

12/2/4 Blue Water Report 2023

Blue Water Report

Federal Council 2023



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Membership Summary

The membership in the Blue Water sector has increased over the last 12 months, returning to the pre-covid level, with an increase of 29 members. There has been an increase in the number of vessels in the sector with the Reliant being operated by Teekay and a new Bunker Barge, the *Champion 63* is operating in Brisbane. The return of Cruise vessels has generated more work generally for Bunker Barges. The *Nuyina* has experienced a number of problems and spent most of the previous 12 months in Singapore undergoing repairs and rectification work, generating additional demand for Engineers ETO's in particular. We continue to push for an additional deck engineer and a science ETO to compliment the crew as identified in the AIMPE Inspection. Serco have come to a similar realisation and have commissioned an independent manning review of the vessel. Ideally, we will end up with a Chief and 5 Engineers plus 3 ETO's, a deck engineer and possibly even a science ETO. The major areas of membership continue to be the Bass Strait, the Gas carriers, the Gladstone RTM bauxite carriers and Government contract and research vessels. New vessels are due to enter service in the next 12 months including the *Newcastle Bay II* for Seaswift, Spirit of Tasmania IV and V for TT Line and Searoad's new LNG powered vessel, *Searoad I*. The *Newcastle Bay II* was going to be a replacement vessel but is now going to be an additional ship for Seaswift, as they expand their fleet and enter a fleet renewal program. Potential areas for growth exist in the niche Cruise Vessel industry. Coral Expeditions will have their Zombie Agreement terminated in December. They continue to create competition in the North for Engineers. Seaswift is another area for membership growth. Both these companies require regular visits to bolster the work that has been done to keep recruiting and chasing members. The Aquaculture industry is also set for growth. Currently there are 3 vessels working on the Huon River and this is set to grow to 5, possibly during the life of the next Enterprise Agreement. Also, the great sleeper is the new Federal Governments Strategic Fleet. Training and recruitment to the sector needs to be the highest priority if this is going to be a successful Government policy.



Industry Overview

The Australian shipping industry has emerged from the Covid period facing new challenges and opportunities. The immediate challenges are the skills shortage and general labour supply. That period, pre Covid, when companies reduced training new entrants and upskilling existing Engineers is now resulting in shortages. The ALP Federal Government's policy for a Strategic Fleet is designed to address the decline of Australian flagged ships and boost the number of jobs in the sector. For this to be achieved training needs to be the first priority before any new ships appear on the horizon. The most obvious vessels where the Government could make a real difference immediately is on the Government sponsored vessels *Investigator* and *Nuyina*. The issue on the *Investigator* has been cabin space and funding. The issue on the *Nuyina* is that Serco want the extra hands on-board but won't sponsor the college time. The Government could also sponsor training on the Teekay Government contract vessels. Inco Ships are currently in discussions with Adelaide Brighton Cement to fund a Trainee and Seaswift have access to Qld Government funding for training. Strait Link (formerly Toll Shipping) should continue to be commended for agreeing to an extra trainee above and beyond their training commitment. It would greatly assist if other shipping companies were as proactive in the training space as Strait Link. Searoad Shipping continue to take on cadets/trainees. The new *Spirit of Tasmania* vessels will include cabin spaces for training spots and discussions with ASP continue with regards to increasing the number of training opportunities throughout their fleet.

An emerging issue that I believe has good opportunities to organise and agitate around is the state of internet and communications on vessels. Companies will often pay lip service to wanting to improve the issue but continue to rely on old technologies with limited coverage and narrow bandwidths. Members today want the ability to be able to stay in touch with home and utilise video calls and zoom to do so as well as use streaming services. Starlink is a satellite internet system owned by SpaceX that delivers high-speed internet across the globe at speeds similar to NBN 100. It provides a global maritime coverage service that will improve the lot of seafarers.

It is worth noting that use of Survey Monkey has been a useful tool for engaging with members on many issues. I have found that the Survey Monkey method produces a much greater response rate than just relying on emails. I have used it extensively on dispute matters and consideration of Company offers, to elect EA Committees and to survey and settle Logs of Claim issues.

Seacare

The Seacare scheme is under threat because the private Insurers, Vero, Allianz, Liberty, CGU & QBE are exiting the market and not offering any more Seacare policy renewals. In response to this situation the 3 maritime unions have been working with EML to construct a new insurance model – where EML would write Seacare Insurance policies.

The core elements of the proposal are:

- (1) Sole provider model – EML
- (2) Removal of exemptions (or pathway for removal of exemptions) where appropriate
- (3) Commonwealth support

In relation to Commonwealth support, the proposal is for the initial start-up costs to be funded effectively through a grant by the Commonwealth. There is an option for the funding of these costs to be incorporated into the overall cost of the premium and recovered over the life of the scheme. Our proposal was designed to lower the cost impact to employers, but we equally appreciate the need to balance this with the Commonwealth's fiscal appetite.

