



# Special Coronavirus & Industrial Report

June 2020

## MEMBERS' MONTHLY MEETINGS

Please note that monthly meetings will not be held in June or July 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 June President's Report.

June has well and truly been and gone and for that matter so has half of 2020. There is no way anyone could have seen what we as an industry have faced in the last 6 months. Earlier in the year pre COVID there was positive feedback throughout industry with talk about the possibilities for increases in work throughout the year although more than likely towards the end of the year. Almost all projects or expansions in the oil and gas industry are now on hold or cancelled indefinitely. We are also seeing similar throughout other parts of the industry where recruitment has been put on hold, crewing numbers are being reduced and non-union EA's pushed through. This is the usual scaremongering but all under the banner of the so-called economic impact of COVID-19. Some of the claims employers have made have been genuine but there is also the usual creativity when it comes to attempting to break down hard-earned union negotiated work place conditions. All of this along with the difficulties and pressures we are all facing during the current pandemic making it a difficult time for the members officials and all of our families.

## Executive Council

A special meeting of the Council was held on June 29 to discuss any concerns or queries from the membership following the circulation of the 2019 Executive Council Annual Report and the Financial Report to the members. There was no feedback from the membership apart from the minutes from last year's Sydney AGM being provided in recent weeks. Therefore, the Executive Council has received the 2019 Annual Report and approved the Financial Report on behalf of members and in lieu of the usual AGM series of meetings. The Registered Organizations Commission has been provided with a copy of the Financial Report to meet the union's statutory reporting requirements.

## Union name change survey

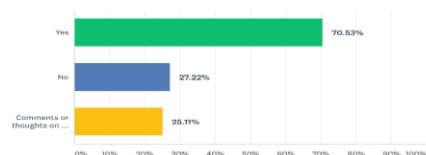
As stated last month this was by no means a referendum; it was to gauge the memberships desire for change or no change. Numerous replies were concerned with the costs associated with a name change and that is one of the reasons the Executive Council decided to engage with the members via a survey first so as to not actually incur any costs to the union. Another common comment was what are the suggested names; again, given the union is its members the Executive endorsed the survey but chose not to be suggestive and made the survey the first step as a simple yes or no answer with a comments section enabling members to have their say. What this has created is a good and valid discussion originating out of the democratic right of members that requested the

Executive Council to consider a name change. It's now given the entire membership the opportunity to discuss and have their say prior to any time, resources or money being used.

Survey results:

As a member of the Australian Maritime Officers Union do you support the Executive Council engaging with the membership to explore the request by members for a name change to better align with today's political climate in which the organisation is representing a professional group of members?

Answered: 665 Skipped: 0



ANSWER CHOICES	RESPONSES	COUNT
Yes	70.53%	409
No	27.22%	181
Comments or thoughts on a name change:	Responses	25.11%
Total Respondents: 665		

The results and comments from the survey will be discussed at the next meeting of the Executive Council. Any further discussion and consideration from the Council needs to be inclusive of the membership, the changing demographic of the organisation's members and at the same time respecting the 115 years of history since the organisation was first registered. The following is some history of the AMOU and its previous names from the Australian Trade Union Archives.

*The Australian Maritime Officers' Union was first known as the Mercantile Marine Officers' Association. A General Meeting of members held on 12 February 1904 agreed to adopt the name Merchant Service Guild of Australasia. The Guild was registered under the Commonwealth Conciliation & Arbitration Act of 1904 on 5 May 1905. It was the first employee organisation to be registered under this act. On 3 September 1957, the name of the union was changed to the Merchant Service Guild of Australia. The Guild operated unchanged until 1992 when it merged with the Australian Stevedoring Supervisors' Association to form the Australian Maritime Officers' Union.*

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

Up until recent days there hasn't been much change since last month's report. We have heard of some members being granted exemptions on arrival in WA and others having to quarantine. This seems to have stemmed from the understanding (or lack thereof) as to how and why exemptions are granted to some maritime workers by the WA government officer that a member meets on arrival.

This has been frustrating and has been raised through the group as well as direct with the WA government.

As we have seen in recent days it is evident that there is a second wave outbreak in Victoria. This Thursday's MRG teleconference will hopefully shed some light on the impacts that may or may not have on how the other states and territories manage maritime worker exemptions for Victorians and or those that have travelled through Victoria. We will get an update out later in the week on this.

## **Superannuation**

As I have said numerous times over the years the AMOU is not a registered financial advisor and for that matter nor am I. Therefore we cannot offer any financial advice but what I will say is given it is the end of the financial year it's a good time to be prudent and check the performance of your superannuation fund, seek financial advice if needed and ensure you have the correct insurance in place for you and your family. Additional to this, there also may be some financial relief for those that have been affected financially by COVID-19 and you should contact your super fund to seek advice and assistance.

In closing, just as we thought there was a return to some normality and the possibility of state borders re-opening it would seem there is every chance of declared COVID-19 hot spot lock downs. No doubt that will cause more issues for the members trying to access their workplace be it in a local port or interstate. We will continue to work closely with you all to keep you informed and assist members where required. Something that I have personally taken from all of this is the need for a true work life balance, being aware of your surroundings in life, respecting and practising that family does come first. We are all one big maritime family and we all need to look after each as well as our own families during these difficult times.

As always stay safe and healthy

Tim Higgs  
President

# Federal Report

## Mark Davis Executive Officer

### AMOU Finances

Income growth has been exceptionally strong for our 2019 financial year (calendar year) with Members' Contributions at \$2,120,277 in comparison with \$1,872,340 for 2018; an increase of \$247,937.

Total Income was \$2,178,299, reflecting a decrease compared to the previous year \$2,381,087. However, for the previous year, we need to take out of the equation the \$380,061 net gain on disposal of financial assets from Yellow Brick Road to get a realistic comparison.

