



Industrial Report

February 2020

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MEMBERS' MONTHLY MEETINGS

EASTERN AREA

DATE: 25th February 2020 – 1000 Hours

Sydney Office - Ground Floor
52 Buckingham Street, Surry Hills
NSW 2010

WESTERN AREA

DATE: 25th February 2020 – 1000 Hours

Navy Club Inc
64 High Street Fremantle
WA 6160



AMOU

Australian Maritime
Officers Union

Federal Report

Tim Higgs
President



Dear Members,

Welcome to the presidents and industrial report for February 2020. The month has been busy in numerous areas of the industry as you can read throughout the report.

ITF Offshore and Cabotage Task Force meetings

Earlier in the month Mark Davis and I attended the Offshore Task Force Group and Cabotage Task Force meetings in Sydney. The line was drawn in the sand by the ITF president that OTFG needed to start performing and delivering for the membership and industry. As someone that new to this group it's clearly obvious that personalities and the gain for certain unions is the underlying issue with the OTFG and it will be interesting to see how the new Chair and Vice Chair steer the regional groups into delivering. Unfortunately, I couldn't attend the whole Cabotage meeting and Mark sat in as my proxy for the remainder of the meeting.

Coronavirus (COVID-19)

I have participated in numerous teleconferences in recent weeks as part of the Maritime Response Group convened by the Department of Infrastructure, Transport, Regional, Development and Communications. At first, I was anxious and suspicious of the exposure that our members would possibly face in the workplace until questions started to be answered.

I have also been in contact with the Minister for Agriculture, Drought and Emergency Management Hon. David Littleproud's office in relation to the exposure Marine Pilots face during the safe and efficient pilotage of vessels throughout Australian waters and harbours.

The teleconferences have been chaired by the Department and have included Border Force (ABF), Agriculture, the Chief Medical Officer (CMO), Ports Australia, Maritime Industry Australia Limited (MIAL), Shipping Australia Limited (SAL) and various state bodies and port authorities from around the country. I was contacted directly from the Department of Infrastructure to participate on behalf of the AMOU to voice our concerns on behalf of Maritime Pilots as they are the first

point of exposure to Australia when boarding a vessel inbound from mainland China.

There was an AMOU memo circulated earlier in the month with information about the virus and ways to find out how the various bodies were working on managing the exposure and mitigating the risks of an outbreak through shipping to Australian ports. The Department of Agriculture amended their MARS arrival form to ask 3 specific questions relating to the virus. It's probably worth mentioning that Maritime Safety Queensland (MSQ) were very proactive and already had similar initiatives in place for Reef VTS to monitor arrivals in their waters.

All vessel masters will be required to answer the following health screening questions as part of their entry reporting:

1. *Has the vessel been in mainland China on or after 1 February 2020?*
2. *Has any person on the vessel been in mainland China on or after 1 February 2020?*
3. *Has any person on the vessel been in contact with a proven case of novel coronavirus infection in the last 14 days?*

Any 'yes' answers to the above 3 questions would trigger a risk alert and the Department would work through the risks associated for that vessels arrival.

During last Fridays teleconference it was highlighted that allegedly there has been no seafarer arriving in Australian waters or ports with the virus and that the only confirmed case of the virus linked to seafarers was the outbreak on board the *Diamond Princess* and one suspected case from a Chinese national due for crew change through Singapore.

Numerous times through the teleconferences we have discussed different scenarios and the Department has answered numerous times that if there is a risk and the vessel is not granted pratique then the Master of the vessel must fly the required quarantine flag (yellow flag or quarantine lights if at night).

Mark has liaised and discussed the risks with the Port of Darwin Pilots as they have had a number of arrivals from mainland China into the port within the 14-day period given their geographical proximity to mainland China and steaming times between the ports. From all reports the foreign crews are being very mindful of the possible spread of the virus and the use of health specific PPE both in Australia and while their vessels are in Chinese ports. We can only rely on the honesty of the Master the crew and so far, this has proven effective.

It's worth noting that the ABF and Department of Agriculture declared during last Friday's teleconference that they were expecting 72 vessels from mainland China in the near future and were closely monitoring the situation.

Below are some links to information about the virus. Some ports have taken the initiative to go beyond the ABF and Department of Agriculture stance on arrivals and have at this stage stopped shipping arrivals until the 14 days has passed; therefore it's imperative you get the information from your local port management team or online from various ports and other websites.

Links to CONVID-19 information available online:

<https://www.health.gov.au/resources/publications/coronavirus-covid-19-information-for-the-marine-industry>

<https://www.health.gov.au/resources/publications/coronavirus-covid-19-information-for-marine-pilots>

<https://www.health.gov.au/resources/publications/coronavirus-covid-19-information-for-the-cruise-industry>

<https://www.msg.qld.gov.au/About-us/News-and-stories/Coronavirus>

In closing please read the industrial report for further information throughout the industry and the challenges we face.