Commonwealth support is also required to establish the Exceptional Claims Scheme for Seafarers (ECSS), for risk management support of claims >\$500K. This is the backstop which would be required for 5 years so that EML don't get blown out of the water early if there were large claims and to enable EML to gather enough data to properly assess the claims risk profile and therefore set appropriate rates. This backstop is critical for this type of program and without it the proposed scheme would not be able to proceed.

The sole provider model and removal of exemptions are necessary elements to ensure the scheme would have the necessary scale and address the issue of fragmentation. The current market structure of multiple insurers writing between \$1M and \$6M of premium each is commercially unviable. The combination of a sole provider model and removal of exemptions would create a scheme with \$20-30M of premium and the capacity to be commercially viable.

It was hoped that a new industry scheme and support for it could be set up without legislation. However, Minister Tony Burke's office has received advice from the Solicitor General that this can't be funded for constitutional reasons. The advice (which they have not shared) says the *Financial Framework (Supplementary Powers) Act* can't be used to override an existing piece of legislation. EML, say they need the risk management measure to get APRA approval, and that the usual private market re-insurers won't issue them reinsurance for Seacare. The proposed risk management measure, the Exceptional Claims Scheme for Seafarers (ECSS), which would have had the government pay claims over \$500,000 for 5 years at the cost of roughly \$1.7 million per year (but could blow out if a large claim).

Essentially, the Seafarers Act sets up a scheme that the Commonwealth doesn't spend money on, so they can't change that intent with a regulation, only by legislation.

Minister Burke has not ruled out any funding in the future, but wanted to explore any other measures first, and clearly wants to limit the amount as much as possible and make industry pay the cost rather than government. He has also said it would have to be a part of the MYEFO process starting in about Sept 2023, and the 2024 federal budget.

Minister Burke's short-medium term proposal is to lift the Howard-era exemptions to create a larger market, and to see if this tempts any of the insurers to stay in the market for longer. He has tasked DEWR officials away to look at implementation of that proposal.

Current Enterprise Agreements

ASP

- **ASP Ship Management RTM Officers Enterprise Agreement 2021**

Expires: 31 July 2025

Applies to: RTM *Wakmatha*; RTM *Piiramu*; RTM *Weipa*, RTM *Twarra*

Wage increases: 2% or CPI per annum

Superannuation Dispute

The issue arose due to a crew planner applying his own interpretation of the new EA. While it was clear that the extra 0.5% Superannuation increases applied from 1 July 2021 and 2022, he determined that employees needed to write to him and elect to have the increase paid as Superannuation. ASP sought Legal Advice which vindicated my interpretation of the Clause. This was no surprise as the same lawyers were also involved in the design and drafting of the clause and therefore understood the intent. ASP wrote to AIMPE and the AMOU on 3 March indicating how they would fix the shortfall in contributions. This involves 3 steps:

- (a) As of the pay period ending 25 March 2023 the contribution would be the 15.5%
- (b) The 0.5% shortfall in respect of the period 1 July 2021 and 30 June 2022 would be paid by 5 May 2023
- (c) The 1% shortfall in respect of the period 1 July 2022 and 25 March 2023 will be paid in January 2024.

Whilst members were generally appreciative of the offer there were still some gripes that members had to wait until 2024 for Superannuation earned during 2022/23. As a result, I lodged a dispute in the FWC seeking the FWC to determine the reasonableness of the ASP proposal. Following the filing of the Dispute Application in FWC, ASP quickly responded that they could alter the proposal and bring forward the January 2024 shortfall payment to July 2023. They were not prepared to make any payments for loss of interest as they considered this was not reasonable given that the Super Funds had returned

negative earnings in 2022 and were tracking towards negative returns for 2023. I put the new offer to the membership via a Survey Monkey Ballot and the response was a large majority voting “YES” to accepting the offer and withdrawing the FWC Dispute. On that basis the matter was settled and a Terms of Settlement Arrangement signed so as to capture the agreed terms in writing and filed with the FWC.

Camera Dispute

This dispute originated when ASP sent an email to the vessels on 5 January advising that Rio Tinto had requested ASP to install cameras on the RTM vessels in the laundry access area and the Gymnasium. I immediately requested all RTM members hold onboard meetings to discuss the situation and forward to me resolutions carried at those meetings. Unsurprisingly everybody is very anti the cameras being installed. There was concern that this will lead to other cameras being installed in mess rooms, lounges and bars, and could even lead to them being placed in workspaces such as ECR's and Engine Rooms. ASP was advised that the installation of the cameras was rejected. ASP advised Rio Tinto of this rejection and the proposal was withdrawn.

Internet Access

I engaged with members on the ASP RTM vessels by seeking a status report from each vessel on whether ASP had made any progress on their EA commitment to improve internet connections and supply streaming services. Each vessel reported back that nothing had changed. I then raised the issue with ASP and sought to utilise the review mechanisms in the EA to challenge them as to what was being done and present a solution to them. The urgency of the matter was highlighted when the RTM *Piiramu* was released from Dry Dock in China and about to set sail for Australia when the prevailing satellite system onboard failed. During the discussions to resolve that immediate issue ASP committed to installing Starlink on each of the 4 vessels. It was my intention to use this issue as an organising tool to have members engage more on the issue and hold onboard meetings. The immediate dispute on the *Piiramu* had the effect of bringing the issue to a head and has resulted in the desired outcome, but perhaps a little earlier and easier than planned.

