



# Special Coronavirus & Industrial Report

April 2020

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## MEMBERS' MONTHLY MEETINGS

Please note that monthly meetings will not be held in April or May due to necessary measures to combat the spread of the Coronavirus.

Members will be notified when monthly meetings recommence



**AMOU**

Australian Maritime  
Officers Union

# Federal Report

**Tim Higgs**  
President



Dear Members

Welcome to the April Industrial and President's Report.

It has been an extremely busy month for all the industrial staff and me in which we have seen the Australian maritime industry tipped on its head. Like all members we have had to adjust rapidly to the ever-changing industrial environment with some employers raising genuine claims and concerns. The conditions we all enjoy throughout the industry have been hard fought for and unfortunately some employers are seeing the current pandemic and amendments to the Fair Work Act as an opportunity to make change with no or very limited consultation.

## Changes to workplace conditions & JobKeeper payments

Please read through this Industrial Report to find information about your workplace or employer and the current COVID-19 situation or negotiations that are taking place on your behalf. As I have said in recent memos do not feel compelled or forced by your employer to agree to conditions outside of your EA without consulting your union official. Some employers in recent weeks have applied for JobKeeper payments. Firstly, they must meet the prerequisites for these payments and any payments can only assist in subsidizing your current conditions of employment, both remuneration and superannuation.

## Masters' Overriding Authority

One must question why in 2020 we are still seeing some employers and their managers question the role of a Master. In particular, the clear statement required in the front of any ISM compliant and certified Safety Management System that gives the master the overriding authority to make decisions regarding safety of the crew, the vessel, the cargo and the vessels security and/or to protect the marine environment. Why discuss this now? It is becoming evident that some companies and their management think that COVID-19 provides a pretext to depart from this principle. Their thoughts are that the masters overriding authority is only applicable during an emergency or imminent danger. This is not the case and there has been much legal discourse published on this subject over the years. Even still, the complexity of the statement and the attached responsibilities remain. One would hope that during these challenging times we all face throughout the industry, management would listen to

their Masters and the concerns they raise in relation to crew safety and health especially in the COVID-19 context. As reported before it's very important as a Master that you understand where you stand as a result of changes to marine orders, the differences between responsibilities and authorities under Registered Australian Vessels and Domestic Commercial Vessels and very importantly what your Safety Management System states. We will do our best to keep you updated on any changes as they happen.

## Maritime Response Group (MRG) COVID-19 and border closure updates

The Maritime Response Group has continued to meet throughout April. We have seen the National Cabinet make the decision and agree on the Thursday afternoon prior to Easter that there was a genuine need for non-cruise maritime crew to be able to travel freely across state and national borders to facilitate crew changes for the industry to continue operating.

From the Prime Minister's statement:

*On 9 April, the National Cabinet agreed that the Australian Government and all states and territories would implement a consistent and immediate exemption for non-cruise maritime crew to provide for the transiting to and from their places of work, within and across jurisdictions with agreed documentation.*

*National Cabinet noted that states and territories may adopt additional protocols in consultation with industry that creates protection for crews on board vessels, and will put in place appropriate penalties for companies and individuals that are found to be in breach of the requirements of the exemption.*

*The exemption will be reviewed on 1 June 2020.*

### Class exemption

*This class exemption for non-cruise maritime crew will be implemented by the Australian Government, and all states and territories in their relevant primary or subordinate legislation. The purpose of the exemption is to enable key industries and supply chain activities to continue to operate while at the same time mitigating the risk that these workers may spread COVID-19.*

All states and territories are still in the process of working this through with their Premiers' offices, Health Ministers and Departments and Police Commissioners. The government's agreement through national cabinet is based on the Australian Border Force directions for maritime crew arriving from overseas and the Chief Medical Officers advice on the risks associated with COVID-19 and maritime crews.

Each state and territory has a slightly different stance although mostly, apart from Tasmania and Western Australia at this point, are compliant with creating legislation that is consistent with this agreement.

The following information was correct as at 24<sup>th</sup> April. The AMOU is doing its best to keep members informed of the current COVID-19 border restrictions although its important members also check the current directions in the jurisdiction they need to travel to or from when joining a vessel.

**Queensland (QLD):** Maritime Safety Queensland currently has a two-port policy where vessels can arrive at any time from ports overseas whereas all other ports there is the requirement of 14 days having elapsed since departing their last port. Exemptions may be applied for when arriving from some overseas ports within 14 days e.g. a New Zealand port. As for maritime crew when arriving from another state within Australia, exemptions must be applied for prior to arriving in QLD and maritime crew arriving from overseas e.g. from New Zealand they must self-isolate on arrival. Please see the below links to assist. When returning home from your swing interstate QLD residents are exempt. They must self-isolate if they have been outside the border of Australia within 14 days or have been in an area designated as a COVID-19 hotspot (unless the person is in the hotspot for an essential purpose or returning to QLD for an essential purpose).

<https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/border-restrictions>

<https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/self-quarantine-for-persons-arriving-in-queensland-from-overseas-direction>

<https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/current-status/hotspots-covid-19>

**New South Wales (NSW):** A vessel can only enter after 14 days from previous port if from China. Other vessels can arrive at any time to work cargo although crew can only perform essential ship operations while alongside e.g. taking the drafts, and there is no shore leave. Maritime workers arriving from interstate to join their vessel or arriving home from their swing interstate NSW currently has no restrictions in place. Maritime crew arriving from overseas are required to complete 14 days directed quarantine as per the ABF notice of 1<sup>st</sup> April.

<https://www.health.nsw.gov.au/Infectious/diseases/Documents/maritime-quarantine-exemption.pdf>

<http://www.amou.com.au/border-force-advice-covid-19/>

**Victoria (VIC):** There are currently no restrictions in place for vessels arriving to work cargo in line with the Australian Border Force notice for *Restrictions on Maritime Operations and Crew* issued on 1<sup>st</sup> April.

As for maritime crew there is no restriction in place for joining a vessel from interstate or returning home from your swing interstate. If returning home from a swing overseas you will be required to complete 14 days directed quarantine even if only transiting through as per the ABF notice on 1<sup>st</sup> April.

<http://www.amou.com.au/border-force-advice-covid-19/>

<https://www.dhhs.vic.gov.au/information-overseas-travellers-coronavirus-disease-covid-19#what-if-i-am-just-transiting-through-victoria>

**Tasmania (TAS):** Vessels arriving from an international port into a Tasmanian port within 14 days from the last port call will be required to go to anchor and wait for 14 days to elapse before entry. Vessels that have arrived from New Zealand or the Pacific Islands may apply for an exemption and TasPorts will process this on a case by case basis. Maritime crew arriving from overseas to join a vessel in Tasmania are required to complete 14 days mandated quarantine. Maritime crew arriving to join a vessel associated with Tasmanian freight e.g. the Bass Strait trade, an exemption can be applied for to join the vessel direct from arriving in Tasmania. All other maritime crew at this point arriving to join a vessel not associated with Tasmanian freight or returning from a swing interstate must complete the mandated 14 days isolation.

