



## Senate Education and Employment Legislation Committee

# **The impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders**

Submission of the

## **Australian Maritime Officers Union**

1 May 2015

1. The Australian Maritime Officers Union (AMOU) welcomes the opportunity to make this submission to the Senate Education and Employment Legislation Committee (Senate Committee) into the impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders.
2. The AMOU represents the professional and workplace interests of members including: Masters and Officers in the 'bluewater' and 'offshore oil and gas' maritime sectors, Marine Pilots, Tug Masters, Bunkering, Dredging Industry, Stevedoring Supervisors, Ferries Crew, Port Services, Vessel Traffic Services/Port Control, Marine Tourism together with Professional/Administration/ Supervisory/Technical staff of Port Corporations and Marine Authorities.
3. Our union is one of three unions registered under the provisions of the *Fair Work Act 2009* to represent the industrial interests of maritime workers.

4. The AMOU is affiliated with the Australian Council of Trade Unions (ACTU) and commends the submission of the ACTU to this Inquiry. Our submission will make maritime specific comments which seek to aid the Senate Committee when considering Recommendations resulting from this Inquiry.
5. The maritime industry is obviously an old industry with particular customs, traditions and language developed over centuries. While operations in modern ports are at the cutting edge of any comparable operations and the modern vessels that operate on the Australian coastline are some of the most technologically sophisticated of any machinery, the customs and traditions of the maritime industry remain.
6. Seafaring is a special vocation with a lifestyle that can be quite different to that of non-seafarers. For example, those employed in interstate and international operations may spend a great deal of time at sea usually followed with an equal time of leave onshore.
7. The combination of customs and traditions with employment conditions not commonly found in other occupations has fostered a particular sense of altruism and benevolence between seafarers.
8. Those that go to sea are enamoured by their industry. They view a vibrant and robust industry as vital to Australia's national interest and want to make sure that into the future young Australia's with a similar love of the sea have opportunities to work in the local setting.
9. As identified by the Department of Infrastructure and Regional Development, ' . . . *Australia is heavily dependent on shipping, with 99 per cent of international trade volumes transported by ship and Australian ports managing 10 per cent of the world's sea trade.*<sup>1</sup>
10. It takes more than ten years of training and sea service to become a qualified Master (see Appendix 1). Additionally seafarers must be able to pass physical assessment and have good eyesight. Medicals are required every five years.
11. The intimate knowledge of the industry seafarers gain through the years of extensive training they undertake makes them sought after candidates for many on-shore jobs in the maritime industry. Indeed many positions require maritime qualifications as a precondition for employment e.g. harbour master or coastal pilot.

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<sup>1</sup> Approaches to Regulating Coastal Shipping in Australia, Options Paper, April 2014, Australian Government

12. The role of coastal pilot is essential to the operation of Australia's shipping industry. The Australian Maritime Safety Authority (AMSA) describes the role of a coastal pilot as:

*' . . . to advise on the safe navigation of a vessel, and to be a steward of the marine environment.*

*This means that the coastal marine pilot must:*

- *identify and manage risks to avoid a grounding or collision to protect the ship and marine environment;*
- *provide detailed passage planning, local knowledge, leadership to the bridge team, and liaison with shore authorities and VTS;*
- *provide independent judgement and advice to the ship's master, who remains in command of the vessel;*
- *monitor their own personal health and safety, including managing fatigue: and*
- *provide mentoring and training to new coastal pilots.'*<sup>2</sup>

AMSA makes it plain that a pilot must have local knowledge and mentor and train new pilots.

Under AMSA criteria, trainee pilots must have certain Certificates of Competency, a Certificate of Medical Fitness, have undertaken a trainee pilot induction approved training course and have at least 36 months of qualifying sea service as master, navigating officer in charge of a watch or pilot on vessels of at least 500 gross tonnes.

13. Further teaching staff at maritime educational facilities are generally seafarers themselves with associated maritime qualifications.
14. The AMOU keeps a register of members who are currently not employed and the qualifications they have. This list is used to match members with job opportunities. We currently have more than 100 unemployed members on our list and the information we have from other members is that many jobs that could be undertaken by Australian seafarers are filled by temporary visa holders.

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<sup>2</sup> See: [ASMA How to Become a pilot](#)

15. We have many examples of the effect of temporary visa abuse on the livelihoods of our members and in general terms we detail some of these below. Our members are fearful of the implications for future work opportunities in going public with their stories therefore our members will remain anonymous for the purposes of this public submission.

If required we can provide confidential detailed information to the Senate Committee.

16. A member provided us with crew lists for a vessel he was employed. Like the vast majority of ships on our coast line this vessel was not Australian flagged. It was involved in pipe laying for the LNG projects off the West Australian coast. The crew had a Captain, four 1<sup>st</sup> Officers and three 2<sup>nd</sup> Officers. Only two of these positions were held by Australians, one 1<sup>st</sup> mate and one 2<sup>nd</sup> mate. The rest were European.

Our member was told by the non-Australian Officers that they were required to sign documents agreeing to be reimbursed European rates of pay which undercut Australian rates of pay.

These agreements include bonus payments that bring total salary's up to the Australian level, however these bonus are never paid.

17. Another member (a Deck Watchkeeper) recently informed the AMOU that they have worked only 5 weeks in the last 14 months. They feel their chances of find any work let alone permanent work is next to non-existent. Some time ago they were employed for a period of 13 weeks and were hopeful that a permanent position would be offered. Their position was subsequently made redundant when the vessel was reflagged and a totally foreign crew was engaged – doing exactly the same work before the vessel was reflagged.
18. In another case a member in the offshore oil and gas industry relayed the situation where most contracts in their sector are short term and ships crews on temporary work visas (subclass 457) fly back to their country of residence following there term of employment before returning for the next contract. Our member believes that as each period of employment is considered a stand alone engagement then any taxes paid by these workers are refunded as they leave the country.
19. Many members have related stories of situations where they have worked beside temporary work visa holders who held positions of authority on vessel and were responsible for the health and safety of the crew, the seaworthiness of the ship and the protection of the environment but had only a limited ability to speak or understand English.

20. We are constantly contacted by members, and non-members, who recently gained their qualifications who cannot secure any work. They often add that the majority of those they studied with are in similar positions.
21. Our older members fear for their industry. They see the short term opportunism of multinational companies exploiting our natural resources or facilitating the 99% of Australia's trade volumes through shipping without providing opportunities for young Australian workers as a *tragic flaw* in our never ending pursuit of lower costs and greater shareholder returns.
22. Our younger members who have pursued careers in this special vocation fear they will never be afforded the opportunities given to previous generations of seafarers because of a perverse use of temporary work visas where suitability qualified locals are willing and able to perform the jobs.
23. Our union fears that there will be a scarcity of Australians able to fill the many seafaring associated onshore jobs such as harbour masters, pilots, vessel traffic officers and lecturers at the maritime training facilities.
24. The AMOU urges the Senate Committee to take this opportunity to rectify the stupor that is heading our local industry into oblivion and direct you to the Recommendations in the ACTU submission which have our whole hearted support.

APPENDIX 1

**TIMEFRAME FROM NEW ENTRANT TO MASTER**