As Always stay safe

Tim Higgs

Federal Report

Mark Davis Executive Officer

Engage Marine/Engage Towage

The company and the three unions have been involved in a fairly successful Fair Work Commission-convened Interest-Based Problem-Solving process that is facilitated by Deputy President Anna Booth. The last session held on 12th February and resulted in agreement on the core conditions underpinning the employment relationship between company and tug crew members. On 11th February there was a meeting of AMOU & AIMPE with the company to discuss training opportunities that centred on the issues presented by dual certification.

There have also been parallel discussions outside the ambit of the FWC process to explore Continuity of Operations Agreement-type arrangements like we have with the Northwest Shelf (see below) and INPEX where there are certain additional benefits accruing from having a no-strike arrangement. This, to be worthwhile would likely require the involvement of the wider Engage corporate family as well as the customers who are the resource providers. Much discussion is needed with many other parties before we get anywhere near this sort of arrangement.

Trident LNG, Shell and North West Shelf Shipping Services Company

The companies' wish to reduce the number of ships on the Northwest Shelf Project from 9 down eventually none continues almost 2 years and 3 months to the day that the original announcement was given in November 2017. To summarise: After negotiations were failing to get anywhere on how and why the highly successful direct ex-ship service delivering LNG from Karratha to Japan should finish we had an arbitration. The unions won this, and an interim decision declared the last four ships on the Project should be the 4 Australian crewed and registered tankers. Since this decision Shell has used the Master shortage as a reason to reduce this fleet from 4 to 3 and applied for arbitration on this question. This did not go ahead as there was also a process initiated to secure an immigration agreement to get 2 Masters and 2 C/Os from the Shell international fleet. An MOU was discussed that provided some conditions that might allow this to happen but AMOU members voted this down 3:1. We came in for much criticism for putting the issue out to ballot of the members. We had another few mildly successful facilitated sessions to improve the MOU and negotiate a Training & Promotion Regime within the MOU auspices. Then Shell tried to take the *Northwest Snipe* out of service citing lack

of a relief for the Master. We sought the Arbitrator's intervention and argued the case on the basis that the Master was prepared to stay in command, had done longer trips on previous occasions, the remaining 7 Masters were prepared to close ranks to keep the 4 ships operating and that the withdrawal of the ship was a breach of company COA obligations. These arguments found sufficient favour and it was recommended that Shell keep the Master onboard and the ship operating. After some consideration shell agreed to abide by the Arbitrator's recommendations.

Today there are the four Australian tankers; *Northwest Snipe*, *Northwest Stormpetrel*, *Northwest Sanderling* and *Northwest Sandpiper* trading plus two time-chartered tankers the Isle of Man registered *Trader* and the Malaysian owned & registered *Seri Anggun*. Three Bermuda registered Project ships were sold last year *Northwest Shearwater*, *Northwest Swan* and *Northwest Seaeagle*.

The next step in the agreed process to progress the immigration agreement is to have shipboard meetings on each of the tankers attended by a number of the

Whilst AMOU is not generally in favour of these immigration (Labour) Agreements, the MOU states an annual review of the numbers of officers (Initially 2 x Master, C/O & engineer positions) and any dispute can be subject to Arbitration; something no other LA has had

COA parties namely: Trident (as the crew employer), STAPL, NWSSSC, AMOU, AIMPE, MUA and most importantly, the Arbitrator. The first two such meetings are Monday 24th February on the *Northwest Sanderling* and Tuesday 25th February on the *Northwest Stormpetrel*. *Northwest Snipe* is scheduled for 10th March and *Northwest Sandpiper* on 14th March. I will be representing the AMOU at these meetings.

A set of Questions & Answers has been drafted for those unable to attend the shipboard meetings and the parties attending are to be singing from the same hymn sheet. At this stage, the Training and Promotion Regime has not been unconditionally agreed and it is unclear whether the views of the seafarers will be taken into account to the extent that changes to the MOU & TP&R

Executive Officer's Report cont.

can result. This is hoped to be the case.

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The MOU will again be put out to ballot of AMOU members and if it is not voted up by the members and perhaps also if it is not voted up by AIMPE members then Shell will likely want to return to arbitration on the issue of the reduction of the fleet from 4 to 3 Australian

IMPORTANT

ALL members who have gas, chemical or any tanker experience including FPSOs and FSOs and who are prepared to apply to Trident for a job on the gas tankers on the route between Karratha and Japan and are available for work at a month or so notice should let Mark know asap. Many members applied last year by sending their CVs as requested. If you still wish to be considered and there are no amendments or additions to your CV please just email me with your name and 'Trident job' in the subject line or if you need to focus your CV for the gas boat jobs please attach your full CV. Any new applicants please send me your CV. If any members are aware of anyone else whether a member or not with gas experience, please encourage them to make contact with me. mark@amou.com.au and 0437 099 886.