- **ASP SHIP MANAGEMENT/ TT-LINE FLEET Officers Enterprise Agreement 2021**

Expires: 31 July 2024

Applies to: *Spirit of Tasmania I & II* + new Builds *Spirit of Tasmania I & II* in 2024

Wage increases: 4.05% for 2021 & 2022, 4% for 2023

The EA negotiations for the TT Line vessels were finally concluded after Delegates and members agreed that enough time had elapsed and that the new ASP Management had had sufficient time to confer with TT Line in relation to the EA and the outstanding

issues. As a result, a PABO Application was lodged so as to move the negotiations forward. Following the lodgment of the PABO Application, ASP made a new Offer in November, which was agreed to in principle. The drafting of the new Agreement took several meetings and 6 drafts till it was all ironed out with the RTM Superannuation dispute going on in the background and our determination that the same issue not be repeated.

Transferability Issue

During the EA negotiations for the ASP TT Line Officers EA, the new ASP management remarked that TT Line want ASP to transfer Engineers around the fleet. This has been raised previously but always because ASP liked to hold transfer from the SPOT's to the RTM ships as akin to a demotion with a consequent loss of pay and it was always an offhanded comment. But the new management were saying there is pressure from TT Line. Maybe this was TT Lines response to the PABO application. Despite the existence of Clause 47.2 in the Agreement, which states that All Officers will be fully transferable, many members have differing views as to the meaning of the clause, whether it is only for short term transfers, what it means for wages, and the operation of Clause 7.4 of the Consultation and Major Change Clause requiring Consultation on the need to relocate employees to another workplace. Arising from the FEX resolution to seek Legal Advice on the issue, the advice was that employees cannot be transferred to vessels not covered by the TT Line Officers EA. They can only be transferred between the SPOT's or their replacements. The advice is that the words *be able to be transferred to any vessel within the ASP fleet, including vessels not covered by the agreement* is an unlawful within the meaning of section 194(ba) of the *Fair Work Act*. This placed a different interpretation on the Clause from the already differing views and the issue of Consultation does not arise. Members were very satisfied and appreciative of AIMPE obtaining this advice.

Vessel Replacement Program

The vessel replacement program continues with Finnish Shipbuilder Rauma Marine Constructions (RMC) constructing two new vessels. AIMPE have 4 members currently overseeing the construction of the vessels. The new target date for the delivery of the two new vessels is the second half of 2024.

Geelong Relocation

The planned operational move from Station Pier in the Port of Melbourne to Corio Quay in Geelong occurred in October 2022 when TT Line opened the new \$135 million purpose-built terminal in Geelong in October. The new terminal at Spirit of Tasmania Quay in North Geelong is a 12-hectare site with a vehicle marshalling area for 600 cars and caravans and 150 truck parking bays.

- **ASP Ship Management/RV Investigator Officers Enterprise Agreement 2021**

Expires: 31 July 2024

Applies to: *RSV Investigator*

Wage increases: 2% or CPI per annum

The Investigator EA negotiations were concluded at the end of 2022. The outcome was a 4-year Agreement expiring 31 July 2024 with wage increases being 3.8% for 2021 and 6.1% for 2022. The 2023 & 2024 increase is CPI with a minimum of 2%. They will also receive 0.5%pa Superannuation increase each year. Members have the same option for the Superannuation increase to be available as an annual allowance as per the RTM vessels. Agreement was also been reached on the Southern Allowance of \$75 per day when the vessel heads South and this will increase by CPI each year. The voyage scheduling issues were also addressed and agreed. The major issue was the nominal swing lengths and Overcycle. Agreement was reached on Overcycle at 15% after 60 days. In relation to the Swing Lengths ASP and CSIRO would not budge from the existing 35 – 67 Day duration but accepted the words “Crew changes will occur at the first opportunity as close to 42 days as operationally possible.” The long swings only occur once per year when they go South and receive the Southern Allowance. With the exception of that voyage the average swing length should be around 42 Days.

- **ASP Ship Management Gladstone Bunkering Facility Agreement 2021**

Expires: 21 August 2025

Applies to: *MV Larcom*

Wage increases: 2% or CPI per annum

The Larcom EA was finalised in January 2023. The wage outcome was 2% or CPI for 4 years + 0.5% annual increases in Superannuation plus the introduction of the \$2000 annual bonus as well as a \$2000 Sign on Bonus. The Agreement provides for higher qualifications – Class 3 for the Engineer than the Safe Manning Certificate of MED 1. Some of the Deck Officers, 1 Chief Engineer and the MUA wanted to reduce the Qualifications to the Safe Manning Certificate. This was so that their friend, an IR with a MED 1 could stand in as Engineer when required. This has been a dispute with ASP and ASP agreed with us. ASP agreed to my proposals to strengthen the Agreement by including a minimum qualifications clause and repeating it in the Casual employment clause as well. Previously this was only in the Definitions Clause. The MUA tried it on again during the drafting of the Agreement, but I indicated to ASP and the MUA that the Agreement would not be supported or signed without the new clauses.

