



MV Portland



INTRODUCTION



MV Portland in Portland Harbour, Dec 2015

On January 13 this year, at 1am five crewmembers aboard the Alcoa-owned vessel – the MV Portland – were woken by up to 30 security guards and intimidated into leaving the vessel following a 60-day dispute.

Since that time, the Maritime Union of Australia has been joined by like-minded protesters opposed to the recent sacking of MUA members onboard the MV Portland and their forced removal.

The rally in the town of Portland, in south-east Victoria and the place from which the ship takes its name, attracted 300 protesters and an online petition attracted more than 10,000 signatures.

Local media has been highly supportive of the plight of local workers but the message needs to get through to lawmakers.

That's why the crew of the MV Portland have come to Canberra this week to speak directly to

members of Parliament about their plight.

This is part of a broader campaign against United-States-based miner Alcoa and the Turnbull government, which allowed the company to use a 12-month temporary licence to bring in foreign vessels and foreign crew on as little as \$2/hr.

The MV Portland had been carrying alumina from Alcoa's Kwinana plant to its smelter in Portland for more than 27 years and given the domestic trade will continue, the licence should be cancelled.

The Senate has spoken, knocking back the Government's deregulation agenda in November last year. Unperturbed, Warren Truss intends to bring it back early this year.

The Turnbull Government needs to be reminded that Australian jobs are important – these workers have families, kids, mortgages and bills to pay.

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This article first appeared in *The Australian* newspaper on Thursday January 21 and the revised version below at WorkingLife.org.au:

FUTURE OF VITAL MARITIME INDUSTRY LEFT AT SEA

By MUA National Secretary **Paddy Crumlin**

National Secretary of the MUA

Wednesday, 27 January 2016

As a gang of more than 30 security guards boarded a vessel in the middle of the night, the crew on board were sure they were under terrorist attack. Instead they were hauled off to be sacked

When the Maritime Union of Australia joined other key stakeholders from the maritime sector in Melbourne for a forum on the future of coastal shipping there was one notable absentee – the Federal Government.

Three Senate crossbenchers, Labor and the Greens again showed their support for the future of Australian shipping at the forum on January 21. And all urged the need for unions, business and the Government to work together as the industry continues to face difficulties in the current environment.

The Abbott/Turnbull Government's deregulation Bill failed to pass the Senate in November and while a further three crossbench Senators who opposed the Bill couldn't make the forum, there's no

reason to suspect their position has shifted either.

For its part, the MUA focused on the importance of certainty for investment in ships and maritime infrastructure, for employment security and maintaining the maritime skills base.

The political objective is to reintroduce a new Bill that commands wide political and industry support, hence the forum. It will also require Government support in order to pass.

One of the main topics of discussion at the forum, unsurprisingly, was the treatment handed out to those onboard the MV Portland.

At 1am on Wednesday last week, crew members aboard the Alcoa ship, the MV Portland, were taken from their bunks by up to 30 security guards and marched off the vessel.

They had been sacked and replaced by overseas workers on as little as \$2 an hour, paying no tax and working for international companies operating out of tax havens.

I know the Portland well – I was a seafarer in my twenties on its maiden voyage from Korea to Australia.

The ship was the first training vessel for the new 'integrated rating qualification' which meant non-officers and engineers on the ship were multi-skilled and provided part of the basis for the revitalisation of Australian shipping by dramatically cutting the number and cost of an Australian ship's crew.

The ship was built by Alcoa. To this day, I hold "IR ticket 001". I can vividly imagine the fear and surprise the crew would have felt when men dressed in black invaded their small rooms and threw



Rally for MV Portland – Portland, January 25, 2016



Dale and Zac on board the MV Portland

them out. They were handed a letter by the ship's captain but had no time to read it, nor assess whether it was given under duress. The crew at one stage thought they could be under terrorist attack.

The move is of questionable legality, including extreme bullying and harassment and that will be tested in coming months. This is an Australian workplace by any definition.

The ship never leaves Australian territory.

There are plenty of questions for the Government here. How did the foreign crew gain permission to enter the country and sail the vessel once the Australian crew was unloaded?

Where were the new crew from? What security and criminal checks do they have? What visa are they on?

Perhaps even more seminal, has the Federal Government really changed since the infamous waterfront dispute in 1998 when security guards were sent into the Patrick's docks in the dead of night to forcibly remove an Australian workforce?

As you would expect in a dispute which went for two months, the MV Portland dispute was subject to Fair Work Commission hearings and Federal Court proceedings. The Federal Court never found against the union.