[https://coronavirus.tas.gov.au/\\_data/assets/pdf\\_file/0032/88088/EMA-Directions-in-relation-to-persons-arriving-in-Tasmania.pdf](https://coronavirus.tas.gov.au/_data/assets/pdf_file/0032/88088/EMA-Directions-in-relation-to-persons-arriving-in-Tasmania.pdf)

**South Australia (SA):** Like Victoria there is currently no restriction in place for vessels arriving to work cargo in line with the Australian Border Force notice for *Restrictions on Maritime Operations and Crew* issued on 1<sup>st</sup> April. As for maritime crew there is no restriction in place for joining a vessel from interstate or returning home from your swing interstate although if returning home from a swing overseas you will be required to complete 14 days directed quarantine as per the ABF notice on 1<sup>st</sup> April.

**Northern Territory (NT):** Vessels are currently allowed to enter the Port of Darwin and conduct cargo operations direct from a port overseas within 14 days although the NT Chief Health Officer has health screening in place for checks on board on arrival. Maritime crew can conduct essential ship's business on the wharf. Maritime crew arriving in the NT from interstate for a crew change can apply to be exempted from the mandated 14 days quarantine if the company has an approved COVID-19 plan submitted with NT health. This approval can take up to 2 weeks to process. Although not exactly clear it would also seem this is the current stance with maritime crew returning home to the NT from a swing interstate.

[https://coronavirus.nt.gov.au/\\_data/assets/pdf\\_file/0020/815114/CHO-Directions-No-22-Directions-for-Territory-Border-Restrictions-SIGNED.pdf](https://coronavirus.nt.gov.au/_data/assets/pdf_file/0020/815114/CHO-Directions-No-22-Directions-for-Territory-Border-Restrictions-SIGNED.pdf)

**Western Australia (WA):** The WA government is being by far the most difficult with their hard border stance and this has caused major frustration for members caught in the middle of crew changes and has created a substantial work load for the union and its staff.



To itemize each restriction currently in place in this report would consume a substantial amount of space as some employers have had their clients place their own quarantine restrictions on top of WA state legislation. As it stands, members needing to travel to WA from interstate to join their vessel will be required to isolate in a hotel on arrival. Those returning from work interstate may be able to apply for an exemption and self-isolate at home for 14 days. Those arriving by sea from overseas that reside in WA can self-isolate at home for the remaining balance of the 14 days at sea from their last port provided there has been no sickness on board. Those arriving by sea from overseas that reside outside of WA can proceed direct to the airport for onwards travel. Any delays in outbound travel require the crew member to isolate in a hotel.

As you can see it is still pretty messy when it comes to crossing borders. At the time of writing this report the state and territory legislated border control measures are not aligned with the National Cabinet class exemption for non-cruise maritime crew class exemption. We are continuing negotiations and discussions through the MRG and state legislators hoping this will become more streamlined and standardized soon. In the meantime, please check the links provided for online information and if in doubt contact the union for assistance and clarification.

During these difficult and unprecedented times that we are all facing, we can only hope that things will soon start to settle down, although it is clear that we will face a different way of life following COVID-19.

In the meantime, look after yourselves and your families.

As always Stay Safe

Tim Higgs  
President

# Federal Report

## Mark Davis Executive Officer

### INCO bunker barge *ICS Allegiance* lay-up

INCO owns and operates 3 bunker barges *ICS Allegiance*, *ICS Reliance* and *ICS Integrity* on contract to carry product for Viva Energy Australia. INCO also owns and operates *ICS Silver Lining*, a general cargo vessel and manages *MV Accolade II* a self-discharging bulk carrier owned by Adelaide Brighton Cement.

*ICS Reliance* carries product between Geelong and Sydney and generally lays up near the end of the cruise ship season. *ICS Integrity* is the Geelong-based ship and *ICS Allegiance* works Sydney. There is now insufficient work for *ICS Allegiance* to continue operating. The ship was laid up on Friday 24<sup>th</sup> April and *ICS Reliance* the previous weekend in Gore Bay. The operation of the remainder of the fleet remains unchanged except Coronavirus-related quarantine in Tasmania delaying the crew change for *ICS Silver Lining*.

INCO carries casual officers due to the seasonal basis of *ICS Reliance's* work, so this lay-up was business as usual but not so *ICS Allegiance* to which are attached permanently employed officers. This means potentially 4 redundancies in the AMOU area, 2 x Masters and 2 x Chief Officers. We have encouraged the company to seek expressions of interest for voluntary redundancy from the whole fleet and not just Sydney operation workers to avoid the possibility of forced redundancies. The company is working with the AMOU to manage the job losses and is also prepared to look at half pay/double leave, job share and ship-keeping options involving the deck side.

Unfortunately, the ATO's JobKeeper payment of \$1,500/fortnight is unlikely to provide any relief in these circumstances as *ICS Reliance* was a budgeted lay-up and the remainder of the fleet is unaffected. To qualify an employer must have a turnover of less than \$1bn and have lost 30% or more of revenue compared to a comparable period a year ago.

We have sought employment-related information and personal preferences from all members employed by INCO to ensure there is some equitability in the application of retrenchment measures. As we have still not managed to pin INCO down to conclude an EA, the NES redundancy provisions will apply, and these are far from generous as can be seen below:

#### *Period of continuous service Redundancy pay:*

At least 1 year but less than 2 years - 4 weeks  
 At least 2 years but less than 3 years - 6 weeks  
 At least 3 years but less than 4 years - 7 weeks  
 At least 4 years but less than 5 years - 8 weeks  
 At least 5 years but less than 6 years - 10 weeks  
 At least 6 years but less than 7 years - 11 weeks  
 At least 7 years but less than 8 years - 13 weeks  
 At least 8 years but less than 9 years - 14 weeks  
 At least 9 years but less than 10 years - 16 weeks  
 At least 10 years - 12 weeks

### Ruby Princess

This is a Flag of Convenience (FOC) vessel because its USA beneficial ownership differs from its country of registration - Bermuda. The ITF FOC Campaign Inspectorate in Australia, in the person of CFMMEU - MUA's ITF FOC Coordinator Dean Summers was always going to have considerable responsibility to look after the crew's welfare, something he is very experienced and competent at executing. Strangely bearing in mind the ownership of the ship, she is covered by a Collective Bargaining Agreement signed by the Italian union FIT-CISL. The multi-national crewing also means that members of unions from other countries were aboard and these unions were also interested in ensuring their members were being looked after.