- **ASP Ship Management AIMPE Fremantle Bunkering Facility Agreement 2022**

Expires: 30 June 2025

Applies to: *MT Absolute*

Wage increases: 2022 6.1%, 2023 7.8% 2024 & 2025 2% or CPI

The negotiations for the *ASP Ship Management Fremantle Bunkering Facility Officers Agreement 2022*, the *ASP Absolute EA* were successfully concluded. The major issue for this Agreement was to increase the low wages, particularly for the Engineer, contained within the original Greenfields Agreement of 2020. To do so required a PABO Application as ASP were not prepared to provide any uplifts. Once the PABO Application was lodged and the FWC Order was made, ASP quickly made a revised offer. After further discussions this was improved further resulting in an uplift to the Engineers wage of \$15,000. The increase for 2022 was agreed to as 6.1% from April 2021 and further it was agreed that for ongoing increases the CPI would be taken as at 30 January each year and applied in April. Therefore the 2023 increase is 7.8%. The wages are now in virtually in line with the other vessel operated by ASP for the same client, BP. In addition to the Wage increase an annual bonus of \$2000 will apply plus 0.5% increase in Superannuation each year. A \$2500 Amenities Allowance for Engineers/Officers separate to the MUA's Amenities Allowance will also now apply.

- **Champion 63**

ASP won a contract to provide Bunkering Services for BP in Brisbane. The new vessel, *Champion 63*, arrived in Brisbane in February 2023. ASP commenced operating the vessel on individual contracts as a temporary arrangement for 6 months until they know more about volumes etc. Initially the vessel was due to operate as 5 days a week operation on an hours & overtime basis for 1 crew, similar to how the *Anatoma* operated but recent reports indicate that it is working more than that. ASP have committed to negotiating an Enterprise Agreement for this vessel. It is their hope that with the Cruise vessels there will be enough demand for a 7 Day Operation requiring 2 crews.

Searoad Shipping

- **AIMPE / Searoad Shipping Engineers Officers Enterprise Agreement 2018**

Expired: 30 June 2022

Applies to: *Searoad Mersey II*, *Searoad Likuit* & *Searoad I*

Current offer: 2022 3% & 2023 5% 2024 & 2025 4%pa

Negotiations for a new Agreement are close to being finalised. As a new vessel will be deployed in 2024 members are seeking a 2-year Agreement. Searoad's offers commenced at 3% per annum but their most recent revised offer of 3% for 2022 and 5% for 2023 is acceptable on the basis that it only be for 2 years only. AIMPE organised an internal vote via Survey Monkey to consider that offer. The result of that Ballot was that a majority of members are prepared to accept the offer if it is for 2 years. A large majority rejected SeaRoad's 4-year offer. When this result was conveyed to Searoad it was accepted, however Searoad have now written to AIMPE wanting to explore a 3- or 4-year option. Given the strong result in the internal ballot it is unlikely that there is any appetite for any Agreement longer than 2 years but Delegates and EA Representatives will meet in early June to give it due consideration.

Construction commenced for the *Searoad I*, which will replace the temporary vessel *Searoad Likuit*, in the German shipbuilding yard Flensburger Schiffbau-Gesellschaft. Delivery of the vessel is due at the end of the second quarter 2024. It will be larger than the existing *Searoad Mersey II* at 210 meters long. Like the *Searoad Mersey II* it will be a LNG powered vessel but not with interchangeable gas tanks. The cost of the project is €100 million.

Strait Link (formerly Toll Shipping)

- **Toll Shipping / AIMPE Enterprise Agreement 2020**

Expired: 30 June 2022

Applies to: *MV Tasmanian Achiever II* and *MV Victorian Reliance II*.

Current offer: 5% per annum

As reported to the last Federal Council Japan Post sold the Toll Global Express division to Allegro. Allegro have since split the division into its sub parts and now the shipping division has been further separated and spun off. It is now known as Strait Link.

Negotiations for the new Enterprise Agreement have been protracted due to an unsettled claim for additional Leave. Members from the outset of negotiations have been seeking the same Leave Ratio that applies on the Spirit of Tasmania vessels, ie 1:1.166. Currently the Leave Ratio is 1:1.07. The additional leave would equate to an additional 15 days per annum. Strait Link in their latest offer are prepared to accept the additional leave but want

the Employees to fund it via a reduction in salary. This would be approximately \$8000 per year. At this stage the current offer, while lacking some detail, is unacceptable to the members. The new offer only arose due to the application for a PABO and the subsequent ballot for protected action. Members are determined to pursue their claim for additional leave and likely to take Protected Action in June.

