



Industrial Report

November 2020

MEMBERS' MONTHLY MEETINGS

Please note that monthly meetings will recommence in 2021. The first meeting will be held at 1000 hours local time on Tuesday 19th January in Sydney and Fremantle provided there are no coronavirus measures making these unsafe.



AMOU

Australian Maritime
Officers Union

Federal Report

Mark Davis

Executive Officer

INPEX Training, Education & Development outcomes for AMOU members

INPEX is a Japanese oil/gas field development company that has established the Ichthys field in offshore WA. The company and the maritime unions negotiated an enhanced dispute settlement/no strike agreement (EDSPDPA) and in exchange for this a significant maritime workforce training, education and development budget was made available by INPEX. Companies and unions can make applications to this EDSPDPA training fund and a committee involving INPEX and union representatives consider and decide on the viability of these proposals including placing conditions on them and negotiating co-contributions from applicant companies. Since the EDSPDPA has been in operation AMOU applications have been approved and implemented to the value of over \$9.5m. Here is what has been achieved so far:

Completed Training

- 15 x Deck Officers achieved sea-time and Dynamic Positioning Unlimited qualifications including 1000 DP duty days
- 2 x Deck Officers achieved Master <80NM with both completing AMSA Deck Watchkeeper assessments this month
- 4 x Rolls Royce Icon & Azipull Deck Officer training
- 7 x Deck Officers put through BOSIET training
- 2 x Deck Officers achieved AMSA Master Unlimited
- 1 x ATSI Advanced Standing Deck Cadet

Ongoing Training

- 5 x Deck Officers progressing Dynamic Positioning Unlimited qualifications with more than 250 duty days required
- 4 x Deck Officers progressing towards Master Unlimited certification
- 2 x ATSI Deck Cadets positions – 1 filled already and 1 in progress
- 1 x woman Advanced Standing Deck Cadet
- 1 x woman new entrant Deck Cadet

Superannuation Guarantee

Yesterday the Government released the Retirement Income Review: <https://treasury.gov.au/publication/p2020-100554>
As part of the release of the report, the Government signalled it may cancel the legislated increase of the Superannuation Guarantee in the May budget costing workers tens of thousands of dollars by retirement. This shows that the trade union movement will need to campaign to ensure that any deferral or cancellation is a political liability.

Yesterday the ACTU released the report *A Retirement That Never Comes*, which shows how workers will need to work longer to attain a dignified retirement if the Government goes through with its plans to cut the legislated increase of superannuation.
<https://cloud.actu.org.au/index.php/s/LjoDgagi7o2qNm7#pdfviewer>

This report was published in the nine newspaper mastheads yesterday along with reporting of the Retirement Income Review. <https://www.smh.com.au/politics/federal/retirees-ignoring-potential-of-dipping-into-home-equity-income-review-20201119-p56fz8.html> A teacher would have to work 4.8 years longer, a truck driver 4.45 years longer, a nurse 4.3 years longer and a retail worker nearly 2.5 years longer just to get to a reasonable standard of living.

Many workers will be forced to work well into their 70s if the legislated increase in superannuation is cut by the Federal Government. The ACTU has released the following report on how these cuts will affect workers' retirement: <https://action.australianunions.org.au/a-retirement-that-never-comes>

The government appears to find it acceptable that women will likely retire with 47% less superannuation than men and 70% of women have estimated super balances under \$150,000 which the government describes as 'effective, sound and sustainable'. It has also dismissed the massive gender gap in super and offered homeowners a false choice between their home and secure retirement. Leveraging the value of your home – if you are lucky enough to own one – is not a replacement for a fair and functioning superannuation system. The ACTU report shows that people who work in demanding and mentally exhausting jobs like aged care, disability, cleaning and construction will have to work well into their 70s.

Whilst to some degree the earning capacity of some of our members insulates you against the more severe consequences applicable in other sectors, the injustices identified in the report and the government's willingness to go back on prior commitments is something that must be challenged and campaigned against.