The deficit for the last financial year was \$10,635 compared to a surplus of \$10,821 from the prior year. Note however that the 2018 surplus includes the same net gain figure of \$380,061

After the reclassification of the net fair value (loss) gain on the financial assets, the surplus/(deficit) for the year becomes the total comprehensive income (loss) for the year of \$(10,635); a significant improvement from 2018 in which we endured a \$(399,835) loss.

There has been a reduction of overall expenses \$2,188,934 in 2019 (2018: \$2,370,266), reflecting savings of \$188,332 from the previous year. Cost savings have been achieved in key areas, such as administration and employee benefits.

**The 2019 year consolidated the economies that arose from the renegotiation of the AMOU Employees' Collective Agreement in 2018. Salaries in 2017 were \$1.44m, in 2018 \$1.2m and in 2019 \$971k. Superannuation was \$208k in 2017, \$179k in 2018 and \$125k in 2019.**

It has been on the cards for a while now that the AMOU would be back into the black for the 2020 financial year after the 2019 result. The Coronavirus-related expenditure reductions in travel and meetings will further promote the sustainability of the union.

### Teekay Marine Resources vessels

AMOU & AIMPE officials and delegates had a caucus to discuss the strategy for the forthcoming negotiation 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)

It was decided that commencing negotiations with *Sycamore* (followed by *Ocean Protector*) was the preferable tactical option. The *Coral Knight* EA does not expire until 2021 and conditions for AMOU members aboard *Ocean Shield* are prescribed by the Teekay Dry Cargo EA which expires in 2021

also. The log of claims for *Sycamore* as well as those claims peculiar to *Ocean Protector* were presented to the company via Zoom conference on 10<sup>th</sup> June. Clarifications were sought by Teekay, but the claims were basically received without comment, which has been the company's MO from the last round of negotiations. The parties reconvene on 1<sup>st</sup> July to hear the company's response.

### Trident/STAPL – LNG Tankers

STAPL/Trident were pushing to trial Remote Navigation Audits (RNAs) with some haste using COVID-19 understandably as the pretext. This was discussed a year ago and we were on the verge of putting it into dispute because there had been no consultation with the bridge team and unilateral implementation was totally unacceptable to us. Anyway, this did not happen as the focus turned towards preserving the 4-ship operation. It was resurrected a few weeks back and 27<sup>th</sup> June was selected as the trial date for the first RNA for *Northwest Snipe* moving from inner anchorage to the terminal.

Following consultation with senior shipboard staff and delegates we listed preliminary issues that required addressing; namely the absence of any policies or procedures governing the RNA, specifically notification of the audit, operation of the CCTV/VDR, the period of the RNA recording, chain of custody of recordings, persons viewing recordings, purposes to which material is to be used and any governing documentation for any of these elements from the international fleet. It turns out there are no documentary safeguards and the companies were going to trial the RNA then draft procedures afterwards. There are two significant differences between today's situation and that of 12 months ago. There is 24-hour advance notification of an RNA originally intended to go to the Master, but all crew will now be advised, as opposed to retrospective notification, and the material is only viewed by the Auditor. Those viewing the data was not something previously identified.

We were also keen to ensure there had been consultation with the Woodside Marine Pilots, the Japanese Pilots' Association and the MUA as the lookout and helmsman would be part of the RNA process. We were also mindful that there are interchanges between bridge team and engineers so AIMPE should also be consulted. STAPL advised that AMOU sign-off was the priority and this consultation would all take place subsequently.

We also had a problem with the absence of any procedures protecting the bridge team generally with the 24-hour operation of the VDR and CCTV. The CCTV had been installed in accordance with a fleet instruction and became operational with no consultation and no agreement from shipboard personnel and unions. This was very likely illegal. The Surveillance Devices Act 1998 (WA) does not prevent employers from using surveillance devices in the workplace, provided they are not being used to record private conversations or private activities. However, where CCTV is recording all activities of employees, including their private conversations and the like, then it may amount to a contravention. The recording of such activities is only permitted where there is express or implied consent. There was no such

**Executive Officer's Report cont.**

consent.

We had a videoconference on 24<sup>th</sup> June involving the three unions and STAPL/Trident. The following was discussed and agreed

1. STAPL advised that for RNA purposes the VDR and CCTV data is to be downloaded, encrypted and sent on USB drive directly to the internal auditor by the ship. The internal auditor then forwards the VDR data to a UK based tech company governed contractually and required to comply with EU General Data Protection Regulation guidelines. Once the data has been converted into a viewable format, the transformed VDR data is sent back to the internal Auditor to conduct the RNA. Once the audit is completed, report agreed, issued and actions closed out, the CCTV and VDR data is to be deleted by the Auditor. At no time is this data shared with the fleet management or any other shore-based personnel. It is purely to be used for the purposes of the auditor to carry out the navigation audit of the bridge team.
2. STAPL is required to comply with EU GDPR unless port state law is more stringent
3. There was some doubt about the process involving the CCTV footage as the local firm that consults on it did not know how this was to be done
4. STAPL/Trident agreed to draft a set of procedures to govern the RNA and get it to the 3 unions as a priority
5. In this regard STAPL advised that it will not proceed with the *Northwest Snipe* arrangements for 27<sup>th</sup> June and there are other possibilities in July.
6. There was also acceptance of the need to draft procedures that are finally agreed with the unions for the general usage of the CCTV/VDR outside the RNA context. There is not the same urgency for this.
7. Written confirmation will be provided to us that Australian and Japanese Pilots are happy with the RNA process.
8. There will be consultation with the Masters regarding the steps to be taken to implement the RNA.