The new Enterprise Agreement will incorporate the elements that were agreed last year and put into a Deed before the sale. That means that the agreed extra Engineer will become a permanent addition to the manning compliment. The new Enterprise Agreement will also incorporate the outcome of the dispute in relation to a MAN Engine Training course. A number of Engineers, had been required to attend the training course during their rostered-on period which would have resulted in a leave deficit at the end of their swing. The company agreed to credit the members the disputed Leave days and incorporate “*Where an officer is required to attend training whilst on articles such days will be regarded as days on the ship for the purposes of Leave*” into the EA.

SERCO

- **Nuyina Officers and Engineers Enterprise Agreement 2020**

Expires: 6 January 2024

Applies to: *RSV Nuyina*

The RSV *Nuyina* has spent a considerable amount of time in Singapore undergoing repairs to clutch system. At the Joint Consultative meeting with the AMOU and MUA in March Serco confirmed that a CPI wage increase of 7.8% would be paid as of 6 February. Serco also informed the meeting that there would be no further Covid quarantine periods but that they would follow the ATAGI guidelines for future RAT & PCR tests. It is yet unknown whether the AAD will enforce the second booster and the effect of that on Polar medicals. Serco intend to issue the NERR in June 2023 and convene the first EA meeting in the first week of July. As this will fall during a 40 day lay up period it is hoped that a second meeting will also occur before August. The aim is to have the new Agreement finalised by 1 January 2024. The meeting was further informed that an independent review of the crewing and manning model is being performed by OSM. The Engineering department has submitted to that review the urgent need for more resources including an additional Engineer and an additional ETO. Discussions also took place on issues including the internet and infotainment currently offered on board including the possibility of a Star Link connection. The Star Link system is not yet great down South but could be viable in the future. Problems with the soundproofing in some cabins remain an issue and Serco have agreed to deal with this via the OH&S process. A further OH&S issue was identified in relation to mould occurring in some areas which requires ongoing safety observations. The mould started while the vessel was in Singapore and may die naturally when the vessel gets to Antarctica. A claim has also been raised for an allowance to be paid in compensation for the lost ice allowance that resulted

from missing the 2022/23 ice season. Serco are yet to respond to that Claim with an offer but have acknowledged that an offer will be made. During the 2023 off season the vessel will be doing an ice shake down – its formal ice trial and 2 science voyages as well as completing the Tasman Bridge trials. Until it gains a clearance to pass under the Tasman Bridge the vessel travels to Burnie for Bunkers.

P&O Maritime

- **Carpentaria Management Services Pty Ltd AMOU and AIMPE Enterprise Agreement 2018**

Expires: 10 August 2024

Applies to: *MV Aburri*

Membership on the *Aburri* in Bing Bong, NT, remains strong. The current EA is due to expire in 2024 during the Dry-Docking period, and does not contain a wage increase for 2023. Members are keen to lock in a wage increase for 2023 but if one cannot be agreed then they will pursue it in 2024. Due to the Dry dock negotiations for a new Agreement may commence prior to its nominal expiry. P&O want to complete the Wunma Agreement first. There are a number of issues with the agreement including flights, amenities, victualling, internet and data connections that need addressing within the Agreement plus some safety conditions around the Bing Bong camp site such as lighting and general facilities that need some attention. The site would be another good candidate for the Star Link connection.

- **P&O Maritime Services Pty Ltd Wunma Enterprise Agreement 2018**

Expires: 3 August 2023

Applies to: *MV Wunma*

Membership is fluid on this vessel. We currently have one member working on the vessel. Negotiations for the new EA have commenced, and are being done via Zoom meetings at this stage.

INCO Ships

- **Inco Ships Pty Ltd – Officer Collective Agreement 2021**

Expires: 1 June 2025

Applies to: *ICS Allegiance*

The *Inco Ships Pty Ltd – Officer Collective Agreement 2021 for ICS Allegiance* Enterprise was renegotiated during the Covid period in 2021 when Viva were demanding cuts in costs across all their contractors including Inco. Inco, under pressure from Viva to keep the work proposed a 10% wage cut and eliminated the productivity bonus which was based on volumes that can't be achieved without the cruise ships. The view from members at the time was that they didn't have much choice if they wanted to keep the Viva work. The Agreement contained CPI increases and as a result of the 7.8% increase in January plus the 2022 increase they have now caught up and passed the rates they were being paid in 2021 when they took the wage cut.

- **Accolade II**

Negotiations towards a new Agreement for the *Accolade II* continue and are close to being finalised. A PABO was required to push the negotiations along and an application for a further 30 day period in which to take action has been granted. All the Engineers on board are now AIMPE members. AIMPE supplied Inco with a comprehensive Log of Claims and this formed the basis of discussions. The new wages have been agreed. There is an initial uplift plus 4% increases per annum. The Agreement also contains a sign on bonus of between \$17,000 and \$20,000. Inco have been supportive of the training claims, however, arrangements for Gas training courses at AMC continue to be an issue for the industry. Discussions between AIMPE, Inco & Adelaide Brighton Cement re the placement of a Cadet on board are ongoing as part of the EA. The new Agreement will be much more in line with comparable maritime Agreements.