Nautilus International (NI), the UK-based equivalent of the AMOU and a fellow member of the Nautilus Federation had 9 members aboard comprising Staff Captain, Chief Engineer, Second Engineer, Fleet Safety Instructor, 3 x Third Officers, ETO and a Cadet.

NI had lawyers standing by and involved in ensuring the proper conduct of any interviews with NI members, particularly so when the NSW Police was involved. AMOU member Glenn Kolomeitz, (Cardinal Strategic) was part of this legal team. Carnival Australia told crew that it would be providing legal representation but there is a need in these circumstances to ensure there is no divergence of interests between company and officers; and where this happens there must be recognition and substitution of lawyers. This was not always assiduously implemented by the parties involved. Nobody was happy to witness the predicament in which the ship's Doctor found herself and all union parties were keen to ensure this did not happen again. In those circumstances independent legal representation should have been provided to her.

The NI Director of Legal Services said that he would greatly appreciate any advice and information that AMOU can provide.

### Executive Officer's Report cont.

We were happy to oblige but also keen not to unduly convolute the existing support network.

We were in a position to advise the team that when the Police interviewed our VTSO member, his employer Port Authority of NSW had their lawyer and counsel present and Industrial Officer Marty McEvilly was also present for the duration to protect our member in the case of any conflict of interest between employer and employee. This was an indication of some flexibility of the part of the NSW Police which was valuable to the NI Legal team.

Despite the 23<sup>rd</sup> April departure of the ship from Port Kembla bound for the Philippines, there is much more work to be done by the authorities and potentially by the legal team as the Commission of Inquiry goes about its business. There is also the possibility of a Senate Inquire being instigated.

### Teekay Shipping Australia & Teekay Marine Resources vessels

AMOU & AIMPE have had a preliminary discussion with the consultant to these two companies regarding renegotiation of the EAs/employment conditions that presently apply to the following ships:

*MATV Sycamore* (Navy Multi-purpose Aviation Training Vessel)  
*ETV Coral Knight* (AMSA emergency towage vessel)  
*ABFC Ocean Shield* (Australian Border Force Cutter)  
*ADV Ocean Protector* (Customs Australian Defence Vessel)

Whilst these vessels are all within the same stable there are distinctive facets regarding the form of the agreement, pay, conditions and expiry dates. The parties will be identifying tele/videoconference dates and nomination of delegates and company representatives this week.

### Engage Marine/Engage Towage

The AMOU Executive Council endorsed signing the framework agreement brokered under the Fair Work Commission's interest-based problem-solving process, that provides for core conditions to apply to the tug crews. AIMPE and CFMMEU-MUA division have also both endorsed signing the framework agreement which provides for conditions gauged not to undermine the existing industry standards and embodies a model that gives crew members ownership of the day to day operations of their tugs in each port and incentives to ensure the success of the company's port cooperatives. All three unions have embraced Engage Marine's new direction on the basis of the protections afforded by the agreement and discussions are reconvening on 4<sup>th</sup> May to traverse the detail

of how the framework translates into the employment relationships in each port.

### Trident LNG, Shell and North West Shelf Shipping Services Company

Shell Tankers Australia Pty Ltd has advised that Trident's labor agreement application to the government has been approved. Trident will now proceed with the other formalities and steps within the approval letter prior to commencing with the visa application process.

Another experienced Master has resigned from Trident to take up an appointment as a Marine Pilot. A new Master sourced for Trident by the AMOU, has undergone his first trip and two Chief Officers are hopefully on the imminent threshold of completing successfully their command assessments. One Master is awaiting a new Navigational Competency Assessment simulation to regain his command, and another is on extended leave. Within this matrix there are possibilities for Australian officers to maintain all senior onboard positions and minimize the need for Trident to utilize non-Australians from the international fleet.

The April 8<sup>th</sup> timing of the announcement from the WA government regarding the need for non-WA-based seafarers to quarantine for 14 days prior to joining a ship has caused massive inconvenience for Trident and AMOU members. Two tankers were anchored in Withnell Bay awaiting their crews for a change on 17<sup>th</sup> and 18<sup>th</sup> April with the result that all officers aboard had to go around again as no-one had time to quarantine. Crew members were immediately brought over to quarantine in the Woodside compound prior to joining their tanker which was scheduled for crew change on 23<sup>rd</sup> April, but this has of necessity been deferred to 28<sup>th</sup> April.

This massive logistical exercise for Trident has been compounded by the grounding of Virgin Australia and the scarcity of Qantas flights, particularly between Perth and Karratha. Flights have had to be chartered and some crew members have spent up to 5 days travelling to get to Karratha. There are no cooking facilities in the Woodside dongas and Trident has ensured meals are delivered to the rooms of isolating crew and have an arrangement with the local IGA to supply drinks and snacks. Trident appears to have been successful at receiving a dispensation from the WA Police to quarantine crew in Perth rather than Karratha and have reached agreement with the Crowne Plaza to accommodate crews in rooms that hopefully have a balcony for some fresh air.

### 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 me know asap. New applicants please email me your CV. If any members are aware of anyone else whether a member or not with gas experience, please encourage them to contact me. [mark@amou.com.au](mailto:mark@amou.com.au) and 0437 099 886.

Quarantining crew members are paid 'COVID Leave' which is effectively dead days. Something AMOU maintains should be happening with all employers of AMOU members... but unfortunately is not.

To think that only 2 months ago Shell was endeavoring to withdraw a ship from service on the pretext of the Master having been on board for too long and there being no available relief. In past weeks we have seen ample opportunity for a ship withdrawal to happen more legitimately but Trident and STAPL have worked tirelessly to keep the ships moving, even resorting to the MUA's WA employment roster to effect crew change for ratings requiring relief. We see this as an evolution of the cooperative nature of the relationship between the COA partners after 2½ years of what at times was antagonism and confrontation. Let us hope the new era sustains long term.

## AMOU Auditor StewartBrown's explanation of the JobKeeper package

This is the special edition of the StewartBrown newsletter where we keep you informed and updated with the latest tax and Government assistance package developments as they arise. This newsletter outlines the JobKeeper package from the employee's perspective.

### JOBKEEPER OVERVIEW

The JobKeeper payment supports businesses significantly affected by coronavirus (COVID-19) by helping with the costs of their employees' wages, so more Australians can retain their jobs and continue to earn an income.

If you are an employee your employer will notify you if they intend to claim the JobKeeper fortnightly payment of \$1,500 on your behalf. You will not be paid the JobKeeper payment by the ATO. The payment comes from your employer who is later reimbursed by the ATO. Tax will be withheld from the payment so you may receive less than \$1,500 in your bank account.