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser (Fremantle)

#### Coronavirus

With no end in sight for the reopening of the WA border members are continuing to isolate and relocate. Many are receiving dead-day payments for isolating. Some companies are resisting making the payments. As I have said before, as long as you don't sign away your rights the union can pursue those payments into the future, although it is easier to fight for payment right now.

#### Vessel Inspections and Ship visits

We could start looking at a re-start in the near future. Can I get a face mask with the AMOU logo?

***If you act in a certain way which offends the company and breaks their behavioural codes and policies, they will either sack or discipline you. Now it may well be totally unjust, but you may lose your job and reinstatement is rare indeed. Please think of possible consequences before you act, speak, or just as importantly; before using social media***

#### OSM EA Negotiations

As you have read the PABO (Protected Action Ballot) succeeded, with 100% of members following the union's voting advice. During the lengthy voting period (a result of Covid-19) we continued to negotiate with OSM but became stuck on some important issues, such as a casual conversion clause (convert from casual to permanent). OSM then got panicky and decided to put a proposed EA out to ballot in order to short-circuit potential industrial action. Not before back-flipping on some of the already agreed clauses. It is abundantly clear to all OSM do want a bar of deck officer permanency. OSM have never appointed a permanent deck officer in the five years they have been in Australia; that is despite having up to five boats working at the one time. They are also determined not to pass existing offshore conditions onto deck officers, such as the travel *dead-days* for re-joining the vessel. You may remember the travel dead-days are now in the Maersk Deck Officer EA.

At the time of writing I am dealing with complaints from members who feel they are about to be blocked from voting by OSM. Other Offshore companies will be watching with interest as to whether industrial action will occur between AMOU members and OSM. The earliest date would be around July 6<sup>th</sup>.

#### Swire Pacific Offshore

I have met with Swire management who have now agreed to send employees emails which list the alternatives to compulsory redundancy. The initial email went out asking only for expressions of interest for voluntary redundancy, and not the full raft of options as listed in the EA. Management is totally opposed to two of those: training and job-share. I am waiting for members to inform the union of any interest in the job-share. The result of that will govern our next move.

#### Toll Energy - Offshore

To bring you up to speed, in early 2019 Toll Energy broke off EBA negotiations with the AMOU for a *Greenfields* agreement. They then took their original, a very nasty employment agreement, and made their deck officers hold a ballot on the bridge with a show of hands. The AMOU took them to the FWC. Eventually Toll Energy got a little nervous and withdrew the voted-on document from the FWC approval process.

As is the AMOU's right, we requested Toll Energy meet and negotiate an offshore EBA. Meetings then resumed albeit with a new set of Toll negotiators. Negotiations were based on the document we had progressed up until the time Toll Energy had broken off negotiations in late 2018. Toll have now come back with their old sub-standard employment agreement. It looks like it's back to the Fair Work Commission.

#### Disciplinary Proceedings

Despite numerous warnings given in past monthly AMOU reports some members are still chancing their arms and coming off second best. If you act in a certain way which offends the company and breaks their behavioural codes and policies, they will either sack or discipline you. Now it may well be totally unjust, but you may lose your job and reinstatement is rare indeed. Please think of possible consequences before you act, speak, or just as importantly; before using social media.

## Protected Action Ballots

In WA so far this year we have made four FWC applications for Protected Action Ballots. Three of the applications progressed to voting. The first of those was at Mackenzie Marine, Bunbury. Members were on the verge of their first round of stoppages when the company started getting fair-dinkum and agreed to substantial salary increases bringing them up to rates paid to Switzer tug masters. A low-wage tug company puts wage pressure on all other harbour towage providers.

Last month members voted to take protected industrial action at Argonaut Marine for Marine Pilots at Dampier. Glenn Walsh is handling the Argonaut industrial action as he will no doubt report. Interestingly Argonaut management have dumped their negotiator and now want to be friends.

As reported the unanimously supported OSM Protected Action Ballot was a victory for the AMOU.

I know in the past some deck officers poured scorn on the activities (or lack of) of the AMOU. Industrial action is not necessarily a gauge of a union's worth or effectiveness, but at least it shows companies we will not lie down and let them trample all over us.

# Western Area

## Glenn Walsh Industrial Officer (Fremantle)

### Mackenzie Towage Bunbury EA

We still have 2 applications before the WAIRC on foot and an additional FWC general protections claim. The company's ongoing refusal to accept a WorkCover WA certificate for an employee's return to duty beggars belief. MMT's predilection for spending money on questionable legal advice is hard to fathom, unless of course their legal advice is sound, and they are simply choosing to ignore it. Whatever the case may be, our member is bearing the brunt of their actions.

### Southern Ports Authority Pilots EA

We are waiting for SPA management to confirm and schedule bargaining meetings for this agreement. Of some concern to us is an unconfirmed/unsubstantiated report that another Maritime Union has entered this bargaining space as an employee representative. We expect this matter to be resolved shortly.

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

The Port of Dampier VTS EA is ready to be balloted. Our members have secured a significantly good deal in relation to the new housing and living allowances. If rental and other living costs ever return to the previously extreme levels of the past, our members are sufficiently insulated and protected.

### Pilbara Ports Authority (PPA) – Utah Point

It is apparent that life for employees at Utah Point has become progressively worse as a result of local management behaviour and actions. Despite resolving the shift roster dispute last year, our members have been subjected to ongoing harassment by local mid-level mis-managers. Under the guise of enforcing the code of conduct, employees have been dragged through repeated performance management and disciplinary proceedings. Senior management response to employee bullying claims was to set loose a witch hunt conducted by "independent" senior counsel which was otherwise described as an investigation into the workplace culture at Utah Point. The only tangible result has been further disciplinary proceedings against our members, and again at the behest of the same mid-level mis-managers. Employees are left with the options of fighting repeat episodes of management sanctioned bullying or leaving. Unfortunately, and despite Union advice to management, no mid-level mis-managers have apparently been disciplined or sanctioned for their repeated acts of bullying against their subordinates. There is a clear distinction between employees and managers, and the double standards applied in relation to their conduct. The only reasonable explanation for this circumstance is the age-old adage that "a fish rots from the head down".