Sea Swift

- **Sea Swift Pty Ltd Employee Enterprise Agreement 2023**

Expires: 4 years after Date of FWC Approval

Applies to: *Trinity Bay, Albatross Bay, Biquele Bay, Malu Titan, Fourcroy, Malu Trojan, Territorian, Arnhem Trader, Tiwi Islander, Coral Bay, Malu Explorer + Newcastle Bay II*

As reported to last year's Federal Council an issue arose with the Sea Swift EA during the previous 7-day access period, some 12 months ago, when it was discovered that Sea Swift had removed the previous provision of 10 Days Personal Leave and wanted to rely on the

Seagoing Awards inclusion of Personal Leave within the Leave calculation. As a result of this AIMPE recommended a No vote on the pending EA Ballot. Further AIMPE raised a Bargaining Dispute at the FWC which resulted in Sea Swift suspending the Ballot pending further discussions and reconsideration. It has taken some 12 months but Sea Swift finally re-engaged with the Bargaining and released a new proposal which reinstates the Sick Leave, so this is a good outcome. However, the new proposal has changed the wage increases which were going to be the % that the FWC increased Awards by at the Annual Wage Review to now being 4% for 2023, 2.5% per annum for 2024, 2025 & 2026. Following the AIMPE visits to Seaswift vessels in early May, to discuss the proposal with members and AIMPE's feedback to Seaswift, AIMPE secured an improvement to Compassionate Leave and a guarantee that everybody would gain at least \$2500 from the cargo handling allowance even with it being rolled into the salary. Another phone hook-up with the Sea Swift CEO was held where he told us that if the EA gets voted down then it's all off the table, everyone will be going back to the Award at the end of the year, because with the new Federal Legislation, old expired Agreements known as ZOMBIE agreements are being terminated by the Government's changes. The 2009 Sea Swift Collective Agreement is one of thousands of such Agreements that will be terminated and is on the FWC's list. Sea Swift's strategy is to either get this proposal over the line or abandon bargaining and rely on the minimum Awards. Returning to the Awards and effectively having a pay freeze for many is not a palatable outcome. Were this to happen then Employees would be back on the existing Awards, but maintaining their current rates of pay. While the Award rates will increase each year, many AIMPE members at Sea Swift would not see an increase until the Award overtook their current salary. For some on the minimum it wouldn't take too long but for others it would take many years for the Awards to catch up and therefore there would be no pay increase for many years. There are some that stand to gain a benefit from the proposed Agreement with the parity to NT Wages and the Cargo Handling Allowance and the improvements for the Towage area and securing the Sick Leave and Compassionate leave as separate conditions to the general 1:1 leave provision, all of which are above Award conditions and could be in jeopardy in any return to Awards. Travel and Flights are also secured in the proposed Agreement. The Agreement is due to be voted on in early June.

Aquaculture –

Ronja Huon and MV Ronja Storm Multi-Enterprise Agreement 2019.

Applies to: *Ronja Huon, Ronja Storm & applied on Aqua Spa*

There has been a lot of changes in the Aquaculture industry effecting AIMPE members in the last 12 months. Tasmania's three salmon producers are now all foreign-owned with Tassal being bought by Canadian seafood giant Cooke, Huon Aquaculture being acquired by Brazilian meat giant JBS, and Petuna now owned by New Zealand's Sealord. The 2019 EA

was negotiated with Huon Aquaculture with Solvtrans as a party to the Agreement. Solvtrans owned, operated and crewed the vessels and were the principal employer of our members. In December 2022 the employees on the Ronja Huon and Ronja Storm from Solvtrans were transferred to OSM as the new managers of the vessels. Solvtrans, separately acquired the Tassal vessel *Aqua Spa* and have now transferred management of that vessel to OSM. Solvtrans are also designing and building a second vessel for Tassal as well as a vessel for Petuna. OSM confirmed that the Enterprise Agreement remains as is and that they will be the employer party for the new EA which is due to be negotiated in 2023. As part of the transfer OSM agreed to maintain the existing rates of pay which have all gone above and beyond the EA rates of pay. Now that Solvtrans charter the 3 ships used in the Aquaculture industry, and with 2 more in the wings, OSM have raised the possibility of one Agreement that covers all vessels. That would mean the Aqua Spa would also be covered. Members on the three vessels are not opposed to this course.

CSL Australia

Transshipment

CSL Australia – Western Australia Transshipment Operations Enterprise Agreement 2022

Applies to: *Donnacona*

One of the achievements for 2022-23 was the approval of a new Enterprise Agreement for the CSL transhipper Donnacona. The CSL WA Transshipment Agreement 2022 has been approved by the Fair Work Commission after several earlier proposed Agreements were knocked back by the AIMPE and AMOU members on board the Donnacona.