### FIVE STEPS

There are five steps that you should take to help your employer claim the JobKeeper payment on your behalf:

Step 1 - Check you meet the eligibility requirements (see below)

Step 2 - Let your employer know if you want them to claim the JobKeeper payment for you.

Step 3 - If you have multiple jobs:

- Choose which employer you want to claim the JobKeeper payment for you. You can only choose one employer. If you are a long-term casual but also have a permanent employer, you can only choose a permanent employer.
- Let your chosen employer know that you want them to claim the JobKeeper payment for you.
- Let the other employers know you have nominated a different employer for the JobKeeper payment.
- If you run a business, but are also a permanent employee, you cannot nominate to be an eligible business participant of that business.

Step 4 - Complete the JobKeeper employee nomination notice provided by your chosen employer and return it to them as soon as possible. The form captures simple information to confirm who you are and that you choose to be nominated by them.

Step 5 - If you are receiving income support payments, like the JobSeeker payment, contact Services Australia and let them know that your employer has applied for the JobKeeper payment. If you do not report the income or cancel your JobSeeker Payment, you may incur a debt that you will be required to pay back.

### ELIGIBLE EMPLOYEES

Work out if you are an eligible employee. You are an eligible employee if you:

1. Are currently employed by the eligible employer (including if you were stood down or re-hired)
2. Were for the eligible employer, either a:
  - a. permanent full-time or part-time employee at 1 March 2020
  - b. long-term casual employee (employed on a regular and systematic basis for at least 12 months) as at 1 March 2020 and not a permanent employee of any other employer.
3. Were either:
  - a. an Australian resident (within the meaning of the Social Security Act 1991), or
  - b. an Australian resident for the purpose of the Income Tax Assessment Act 1936 and the holder of a Subclass 444 (Special Category) visa as at 1 March 2020.
4. Were at least 16 years of age on 1 March, 2020
5. Were not in receipt of any of these payments during the JobKeeper fortnight:
  - a. government parental leave or Dad and partner pay under the Paid Parental Leave Act 2010
  - b. a payment in accordance with Australian worker compensation law for an individual's total incapacity for work.

If you started work with your current employer after 1 March 2020, your employer will not be eligible to claim the JobKeeper payment on your behalf.

If you aren't eligible to be paid JobKeeper payments by your employer, you may be able to apply for support through Services Australia depending on your personal circumstances.

### NOMINATED BY EMPLOYER

It is optional for your employer to participate in the JobKeeper payment scheme. If they do not participate in the scheme, you cannot be nominated by them. If your employer does choose to participate in the JobKeeper payment scheme, and you are an eligible employee, you must tell your employer that you agree to be nominated as an eligible employee.

Your employer will not be able to claim the JobKeeper payment on your behalf if:



- you do not agree to be nominated
- you do not return your JobKeeper employee nomination notice by the end of April.
- they or you do not meet the eligibility criteria

Once you and your employer have agreed they are claiming the JobKeeper payment on your behalf, they will enrol and apply to receive the payment from the ATO.

#### EMPLOYEES ON A FIXED TERM CONTRACT

Fixed-term contractors are eligible for the JobKeeper payment if they were employed at 1 March 2020 and meet the other eligibility criteria for the JobKeeper payment. If your contract ends and is renewed before 27 September 2020, the JobKeeper payment will only be available for the fortnights where the employment relationship exists until 27 September 2020.

#### EMPLOYEES WITH MULTIPLE EMPLOYERS

If you have multiple employers, only one employer can claim the JobKeeper payment on your behalf. If you are a long-term casual and you have other permanent employment, you must choose your permanent employer – you cannot be nominated by your casual employer.

#### EMPLOYEES WHO ARE STOOD DOWN, TERMINATED OR ON LEAVE

If you were stood down after 1 March 2020, your employer will be able to claim the JobKeeper payment on your behalf if you both meet the eligibility criteria including that your employer starts paying you a minimum of \$1,500 per fortnight before tax. If you were terminated after 1 March 2020, your employer may choose to re-engage you and claim the JobKeeper payment on your behalf if you both meet the eligibility criteria.

If you have taken up other work after being stood down, you may earn additional income without your eligible employer's JobKeeper payment being affected. As long as you are eligible and maintain your employment (including being stood down) with your JobKeeper-eligible employer you can still receive the JobKeeper payments.

#### HOW MUCH WILL YOUR EMPLOYER PAY YOU?

The JobKeeper payment is paid to your employer. You will continue to receive salary or wages from your employer and the ATO will reimburse your employer after they have paid you. The payments will apply as follows:

**Normally earning less than \$1,500 per fortnight** If you are eligible and normally receive less than \$1,500 in income per fortnight before tax, your employer must pay you at least \$1,500 per fortnight before tax in order to receive the JobKeeper payment.

**If you are stood down or have reduced hours** If you normally early more than \$1,500 but are stood down or working reduced hours, such that your ordinary income is nil (i.e. stood down) or less than \$1,500 (i.e. reduced hours) per fortnight before tax, then your employer must pay you at least \$1,500 per fortnight before tax in order to receive the JobKeeper payment.

**Normally earning more than \$1,500 per fortnight** If you are eligible and receive \$1,500 or more in income per fortnight before tax, you may continue to receive your regular income according to your current workplace arrangements. The JobKeeper payment will assist your employer by subsidising part of your income.

#### CONCLUSION

The preceding pages have outlined the major characteristics and mechanics of how the JobKeeper program impacts employees. If you have any questions or would like anything clarified in relation to the JobKeeper programme we recommend speaking with your StewartBrown Manager or Partner concerning those matters

#### Stop Press:

The previously announced **enrolment date has been deferred from April 30 out to May 31**. Registering by that date will ensure your payroll costs can be reimbursed back to the commencement date being 30 March. As a reminder, the reimbursement scheme applies to payment dates, not payroll periods.



# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser (Fremantle)

#### Coronavirus

The pandemic is also stretching AMOU resources over here in the West. The communications with members have been huge. My colleague Glenn Walsh and I are managing to keep up with the many member enquiries. Portfolios have been re-allocated to ensure our COVID-19 responses can encompass all offshore companies, and members. Our mantra is *follow the EA*, let the union negotiate any workplace change proposals. Members may have had accumulated leave deducted for isolations, but if they stick to union advice and not agree in writing then we can pursue dead-day payments later. The companies know this.

#### Vessel Inspections and Ship visits

The COVID-19 pandemic has put a hold on Ship Visits and Vessel Inspections

***Members may have had accumulated leave deducted for isolations, but if they stick to union advice and not agree in writing then we can pursue dead-day payments later***

#### Maersk Supply Services

The 2019 Maersk Deck Officers EBA has now been approved by the Fair Work Commission.