Availability of visas for non-Australian marine sector workers

Below is a table of visas compiled from information lifted from the Department of Immigration and Border Patrol website. The numbers beside the occupation entries are the ANZSCO codes. ANZSCO is primarily a statistical classification designed to aggregate and organise data collected about jobs or individuals. The classification definitions are based on the skill level and specialisation usually necessary to perform the tasks of the specific occupation, or of most occupations in the group. You will note the distressing number of occupations in the AMOU area open to non-Australian competition. Where a 'Regional Occupation List' is set out below please be aware that a *Region* for immigration purposes means everywhere except Sydney, Melbourne and Brisbane. DIPB is obligated to consult with industry stakeholders for list reviews and I recently completed a survey strongly objecting to the listing of all AMOU occupations in all visa areas. Depressingly, it is anticipated that this will either fall on deaf ears or any follow-up consultation will be little more than token.

UNIT GROUP 2312 MARINE TRANSPORT PROFESSIONALS

231211 Master Fisher	231212 Ship's Engineer	231213 Ship's Master	231214 Ship's Officer
231215 Ship's Surveyor	231299 Marine Transport Professionals	399112 Shipwright	

Skilled Employer Sponsored Regional (Provisional) visa - Subclass 494 Visas - Dated 29 October 2019

Regional Occupation List

156	master fisher	231211
157	ship's engineer	231212
158	ship's master	231213
159	ship's officer	231214
160	marine surveyor	231215
161	marine transport professionals (nec)	231299

Temporary Skill Shortage Visa - Subclass 482 Visa - Dated 5 March 2019

Medium and Long-Term Strategic Skills List

214	shipwright	399112
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Regional Occupation List

40	ship's master	231213
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Regional Sponsored Migration Scheme - Subclass 187 Visa - Dated 5 March 2019

Medium and Long-Term Strategic Skills List

214	shipwright	399112
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Regional Occupation List

166	master fisher	231211
167	ship's engineer	231212
168	ship's master	231213
169	ship's officer	231214
170	marine surveyor	231215
171	marine transport professionals	231299

Specification of Occupations and Assessing Authorities—Subclass 186 Visa - Dated 5 March 2019

Medium and Long-term Strategic Skills List

214	shipwright	399112	TRA
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AMOU Housekeeping

Problems with processing fortnightly and monthly Direct Debits

Lately we have encountered a major problem processing direct debits of member subscriptions. Unbeknown to us the Commonwealth Bank of Australia has a limitation of \$100k in direct debits that can be processed within any given 27-day period. Apparently, this has always been the case, but we were never advised of this and we are certain that this limit has been exceeded on numerous occasions without repercussions. The only solution to this is to go through the complicated bureaucratic process of increasing the \$100K limit. To do this an organisation needs a designated Business Banking Manager. We did not have one. We tried for a number of weeks to find one. We failed. I had to talk to a mate who is in a different area of CBA management and he exercised his influence to get us a designated BBM. The application is now in the system and until approved the 27-day period is preventing us from processing any DDs. We apologise profusely for messing you around and hope to have this sorted out soon. We are also concerned to ensure no loss of subscription income, so your indulgence is sought to help us to recover any subs payments that we missed out on due to the DDs being blocked.

Expressions of Interest for the position of AMOU President

Thank you to those two members who were dedicated enough to put their names forward for consideration by the Executive Council for the President's position. It is very likely that the position will be filled from within the Executive Council and this may come to pass at the next Executive meeting on 10th December. This will produce a consequential casual vacancy in the relevant Area or Industry and members will be notified of this and will have the opportunity to nominate for the position in due course.

Teekay Marine Resources & Teekay Shipping Australia vessels

A settlement was reached with Teekay for enterprise agreements to cover *MATV Sycamore* (Navy Multi-purpose Aviation Training Vessel) and *ADV Ocean Protector* (Customs Australian Defence Vessel). The EAs are now out to membership ballot which is due to close on 25th November.

Crew change rules & short-term jobs on foreign ships

The Australian Maritime Safety Authority has announced that on 28th February 2021 it will end temporary exemptions for foreign vessels with crew on board longer than eleven months. The eleven months maximum is the period stipulated by the International Labour Organisation's Maritime Labour Convention. AMSA relaxed the implementation of this, being prepared to tolerate up to 14-month onboard swings due to COVID-19 difficulties in doing crew changes internationally owing to COVID-19 border control measures and severely reduced flight schedules.