Members employed by CSL accepted the final offer of the company which included a move in the base rate for Watchkeepers to \$125,000 and for ETOs to \$130,000 with increases on top of:

- 6.25%
- 4% or CPI [whichever is higher]
- 3% or CPI [whichever is higher]
- 3%

In addition, the new Agreement specified that the \$18,000 Transshipment Allowance starts from the beginning and is on top of base salaries. Also, a \$5,000 sign-on bonus applied.

The new Enterprise Agreement was submitted on 16th September to the Fair Work Commission for approval. All meetings in this bargaining process were conducted using videoconferencing.

CSL have advised that they have tendered for opportunities and expect to bring at least one more transhipper on to the WA coast in the near future. This opens the door for the possibility of more transshipment vessels commencing operations in West Australia. CSL have tendered for other transshipment contracts which would require additional tonnage to service.

The *CSL Australia – Western Australia Transshipment Operations Enterprise Agreement 2022* was approved on 12th October and commenced to operate from 19 October 2022. The nominal expiry date of the Agreement is 12 October 2026.

Dry Cargo

Applies to: *Goliath*

Meetings have been held with CSL to discuss the new EA for the Goliath commencing in December 2022. A joint AIMPE/AMOU log of claims was served on the company seeking to bring the pay structure of the vessel more into line with the rest of the Australian maritime industry. Goliath rates are well behind the norm.

CSL confirmed that they had reached a settlement with the CFMMEU/MUA over the ratings Agreement including **pay increases** of:

- 1st increase 01 07 22, CPI June quarter 6.1%
- 2nd increase 01 07 23 CPI June
- 3rd increase 01 07 24 3%
- 4th increase 01 07 25 3%.

During the March meeting AIMPE and AMOU reminded CSL of the uplift of the 3Es & 3Os on the Donnacona to 2E & 2O rates. The response was not dismissive. It appears that CSL understand that the rates for those ranks on Goliath are low.

The new Agreement for Goliath has not yet been concluded.

Teekay Shipping

- *Teekay Shipping (Australia) Pty Ltd AIMPE Engineer Officers MATV Sycamore Agreement 2021*
- *Teekay Marine Resources Pty Ltd AIMPE Engineer Officers Ocean Protector Agreement 2021*
- *Teekay AIMPE Coral Knight Agreement 2022*
- *Teekay Shipping (Australia) Pty Ltd AIMPE Engineer Officers Besant Greenfields Agreement 2021*
- *Teekay Shipping (Australia) Pty Ltd AIMPE Engineer Officers Stoker Greenfields Agreement 2021*

Coral Knight PABO

The *Teekay AIMPE Coral Knight Agreement 2022* has been approved by the Fair Work Commission. This implements the settlement of the AIMPE dispute with Teekay over the Second Engineer position – which was won after protected action was taken by the AIMPE members on the Emergency Towage Vessel tasked with patrolling the Great Barrier Reef. Four separate notices of protected action were issued and a range of actions taken with the full support of the AIMPE members employed on Coral Knight. Notable was the strong

support from the other Departments on board the vessel and from both AMOU and MUA/CFMMEU.

Subsequently, Teekay advised that they had revised their position and agreed to reinstate the Second Engineer position on the vessel.

The Agreement was approved on 10th October and, in accordance with the Fair Work Act, commenced to operate from 17th October 2022. The nominal expiry date of the Agreement is 30 June 2024.

Ocean Protector crew change dispute

The long-running dispute with Teekay over the mid-week crew change dispute came to a head in late June 2022. AIMPE notified a dispute to the Fair Work Commission about the failure of the company to comply with the commitment in the Enterprise Agreement to conduct mid-week crew changes.

The Fair Work Commission was not able to assist in the end because Teekay refused to consent to have the matter arbitrated. The dispute clause in the Ocean Protector AIMPE EA says that arbitration has to be by the consent of both parties.

Reliant EA negotiations

The Reliant arrived in Australia in early August 2022 as the latest addition to the Defence Marine Support Services fleet following some brief discussions with Teekay about the terms and conditions to apply. The company wanted a Greenfield Agreement signed by AIMPE before the vessel arrived however AIMPE was concerned that there were already members on board who should have a say and a vote about their Agreement.

Subsequently, there have been many negotiations with Teekay to address the concerns and demands of AIMPE and AMOU members on the Reliant.

As a consequence of the actions of Teekay in the Ocean Protector dispute and the Besant, Stoker and Sycamore dispute, AIMPE served on Teekay a new demand that the Fair Work Model Disputes clause be included in the new Agreement – along with settlement of the other claims on the table.

This matter is ongoing.

Besant, Stoker and Sycamore vessel allowance dispute

Over an extended period of time since later 2021 members on the Sycamore, Besant and Stoker have been raising complaints about the issue of Teekay making allowance payments to the ratings on their vessels but not extending the payments to officers. This appears to be a

breach of the provisions of the Agreements which include a claims clause which requires the employer to extend additional payment to the officers.