### Montara EA Negotiations

Bargaining resumed this week with the expectation of two full days of meetings. Unfortunately, the company presented the Unions with previously unseen claims seeking to effect a 10% efficiency dividend for the company. Unsurprisingly, employee wages and allowances were the primary targets for the company to realise its ambition to maintain profits and pay bonuses for management. On this basis, the second scheduled bargaining meeting has been postponed until next week.

### IMarine Greenfields EA

The employer's bargaining representative has indicated a willingness to replicate the terms and conditions of the Maersk agreement, but only if the agreement expiry terms are the same. Given the significantly better terms of the Maersk EA when compared to its rivals, we will likely agree to this concession in order to finalise a deal.

### Solstad

As a result of the recent settlement the MUA made with Solstad in relation to the FWC dispute about overcycle payments for crews on the *Normand Swan*, *Far Statesman* and *Far Sword*, we sought member feedback about their preferred response, and whether or not we should accept the same MUA deal. Upon receiving feedback from members, AMOU will either head to the FWC, or make a deal.

### MODEC

Subsequent to a Board of Administration meeting held (with former WAIRC Senior Commissioner Tony Beech (as Chairperson) to determine a claim for Loss of Certificate of Competency by one of our members, the parties met to discuss a way forward. The Union's unequivocal and unwavering position is that the company must pay this entitlement in full. Evidently, the company is not insured for these claims and is seeking ways to diminish their financial liability. While the terms of the outcome will be confidential, we are keenly aware that any concessions sought by the company may have a detrimental impact upon future claims.

### ASP MT Absolute

The proposed EA has been put up for an employee ballot. We expect a positive result

### Argonaut Marine EA

On the same day we notified AMG management of the intended employee claim actions and the FWC good faith bargaining dispute, we were advised that the company's bargaining representatives were to be replaced by the company's new CFO Dean Tobin, and HR BP Kellie Stevens. We agreed to temporarily suspend the proposed industrial action in order to return to the bargaining table with the new representatives. The first meeting with AMG's reps saw them committing to progressing the bargaining process in good faith and by agreeing to genuinely considering our claims. As a means of sharpening their resolve, we have lodged employee action claims for the days following our next meeting. If we are unable to make significant progress at the next meeting, the industrial action will proceed unabated.



# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

Svitzer has sent out proposed dates to start the EA negotiations again. With very little detail about how talks will continue in the face of COVID-19 we can only muddle through to the best of our ability. The talks will be via teleconference for the foreseeable future. The AMOU has no doubt that Svitzer will open negotiations with a state of the nation-like address pointing out the impact the bushfires, COVID-19, competition and now the recession is having on the company. You will see in following reports that in some of the hardest hit ports Svitzer has already notified the unions of proposed redundancies. Currently Svitzer has started talks in Geelong and Sydney will follow. Talks are currently only at the local level with delegates and crews to try and avert redundancies with other cost saving measures first.

### Svitzer Melbourne

Since the Melbourne POPS was voted up with the agreed extra crews 13 and 14, the unions and Svitzer have been in talks to delay the implementation of the additional crews until the effects of COVID-19 have eased and shipping numbers start to return to normal. Currently we are proposing a deed that would mean the 2020 POPs be implemented and only the 13<sup>th</sup> and 14<sup>th</sup> crew positions be side-lined. The deed is still in its draft stages and the 3 maritime unions will be meeting on Monday to go over the proposed changes by Svitzer.

### Svitzer Geelong

Local discussions are still underway in Geelong. Svitzer has asked crews for a reduction in pay by 8.6%, reduction in crews by half and changes to the POPS. So far, the delegates are trying to work with Svitzer to find cost saving elsewhere. Svitzer has also tabled a roster that presented several safety issues and even some that contradict the company's own safety management plan. The AMOU has yet to be asked to attend any POPS discussions.

### Svitzer Port Jackson

Svitzer has just advised the AMOU that they will be looking at proposed redundancies in Sydney and they wish to start the consultation around meeting the licence requirements. We understand formal notification to crews will either be issued by the time you read this or in the next few days. Svitzer will be initiating local discussions shortly with what seems like an aim to reduce crews in Jackson to 2 and amend the POPS to be in line with the licence. We note that Svitzer have been slow in initiating POPs

discussions and we have been working with delegates on a list of issues we are keen to present in the first POPS meeting. It has not been lost on members that Svitzer had signed the licence with no consultation with crew.

### TasPorts

As dictated by the EA the AMOU and MUA will meet with TasPorts on 16<sup>th</sup> July for the EA review. If there are any issues members want raised at the review, please let your local delegate or me know. We are putting the agenda together now.

### Port of Hastings

We are pleased to see an uptick in AMOU membership in the Port of Hastings. The port's EA is due for renegotiation next year so we will be aiming for an AMOU official to visit members as soon as practicable.

# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### TasPorts Pilots

It seems that after many months of talks we have arrived at a position on a replacement Agreement for the TasPorts Pilots. The current Agreement expired in November 2018. Many matters remained outstanding and both parties have agreed that the current EA should simply be rolled over and the 2.7% per annum wage increases made available to all other TasPorts employees be applied. The new Agreement will expire in June 2021 so we will continue to discuss the issues between us with a view to having a seamless transition to the next Agreement in 12 months' time.