Western Area

Glenn Andersen

Western Area Secretary & Organiser (Fremantle)

Vessel Inspections and Ship visits

The Maersk Drilling Rig *Maersk Deliverer* was inspected this month, it has a three-year, and possibly extended drilling program. The cyclone kept me from a Dampier visit this month but instead, in a first for the AMOU I travelled to Barry Beach (Victoria) to visit the *MMA Responder*, *Skandi Feistein* and *MMA Leeuwin*.

Maersk Supply Service EA negotiations

For those not receiving the Maersk reports, EA negotiations have stopped just short of the finish-line. In checking the final draft, I discovered wording in two clauses which had not been traversed at final meetings. The first, a cut & paste effort for a Casual Conversion clause sourced from shore-based employment, applied insurmountable obstacles to permanent employment. It took seven days to turn that around. The second, and far meaner effort was to deny deck cadets the negotiated salary increase. That would create a 10.5-year period without a salary increase. Adding insult to injury Maersk is

Despite repeated warnings AMOU members still think they can fire-up at companies with impunity. Totally justified complaints and observations could be met with written warnings from the employer. Permanents need to consider possible repercussions from unwise utterings. Please contact the union for advice, before you cut loose.

refusing to put this proposed draft agreement out to ballot unless the AMOU gives it the tick of approval.

The AMOU has no input into the timing of the balloting process, that is the responsibility of the employer. In the meantime, Maersk is pocketing a total of \$4,202 per week (across two vessels) in salary increases deck officers should be receiving. Double that if you include engineering officers.

Its back to the mobile phone and listening to members' views before our next move is contemplated.

OSM EA Negotiations

OSM Is still considering the draft EA supplied over a week ago. The next likely date to reconvene talks will be 28th February.

Solstad

Management called both AMOU and AIMPE for another pre-negotiation meeting. Both unions declined the invitation. The next meeting should be an EA renegotiation meeting with delegates in attendance.

Toll Astrolabe EA

There is a telephone hook-up this week involving company, union representatives and members to discuss the EA before it goes out to ballot.

Westug

All Westug employees, and especially the FIFO employees are still being softened up by the company. Management recently informed those employees on Fair Work approved EAs that a 10% wage decrease will be demanded at the next negotiations. The three Maritime Unions will continue to work together and defend wages and conditions.

Against the odds employees rejected a proposed EA back in 2017. Although it was voted up in the next ballot, it showed Westug that their unionised workforce can mount resistance.

Western Area

Glenn Walsh

Industrial Officer (Fremantle)

Mackenzie Towage Bunbury EA

We expect the EA document to be finalised in the coming week with the voting to occur shortly after. The delays have resulted from incidental and unnotified changes to successive draft documents.

We have serious concerns for the ongoing health and safety of our delegates who are variously being persecuted by the employer. We have put MMT on notice in relation to our concerns that its behaviour might reasonably be construed as adverse action. We have further assisted our members with current and pending workers compensation claims in relation to recent management actions.

Southern Ports Authority Pilots EA

The completion of the final draft document is imminent and should result in the ballot process occurring in the coming weeks.

SPA have recently reformed its senior management structure which has resulted in the relocation of a number of key management staff to the Port of Bunbury. We share SPA's expressed optimism that this will create more efficient and streamlined processes, resulting in improved outcomes for all port users.

ASP MT Absolute

In company with AIMPE, we are scheduled to meet with ASP management to discuss an EA for this new bunker tanker the *MT Absolute*.

Montara EA Negotiations

The Unions will meet prior to the next scheduled EA meeting this week to discuss the looming dispute involving Union coverage of various employees. We hope to avoid a repeat of earlier disputes among the Maritime Unions.

Mid-West Ports

A confidential settlement has now been reached in relation to the underpayment dispute. The next stage related to the matters previously in dispute will likely involve consultation on some proposed changes to shift rosters for wharf and land operations supervisors. The quarterly consultative committee meetings next week will hopefully shed some light on future developments.

Odyssey Marine EA

Bargaining is set to resume in February. Pay and Superannuation are key claims to be discussed.

Argonaut Marine EA

We have responded to the employer draft agreement with a number of counterclaims. Rosters, fatigue management, salary, annual leave and living allowances are key areas in which the parties have significantly different bargaining positions. The upcoming EA bargaining meeting will no doubt involve some intense negotiations and discussions.

