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NEWSLETTER

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Collective Agreements

Bargaining has concluded and settlements ratified in the following negotiations: Golden Bay Cement Ltd. Settlements have been reached with NZ Dredging Ltd and Westport Harbourmasters agreement. Negotiations are continuing for Stewart Island Experience, Primeport Timaru pilots, Kiwirail (Interislander), and Silver Fern Shipping Ltd. We anticipate some difficulties in settling some of these negotiations.

Coastal Shipping

- The Shipping Federation has proposed that masters, deck officers and marine engineers be added to the immigration Long Term Skills Shortages List. This would mean the end of labour market testing whenever jobs are applied for by people living overseas. This is already the case for employers who have immigration accreditation, but adding these occupations to the shortage list will open to other employers who are unable to meet the criteria for accreditation (financial viability; good employment practices and record; salary above \$55,000 for position offered) to recruit overseas.

The Guild submission to the Department of Labour strongly opposes the addition of these occupations to the list. A copy will be sent out to members shortly.

- Meanwhile, Maritime NZ has advised us that, as a result of our monitoring and ongoing representations to MNZ and to the Minister of Transport about the unsatisfactory operations of NZ Dredging, the vessel *Pelican* was detained in Timaru for a period while the company implemented some operational improvements. A full report from Maritime NZ was promised to the Guild by the Minister in mid February, but has been delayed because, as we understand it, more serious issues were discovered during the course of Maritime NZ's investigation. The vessel is currently laid up in Timaru.
- A large number of wage claims have been lodged by the Guild on behalf of members employed by Pacifica. The claims relate to unpaid allowances, unpaid arrears due from backdated settlements, and payments due but not paid to temporary relievers. All claims relate to non-compliance with the applicable collective agreement.

Port Companies

- The role of Harbourmaster is under threat in one port whose regional council has tabled a proposal to restructure the role into a part time position and transfer "enforcement and compliance" tasks to Council 'enforcement officers'. The Guild and Harbourmaster have both rejected the proposal. A significant element of the case is the Council's view that Maritime New Zealand's *Port and Harbour Safety Code* has little bearing on the situation. Although the Code contains

whole sections on the harbourmaster, it is not a mandatory document, and the Council regards Local Government Act as the primary legislation underpinning the role of Harbourmaster. The issue is not resolved as yet.

- Persistence, stamina and patience has paid off for Guild and AMEA members at Centreport with the ratification this week of a settlement to a long-running dispute over public holiday entitlements. The port company was one of two that refused to apply Holidays Act entitlements introduced in 2004, citing the cea as providing the same or better entitlements as under the Act. Legal uncertainty prevailed for a number of years while some test cases trundled through the court system, culminating in the Supreme Court's decision in the airline pilots' case. Following this decision the parties attempted to reach agreement on the cea entitlements, but the issues were complex, and compliance with the Holidays Act was a hotly disputed matter of legal opinion. Despite this, after several mediation hearings, the parties were eventually able to find a mutually satisfactory resolution which includes penalty payments, recognition for the continuous cover provided by our members in a 24/7 industry, and aligns public holiday entitlements to industry norms.

Inshore Passenger Tourism Sector *by Sarah Dench*

The Tourism sector continues its bounce back from the recession better than most other parts of the economy. Total visitor numbers for the year to February are up 2.4%. Our members reported December 2009 as being very busy, and Tourism New Zealand is confident that growth will be consistent over the next few months. The employers must believe there is a real recovery, as they are hiring new staff and re-employing seasonal staff over the winter.

At the same time as Real Journeys hires new staff, we await the Employment Court decision in our case against the company's redundancies. We'll keep you posted.

ITF Report

Former Guild Assistant General Secretary, Mark Davis, was recently appointed as Deputy Secretary of the ITF's Asia Pacific Region. Mark will have particular responsibility for the "Oceania" (South Pacific) sub-region. He will continue to be based in the Guild office in Wellington, but a sub-regional ITF office has also been established in Sydney as a result of his appointment.

South Pacific Sub-regional Meeting

One of Mark's first tasks was to organise a South Pacific Campaign Co-ordination meeting in Sydney. Representatives of ITF affiliates from New Zealand and Australia met to identify specific priorities and progress campaign objectives for the sub-region. The AMOU was in attendance.

Strengthening transport unions in the Pacific Island countries is in the interests of all affiliates in the region and was one of the highest priority agenda items. Affiliates came up with a detailed plan of assistance, including such things as the provision (via the ACTU and NZCTU) of union organiser training and practical IT resource assistance, which can be provided immediately and in the long term to these affiliates.

