace. Without a significant increase in AMOU membership, discussions will need to take place

with the workers regarding the level of future Union support provided.

**Disciplinary Matters**

The remainder of my work has been in assisting members with grievance complaints, bullying, disciplinary processes, unfair dismissal claims and a wide range of other enquiries.

## Industrial Report – Tracey Ellis

*Organiser (Brisbane)*

### **Entrada Group**

The *Spirit of Freedom* time and motion study has shown that the hours of work masters and mates are expected to work is more than what is currently being paid for. AMOU and MUA members expressed their concerns about this to management in a meeting on 20 January. The company was able to cut out the extra hours on the other vessels so we hope that it will end up being the case for the *Spirit of Freedom*. Entrada is looking into the issue and will call another EA meeting soon.

### **Smit Lamnalco**

#### Gladstone

Dean Lloyd has resigned as AMOU delegate and Mark Robinson has taken on the role. Welcome to Mark and thank you to Dean for all of the time and effort he put into the role. It is appreciated by all.

The delegates will be meeting with the company in the next week or two to try and resolve some of the issues that have been raised over the last few months. We also need to start thinking about the upcoming EBA negotiations and our log of claims. I'll be in Gladstone sometime in the next few weeks to meet with members, and the company if there are any outstanding issues after the delegate's initial discussions.

The Fair Work Commission is yet to issue its decision about the GMDSS dispute or the rosters dispute.

After the unions found out that the company intended to send the *SL Quoin Island* to PNG for dry dock using a contractor who was paying and crewing less than the EBA, the AMOU, AIMPE and the MUA lodged an urgent dispute with the Fair Work Commission. It was the Commission's preliminary view that Smit Lamnalco can do this because neither the EA nor the Marine Towing Award covers international voyages.

#### Townsville

AMSA and Worksafe are currently investigating the company's handling of PFAS firefighting foam. The foam was confirmed to be PFAS and one employee has already tested positive for the same chemical compounds. The AMOU urges anyone who has transferred firefighting foam to get in touch with HR to be tested.

The AMOU is currently pressing the company for their intentions around maintenance and Uni Lever training when the *SL Cook* comes to Townsville to relieve a tug going to dry dock.

### **Australian Reef Pilots**

The AMOU put the log of claims to ARP last month. The company agreed to review the document and get back to us in due course. Since I had not heard back from ARP, I proposed the first meeting be held in the week of the 28<sup>th</sup> January. ARP seem keen to meet and, at the time of writing this, are looking at whether those dates will work.

**Svitzer Cairns**

The three unions and Svitzer agreed on a new set of rosters and the outstanding items in the POPs have been resolved. The POPs document was signed by all parties on 23 January.

**Svitzer Darwin**

The enterprise agreement has been approved by the Fair Work Commission. Thank you to the delegates, Dave and Simon, for all of the work they put into getting an agreement.

**Pro Dive**

The company has provided employees with an agreement that they think meets the Better Off Overall Test under the Recreational Diving Award. Since we are still waiting for Fair Work Commission to decide on our hours of work, and whether the masters come under the Marine Tourism Award, the members have decided to wait for the FWC outcome before signing an agreement. It is unclear whether the meeting on 28 January will go ahead while we wait for the Fair Work Commission to make their decision.

**Brisbane Ferries**

I met with Transdev, the Consultative Committee and the MUA to discuss issues including internal recruitment, the camera at Hawthorne, fatigue, dogs on ferries, the minors travelling alone policy and the lack of fire exits at Hawthorne. Brisbane Ferries members can find more information in the email I sent on 20 January.

Transdev has agreed to pay the relevant penalty rates when completing training. Let me know if you have not been paid correctly for previous training and I will follow it up.

The Fair Work Commission has agreed with the AMOU's request to keep our dispute with Transdev open until the company can fix the issue of the payslip not showing payroll corrections. The company has until the end of January to fix it.