Pilbara Ports Authority (PPA) - Port Hedland VTS EA

The Port of Port Hedland VTSO Agreement 2020 has now been approved (9 votes to 2). The agreement now awaits the signatures of the parties before it is submitted to the Fair Work Commission for registration.

Disciplinary Matters

The remainder of my work has been in assisting members with grievance complaints, bullying, disciplinary processes, unfair dismissal claims and a wide range of other enquiries.

Southern Area

Chris Neiberding Senior Industrial Officer (Melbourne)

Svitzer National EA

Since my last report the Svitzer National EA negotiations involved a two-day meeting on 4th and 5th, a check-in teleconference on 14th, another day of drafting scheduled for 26th and an AMOU meeting with the company on the 27th February.

Currently Svitzer has offered us a 3-year agreement with percentage increases of 2.0% in year 1, 2.0% in year 2 and 1.9% in year 3 with a CPI floor. The unions have put forward an alternative wage proposal of 3% in year 1, 3% in year 2 and 3.2% in year 3. You all know the percentage increase is the last thing to fall into place so we will keep you up to date.

The unions have gotten recognition of ports that had sacrificed wages in the past to maintain the company's competitive position in the port. Cairns will receive an additional uplift of 1.3% in year 1, 1.3% in year 2 and 1.3% in year 3. There continues to be a debate on the return of the project management allowance for crews in Whyalla. We produced a letter signed by former CEO Stefan Risager that looks at the front loading of redundancies, an issue that has been debated for quite some time. Svitzer had no record of this and will respond in writing to the Unions. The Bowen mooring allowance mechanism remains to be finalized however currently the Svitzer offer is at \$80 per day.

A separate meeting will be held with Sydney delegates to work on how captivity would be triggered and implemented once the licence is published. There is also emergency response time, firefighting and a number of other issues to discuss. There is certainly enough work for the delegates and officials to do in Sydney around this issue that I suspect there will be a few meetings yet to come on this.

Brisbane saw the 16 crew go permanent and we are seeking the date of implementation for this.

Fremantle and Kwinana - from day one of the EA negotiations the AMOU have been seeking a STS transfer allowance and Svitzer has made the following offer: \$26.00/hour STS allowance (not to be indexed) and grandfathering of the current PPT roster arrangements. All 3 unions are considering the offer. A big effort was put in here by AMOU delegate Vince Miragliotta and he is to be commended.

By far the most time-consuming subject has been the PPTs review and minimum leave guarantee... too much for this

report.

At the next meeting we will be tackling some of the drafting, Sydney captivity, Masters indemnity and Masters overriding authority.

Svitzer South Australia

The AMOU and AIMPE are looking at joint visits in South Australia at the start of March and we will let delegates know once confirmed. So far we are looking at Adelaide, Whyalla and Port Pirie. Port Lincoln Tugs

Port Lincoln Tugs EA

The Port Lincoln Tug crews and unions will be meeting with management to discuss the current PPT arrangements across the 2 ports. It's the AMOU view that the PPT arrangements should be standardised without any port being worse off. The AMOU will have to attend this first meeting by phone but will be there for any upcoming meetings.

TasPorts Tugs EA

There has been no movement since my last industrial report. I'd like to thank the members and delegates for their patience while the AMOU and TasPorts insurer continue to work on the wording of the Masters Indemnity clause. Our understanding is that TasPorts is now taking advice from their insurer and will not deviate from any advice given, however we persist. We have sent TasPorts another draft and have been waiting for a response for some time, the AMOU continues to chase this up every second day and will report back to members once we have something to report.

TasPorts EA

The AMOU will be meeting TasPorts on 20th March for the EA review as agreed in the EA discussions. The AMOU will seek insights from delegates before the meeting. We have also been told that a fatigue report/study has recently been conducted by TasPorts using a private company. The report has been published and issued to staff and crew but some members have told us that they were neither consulted nor interviewed for the fatigue review although the review states otherwise. We have written to TasPorts

Chris Neiberding Industrial Report cont.

to get some clarification and insight into how this review was conducted. We have not yet had a response.

Sealink Travel Group South Australian Ferry Crew EA (Kangaroo Island)

There has been a holdup with the EA being finalised due to the fires on Kangaroo Island, but communications have resumed, and we are hopeful of finalizing the agreement shortly. There have been minimal changes.

Svitzer wage increase position

- Currently Svitzer has offered us a 3-year agreement with percentage increases of:
- 2.0% in year 1, 2.0% in year 2 and 1.9% in year 3 with a CPI floor.
- The unions have put forward an alternative wage proposal of:
- 3% in year 1, 3% in year 2 and 3.2% in year 3.
- You all know the percentage increase is the last thing to fall into place so we will keep you up to date.