#### Searoad Shipping

SeaRoad members had few claims for their replacement EA (the current arrangements expired in 2018). Primarily members were seeking 1:1 leave which is available to the other departments on board and which members were willing to pay for by reducing any wage increases. SeaRoad had a number of additional matters they sought to change that we were unable to achieve a consensus on. SeaRoad issued an EA for ballot over 13-19 June 2020 without the endorsement of the AMOU. The Agreement was approved with a 15:8 positive vote. This Agreement will expire in June 2022.

#### Serco - DMS

Serco has provided the Single Bargaining Unit (AMOU, AIMPE and MUA) with a new draft EA which has been discussed with delegates and further with Serco. We are still apart with little likelihood of a quick resolution to negotiations that have now been on-going since 2018. The SBU has given Serco Notice of Intention to take Protected Industrial Action starting Monday 29 June 2020.

We have still to hear from the Navy about the awarding of the Serco contract into the future but expect some announcement in coming weeks.

#### Flinders Ports Pilots

We had a few discussions with Flinders Ports about a new EA for the Pilots they employ. Both parties agreed that a 24-month roll-over might be the best option in the current environment. Flinders Ports has provided us with a draft roll-over which is being worked through. We expect a quick finalisation of this matter.

#### 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 that have members on the site: AMOU, MUA and ETU served a Log of Claims on VICT on 24 March.

With no union consultation on our log of claims VICT proceeded to a vote on their EA on 6,7,8 and 9 April. The VICT proposal was voted down 89:43.

We met with VICT twice during the past month to discuss

*We have still to hear from the Navy about the awarding of the Serco offshore contract into the future. Our information is that Teekay Marine Resources is the preferred tenderer*

our Log of Claims and areas VICT might consider changing to produce a document that members might endorse. At the end of the second meeting VICT announced that they would issue a new draft EA and seek approval from the workforce.

VICT sent the Unions their proposal on 23 June 2020 and have indicated a vote will occur in late July. We along with the other Unions have made application to the FWC for bargaining orders as VICT has not met with us to discuss a replacement EA.

#### DP World – Supervisors

The DP World Supervisors have taken a pragmatic approach to negotiating a replacement EA during the COVID-19 months. Delegates have suggested that DP World agree to roll-over the current EA with 2.9% annual wage increases for 4 years. DP World has suggested a roll-over with 1.5% wage increases each year for a 3-year term.

Members appreciate that a downturn in work has happened because of COVID-19 but think stevedoring will see a quick snap back and are reluctant to lock in low wages over such a long term.

### **ASP Spirit of Tasmania vessels**

ASP have made an offer to replace the current EA with a 2-year deal, expiring 31 July 2021 with 2.95% p.a. wage increases. Members have generally welcomed this offer. A draft EA has been released by ASP and has been discussed with members and the company. A few small typos have been picked up, but overall members are satisfied with the outcome.

### **Toll Shipping**

We have an extensive Log of Claims for our new EA with Toll Shipping that we have discussed with them. Difficulties with COVID-19 have seen Toll approach us with a proposal to roll-over the current EA for 24 months with 2% p.a. increases. We have an additional 3<sup>rd</sup> Officer on board both new vessels which Toll also want to remove. Members are concerned that removing the extra Mate will just push the work they are doing onto other members. Toll have made the same offer on wages and term to the other unions. Discussions continue.

# Eastern Area

## Marty McEvilly

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

On 22 June 2020, Teekay Shipping (Australia) notified the unions and crew that the *Dampier Spirit* FSO will not be repaired and will be towed for recycling. At the time of writing further information has been limited but Teekay have confirmed that their management contract will be terminated and that they will not be engaged for any future ship management agreements to replace the *Dampier Spirit*. Timeframes remain unconfirmed, though we understand that the final offtake will take place in August or perhaps September should they obtain an exemption to stay on the field. Consultation will take place between Teekay and the Unions in the coming days and weeks. Redeployment is being discussed, though redundancies appear to be an inevitability at this stage. This is clearly a bitter blow to members on the vessel, but also to the industry as a whole. It is looking likely to be yet another in the line of job and vessel losses for Australian seafarers.

### ASP Rio Tinto Fleet EA

Allegations have been made against the Deck Officers aboard one of the ASP managed Rio Tinto ships, specifically with regards to the manner in which they dealt with an injury incurred by an IR aboard. Based on the information that we have available; it is clear that the Deck team did everything appropriately and correctly in the management of the injury. We are concerned that such unfounded allegations are being entertained and will do what we can to ensure that the professionalism and integrity of those involved is not tarnished. We believe there are clear ulterior motives for the claims and are confident that these will come out in due course.

### ASP Gladstone Bunkering Facility EA

The *Larcom* EA has finally been voted up and submitted to the Fair Work Commission for approval. The final vote was 12 responses out of 17 eligible to vote, with 11 votes in favour and 1 informal response. The result highlights the desire of the crew to put this process to bed. We have submitted our documentation in support of the approval of the agreement and it is now with the Fair Work Commission to review and confirm it meets their technical requirements. Although we have seen some fast turnaround times for the approval of agreements of late, the generally expected timeframe is approximately six weeks to three months. I will keep members informed of the progress, though I do not expect there to be too many hurdles to jump as part of this final approval process.

### Transdev Sydney Ferries

As seems to always be the case, there has been plenty happening with the Sydney ferries in the last month. Covid-19 continues to be a focus, particularly now with passenger numbers increasing as restrictions ease. Covid-19 is also having an impact on the new vessel builds as well as upcoming timetable changes. Members are asked to continue to follow guidelines and pay attention to the information that is coming from delegates. The MCC was reconvened at the start of June after a 4-month break. Although it was good to be back in the consultative forum, management was lacking in information to share with us and as a result an additional MCC will be held in the first week of July. Please approach the delegates if you have any questions or have any items you would like us to raise.