As of 1st March 2021 if international flights into the country do not increase significantly and laws on the number of persons entering Australia and on quarantine requirements do not change materially, AMSA's application of the rigid crew change requirement may produce more job opportunities for members on international ships.

As set out in my October report local ship's agents and foreign ship operators have been in contact with the AMOU to try to plug temporary gaps in Master & Deck Officer ranks by sourcing AMOU members seeking work.

We have managed to place a few members onboard but State border entry conditions, the unavailability for work of members even though registered on the employment roster, understandable apprehensions about contracting COVID in a foreign pay-off port, repatriation and quarantine on return have all made the task of filling these vacancies challenging.

If you are genuinely seeking this kind of work and willing to fill vacancies at short notice please email me directly at mark@amou.com.au as I will be maintaining a separate register for those available at short notice for these positions.

Those in financial difficulties, in need of sea time to revalidate their certificates and young members seeking a variety of experiences and time at sea will be prioritised.

There is always a risk involved in accepting this kind of work, but we have excellent contacts through the Nautilus Federation and the ITF and have some confidence that we can marshal any necessary support when required.

If any members are contacted directly by companies seeking officers to fill these positions, please direct them to me so we can ensure central coordination. The AMOU needs to maximise any opportunities for an ongoing Australian officer labour supply as well as ensuring the pay rates are competitive, quarantine expenses are covered, and repatriation is guaranteed.

Rank	RO/RO USD\$/day	Bulker USD\$/day	Tanker USD\$/day
Master	875	814	920
Chief Officer	703	675	751
2 nd Officer	631	605	685
3 rd Officer	582	536	636

The above table sets out the rates that AMOU is providing to agents that approach us with job opportunities.

Western Area

Glenn Andersen

Western Area Secretary & Organiser

Offshore EBA Dispute Resolution

Every week an issue emerges which would require an employee to raise a dispute with the company for EBA justice to prevail. The fear of retribution is real if the member were to go ahead and request AMOU assistance. Some permanents are even reluctant to initiate a dispute, even though they stand to lose many thousands of dollars as their employer ignores the EBA. Casuals are even more liable to suffer payback when it comes to re-employment opportunities.

To me nothing is currently more important than re-writing the disputes resolution clause in offshore EBAs. The AMOU needs the ability to initiate the dispute with the employer on its own volition and without the employee having to be identified. Of course, there would be occasions where that would be unavoidable. EBAs negotiated around 2010 contained such clauses. Somehow, we lost them. We need them back. It will not be easy.

Vessel Inspections and ship visits

I paid a visit to the *Normand Skimmer* in Henderson late last month. One set of officers were financial members, the other set had no members.

OSM EBA negotiations

We will end up in dispute with the company as they do not accept that they failed to live up to what we feel was their commitment to pay the 4.5% increase from the exact day the EBA ballot was voted up. In my experience when salary increases are delayed by drawn-out EBA negotiations it is perfectly normal for the union to insist a way overdue increase should occur from the day a proposed agreement is voted up. That is exactly what happened with OSM. I will be writing to OSM to request this commitment is honoured

Swire Pacific

Another EBA which is overdue. Now the redundancies have been sorted, a number of ship visits are in order. Face to face meetings with members are vital in order to recharge member unity for the battle ahead.

Solstad

In order to escape Covid-19 restrictions Solstad are hatching a plan to place east coast employees onboard SIEM vessels based in Melbourne. The plan certainly has merit although the roll-out may turn out to be tricky. We will, of course study the plan when it has a bit more detail.

Contact is being made with Solstad delegates in order to get things moving along with the EBA. The log of claims needs to take shape.

One way in which the delay has benefited us is the emergence of some very important claims, which were not apparent a few months ago. With a few changes we will be utilizing the Solstad/Farstad Facebook site for communicating with AMOU members.

Maersk Supply Services

Although the Santos 150-day contract for April 2021 has been confirmed, the immediate work forecast is unclear. I am unaware of any notices of redundancies being sent out. The AMOU will work to preserve permanency for those interested by insisting the LWOP part of the redundancy clause is activated.