Southern Area

Jarrold Moran

Senior Industrial Officer (Melbourne)

TasPorts Pilots

Little has progressed since my last report. Pilots are considering the offer made by TasPorts in December to finalise bargaining. With regards to EA term, TasPorts have offered a 3-year deal. With the current EA expiring in November 2018, a replacement EA will theoretically have less than 2 years to run.

DP World Supervisors/Superintendents

I met with the new Operational Manager who will lead negotiations for the replacement EA on 19 February. We have presented a Log of Claims to DPW and their response on 19/02 was that they were comfortable with the current arrangements. We will have our first bargaining meeting in March.

Searoad Shipping

Searoad have put a revised EA to members. A meeting to discuss this offer will take place on 21 February. It was previously reported that members have a limited number of claims for the EA including 1:1 leave (in line with the AIMPE and MUA) and a pay increase. Searoad want among other matters, to remove all cash payments on board (including cash advances on wages), cap redundancy entitlements, remove a clause that provides superannuation to be paid on accrued leave if a member is terminated or retires and pay 75% of salary to members while they are studying for superior certificates with the 25% balance to be paid on successful completion of orals.

In return members will be given pay increases of 2% p.a.

Searoad has stated its desire of bringing the 3 maritime union Searoad EA's into closer alignment. That means for example shaving the super on leave on termination out of our EA as the other unions don't have it and removing cash payments on board from our EA effectively outlawing the practice for the other unions who will retain this condition. We have organised a meeting with the AIMPE delegates for 26 February to compare notes on our discussions with Searoad.

The nominal expiry date for the 4-year proposal will be 1 July 2022. Given that the current EA expired in mid-2018 we are essentially negotiating a 2-year deal only.

Members have almost reached a position of bargaining fatigue and hopefully this EA will be finalised soon.

Serco

Little has happened since late last year. The next round of EA talks is scheduled for 10/11 March.

Victorian Regional Channel Authority

We continued to discuss with the VRCA appropriate terms and conditions of employment for the Marine Operatives at Crib Point. The FWC is providing assistance in our bargaining and a meeting will take place on 25 February.

A claim for excessive overtime worked between August/September 2018 and October 2019 (when proper rosters were initiated) has been made by members. A counteroffer has been made by the VRCA which has been rejected. We have stressed that members are not after a windfall but only their entitlement that they haven't been

Serco have also left the top 4 positions out of their proposed EA. We dispute that the proposed agreement is a genuine greenfields.

paid under the relevant award. Discussions on compensation continue.

Flinders Ports - Pilots

Flinders Ports Pilots have put together a Log of Claims and we are seeking dates for our first bargaining meeting.

Toll Shipping

The Toll Shipping EA expires in March. Toll have on 19 February issued the NERR to members and we are putting together a Log of Claims.

Eastern Area

Marty McEvilly Industrial Officer (Sydney)

ASP Rio Tinto Fleet EA

On 17 February 2020 we appeared before the Full Bench of the Fair Work Commission (FWC) in our appeal against Commissioner McKinnon's decision to approve the *ASP Ship Management/RTM Officers Enterprise Agreement 2017* (EA). Our grounds of appeal include that the Commissioner erred in her view that the *Compensation for Medical Inability to Revalidate Certificate* clause was discriminatory on the basis of age and also that she was incorrect in accepting ASP's undertaking that the clause was to have no effect. We, the AMOU and AIMPE represented by counsel, made a compelling argument and we are now awaiting the decision of the full bench. This may take several months, however the EA as approved remains in effect.

ASP Gladstone Bunkering Facility EA

ASP have confirmed that they are unwilling to progress this agreement any further until they receive an outcome on the appeal to the Rio Tinto Fleet EA (see above). We have expressed our disappointment; however, ASP have said that they are unwilling to take the risk of the associated clause in the *Larcom* EA also being pulled apart by the Commission due to the added delays, reputational impact and cost it would create. We have yet to receive a final copy of the proposed draft after our last round of feedback in late 2019. It is regrettable that this continues to drag on. It may be a number of months before we receive an outcome on the Rio Tinto EA but I will ensure members are given feedback as soon as we get word of any progress.

Transdev Sydney Ferries

It's business as usual, which means both officials and delegates have been kept busy dealing with Transdev management this month. Recruitment for new Master and Engineer E-Lists has finally started, with interviews taking place at the time of writing. The *Master 35 Internship* is also now in full swing, giving Transdev employees with a Master V sea time to get a Master IV on the charter vessels which are now on dry hire. As reported last month, the AMOU took a leading role in enabling this to happen, to both comply with the EA as well as to give the opportunity for those in the industry to develop their qualifications. There is still some work to do, with another union failing to agree to the terms of the Deed that has been proposed, as well as consultation required regarding training and other aspects of the

process. I expect there will be significant consultation in the coming months to address this as well as some of the other big changes coming in 2020, including timetables, rosters, vessel refits, new vessels and the future of the *Freshwater* class. As always, the AMOU and your delegates will keep all members advised of progress.