Minister for Employment Michaelia Cash said during the dispute that it's not up to industrial parties to pick and choose which decisions of the Fair Work Commission they will abide by. If not, the entire integrity of the system is put at risk.

Okay then, let's apply that logic to the Senate.

In October, the Government issued a temporary license to Alcoa allowing them to engage a foreign crew on a domestic shipping route between Western Australia and Portland for 12 months.

Yet Australia has cabotage laws which state that ships trading through domestic ports are to be Australian flagged and crewed and this position was retained in November.

Apparently, Labor, Greens and the crossbench are not prepared to send Aussie jobs offshore and open up a domestic transport mode to the security risk of unchecked foreign crews.

Sensible Senators know that we shouldn't be promoting Flag-of-Convenience shipping, which is essentially a tax avoidance scam by registering your vessel in Liberia or Mongolia and then paying your workers as little as possible – if you pay them at all.

Besides, there is an ongoing Senate inquiry into Flag-of-Convenience shipping which is yet to report.

So by Minister Cash's own logic, the Government should cancel the licence, right? Apparently not.

Before the forum began, Senators voiced their disapproval of the way the Turnbull Government has handled the sacking of the crew of the MV Portland.

Independent senator Jacqui Lambie slammed as "disgusting" the government's backing of Alcoa's decision telling The Australian newspaper it defied the wishes of the Senate.

Independent Senator John Madigan said that granting the licenses was a "back-door way" of getting through the coastal shipping legislation after the Senate defeat.

At the forum he said the Government needs to offer a level playing field and the future of coastal shipping should not be a race to the bottom.

Australian Motoring Enthusiast Party Senator Ricky Muir said he would like to see outcomes driven by industry.

He said we are an island nation and we need a shipping industry and once we lose a skill set it takes a long time for it to build back up.

All of this goes to the heart of whether Australian workers have fundamental entitlements to continue to work in their own country.

Multiple decisions of the Government have left many Australian seafarers in the precarious situation where they have no right at all to work in their own industry and employers can bring in any foreign labour they wish, at any rate of pay.

Malcolm Turnbull said when he was appointed as Prime Minister that he would have a different approach to Tony Abbott in dealing with the crossbench, and indeed with the community. It seems not all of his ministers got that memo.

In the meantime, my old workplace, the MV Portland, has sailed into the night, leaving its crew jobless and serious questions unanswered in its wake.

Even as he stepped off the gangway at 2:30 in the morning, Michael Pawson was not one hundred percent sure he hadn't just been the victim of a terrorist hijacking.

The 55-year-old chef from central Victoria had been on the MV Portland while it hovered in and around the harbour of the town it was named after for three-and-a-half weeks, while in boardrooms and union offices MUA officials negotiated with the ship's owners - US aluminium company Alcoa - to save Australian coastal shipping jobs.

But shortly after the crew had taken on stores in preparation for a protracted dispute on January 12, all hell broke loose in the middle of the night.

"I had turned in at about 11," Michael said. "I'm drifting off to sleep in my bunk when suddenly the door busts open and the lights go on."

"The captain is there with three men dressed in black - I found out later they were private security hired by Alcoa. The three blokes all had those Maglite torches and they let me know they had batons as well."

"The captain says 'Michael, your services are no longer required, and you have ten minutes to gather your things and get off the ship'."

Michael stayed calm, despite the circumstances. He had been handed a piece of paper to read, but with his glasses in the galley and a head full of sleep, he couldn't make it out.

"I didn't know if the captain was there against his will or what," Michael said. "But I did what they said. I packed my things up."

As he packed Michael could hear commotion in the other parts of his ship. Less than five minutes had passed before a security guard pounded on his door and demanded he hurry up.

"They were telling us the ship was leaving in 10 minutes, but the main engine hadn't even started yet."

"After the third time they came to the door I decided to try to barricade myself in the room. All I've seen up to that point is the



The crew during their removal from the ship, January 13, 2016



Crew of the MV Portland

captain come in with a bit of paperwork. I didn't know if it was real or if he was being made to do this. In this day and age, with the things you see on the news, I was thinking there was every possibility it was a terror attack."

As he stacked furniture against the door, Michael heard a key turn in the lock. Only the captain had master keys, so that meant it was either him, or someone had taken them from him.

The door swung open to reveal eight men - the captain and seven of the burley, black-clad strangers. Michael sensed violence and immediately tried to defuse the situation.

"Their eyes were all glazed over and the testosterone was really kicking in now," Michael said.

"The first thing I said was, 'Let's all just take it easy, boys. I'm complying with your requests. We are all going to get through this. Let's just take some deep f--king breaths.'"