#### OSM EA Negotiations

Last month I lodged an application with the Fair Work Commission against OSM for bad faith bargaining.

The lodgement of this application could have steered OSM management back towards the negotiation table, but no it was just the opposite. The grapevine says OSM will not talk to us because AMOU lodging an FWC application for bad-faith bargaining prevents that happening. Nothing would please the FWC, or us, more than OSM resuming EA talks.

OSM continued to negotiate with AIMPE throughout this period.

The AMOU, and the Deck Officers employed by OSM finally ran out of patience and last Friday lodged an application

with Fair Work for a Protection Action Ballot (PAB). Over the past few months, I have surveyed members and they are quite prepared to follow this course of action. OSM stands out as the lowest salary providers in the Offshore Industry with the last salary increase being in 2012. Also, their attitude and actions towards Masters and Deck Officers is often quite appalling.

#### Solstad

With the effect of COVID-19, EA negotiations are on hold. Solstad eventually started consulting with the AMOU regarding isolation and overcycle payments. Our stated position is and has always been follow the EA. If you leave home for work then regardless if it takes four days or fourteen days you are entitled to travel days. The overcycle clause needs no explanation, it is clear in the EBA there is even an example to guide you, below the table on page 42.

Glenn Walsh has been handling the negotiations with Solstad. I am endeavouring to keep-up with the many emails and calls from members.

#### Swire Pacific Offshore

Management is doing its best to avoid paying employees for isolations or overcycle. So, if they can move employees around to prevent extra costs, good for them. But the union will follow Swire for payments if an AMOU member contacts us.

#### Toll Energy - Offshore

News has reached our office that Toll Energy intends to remove the cook's position from their offshore vessel *Toll Provider*. Toll Energy won the *Pyrenees Venture* off-take contract from MMA, we now know how they did it. If true, it means a crew member, untrained as a cook and unfamiliar with very important food hygiene practices will be assigned cooking duties. This would be a huge step backwards in our industry and is something we vehemently oppose.

I have emailed the company to re-start negotiations. Fortunately, we have good numbers of permanent officers, which gives us a good strong basis to negotiate for a decent outcome.

#### Westug

Always the low point in my monthly report. What these members are forced to endure from a nasty employer would make most workers shake their heads in disbelief. Hopefully,

next year's EBA re-negotiation will achieve the right to compulsory FWC arbitration.

### **AMOU Membership**

Recent events are providing both non-members and un-financials motivation to be part of the union. It can get a bit lonely on the bridge if financial members leave non-members out of the conversation. It's quite simple: more members equals more resources equals more bargaining power equals more solidarity equals better wages and conditions.

## Western Area

### Glenn Walsh Industrial Officer (Fremantle)

#### Mackenzie Towage Bunbury EA

We are waiting for FWC approval of the EA. Recent history suggests that we should have an agreement in place by Mid May 2020. We have 2 active applications before the WAIRC in relation to MMT's mishandling of a trumped up disciplinary matter, and a related contractual benefits claim. Given the company's ongoing negative disposition in the settlement of these and other matters, we anticipate the additional need for a General Protections claim in the FWC.

#### Southern Ports Authority Pilots EA

The EA covering the ports of Bunbury and Esperance has been certified by the FWC and is now in operation. Unusually, this agreement ran the gauntlet of the FWC boffin's scrutiny and made it through completely unscathed. We are due to commence bargaining for the Port of Albany Marine Pilots Enterprise Agreement. We anticipate and hope that much of the work already undertaken for the other SPA ports EA will significantly abbreviate the bargaining process.

#### Pilbara Ports Authority (PPA) - Port of Dampier VTS EA

The Port of Dampier VTS Agreement 2020 enterprise bargaining process has already seen 2 separate video conferences and has since progressed at breakneck speed. Luckily, much of the negotiation occurred between our members, delegates, and management prior to the commencement of bargaining. With the recent approval of the mostly similar PPA Port Hedland VTS agreement, the key clauses are ready to go which should result in further efficiencies.

#### Argonaut Marine EA

The ongoing failure of AMG Management to reasonably negotiate key terms and conditions with its employees precipitated a PABO application. As a result of the much-anticipated employer objections, the matter was initially conciliated then arbitrated by DP Binet. Fortunately, the Deputy President supported our application and made orders accordingly. Given the impact of Covid-19, the AEC will likely delay the ballot until next month. In the interim, the parties have agreed to resume bargaining. We remain hopeful that our members won't need to avail themselves of the prescribed forms of industrial action that will soon become available.

#### DOF Management

The company has elected to effect swing changes on the *Skandi Darwin* in Broome Western Australia and then sail to Darwin as a means of avoiding the need to isolate staff travelling from interstate. The Union has expressed serious concerns in relation to the effect this is having upon interstate staff. Given that other vessel operators are currently boarding crews in Darwin, it remains unclear whether the company's efforts have achieved any significant cost savings.

#### Montara EA Negotiations

Due to the travel restrictions imposed by the COVID-19 response, bargaining has been indefinitely suspended

#### Odyssey Marine EA

Bargaining has resumed with the employer's bargaining agent providing a proposed agreement in advance of an employee ballot. With some tweaking, we are confident that bargaining for this EA is near to completion.

#### ASP MT Absolute

Parties have reached in principle agreement for a 2-year term. The vessel is currently berthed in Fremantle and will likely commence operations within the month.

#### Solstad

The AMOU and CFMMEU have proposed similar positions in response to employer requests for amended swing lengths, payment of dead days for isolation and over cycle payments. In particular, the Unions have temporarily offered to increase swing lengths to 6 weeks, retaining the payment of dead days for isolation and over cycle payments after six weeks on board vessels.

#### Oil & Gas Services Greenfields EA

Bargaining has progressed for a 2 year agreement that includes terms and conditions that are reasonably consistent with those contained in the recently approved Maersk agreement.

#### MMA Offshore

The Union has been in regular contact with management to deal with issues as quickly as possible. In principle agreement has been reached in relation to the employer application for JobKeeper funding as a support mechanism for all affected employees, particularly casuals.



# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

Since my last report, a lot has happened, but nothing really has changed. Svitzer has put forward a revised proposal for the unions which the AMOU could not agree to in its entirety. However, with a few changes and some clarification it is foreseeable we could come to an agreement relatively soon. We have verbally informed the company of the issues in the revised offer but will provide it in writing over the weekend.

We understand nobody is happy with the situation that we are in now and regrettably all the work and negotiated positions have been rolled back. This will be hard for a lot of members to accept but it is our belief that a short-term agreement to consolidate current EA conditions is the right move. This will see members through this difficult time and there will be an opportunity to restart negotiations once some normality returns.

The AMOU continues to talk regularly with your state delegates and get your feedback and direction.