ITF Seafarers' Section meetings

The STCW review was a hot topic at a week of international seafarer meetings held recently. The ITF's IMO representative, John Bainbridge, reported in detail about the issues raised by this review. The review started life as a "clarification" exercise, but has evolved into a wholesale attack on foreign going officers and engineers. The reduction of sea time for engineers from 3 years to 12 months is of particular concern and has been vigorously opposed by the ITF. But the ship owner lobby, and particularly the European Union's block vote system, have proven too powerful to combat, and many of the amendments to the Convention will proceed despite opposition. It is notable that Maritime NZ did not send any representative to these recent IMO meetings.

Maritime NZ: having another Tea Party

Maritime NZ has "selected" a group of "design advisors" from industry to assist it with the next phase of the Qualifications and Operational Limits ("QOL") review.

The latest MNZ update announces Maritime NZ's "vision" that our qualifications will be:

"Relevant, clear and logical qualifications and appropriate operational limits that meet the needs of New Zealand's commercial maritime industry now and in the future, while ensuring the safety of vessels, their crew, passengers and cargo and the protection of the marine environment."

And that an underlying principle is:

"Portability – ability to obtain recognitions of qualifications internationally"

A cynic might view the two concepts as irreconcilable, given Maritime NZ's propensity to cling to its ridiculous 45m rule and allow STCW's requirements for foreign going qualifications to be circumvented. It is also of note that "risk management", a phrase often used by MNZ in sentences justifying exemptions, appears to have replaced the principle that ships should be manned for the worst scenario.

But here's an even *worse* scenario to ponder: Many are worried that the ultimate MNZ plan is to adopt the Australian qualifications model which allows a Master Class III to sail worldwide as a second mate on any vessel under 3000gt. If that eventuates, it would take only one incident with a foreign going vessel visiting New Zealand to expose the cheap and nasty qualifications framework, and the unfair burden (and probably blame) it would put on those officers. Our reputation as a maritime nation would then be completely destroyed (it is only partly destroyed at the moment). We could also probably say goodbye to the NZ Maritime College as a trainer of New Zealand foreign going officers, because who would bother to go to all that trouble? Then there would eventually be no Masters Foreign Going, and ILM would no doubt be the prerequisite for Maritime NZ's accident investigators. If the aviation industry adopted the same approach, there would be few people brave enough to fly.

NZ has only 3 ships under 3000 gt. Why would a national maritime authority change the whole qualifications framework for just three ships? It is also unlikely that there will be more ships of this size since the Gazette pointed out the folly of using small ships for a feeder service – the conditions in New Zealand make that idea totally impractical. This is no doubt why Pacifica Shipping acquired the much bigger *Spirit of Endurance*.

Members should continue to send their thoughts and comments on the QOL Review to the Guild office. We will keep channelling such comment to MNZ, and monitor developments closely. If members require more detail about the review they should contact the General Secretary.

Obituary: Captain John (Jack) Wilson Dickinson

Members will be saddened to hear of the recent death of former General Secretary, Jack Dickinson or "Gentleman Jack". He was 85. Jack continued to visit the Guild office from time to time, and maintained his interest in the activities of the union. He was General Secretary for 30 years, many of those spent also in charge of the Airline Pilots Association, a huge workload which took a toll on Jack's health, forcing him to eventually relinquish the ALPA work. Jack was highly respected and admired by those in the industry both nationally and internationally. General meetings in May will observe a minute's silence in honour of Jack and his enormous contribution to the NZ Merchant Service Guild membership.

The Dominion Post published an obituary for Jack on 10 April 2010. It can be found at this link: <http://www.stuff.co.nz/dominion-post/national/obituaries/3568948/A-Life-Story-Jack-Dickinson>

Committee of Management Elections

The following is the result of the recent call for nominations to the Committee of Management:

Waterfront/Ports/Shorebased shipping industry members panel:

BUTTERFIELD	Lindsay William
HENDERSON	Lewis James
JACK	Alexander (Sandy)
JAMES	Robert David

Seagoing members panel:

CLARK	John
EVELEENS	Jan Wiebe
GORDON	Bryce David
PETRIE	Russell

Tourism/Inshore passenger members panel:

CONRAD	John Stephen
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The office holders (President and Vice-President) will be announced in next newsletter.

and finally.....Meeting venues and dates

Auckland: meetings are held on the first Friday of every month (except January or public holidays), and are held in the Aviation & Marine Engineers premises on the first floor Administrator House, 44 Anzac Avenue, commencing at 0930 hours on the following dates:

Friday 7 May, Friday 4 June, Friday 2 July, Friday 6 August, Friday 3 September, Friday 1 October, Friday 5 November and final meeting for the year Friday 3 December 2010.

Wellington: meetings are held on the second Friday of every month (except January or public holidays) at the Guild premises on the 6th floor, 94 Dixon Street, Wellington commencing at 0930 hours on the following dates:

Friday 14 May, Friday 11 June, Friday 9 July, Friday 13 August, Friday 10 September, Friday 8 October, Friday 12 November, with the final meeting for the year on 10 December 2010.

