



NEW ZEALAND MERCHANT SERVICE GUILD IUOW Inc

Helen McAra - General Secretary
helenm@nzmsg.co.nz
PO Box 11878, Wellington

ph 64 4 382 9131

Sarah Dench - Organiser
sarahd@nzmsg.co.nz
Fax 64 4 382 9106

NEWSLETTER

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New Guild President Takes Office

In April this year Captain Lew Henderson, pilot at Centreport and Guild Committee of Management member since 2006, was elected unopposed as Guild President, replacing outgoing President Captain Michael "Comrade" Webb.



Lew has already acted in his official capacity on several occasions since his election, including chairing the 109th Annual General Meeting held in Wellington this month. Prior to his election, Lew's Wellington base meant he was already increasingly in demand to accompany the General Secretary to important 'political' meetings, acting as technical advisor and occasional diplomat if required. The office of Guild President requires its holder to have wide-ranging industry knowledge and experience, and a capacity to adapt to the situation and find the best way to promote the interests of the organisation. In a union which comprises many different membership sectors whose interests are not always the same, this is sometimes a challenge. Captain Henderson has a very strong ability to know both instinctively and rationally how the Guild should tackle a given issue. With his wide, clear perspective on industry and employment issues, he is an ideal person to provide guidance and support to the membership and the Guild secretariat alike. He is warmly welcomed into the role.

Collective Agreements

Due to staff illness there have been no settlements in collective bargaining since July's annual report. There are 19 separate negotiations currently underway and we thank members covered by these agreements for patiently waiting their turn. Negotiations continue for Stewart Island Experience, Kiwirail (Interislander), Centreport tugs, NZ Dredging Ltd, TLNZ Tauranga, Golden Bay, Holcim, Northtugz pilots, Southport pilots, tugs, and casuals' agreement. Pacifica Shipping (1985) Ltd/Pacific Charter Ltd. Preparations for bargaining are well underway for Strait Shipping Ltd, Ports of Auckland Marine Services and Harbour Control agreements, Niwa, Centreport pilots; Black Cat Cruises, Real Journeys Ltd, Primeport Marine Services Operators.

Fairy Godmothers abound for coastal ship owners:

Immigration Service – bored with protecting job opportunities

The Shipping Federation's wish to put masters, deck officers and marine engineers on the immigration long term skills shortages list has been granted, despite vigorous opposition in a lengthy submission from the Guild (circulated to members). Inclusion of these occupations on the list will mean that any ship owner who has hitherto been unable to

meet the criteria for immigration accreditation (financial viability, good employment practices etc), will no longer have to worry because there will be no barriers to bringing in overseas officers/engineers. The requirement for immigration officers to perform a labour market test before granting a work permit is now become a thing of the past.

Though this is a terrible blow to our aspirations for rebuilding the New Zealand maritime workforce, we will continue to closely monitor every work permit issued, along with the number of New Zealand candidates for the positions, and the actions of employers. As always, we strongly urge members to be vigilant about new employees and their immigration status, and to quickly advise the Guild office of vacancies and new appointments. We are also tackling the issue via negotiations, and routinely seeking undertakings from employers about their commitment to training and protecting job opportunities for New Zealand residents and citizens. Standard bargaining claims are included in every negotiation along with standard union access claims in anticipation of a change in the law. This means that they can be pursued via all legitimate bargaining strategies.

Maritime NZ – on a collision course

Amongst Maritime NZ's proposals for a new qualifications and operating limits ("QOL") framework are sweeping changes to the names of operating areas. Under our rules, operating areas are one of the key determinants for the application of domestic and international maritime rules to a given vessel. But at a recent round of stakeholder meetings, astonishing proposals for change were floated (verbally but not in writing).

At the present time, vessels of over 500 gt operating in the 12 mile "coastal" area must comply with STCW and, where appropriate, SOLAS. But in the new universe the coastal operating area (12 miles) would be renamed the "inshore" area (still 12 miles). Why? What's in a name? Well presumably because the burden of complying with STCW, (which applies to "seagoing vessels", i.e. those not operating exclusively in, or adjacent to, "sheltered" waters), would miraculously be removed with one wave of the wand. "Inshore" suggests "closely adjacent to sheltered", and presto! 12 more nautical miles exempt from everything! But that can't be right. Last year MNZ Director, Catherine Taylor, laughed off the suggestion that exemption of the Shipping Federation's members from STCW and other international conventions signed by New Zealand was under discussion. She told Guild representatives she had no knowledge of her officials' attendance at a secret meeting held between MOT and Shipping Federation officials at which this matter was discussed.

But there's nought as strange as folk, and a year later here it seems to be; in black and white, or rather, the multi-coloured fleeting slides of a powerpoint presentation, (requests for copies of which were politely declined). Is Maritime NZ falling over itself to grant ship owner wish lists? Does it think calling coastal "inshore" will turn unpredictable, hazardous, open ocean into a calm millpond, safe and sheltered, and an STCW-Free Zone? Does it mean that the Master of the *Spirit of Resolution* will only require an ILM certificate?

We don't know the answer because there's nothing in writing to refer to, but if such crude, simplistic and downright dangerous proposals survive any length of time, all international shipping companies and their insurers will be advised what's in the offing here so that they can make informed decisions as to whether to continue to visit lawless New Zealand waters.

On another aspect of the proposals, Maritime NZ has obviously applied the principles of special relativity in order to arrive at the conclusion that the word "near" in our current definition of "near coastal waters" (i.e. currently 200 miles) does not need a more

credible definition. "Near coastal waters" is a place where blanket exemptions from STCW apply to vessels of under 500gt. But instead of using the QOL review as an opportunity to make stricter safety rules, Maritime NZ proposes that the current definition should remain. Surprise, surprise. Its logic goes like this: "near" can quite properly mean 200 nautical miles because "near" is a relative term which depends on the position of the observer. If the observer is standing on the shore of New Zealand, then yes, it is acknowledged that 200 nautical miles is stretching the meaning of the word "near". But if the observer is coming *towards* New Zealand from *overseas*, well! That's an entirely different matter altogether. In this scenario 200 nautical miles *is* clearly "near" the New Zealand coast!

Continuing on theme of new physics, a welcome inclusion in the review proposals is the removal of the incongruous and much exploited 45m criterion, and replacing it with 500gt. But before the whining even starts, Maritime NZ has already said "grandfathering" would apply to certain vessels. No prizes for correct guesses here.

Maritime NZ opened this stakeholder meeting by saying that "*in this review everything is up for debate except our international obligations, because we will meet those.*" But the proposals that followed revealed quite the opposite agenda and a rather cynical determination to open up the trough to all ship owners now, instead of just a special few.

Obituary – Derek Craig

Members will be shocked and saddened to hear of the death of Aviation & Marine Engineers Association National Organiser, Derek Craig. Derek passed away suddenly at home on 21 August aged 50. He was an experienced trade unionist who had been with the Aviation & Marine Engineers Association since 2004 and who worked closely with Guild officials on a number of joint negotiations every year, which meant contact on almost a daily basis. The Guild was represented at Derek's funeral, and a wreath sent to the AMEA. Derek will be sadly missed by his maritime members. He is survived by his wife Nicola and 5 children.

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 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 10 September, Friday 8 October, Friday 12 November, with the final meeting for the year on 10 December 2010.