### Smit-Lamnalco

Tracey Ellis and I had a teleconference with Jared Laughlin head of Smit-Lamnalco's IR to talk about the situation in Amrun. We understand there is low moral due to the difficult COVID-19 restrictions put in place around travel and self-isolation for interstate crew.

We understand SL have already had to charter a plane for crew as airlines have withdrawn service options thereby making it difficult for crew roster changes. SL is considering continuing this as the situation gets worse.

We understand the same problems apply in Weipa. We are told SL is engaged with the stakeholders including the Port Authority, Local Government, and Rio Tinto on a regular basis.

### TasPorts Tug EA

The TasPorts Tug EA has been voted up with 100% of votes in favour of the agreement. This is a great outcome for Masters in TasPorts. The AMOU will be signing the EA and returning it to TasPorts ASAP.

We understand there may be a longer wait than normal for the FWC to approve the agreement because of the current COVID-19 situation so please be patient.

### TasPorts EA

The AMOU, MUA and TasPorts have been working on several procedures to protect the health and safety of the launch crews in the North West. There are now a number of documents out for review including Draft Proposed Temporary Arrangements State of Emergency COVID-19, Port Latta COVID-19 Loading Master Arrangements, a document outlining the controls being worked on with Grange Resources, the proposed Marine Operative Pilot Vessel Checklist training document and the latest risk assessment.

The AMOU will respond to the draft documents by next week.

*Svitzer has put forward a revised proposal for the unions which the AMOU could not agree to in its entirety. However, with a few changes and some clarification it is foreseeable we could come to an agreement relatively soon*

# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### TasPorts Pilots

We are continuing to wait for an official response from TasPorts on our offer to settle the new EA. We have been negotiating for over 12 months and pay rates are the main issue between us. 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.

#### Searoad Shipping

At the time of writing we are expecting a settlement offer from Searoad on a new EA. Our main issue is 1:1 leave which is available to the other departments on board and which members are willing to pay for by reducing any wage increases as did the other parties.

#### Serco - DMS

The latest draft proposals from Serco on their preferred EA were discussed at meetings over 16 and 17 April. Serco have taken away our comments from those meetings and are redrafting their proposals for further discussion.

We have still to hear from the Navy about the awarding of the Serco contract into the future.

#### Victorian Regional Channel Authority

VRCA has presented a draft EA to us to cover Marine Controllers at the Port of Hastings and Administrative staff at the VRCA Head office in Geelong. Members are considering the draft before we go back management.

#### Flinders Ports - Pilots

As previously advised we presented our Log of Claims to Flinders Ports on 17 March where there was a general feeling in the room that due to the current state of the world maybe we should roll over the current arrangements and meet again in 12 to 24 months' time to consider changes.

Flinders Ports has come back with an offer to roll-over the current EA with CPI wage increases for 24 months. At this time, it appears the preference of members is a 12-month roll-over with a stated % increase rather than CPI. Discussions are on-going.

#### RSV Nuyina

The replacement vessel for the *Aurora Australis*, the *RSV Nuyina*, is currently partly built in Romania. COVID-19 has closed the shipyard and our members are all now back home. The first 2 voyages for the *Nuyina* planned for November/December 2020 have now been pushed back and the Government have time chartered the *MPV Everest* (Bahamas flag) to resupply the Antarctic bases. The *MPV Everest* is operated by the Dutch company Maritime Construction Services.

#### Victoria International Container Terminal

VICT issued members with a draft EA on 11 March (without any prior consultation with the AMOU). The current EA expires in October. The unions who have members on the site: AMOU, MUA and ETU served a Log of Claims on VICT on 24 March.

*We also expect news soon on the successful bidder for the contract Serco currently have with the Navy.*

After no discussion with the Unions on our Log, VICT proceeded to a vote on their EA on 6,7,8 and 9 April. The VICT proposal was voted down 89:43.

We along with the other Unions have made application to the FWC for bargaining orders as VICT have not met with us to discuss a replacement EA. Our FWC Conference is currently listed for 1 May.

On Thursday 23 April most of the VICT management were removed.

#### Aurora Australis

The *Aurora Australis* completed her last voyage for the Australian Antarctic Division and returned to Hobart on 25 March.

P&O has made redundancy offers to members, which includes a 2.5% wage increase we were negotiating but had not finalised. COVID-19 has disrupted the plans of P&O on the future of the vessel and on-going crew requirements. Currently the vessel remains berthed in Hobart with the minimum required crew.

## TT-Line *Spirit of Tasmania* vessels

Due to travel restrictions the number of passengers on the 2 x *Spirit of Tasmania* vessels has dropped markedly to around 15 per voyage. TT-Line has received revised safe manning certificates from AMSA which affect our purser and shipwright members. Manning levels are matters contained in the EA we have with TT-Line and we are in discussion with them about this. The proposal from TT-Line is for members to use leave when not required on an amended roster. Consultation continues on this.

Further TT-Line announced on 23 April that its Victorian terminal would relocate from Melbourne to Geelong from 2022. The announcement from TT-Line is set out below.



## CEO MESSAGE

23 April 2020

Dear Team

Today our Chairman, Michael Grainger, will be making an exciting announcement that will create improved secure facilities to enhance the future for our Company for many years to come.

Together we will embark on an exciting new phase with our Victorian port operations moving from Station Pier, Port Melbourne to Corio Quay, Geelong. This move is expected to occur in 2022.

Over the years our service has grown from strength to strength to the point where we have outgrown our home port at Station Pier especially with the impending new vessels and a growth in capacity of 40%.

After due consideration, Corio Quay in Geelong was identified as the ideal location for us to continue to grow and improve our services for many years to come.

This new location will give us the freedom to create an incredible facility where we can deliver an exceptional experience to our passengers and freight clients.

We will be working closely with GeelongPort to provide a brand new 12 hectare purpose-designed terminal that will feature:

- Comfortable, accessible and connected passenger lounge areas;
- Children's play area, cafe, and a pet exercise area;
- Space for seamless and efficient boarding and security processes for passengers;
- Dedicated passenger drop-off and long-term parking;
- Specialised berth for our new vessels arriving in late-2022 and late-2023;
- Office facilities and crew accommodation;
- Crew and staff car parking; and
- Flexible storage and expanded facilities for freight clients.

We will be consulting with employees in the coming months about this exciting development. We are committed to ensuring a smooth transition from Station Pier to Corio Quay and I can assure you the best interests of our employees is a key consideration.

This change will bring with it a multitude of benefits that will place us in the best possible position to deliver a safe, reliable and exceptional passenger and freight service for many years to come.

Attached is a media release that will be circulated today which outlines the key information that is available at this time.

Further information will be shared as more details become available.

Warmest regards

A handwritten signature in blue ink, appearing to read "Bernard Dwyer".