Toll Energy EA

The Toll Energy EBA has been voted up by a wide margin. Unfortunately, it will only apply to the one vessel as the *Skandi Sotra* is now finished and on its way to SE Asia. The AMOU is in dispute with Toll for their failure to redeploy permanents to the remaining offshore vessel *Toll Provider*. The AMOU Fremantle office will assist any redundant Toll employee to find new work.

Go Offshore

The current agreement expires in May next year. There are other companies with more pressing cases for the renegotiation of the EBAs as they have been long-expired. This is not the case with the Go EBA although we are respectful of the company's drive to get moving early. Any salary increase (and GO Offshore don't want any) would not kick-in until next May.

Teekay Shipping Australia – FSO *Ningaloo Vision*

The unions representing FPSO *Ningaloo Vision* employees are close to settling a Covid-19 MOU with Teekay. Forced isolation pay is just one of the points. An increase to the swing length from 3 to 4 weeks is another. Subject to some re-wording the MOU should be ready to sign sometime next week. Although occasionally we have differences of opinion with Teekay I must comment on the enlightened attitude their people have towards their own employees.

Western Area

Glenn Walsh

Industrial Officer (Fremantle)

Mackenzie Towage Bunbury EA

We are still waiting for the WAIRC to determine the jurisdictional dispute. The process has been incredibly long and drawn out which is enormously frustrating as we have yet to address the substantive matters raised in the initial contractual benefit claim made in March. The Unfair Dismissal claim will be heard before DP Binet in the FWC from 15-17 December. Rachel Cosentino SC will act for the AMOU with instruction by Kristen Reid (Hall Payne Lawyers) and me.

Southern Ports Authority Port of Albany EA

We are waiting for the final draft EA document which has been promised for late November. Last minute edits aside, we appear to have reached in principle agreement on all outstanding matters. The significant gains achieved in this agreement augur well for next year's negotiations for the other Southern Port Authority Pilots in Bunbury and Esperance.

Pilbara Port Authority General Staff EA

For reasons beyond our control, we were excluded from/not invited to the most recent EA bargaining meetings. We stopped short of lodging a Good Faith Bargaining dispute in FWC after resolving our concerns with PPA management. Bargaining will resume on 26 November 2020. Of concern to our members is the PPA's position that the EA must be cost neutral while they are actively seeking the diminution of various employee entitlements that were gained in prior enterprise agreements. The fact that the port of Port Hedland remains Australia's most profitable port, and that they can easily afford to provide their workforce with reasonable improvements begs the question why. Their bargaining position appears to be ideologically driven by local management under the guise of the WA State Government Wages Policy.

Argonaut Marine EA

We attended a General Protections conference in the FWC for the 2 Marine Pilots recently made redundant during the EA bargaining process. Unsurprisingly the company and their legal representative failed to engage productively in the conciliation process which now means the matter will be heard in the Federal Circuit Court. We are waiting to determine the appropriate jurisdiction for this matter but expect it to be in NSW.

Mid-West Ports Authority Dispute

To their absolute credit, MWPA management have taken notice of the extensive feedback from our members and have now proposed to retain all current staff in the new structure. While one AMOU member will be redeployed to a similar role, everyone else will retain their current positions. We believe the new structure represents a win for all parties moving forward, as it enables all staff to retain their employment, while allowing MWPA to retain significantly vital operational knowledge, skills and experience.

Mid-West Ports Authority General Staff & Maintenance, Operator & Marine Specialist EAs

The most recent meetings in Geraldton were attended by Glenn Andersen but ultimately failed to make much progress as MWPA have yet to formalize their bargaining claims. The next meeting has been rescheduled to late December to enable the MWPA Board to ratify their position.

Southern Area

Chris Neiberding Senior Industrial Officer (Melbourne)

Svitzer National EA

At the last meeting it was decided that the AMOU would meet the company to talk about Master specific issues specifically Masters' traineeships, Masters' indemnity and Masters' minimum qualifications. All of these issues had been resolved pre-COVID but the company now does not recognize anything that was agreed and we are starting from scratch. We understand how important these issues are for members and the negotiation team will do their best to convince Svitzer to revert to their agreement with the AMOU on these issues.