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

As reported last month, the EA was approved by the Fair Work Commission and came into effect on 02 June 2020. Members should be aware that the MUA have appealed that decision to the Full Bench of the Commission, so there is a possibility that the decision may be overturned or amended. However, until then, the EA is in effect and governs working conditions for members at Fantasea. Included in the EA is a 4% pay increase, effective from August 2019, meaning that back pay should be paid to those currently employed who have worked since that time. Given the devastating effect that Covid-19 has had on Fantasea, this is a very timely boost to those who have been largely getting by on JobKeeper payments. However, in a move that reeks of gross misuse of government funded payments, the company has said that the back pay will be covered either wholly or in part by the next JobKeeper payment. Following some excellent work by a member who has questioned this, we are waiting to hear back from the company to determine if they are going to continue with this approach before considering the options available to us.

### Port Authority of NSW – Newcastle EA

Delegate elections are due to take place shortly for our Newcastle Pilots, to reflect the desire for a different delegate structure at the port. I look forward to working with those that the members elect in the coming months to address some of the upcoming issues affecting our members, most immediately with regards to the codification of roster rules and a proposed call-in roster relief procedure. Our VTIC members are still moving towards a VTS, though this process has slowed because of the Covid-19 pandemic. Our keen-eyed members have also identified a typographical error in the quantum of shift loading allowance in the illustrative table that is part of the newly approved EA. We are awaiting confirmation from Port Authority as to how they will address this oversight.

## Port of Newcastle EA

The EA that we spent over twelve months negotiating and fighting for, was approved by the FWC on 29 May 2020, approximately two weeks after it was submitted. It is certainly one of the fastest turnarounds I have seen for the approval of an enterprise agreement. We have been assured that back pay from July 2019 has been made and the 2020 salary increase agreed as part of the negotiations should also be applied in the coming weeks. However, I was very disappointed to find out that PON have purported to introduce a policy on the use and management of CCTV footage without going through any form of consultation with the AMOU or those members who will be directly affected by the TV use. This is very concerning given the focus that all parties had during the negotiation on ensuring consultation was ongoing. Admittedly, in hindsight, PON's insistence that disputes with regards to policy changes could not be arbitrated by the Fair Work Commission could have been an indicator of their intent. At the time of writing we have written to PON requesting consultation though expect that a dispute will be forthcoming given their approach to date. I will keep members affected informed as things progress.

## Port Authority of NSW – Port Kembla

A consultation meeting was held in mid-June in which the Port Authority confirmed that progress is still being made towards certification as a VTS with only minor delays as a result of the coronavirus. All the necessary documents have been submitted to AMSA for approval and management is expecting a response during July. One aspect that remains uncertain is in relation to the pay increase that is due to VTSO's as a result of the increased responsibility they will now hold, along with the productivity and safety gains that the Port Authority will achieve. There are concerns that pay increases may not be forthcoming in the current environment. We have written to management to remind them of the representations they have made and expect to hear further on this in the coming weeks. Training has taken place and the desk/equipment updates are also complete.

## Port Authority of NSW – Sydney

It appears that the involvement of members who have been participating in the *Ruby Princess* Special Commission of Inquiry has come to an end, which has come as a long overdue relief. Now we must await the reports and recommendations. Beyond this, I understand that there are ongoing matters of concern and frustration for members

that we need to address in the coming weeks. Some of these were raised at the recent Consultative Committee that was attended remotely by me and three of our delegates. Engagement and consultation with the Union are needed in areas such as the fleet review, fire vessel procurement, safety and the OPT. This seems to have been forgotten by the Port Authority in recent months. As always, members are encouraged to contact either your delegates or me directly to discuss any issues that need to be addressed.

## Transport for NSW

As you may recall, Gladys Berejiklian had announced that NSW public sector workers would not receive a pay increase for a period of 12 months. This is still being fought and we have heard from TfNSW that all Award increases are scheduled to continue. Consultation on Covid-19 continues, with a large focus on public transport and the increased passenger numbers due to easing restrictions. I understand this has limited impact on our RMS members. Consultation is ongoing with regards to an update to the roles descriptions of ESO's and ESO Team Leader. Feedback has been provided from all parties and we expect the next meeting to take place in two to three weeks to finalise the update.

## Captain Cook Cruises

An initial EA meeting was held on 23 June 2020, kick starting negotiations for an Enterprise Agreement to replace the current 2009 agreement that the company is currently relying on. There appears to be inconsistencies in how that agreement is applied which is one thing we will certainly attempt to address with the new EA, to be registered under the Fair Work Act. The MUA have submitted their log of claims and we are in the process of preparing ours, to be presented for discussion at the next meeting in early July 2020. We are hoping for a speedy and amicable negotiation process, though given previous experiences with other marine tourism operators across Sydney harbour, such as Fantasea, this may be an optimistic outlook.

## Keolis Downer Hunter – Newcastle Ferries

The company have confirmed that they are looking to make roster changes in the coming months, potentially to coincide with timetable updates. We have not yet been engaged for consultation despite recent assurances from senior HR managers. I will keep members updated on progress and share information as it becomes available. Please speak to your delegate or me should there be anything in relation to the roster changes or any other aspect of your employment you would like to discuss.