Fantasea Cruising Masters, Coxswains and Deckhands EA 2019

We attended a FWC hearing on 30 January 2020 in which the MUA outlined their objections to the EA being approved. We have also filed objections, though have relied upon the proposition forwarded by the MUA. The argument remains to be that the EA fails to meet the minimum requirements of the *Ports, Harbours and Enclosed Water Vessels Award 2010*, which covers ferry work. The focus of NRMA's argument was that as Fantasea predominately covers non-ferry charter work, the EA should only be compared to the *Marine Tourism and Charter Vessels Award 2010* which has significantly lower entitlements. Both sides argued their case and the Commission agreed that the final stage of the process, final submissions, should be made in writing rather than verbally. As a result, the Unions have until 28 February 2020 to file their final submissions, with NRMA providing theirs by 20 March 2020. There will be one final hearing on 25 March 2020.

I understand that the continuation of the delay will be a source of frustration for many members. I appreciate your patience throughout this process. We will reach an outcome soon. As mentioned last month, just because the EA has not been approved does not mean that members do not have the right to request a conversion from casual to permanent employment. Speak to your delegates or me directly if you think this applies to you.

Port Authority of NSW – Newcastle EA

The EA has finally gone out to vote. All PANSW Newcastle Employees covered by the EA should have got an email on 18 February 2020 to confirm that the access period has begun. This is the seven-day period prior to the vote and is the time where you get the opportunity to review the proposed EA and ask questions. Please feel free to contact me or your delegates if you would like further information. The voting period will begin on Wednesday 26 February 2020 and continue until midnight on the following Tuesday.

These negotiations have been lengthy and full of frustrating delays. This has been predominantly the result of an unfortunately timed dispute from the MUA and multiple examples of backtracking and poor bargaining from PANSW management. This included as recently as last week when we were told that the EA as agreed after almost 12 months of discussions, could not be approved unless the 'no extra claims' clause was replaced with another, much more expansive clause. The irony of a new claim being raised that late into negotiations on a no extra claims clause was not lost on the bargaining representatives. However, despite this being another situation where we could have gone to the Commission based on PANSW failing to meet their good faith bargaining obligations, we finally reached a compromised agreement to enable this process to be put to bed.

In terms of the EA, we are advocating a 'Yes' vote. It is proposed to run until 2023 with 2.5% annual increases. There is also a roll in of the performance payment, giving an additional 1.5% in the first year. Most other significant changes are included in the VTIC MOU, which has already been circulated and approved by members. Please feel free to contact me or your local delegates should you have any questions or concerns.

Port of Newcastle EA

On 13 February 2020 we held our first negotiation meeting following December's 'No' vote to PON's substandard agreement. I'm very pleased to report that it appears PON are approaching the process with renewed vigor and good faith. It was a productive meeting with PON (absent their expensive external lawyer) seeking to properly understand and address the primary reasons that the agreement was voted down. They have made an alternative proposal to address the Scope clause, and are now seeking to only exclude HR, Legal, Business Development and WHS management from those currently covered by the EA. They provided reasonable explanations for why, which has been in stark contrast to their previous position which has simply been to say that they want everyone with direct reports off the agreement. Why they couldn't have done this 12 months ago when negotiations started remains a mystery. They have agreed to correct the term of the agreement so everyone will get an annual increase each year. They are considering including an employee indemnity clause in the agreement. They also upped their provisional salary offer to 2.5% p.a., subject to the overall agreement.

We are awaiting correspondence from PON to confirm the above and some of the other matters that were touched on in negotiations. We will then have another meeting on 26 February 2020, to hopefully conclude negotiations. I ask that any members with feedback please contact me or your delegates at your earliest convenience.

Port Authority of NSW – Sydney

Our dispute regarding consultation with the Glebe Island ERT reached a head at the end of February 2020 when PANSW confirmed that they would be going ahead with their planned changes to the positions of the team despite the status quo provision of the dispute resolution clause being in place. They subsequently did this and as a result the MUA lodged a dispute in the FWC. I attended a conciliation conference on behalf of AMOU members on 14 February 2020 and it was clear that the Commissioner was of the view that PANSW needed to consult more. As a result, it is likely that further consultation meetings will occur in the coming weeks. The impact of losing the role the ERT played regarding gangway operations at the Overseas Passenger Terminal, and the subsequent responsibility left with both DMCO's and Port Officers should now be a focal point.