AIMPE and AMOU have repeatedly raised these issues with Teekay only for Teekay to reject the claim. After many attempts to reason with Teekay, AIMPE & AMOU filed a dispute with the Fair Work Commission on 30th January 2023 seeking the assistance of the Commission to resolve this dispute. Once again, the Commission was unable to assist because of the refusal of Teekay to consent to arbitration of the issue. AIMPE & AMOU obtained legal advice about the options open to pursue Teekay for payment of the money owing and based on that advice have appointed a firm of lawyers to take legal action in pursuit of the money owing.

This matter is ongoing.

NWSSS Co / Trident LNG Tankers

- *Trident LNG Shipping Services Pty Ltd / AIMPE Seagoing Engineer Officers Gas Carrier Enterprise Agreement 2021*

Training and Upskilling

With the four LNG tankers due to be sold and withdrawn from service by end March 2024, the North West Shelf partners agree to fund a training and upskilling package for Trident employees who will be made redundant.

Most of the AIMPE members employed by Trident LNG on the North West Shelf tankers have applied to take advantage of the NWSSSCo \$22,000 training and upskilling package. The most popular course among AIMPE members is the DP maintenance course although there are a variety of other maritime and maritime related courses which have been identified by members to enhance their skills. 80% of the courses chosen are for maritime or maritime-related courses.

A number of members have chosen not to take up the offer as retirement is not too far away.

Employee start dates

Trident have commenced the process of consulting with all employees on the LNG tanker about their employment start dates. In some cases, this includes several different employers which have operated the ships over the 34 years since the North West Shelf Project LNG exports began.

For most members their start date is clear but in some cases there is disagreement. There are two main categories – Cadets/Trainees who were taken on then did some casual work on the LNG tankers before being made permanent; and casuals who worked regularly on repeated swings before being made permanent.

AIMPE and the other unions have argued that the redundancy clause says all continuous service is to be recognised for calculating redundancy entitlements.

Trident has argued that the Fair Work Act says that under the National Employment Standards, casual service does not count for redundancy.

There have been a number of conferences before the COA Arbitrator who has asked repeatedly about the parties views regarding the High Court decision in Workpac vs Rossato. In that case the High Court overturned the Federal Court and found that miners working regular rostered shifts over several years were casuals because they signed casual contracts. This matter is ongoing.

AISR

In 2022 the Northwest Sanderling was transferred to the Australian International Shipping Register following lengthy negotiations between the NWSSSCo, Trident/STAPL and the two officer unions AIMPE and AMOU. The reason for the transfer was to enable the operators to keep all four remaining ships in the service until the end of March 2024. One ship had been temporarily withdrawn from service in late 2021 due to shortages of Deck and Engineer Officers.

In 2023 a further shortage of Deck Officers led to agreement that the Northwest Sandpiper should likewise be transferred to the AISR. Trident is finding it difficult to retain junior Deck Officers who are gaining employment elsewhere in the industry due to the shortage of personnel across the industry.

AIMPE continues to supply members with Steam qualifications to Trident for employment on the LNG tankers. The number of people with Steam qualifications who want to go to the tankers is limited. There are 39 AIMPE members employed in permanent positions plus four Trainee Engineers as well as five casuals.

Blue Water Ship Visits & Video Meetings 22/23

Date	Vessel	Port	AIMPE Official
16 June 22	RTM Twarra	Gladstone	NN
16 June 22	Larcom	Gladstone	NN
19 June 22	RTM Weipa	Gladstone	NN
27 June 22	Toll VRII & TAIL	Video	NN
13 July 22	Searoad Mersey II	Melbourne	NN
12 Aug 22	Toll VRII & TAIL	Video	NN
18 Aug 22	Searoad Mersey II	Melbourne	NN
23 Aug 22	John Duigan	Devonport	NN
23 Aug 22	Liekut	Devonport	NN
25 Aug 22	Investigator	Video	NN
31 Aug 22	Victorian Reliance II	Melbourne	NN
1 Sept 22	Tasmanian Achiever	Melbourne	NN
6 Sept 22	RTM Fleet	Video	NN
23 Oct 22	SPOT I	Geelong	NN
24 Oct 22	SPOT II	Geelong	NN
17 Jan 23	Coral Discoverer	Hobart	NN
19 Jan 23	Ronja Storm	Port Huon	NN
19 Jan 23	Ronja Huon	Port Huon	NN
6 Feb 23	Accolade II	Port Adelaide	NN
16 Feb 23	Searoad Mersey II	Melbourne	NN
12 March 23	Investigator	Hobart	NN
13 March 23	Aqua Spa	Huon River	NN
31 March 23	ADV Reliant	Sydney	M Byrne
24 April 23	Northwest Snipe	Karratha	M Byrne
2 May 23	Nuyina	Hobart	NN
5 May 23	Trinity Bay	Cairns	NN & JB
5 May 23	Warrender	Cairns	NN & JB
7 May 23	Seaswift Tiwi Islander	Darwin	NN
7 May 23	Seaswift Fourcroy	Darwin	NN
7 May 23	Seaswift Territorian	Darwin	NN
7 May 23	Seaswift Arnhem Trader	Darwin	NN
8 May 23	Albatross Bay	Cairns	NN
31 May 23	Champion 63	Brisbane	GY