# Eastern Area

## Tracey Ellis Organiser (Brisbane)

### Port of Townsville

At the first EA meeting, AMOU members withdrew their claim for a 12-month roll over of the Port Services Enterprise Agreement after the Port unofficially indicated they were hoping for a 4-year agreement with a 3% per year pay rise, depending on the Government's position. Since that meeting, the Government announced a change to the Government Owned Corporations Wages Policy in line with the public service employees. There will be no pay rise for GOC employees for the 12 months as regards any agreements commencing before 1 July 2021. In the second year of the agreement, employees will get the first pay rise and then another one 6 months later, effectively deferring the first pay rise by 12 months and the second by 6 months. The pay rises will then continue yearly for the rest of the Agreement. This pay deferral will also affect the Admin and Technical Enterprise Agreement. The Port of Townsville is currently preparing a formal offer for both Agreements and will provide this at the next meeting on 7 July 2020. It is likely the GOC wages policy will also affect the Pilots whose EA is up for renegotiation next year.

### Queensland Ministerial freight Council

At the conference in the first week of June, Minister Bailey said the QLD borders will remain closed for another month because NSW and Victoria still have outbreaks. He said this will be assessed on a month by month basis. I brought up that tourism operators need as much notice as possible of restrictions being lifted because they can't just start up overnight and one of the main issues marine operators are facing is the lack of flights. The Minister said that flights were a top priority for the Government, and they are working hard on getting more in the air. Greg Yates from AIMPE also noted the September deadline for cessation of Port subsidies is too early.

MSQ have allowed the Ports of Bundaberg, Alma, Gladstone, Townsville and Brisbane to accept ships from other countries within 14 days. I told them the Pilots are mainly concerned about the livestock ships because there is a lot of contact with shore-based personnel.

The Minister also mentioned he was happy with the progress of the repairs and removal of cargo from the container ship *APL England*. The vessel had lost some of its cargo during heavy weather the week before and was docked in Brisbane.

Members of the Ministerial Freight Council were also asked for written submissions on ideas for the recovery of Queensland after COVID-19. On behalf of the AMOU I submitted:

- Introduce more Australian flagged vessels in the supply chain by introducing legislation or incentives to register vessels in Australia and thereby sticking to local crewing requirements. Award government contracts to Queensland companies. Buy the *Aurora Australis* or a similar vessel to help with disaster recovery and goods/personnel supply in a future disaster.
- Incentivise employers to use local crews by providing money towards Cadetships and other training opportunities.
- Incentivise companies to use Australian crew and vessels to build and maintain infrastructure related to the shipping industry and greater supply chain. This includes dredging channels to get bigger ships, building wharves to load goods at sea, wind farms to mine energy etc. These incentives/disincentives could be legislated to make it harder for foreign companies to tender for projects or by awarding government contracts to Australian companies with Australian crew. Create more marine infrastructure projects that open the supply chain further and provide jobs.
- Fulfil pre-COVID-19 marine infrastructure and maintenance contracts. For example, some ports are putting off their scheduled maintenance dredging due to government budget cuts and employers are having to stand down employees. It may be better in the long run for government to go into debt to keep to the maintenance schedule to avoid future emergency maintenance expenses, due to the lack of preventative maintenance, and also to stimulate the economy by providing employees with work.
- Regional economic recovery will be assisted by getting the Marine Tourism and Diving sectors up and running again. Advertising campaigns about the Great Barrier Reef targeted at locals will help, as will government subsidies so tourism operators can provide discounts to locals.
- Increase flights into marine tourism areas.
- Allow employers in the Tourism industry to benefit from JobKeeper payments and port rental discounts until international travel resumes. It will take a lot longer for the Tourism industry to recover compared to other industries.

These discussions with the Transport Minister will continue during the pandemic and hopefully afterwards so please let me know if there is anything else you think the industry needs from Government.

## Australian Reef Pilots

The AMOU successfully lobbied ARP to reverse the COVID-19 related pay cuts to the Port and Check Pilots. The 10% cut has been refunded to the affected pilots and the company has announced there will be no redundancies in the foreseeable future.

The AMOU is currently in discussions with ARP about a possible underpayment of Superannuation and Travel Days for Check and Port Pilots. The company will provide their response at the next EA meeting. The EA negotiations have resumed, and the latest meeting saw a lot of progress in getting the wording agreed to. The meetings are now scheduled fortnightly in the hopes of finalising the EA as soon as possible.

## Coral Knight

The AMOU and AIMPE decided that the *Sycamore* will be first cab off the rank for Enterprise Agreement discussions with Teekay. The *Coral Knight* will likely be last. More information about the Teekay negotiations can be found in Mark Davis's Industrial Report.

## COVID-19 Border Restrictions

Things are getting complicated again with regards to border restrictions after Melbourne started seeing COVID-19 Hotspots pop up. Queensland Government sees the whole of Melbourne as a Hotspot and has declared people who have travelled through Melbourne must self-quarantine for 14 days regardless of the reason for travel. Mariners applying for Remote Area Passes are having them declined because they are coming from a Hotspot. The AMOU has requested MSQ issue exemptions for marine crews travelling through Melbourne and are waiting for a response at the time of writing.

## Transdev Brisbane Ferries

The AMOU and the MUA have raised a dispute with Transdev about the way Dual Duties is paid when the Customer Service Officer is not on board and the Master and Deckhand have to do dual duties to make up for the loss of the third crew member. Transdev say that they do not have to pay the allowance during certain parts of the shift and the Unions are pushing to be paid for all times when a CSO would normally be onboard. It is important that the third crew member be onboard to fulfil safety obligations so there should be no financial incentive for the company to avoid finding another CSO to cover the shift. Transdev will provide us with their final response in the coming days. Both Unions have been pushing for the Deckhands with Master V and Coxswain tickets to have their CityFerry training completed before any new hires can be given the role.

This is a continuous battle because of the unpaid 'mentoring' component the Masters who have come up from the deck have to complete. It takes longer for an internally recruited Master to be trained than one that is hired off the street, so we have to keep reminding Transdev not to take the easy option.