Bernard Dwyer  
CEO

## Eastern Area

### Marty McEvelly Industrial Officer (Sydney)

#### ASP Rio Tinto Fleet EA

As reported last month, the EA has been approved following our successful appeal and is in full effect. ASP have been asking employees to consider longer swings during the covid-19 crisis. A teleconference was held on 11 April in which ASP confirmed that 8-week swings was their preference and that they would be working with individuals to ensure they were able and willing to meet these longer swings. At this time there is no mandated requirement to work an extra swing and all circumstances will be taken into consideration. If members have any concerns with this, or any other covid-19 related changes, please contact me.

#### ASP Gladstone Bunkering Facility EA

Despite repeated appeals from both the Union and the vessel, we have yet to receive an updated draft document for review from ASP. The appeal against the Rio Tinto Fleet agreement has been successful, which was their previous reason for failing to progress with the *Larcom* EA. ASP last advised that we would receive a document to consider by 24 April 2020 though at the time of writing this had still not been provided. We will continue to push for progress. Thank you all for your continued patience, I know this is frustrating.

#### Transdev Sydney Ferries

Covid-19 remains a focal point in everyday operations at Transdev Sydney ferries. This has brought up issues in the last month related to WHS, training, cleaning, passengers taking round trips/non-essential travel, leave cancellation, suspension of the on-demand service and many other concerns. I ask all members to continue to follow the guidance of delegates who are doing a great job at a very difficult time. At the time of writing the ferries continue to operate with a full service, which is expected to continue given the success in Australia's efforts to 'flatten the curve', which transport workers have played a key role in achieving. Credit goes to you all for the way you continue to deal with this situation.

#### Fantasea Cruising Masters, Coxswains and Deckhands EA 2019

We are waiting on the outcome of our appeal against the approval of the EA. This may still be months away. I understand that the Covid-19 crisis has caused a significant impact to Fantasea operations and many have been stood down. The JobKeeper assistance may be of benefit to Fantasea employees, though at the

I ask all members to contact me should they have any questions or concerns.

#### Port Authority of NSW – Newcastle EA

The *Port Authority of New South Wales - Newcastle Enterprise Agreement 2019-2023* was approved in the first week of April and came into effect on 10 April 2020 (7 days after the decision is made). It has a nominal expiry date of 30 June 2023. The EA was approved without requiring any undertakings, which is a reflection on the work done by all parties to ensure that the FWC technical requirements were complied with. Backpay was due to be made (from the time of the successful vote) in the next pay cycle following the approval of the EA. If members have any concerns, please contact me.

#### Port of Newcastle EA

We reached an in-principle agreement for an EA following feedback from members and final negotiations with PON. The access period (the time in which you can review the proposed EA and supporting documents) began on 15 April and the EA was put out to vote on 25 April 2020. We are advocating a YES vote. We have locked in a pay increase of 2.5% p.a. (or CPI if greater) for four years with backpay to be made from 01 July 2019. Although there has been a minor concession with regards to scope (legal and HR personnel are no longer covered by the EA) we have resisted most other reductions in entitlements that PON were seeking. Overall, it remains a solid EA. I ask all members to please vote before Thursday 30 April 2020. We will know the outcome on 01 May 2020. My thanks once again to delegates and all members for their continued assistance during this process.

#### Port Authority of NSW – Sydney

There has been little to discuss industrially due to the efforts that Port Authority have been putting into the Covid-19 crisis. The *Ruby Princess* investigation is also a key focal point for PANSW, and we are ensuring that the interests of members involved in that process are being protected. Please continue to contact me if any members have any issues they would like to discuss.

#### Port Authority of NSW – Port Kembla

We have not yet received confirmation of a new date for the VTIC transition to VTS consultation that was due to next take place in April. There has also been little to discuss industrially. My understanding is that the efforts taken by the Port Authority to look after employees and protect them from Covid-19 are appropriate and appreciated. Should this change at any time, members should contact their delegates or me directly



## Teekay Shipping (Australia) – *Dampier Spirit*

Discussions regarding the proposed transfer/sale of Teekay Offshore have been parked as a result of the Covid-19 situation. The focal point of discussions with Teekay have been the issues associated with getting Officers on board due to WA travel restrictions/ quarantine and the duration of swing lengths. This is constantly evolving, and I thank members for their feedback and engagement in this process. I appreciate your input during this difficult time.

## Roads & Maritime Services (NSW)

Unions NSW continues to drive consultation with Transport for NSW, with regular meetings now occurring with the TfNSW Covid-19 Taskforce, as well as the Evolving Transport working group. Consultation is also ongoing to discuss proposed updates to the role descriptions for Environmental Services Team Leaders and Maritime Environmental Services Officers. Should anyone have any feedback or questions, please feel free to contact me.



# Eastern Area

## Tracey Ellis Organiser (Brisbane)

### COVID-19

Most companies are doing the right thing and consulting with their employees and the AMOU, but we have had a few that are trying to slip changes through without consultation. This is especially scary since the Government has recently introduced legislation that allows companies to vary the terms of Enterprise Agreements with only 24 hours' notice. If your company asks you to change anything in your agreement, call the AMOU as soon as possible. If you are being forced to vote on something that you don't agree with, or don't understand, vote no.

### COVID-19 – Border Restrictions

MSQ has worked with the State and Federal Governments to align Queensland's border policies with the other states and national policy. This has allowed maritime personnel to travel between states for work. Because Townsville has a trade profile similar to Brisbane, and it has the most amount of exemptions approved, they are now looking at aligning Townsville's shipping exemption policy with that of Brisbane where it is possible for ships to enter the port within 14 days. The AMOU raised concerns about high risk countries within 14-day's travel to Townsville. MSQ said they are looking at adding extra screening questions for ships out of places like Singapore, which has had a second wave of infection, and Japan which is sitting at number two for infections in Asia. The screening aims to determine whether the risk has increased to that particular ship whilst in port. The questions will be something like:

*Did the vessel conduct a crew change in that country?  
Did the vessel have any shoreside interaction while in port?*

At the time of writing, no decision had been made about whether they will lift the 14-day restriction in Townsville.

### Darwin Ports

The AMOU teleconferenced with Darwin Port to discuss the COVID-19 preparations and forced leave issues raised by members. Most of the COVID-19 issues were resolved with the Port implementing a declaration form that ships need to fill out before the Pilot boards. This information is being passed on to Pilots prior to boarding, and a risk mitigation procedure is now in place which includes giving Pilots enough time to decontaminate before boarding another ship. The Port is providing protective kits that include face masks, gloves, hand sanitiser and disposable coveralls. While there is a shortage on supplies, the kits will be rationed.

As soon as stocks are up then Pilots will be given extra full kits in advance to reduce the times they attend the office to pick up supplies.