**Bay Island Transit Systems - Sealink**

I've been in touch with the new manager of BITS in the hopes of resuming the EBA negotiations. Sealink is still waiting on the proposed timetable from Translink. Once this happens, the company will be in a position to meet.

**P&O *Wunma* and *Aburri***

The officers and engineers have agreed in principle to the company's offer which included paying for travel, full backpay and a 10.5% pay increase over the life of the agreement. We were waiting for the HR manager to return from leave to finalise the document. Upon his return, he said he hopes to get the draft to us by the end of January for our feedback.

The HR manager is also finalising an offer for the officers onboard the *Wunma* and hopes to get it to us by the end of January.



**Seaswift.**

Seaswift has still not agreed to come back to the table to finalise the EA. The three unions will continue to push for this to happen. I'll let members know as soon as negotiations have resumed.

I will be in Cairns in the coming weeks. Any members who'd like to meet, please let me know. I will be in touch with the officers whom I have already spoken to about a union visit.

**Dredging**

The Gladstone Dredging project that aims to widen the Clinton Channel is set to kick off in March and end around September 2020. Hall Contracting won the contract and it looks like Bhagwan will handle the marine crew, if all goes according to plan. I have already begun petitioning the companies to employ local AMOU members. If you live in, or very near Gladstone, have a Master IV, GMDSS and preferably a MED I please send your resume and a cover letter to me at [tracey@amou.com.au](mailto:tracey@amou.com.au). If I already have your resume, you just need to send me an updated cover letter.

**Coral Knight**

I wrote to Teekay and AMSA with a list of reasons why reducing the number of engineers onboard the *Coral Knight* will severely impact the vessel's ability to provide effective and safe First Strike Capability and increase the risk of pollution in the Great Barrier Reef.

AMSA has stated that they will take this information into consideration when doing the risk assessment to decide whether to reduce the crews. The initial plan was to start a 4-month trial of reduced crewing on 31 January. At the time of writing this, I have not heard whether it has been confirmed to start.

**Other matters**

I've noticed that some members are paying very low AMOU membership fees compared to their colleagues doing the same job for the same company. I understand some of this is due to personal circumstances (e.g. part-time, less overtime etc.) but I know of some instances where this is not the case. Other than it not being fair, it prevents the AMOU from using the funds to help in other areas like the diving industry, which is notorious for paying below the acceptable standard and could benefit from a stronger union presence.

If you haven't checked your fees for a while, please have a look below and see if you are on the correct band. The amount you pay is based on your gross income and not your minimum base rate. If you need to change it, you can email [liz@amou.com.au](mailto:liz@amou.com.au).

BAND	SALARY RANGE	ANNUAL FEE (ALL MEMBERS)	MONTHLY FEE (ALL MEMBERS)	FORTNIGHTLY FEE (ALL MEMBERS)	**WEEKLY FEE (**PRD MEMBERS)
A	N/A	\$115.00	N/A	N/A	N/A
B	\$0 – \$49,999	\$330.00	\$28.40	\$13.55	\$6.75
C	\$50,000 – \$69,999	\$680.00	\$57.20	\$26.60	\$13.30
D	\$70,000 - \$89,999	\$900.00	\$75.55	\$35.00	\$17.50
E	\$90,000 – \$109,999	\$1,120.00	\$93.90	\$43.50	\$21.75
F	\$110,000 – \$129,999	\$1,340.00	\$112.20	\$51.95	\$25.95
G	\$130,000 – \$149,999	\$1,560.00	\$130.55	\$60.50	\$30.15

H	\$150,000 – \$169,999	\$1,780.00	\$148.90	\$68.90	\$34.45
I	\$170,000 – \$189,999	\$2,000.00	\$167.20	\$77.35	\$38.65
J	\$190,000 – \$209,999	\$2,220.00	\$185.55	\$85.80	\$42.90
K	\$210,000 – \$229,000	\$2,440.00	\$204.25	\$94.30	\$47.15
L	\$230,000 +	\$2,680.00	\$225.00	\$105.00	\$52.50