There was a serious incident this week where a Customer Service Officer ended up with a broken shoulder after a falling between a CityCat and the pontoon. The lack of ramps at the University of Queensland overnight berth had been flagged as a safety issue on numerous occasions by employees. Unfortunately, since the vessels and pontoons are owned by Brisbane City Council, Transdev can't make changes to infrastructure without permission which means safety risks like this take too long to be fixed. The AMOU has been in touch with management with suggestions of changes to procedure that can be implemented immediately to remove the risk of it happening between now and when a ramp is installed.

## ASP Anatoma

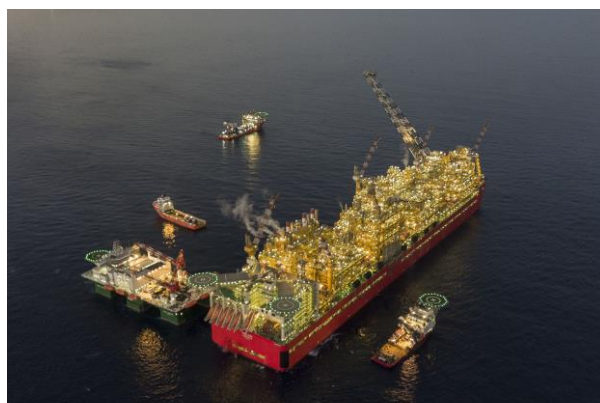
The Brisbane-based bunker barge has been put into hot layup due to the loss of Cruise Ships because of COVID-19. The vessel is currently manned by a skeleton crew including the Master. ASP is working with the other crew to find suitable duties on another vessel in the company while the *Anatoma* is laid up.

## Smit Lamnalco - Gladstone

### Gladstone

The EA negotiations will begin on 2 July when the first meeting is held. The Masters have been preparing their log of claims in anticipation.

Smit Lamnalco confirmed that they would not be appealing the GMDSS decision that said they must pay the revalidation costs of the specific member named.



This decision should effectively flow on to all employees in the same situation, with the same facts, as the specific member. We've since had another member apply to do his GMDSS and the company has said that they will consider their position and get back to him. This is in line with what they have done with the revalidation of other qualifications where Smit has stopped paying it and said that they are considering their position on whether they will reimburse these costs in future. The AMOU has met with the new National IR Manager about the revalidations and are waiting on a response. If this is not resolved at the national level we will likely escalate the revalidation matter back to the Fair Work Commission.

#### Townsville

Smit Lamnalco has started the formal process of changing the rosters for the Engineers. The Engineers are against the idea of a roster change. At this stage, Smit are not seeking to change the Master or Deckhand rosters, but this may change as the discussions progress.

The *SL Cook* is due to take over while the other vessels go to refit within the next couple of weeks. The Masters are still waiting for Smit Lamnalco to organise the Uni Lever training for two of the seven Masters. They are also still waiting for the emergency training in the simulator. The AMOU has raised the issue with the National IR Manager so hopefully these issues will be resolved soon.

#### **Sea Swift**

AIMPE has started a dispute with Sea Swift about the payment of employees who had temporarily relocated to Darwin during COVID-19. They have only been paying a \$200 per week Living away from Home allowance to assist with extra expenses incurred in lieu of flights that would normally be supplied. AIMPE is seeking payment of Dead Days for all isolation periods, payment for all accommodation costs, meals and related expenses and crew members to be repatriated as normal and has called for a meeting on 30 June with the company and the unions. If the issue is not resolved at the meeting it is likely to go to the Fair Work Commission.

#### **Port of Brisbane – TSHD Brisbane**

Voting will begin on 26 June for the finalised 3-year agreement. It includes a yearly increase of CPI or 1%, whichever is higher, a \$10 increase to airport parking and a meal allowance to be paid during refit. Unfortunately, we were unable to secure an indemnity clause for the officers. This will not affect the normal vicarious liability obligations the Port of Brisbane has for its employees, but it will make it a longer and more expensive process for the Union to dispute any issues if the Port try to throw an officer under the bus after an incident.

#### **Pro Dive**

The AMOU is appealing the Fair Work Commission's decision to approve the Pro Dive Cairns Enterprise Agreement. We believe the decision is wrong because the Commission used the Professional Diving Industry (Recreational) Award when checking whether the Masters pass the Better off Overall Test. We think that the Marine Tourism Award should have been used, and if it had been used the Agreement would not pass the BOOT. In making this decision, the Deputy President referred only to the first limb of the coverage clause of each Award, where it says the employee is covered by the award classification which is most appropriate to the environment in which the employee normally performs the work. In doing so, he ignored the second limb of the coverage clause where it says the award classification which is most appropriate to the work performed by the employee.

#### **Cairns & Port Douglas Tourism Industry**

The diving and reef charter companies are starting to kick into gear. Pro Dive and Great Adventures have already started limited services and Quicksilver has indicated that they will begin some services at the end of June. Green Island Resort will open in a limited capacity on 4 July. The AMOU has lobbied the government to allow JobKeeper and Port subsidies to continue until the international tourists can return to Australia. If you are planning a holiday, consider heading to the area to help give the Marine Tourism industry a boost.

#### **P & O Wunma & Aburri**

For *Wunma* after reaching an in-principle agreement with the AMOU and AIMPE, P&O granted a couple of extra claims from the MUA including naming them in the Agreement and increasing the meal allowances to the ATO rates. Once a decision has been reached about the parental leave, the Agreement will go to ballot.

Re *Aburri* the EA ballot process has finally begun and the outcome will be announced in the coming days. The 4-year, 2% per year agreement includes back pay from 1 April 2018. Because the agreement took so long to finalise it was agreed that a 2.5% increase will be paid at the end of this agreement in lieu of a first-year increase in the next one.