The VTS Fatigue Committee is scheduled to meet again on 12 March 2020. I have not heard any feedback from members since December's meeting where PANSW made promises to fill the support shift desk. I will be in touch with VTS members prior to the next meeting for their feedback and views.

The next PANSW Sydney Consultative Committee is also scheduled to occur at some time in the next month. I ask that all members raise concerns or questions they would like addressed with their delegates.

Port Authority of NSW – Port Kembla

The most recent consultative meeting to discuss the transition to VTS in PK took place on 11 February 2020. Feedback was given regarding the timeline and current progress of the project, with an expectation that PK will be certified to operate as a VTS from 01 June 2020. Discussions are still required regarding the details of the process as the deadline approaches, as well as potential changes to remuneration and working conditions as a result of certification. The next meeting is due to occur on 19 March 2020.

PK Pilots are also looking to engage in greater consultation with PANSW management after concerns were raised regarding extra responsibilities being placed upon them without discussion. We will continue to strive for better engagement between management and our members.

INCO Ships

We are waiting to hear back from AIMPE before finalizing our renewed log of claims to bring back to INCO. I have received little feedback from members but will attempt to visit vessels in the coming weeks for further input from the members.

Teekay Shipping (Australia) – *Dampier Spirit*

In December 2019 Teekay advised the Maritime Unions that it would be selling Teekay Offshore, the part of the company that owns and manages the *Dampier Spirit*. This meant they were in the process of setting up several new or restructured companies to enable this change to take place. This raised alarm bells with both members and officials, in particular, their plan to transfer the new employer to an overseas PLC. We sought assurances from Teekay that they would enter into a Deed of Agreement between the new owners and Unions to protect members, to which they provisionally agreed. Despite delays, Teekay provided us with documentation to review in mid-February and a meeting with Unions has been scheduled for 28 February. We are in the process of reviewing what they have sent, with a particular focus on ensuring that members entitlements are protected during the transition. Fortunately, they have also acted upon our feedback and will be using an Australian registered company as the new employer rather than an overseas one.

We have also received confirmation that on 19 February 2020, NOPSEMA issued an OHS Improvement Notice to Teekay based on bullying and harassment aboard the *Dampier Spirit*. We have been advised that this does not relate to AMOU members,

Eastern Area

Tracey Ellis

Organiser (Brisbane)

Pro Dive

The Fair Work Commission decision showed that the AMOU and the MUA put enough evidence before Deputy President Asbury to establish on the balance of probabilities employees are regularly working hours in excess of the maximum daily hours under the Diving Industry Award. It is a problem that is rife throughout the Diving and Marine Tourism industries with employers paying a day rate and expecting their employees to work through their breaks, extending their working hours to 16 hours in some cases. The decision has already helped us in our negotiations with rival dive company, Entrada Group, who have agreed to reduce the hours worked by their employees.

After the decision was handed down, I met with Pro Dive and the MUA in an attempt to fix some issues in the agreement before it goes to vote. The company refused the Union's ask of 5%, 2.5% and 2.5% as compensation for the past wrongs, instead sticking with their original offer of 2%, 2% and 2%. The company also refused the AMOU's request to BOOT test the masters against the Marine Tourism Award instead of the Diving Award. Pro Dive has put the EA out to ballot and my advice to members is to vote 'no'. If the Agreement gets voted up, the AMOU will notify the Fair Work Commission immediately that we do not agree to the approval of the document as it will not pass the BOOT.

Entrada Group

I met with the company and the MUA in Cairns after the *Spirit of Freedom* time and motion study showed that the hours of work masters and mates are expected to do is more than what is currently being paid for. Entrada say that they have come to a new agreement with the crew around the actual hours worked and will send the Unions the details for consideration.

During the meeting we closed out a lot of the Unions' claims because they were doubles and reached agreement on some of the other claims. Paul Gallagher, Dave Lyon (MUA) and I met with members afterwards to get further instructions on a few of the outstanding claims. I emailed those instructions to the company and they are currently amending the draft agreement to reflect the agreed changes. Once this is done, we will organise another meeting.

Ports North Maintenance

I met with the Ports North Maintenance guys while I was in Cairns to discuss their upcoming EA negotiations and their log of claims.

The company should initiate negotiations by issuing a Notice of Representational Rights within the next month or two.

Smit Lamnalco

Gladstone

I'll be in Gladstone the week of 24 February to meet with masters about some of the issues that have been raised over the last few months. We will also be discussing the upcoming EA negotiations and our log of claims.

AIMPE and MUA are currently campaigning for an investigation into three catastrophic tug engine failures that resulted in flying shrapnel. They are hoping to prevent similar incidents from happening in the future. The AMOU will provide support where required.