It may have been Michael's cool-headedness that prevented the situation from erupting into violence. As the tense mood loosened a little he managed to negotiate with the gang's leader to be allowed to fetch his chef's knives and personal effects from the ship's kitchen. Then he and the other three crew aboard the ship were marched down the gangway. The men never saw the MV Portland again.

The first thing that Michael did when his feet hit the concrete was call the police. He could see more black-clad men teeming around

the Portland, and he didn't know exactly what was happening. But if the Portland was being hijacked the cops could stop it.

He dialled triple zero, and said he thought his workplace might be the subject of a terror attack.

To understand how this situation arose, it's necessary to look at what has been happening to Australia's coastal shipping industry.

Ships carrying Australian cargo between Australian ports are legally required to be flagged and registered in Australia, to be crewed by Australians, employed under Australian working conditions.

This isn't simply to provide jobs for locals. It is a vital piece of the national security puzzle that ensures that in the event of maritime conflict, Australia has a merchant navy that can ensure the integrity of our maritime borders.

But coalition governments have paid little heed to such laws, overseeing a gradual erosion of this merchant fleet from 80 ships to fewer than 15 to secure more than 26,000 kilometres of coastline.

While the Turnbull/Abbott government's attempts to remove these laws was blocked in the senate, the minister responsible - Warren Truss - has continued to issue temporary licenses to companies like Alcoa that allow them to register their ships in

flag-of-convenience countries and to hire foreign crews on as little as \$2 an hour.

Companies like Alcoa and BP have been eager to take advantage of this new freedom to flout the law, laying off Australian seafarers and registering their fleets in countries that allow workers to be paid as little as two dollars per hour, with few protections for workers.

The result has been a series of industrial stoushes with the Maritime Union of Australia, the loss of hundreds of jobs for Australian seafarers, and the exposure of widespread abuses by shipping companies paying cut-price rates to vulnerable third-world workers.

Last year saw the BP oil tanker British Loyalty stripped of its long-serving Australian crew, who were offered redundancies by the shipping company that employed them, or the option of redeployment if it was available.

Michael Pawson, the chef who was unceremoniously ejected from the MV Portland recently, was one of those BP workers. Getting a spot on the Portland had appeared like a lifeline to him.

A chef since 1976, Michael had first gone to sea at the urging of a family friend and staunch unionist named Jimmy Flanagan. For many years it was a job that provided Michael and his family with a good honest living. But in recent years that has changed.

"I've been on five ships where my position has been made redundant," he said.

The stress was taking its toll on him even before this latest battle.

"I lost my wife to cancer four years ago," he said. "Thing were looking pretty shitty there for a while - wife's gone, job's gone, that sort of thing."

"But it all started looking up when I moved to the Portland. It was a permanent job on a permanent ship."

Now all of that has turned to ash. Although negotiations between the MUA and Alcoa are continuing, Michael fears the worst.

As a 55-year-old man what he describes as "normal Australian debt" on his house and vehicles, he fears he will lose it all.

"I've got 10 years to square that debt up," he said. "I'm not going to make it."

"I'm going to have to sell the house, the car and the bike. Within a year, all of this will be gone."

Michael lays the blame for his predicament firmly at the feet of Alcoa and the government that oversaw and enabled its betrayal of him and his fellow seafarers.

"I might be an old die-hard, but things are not right," he said.

"Being forcibly removed from my workplace is the most despicable act I've ever seen a company carry out."

"If a big corporation can do this to us - and we were a pretty staunch mob - what will they do to onshore workers, or people who don't have the protection of a union?"

Michael and his crewmates were left on the wharf in the dark of night as the ship sailed to Singapore with its new crew aboard.

Eventually they were informed that a flight had been arranged for 8:30am, but for the next six hours all they could do was sit and wait - there was no accommodation provided.

"The mood was very grim," he said. We couldn't believe what had happened."

There was plenty of time to reflect on what had unfolded.

"It's impossible for this to have been a snap decision for Alcoa," Michael said. "Putting a foreign crew together takes months. They had been planning this in the back rooms while pretending to negotiate with our union in good faith."

There is additional cause for concern at the company's practices. Other ships that the mining and refining outfit runs have been found to be the site of wage theft, bribery and other crimes.

"It gives you an idea of the moral compass of Alcoa. They're alright with their thuggery of bringing us off their vessel, and they're alright knowing that the company they're getting to do their shipping is robbing people on two dollars an hour." •



The MV Portland with the community assembly in the foreground
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