The Port has asked employees to take annual leave to help with the financial impact of a downturn in shipping. The AMOU brought up our concerns around the leave not being fairly distributed across all departments and the possible fatigue issues that could arise if Pilots are effectively expected to be on call while on leave. Management agreed and will try to issue the leave at the start or at the end of a block to avoid Pilots taking single days in the middle of a block. They have also implemented a plan to make sure the leave is fairly taken across the board.

### Cairns & Port Douglas Tourism Industry

The diving and reef charter companies remain closed and most employees are stood down. It seems like the eligible employers have applied for the JobKeeper allowance and will be passing it on to the employees. If your employer is eligible for the JobKeeper allowance and are not paying you, contact the AMOU so that we can chase it up.

### Ports North Maintenance

Ports North has issued Notice of Representational Rights to employees to kick off the EBA negotiations for the *Administrative and Technical* and the *Operations and Maintenance* enterprise agreements. Ports North are currently trying to dispute the AMOU's coverage of the relevant positions under the agreements, however, the AMOU rules allow us coverage so the issue should be rectified soon and we will begin bargaining in the coming weeks.

### Smit Lamnalco - Gladstone

Our Superannuation dispute has been resolved with Smit Lamnalco agreeing to backpay the Superannuation that the part time Masters had been underpaid. The AMOU has escalated a number of other issues to the new Industrial allowances. We would like to resolve the issues before the EBA negotiations begin mid-year. We hope to meet to discuss the issues within the next week or two.

The three Unions will be meeting with Smit Lamnalco this week to discuss their COVID-19 contingency plan and possible changes to the roster. The AMOU is concerned that the company plans to use COVID-19 as an excuse to add more secondary shifts to the roster which will create a fatigue issue.

The Fair Work Commission has still not issued their decision on the GMDSS dispute.

## Smit Lamnalco - Townsville

Smit Lamnalco has implemented another reporting system that requires Masters to duplicate the data that they have already entered into the vessel's log and other reporting programs. Our delegate is working with the company to streamline the reporting requirements to allow the time to be used for more important tasks like vessel maintenance. He has also resolved the issue of crews having to buy COVID-19 PPE with their own money.

## Smit Lamnalco - Amrun

The AMOU has met with the new IR manger about how COVID-19 is affecting FIFO workers. At this stage, arriving crews are only subject to a 14-day managed separation rather than a full quarantine. After this time crews can leave the camp, subject to the general Government restrictions (e.g. no gathering in groups, etc.) The main issue for Smit Lamnalco is the lack of flights between Cairns and Amrun and between employees' homes and Cairns. The company is providing single berth accommodation and meals for anyone who doesn't want to go home on their off swing. We raised the risk of mental health issues affecting people in isolation for long periods of time and that people shouldn't be disadvantaged if they choose to return home on their off swing instead. We received assurances that employees who couldn't get back to work from leave wouldn't be punished and that they take the wellbeing of their employees seriously so will try to prevent mental health issues from arising. Smit Lamnalco has not finalised a policy on how they will pay anyone who is unable to get to Cairns yet and will decide on a case by case basis.

## Australian Reef Pilots

After originally deciding not to alter the pays of Pilots during the pandemic, ARP has unilaterally decided to cut the pay of Check Pilots and Port Pilots on a common law contract by 10%. The AMOU is working towards reversing this decision. The EBA negotiations are continuing which, once complete, will enable the Pilots to be able to take disputes like this to the Fair Work Commission.

Last month I reported that the non-union members had notified the company that they want their voices heard at the EBA table and are pushing for the Pilots Advisory Forum to be reconvened to facilitate this. This doesn't seem to have eventuated. The AMOU has called for another meeting with the company to get things moving.

## Pro Dive

The Fair Work Commission is currently assessing whether the Pro Dive Enterprise agreement passes the Better Off Overall Test (BOOT). The AMOU put forward more material to show that the Agreement should be tested against the Marine Tourism Award and not the Diving Award. We also submitted that agreement as is will not pass the BOOT and we proposed undertakings the company could make to ensure that it does pass. The Fair Work Commission is now considering the submissions from all parties and will make a decision in due course.

## Transdev Brisbane Ferries

Meetings were held between Transdev, the Unions and the Rostering Committee to create a temporary roster in case the Brisbane City Council decided to reduce the number of services due to COVID-19. The agreed roster was based on a Saturday timetable and reduced the full-time employees' hours to 38 and the part-time employees hours to 15 per week and adhered to the minimum annual earnings guarantee in the EA. Luckily for now, the Council has decided not to reduce CityCat or CityFerry services.

The better-quality raincoats that the AMOU had been lobbying the company to get for Masters have finally arrived.

## Coral Knight

Teekay has notified the AMOU that they would like to begin bargaining for a *Coral Knight* Enterprise Agreement nearly 18 months early to align the negotiations with the EBAs on the other vessels. No meeting dates have been set for the negotiations yet.

## Sea Swift

The three Unions met with Sea Swift to discuss the effects of COVID-19 on the business in terms of getting employees to Darwin. Sea Swift say that they have been working hard to stay ahead of the ever-changing travel restrictions. They called for volunteers to temporarily relocate to Darwin and are paying a contribution towards the living expenses that employees would normally be paying. They say their focus is to maintain services and will not be looking to stand down anyone despite the downturn in passengers and cargo.

There has been no movement on the EBA. Sea Swift maintains that until the Fair Work Commission provides clarity on Award coverage, they believe it is futile and disadvantageous for the company to enter into EA negotiations.

## North Queensland Bulk Ports

Upper management have been in touch with the Union to try and settle the DILs dispute before it reaches the Commission. The AMOU Pilots still believe that the EA clause only relates to on water training and therefore DILs should be paid when at the simulator. We will attempt to escalate the matter to the CEO level again and try and resolve it before we go to the Fair Work Commission for an independent interpretation of the clause.

## P & O Aburri & Wunma

P&O has confirmed that despite the COVID-19 situation, and the time it has taken to draft the final EA, they will honour the in-principle agreement which included paying for travel, full backpay and a 10.5% pay increase over the life of the agreement. The final drafting is complete and once the document has been proofread it will go to a vote.

Possibly due to COVID-19, the *Wunma* negotiations have been put on the backburner and we have still not received an offer from the company. I will continue to chase this up.

## Port of Brisbane

*TSHD Brisbane* EBA negotiations have commenced. AMOU officers were originally considering seeking a 12-month rollover of the current agreement but after considering the fact that the country is likely headed into a recession, and the Port is open to a three-year agreement to provide some certainty, the officers have decided to commence negotiations on a three-year agreement. We have tabled the AMOU log of claims which includes compensation for the increased qualification the officers now require to operate the vessel.