The Fair Work Commission is yet to make a decision about the GMDSS dispute and the Rosters dispute.

Townsville

It seems that AMSA is no longer investigating the company's handling of PFAS firefighting foam, but the Department of Environment and Science is doing a thorough investigation. Smit Lamnalco has been asked to provide details and rectify all the alleged non-compliance issues. The foam was confirmed to be PFAS and one employee has already tested positive for the same chemical compounds. We are waiting on the results for the other employees. The AMOU urges anyone who has transferred firefighting foam to get in touch with HR to be tested.

The AMOU is still pressing the company to train masters on the Uni Lever tug, *SL Cook*, when it comes to Townsville to relieve a tug going to dry dock.

Australian Reef Pilots

Our delegate and I met with ARP for the first meeting in the long awaited EBA negotiations. The meeting went well with the parties agreeing to an interim rostering arrangement and agreeing to a number of items on the Union's log of claims. The rostering arrangement will be put to vote in the coming days and the parties hope to meet within the next two weeks to work through the rest of the AMOU log of claims.

Transdev Brisbane Ferries

At the time of writing it has come to my attention that Transdev intends to cut the payments made to casuals when they do overtime. I will investigate this further and get in touch with members about our options.

Bay Island Transit Systems - Sealink

I met with masters on board the vessels and the with the new manager, Paul Johnston of BITS to discuss the log of claims and the stalled EA negotiations. Paul immediately came to the party with a couple of little things like the lack of tea and coffee in the crew house. He confirmed that the time after refuelling issue has been resolved and is looking at an interim Masters' indemnity policy that can be implemented while we wait for the EA negotiations to resume. He is also looking for a solution to the dangerous cargo that the vessels currently carry and into the issue of overtime payments on Saturdays.

Sealink met with Translink on the 17th of February about the proposed timetable change. Paul said that they are working on a roster to put to Translink within the next month. He also confirmed that the company is concerned about fatigue issues relating to the roster and will aim to address this. He has promised to work with employees on this.

North Queensland Bulk Ports

The Pilots and I met with NQBP to discuss the way DILs are currently being paid for training. The AMOU is of the belief that the EA clause only relates to on-water training and therefore DILs should be paid when at the simulator. The company disagrees. We both agree that the training clause needs to be tidied up. The company will get back to us by 28 February with their final response to the DIL question and an amended training policy. If the company continue to disagree with our interpretation of the clause then it is likely the dispute will progress to the Fair Work Commission for an independent interpretation of the clause.

VTS Hay Point

While I was in Mackay, I dropped in to see the VTSOs to discuss MSQ's VTSO Review. I also met with the new manager who seemed happy to work with the AMOU. MSQ GM, Angus Mitchell, has confirmed the review will start in April.

P & O Aburri & Wunma

The *Aburri* officers and engineers have agreed in principle to the company's offer which included paying for travel, full backpay and a 10.5% pay increase over the life of the agreement. There are still a couple of finer details to work through so the AMOU and the MUA will meet with P&O to discuss in the coming days.

The HR manager did not get back to us with an offer for the officers onboard the *Wunma* and I will continue to chase this up.

Seaswift

I met with Seaswift members in Cairns and the main issue that was raised was that noise levels onboard vessels are dangerously high and the foam mattresses in cabins are not sufficient. I've asked members to email details of the vessels affected and I will contact the company about it. In the meantime, members should record the issues internally through logbook entries, maintenance requests, and incident reports etc. to give the company an opportunity to correct the issues first.

Seaswift has still not agreed to come back to the table to finalise the EA. The three unions will continue to push for this to happen. I'll let members know as soon as negotiations have resumed.

Dredging

The Gladstone Dredging project that aims to widen the Clinton Channel is set to kick off in March. Hall Contracting won the contract and Bhagwan will handle the marine crew. I forwarded on a couple of resumes from AMOU members to Bhagwan's manager, Kevin Clifford, who said they have filled the first two swings with their current employees but will keep our guys in mind for any other swings or shortfalls.

Coral Knight

Our delegate and I wrote to Teekay and AMSA with a list of reasons why reducing the number of engineers onboard the *Coral Knight* will severely impact the vessel's ability to provide effective and safe First Strike Capability and will increase the risk of pollution in the Great Barrier Reef.

Thankfully, AMSA did not approve the change of the safe manning certificate and the Second Engineer is still onboard the *Coral Knight*. AMSA's decision may be challenged by the client.

TSHD Brisbane

I met with some officers onboard the dredger to discuss the upcoming EA negotiations. The company has not commenced the negotiations yet and I anticipate this will happen within the next month or so.