Pre-COVID Svitzer had agreed to:

- Minimum master qualification of Master IV (anyone with a current Master V would be grandfathered)
- Masters would be specifically consulted on Masters traineeships (the current wording is that Svitzer could consult with anyone)
- Masters indemnity- Svitzer had agreed to insert a Masters' indemnity clause – we understand Svitzer is still going to do this, but we need confirmation.

There continues to be protected industrial action around the nation by the CFMMEU-MUA. The AMOU advises members to continue their daily duties and operate safely. Should a situation occur or you predict a situation can occur while on your swing please seek direction from your local port manager and if problems continue please talk to your local delegate or contact chris@amou.com.au

Svitzer Master Incapacitated

Svitzer has been audited by AMSA recently and it was found that the company is lacking a Master incapacitated procedure. This is something Svitzer must have to comply with marine orders. We understand Svitzer is seeking feedback on the matter with Masters, and there has been an extension for that feedback until the 24th November. The AMOU will meet with Svitzer to go over the procedure and provide feedback. We will inform members how this goes.

Svitzer Consultation Procedure committee

The AMOU has issued a dispute notice about Svitzer's Consultation Procedure committee but Svitzer has failed to recognize the dispute notice arguing that the AMOU has no grounds to do so and no ability to do so under the EBA. Despite this we will meet with management to talk about the issues and concerns members have and especially the concerns of the HSRs. We specifically need to know how Svitzer intends for this committee to function and what role Svitzer thinks the HSRs should play. We are unsure if Svitzer is fully aware of the HSRs responsibilities and we intend to remind them when we meet. We will inform members of the outcome.

Svitzer Bowen

There is still no date from the FWC. Since my last report the three maritime unions were still working through the POPs with Svitzer but unfortunately talks have come to an impasse and we are headed back to the FWC. There are still a number of items relating to amenities, operational requirements, and entitlements outstanding that have yet to be settled.

Svitzer Melbourne

Before the FWC conciliation Svitzer gave a commitment to have further talks with the 3 maritime unions and resolve the dispute. We have all accepted this offer and are currently looking for dates that suit. Should these talks fail we will resume proceedings at the FWC.

Gippsland Ports

All parties are doing well to work through the claims despite all the meetings being held via TEAMS. There may be scope to have a face to face meeting in the new year and if that is achievable the AMOU will follow up with a visit to the members. The AMOU has suggested that we move away from the discussion around claims and start some drafting as it seems that we are consistently going over the same ground and despite progress in each meeting it was feeling a bit slow.

Southern Area

Jarrold Moran

Senior Industrial Officer (Melbourne)

Serco - DMS

The Serco-DMS 2020 Enterprise Agreement is now in place, but it is proving difficult for local managers to correctly apply new terms and conditions. We have instances of members being paid incorrectly. We are working with the other maritime unions to fix these issues, initially through the Fair Work Commission. We continue to wait on announcements from Navy on the awarding of the on-going contract. The current tender process has split the Serco contract into three – inshore, offshore and towage.

Victoria International Container Terminal

The Union Single Bargaining Unit (AMOU, MUA and ETU) and VICT have programmed EA discussion meetings for each Friday in November. We are making progress moving through our Log of Claims. While usual EA issues such as wages and rosters are issues of interest, minimum manning levels are the priority matters that members want to see resolved.

DP World – Supervisors

DP World have made an offer to Supervisors that members are happy to accept. In essence the offer is a roll-over of the current EA with wage increases of 1.5% on 1 December 2019, 1.5% on 1 April 2020, 1.9% on 1 April 2021 and 1.9% on 1 April 2022. The EA will need to be altered due to changes in Fair Work Commission requirements and we are currently going through these with DPW. It is expected that voting on the EA will take place in coming weeks.

DP World - Production/Maintenance Superintendents

Once the DPW Supervisors Agreement is finalised work will start on securing an EA for those members currently EA free.

Toll Shipping

Discussions are continuing with Toll for a new EA. Toll have offered an EA to 31 August 2022 with 3.5% wage increases. All other matters remain unchanged except TOLL have proposed that members do not receive a performance bonus in 2021 and 2022. Toll have also confirmed that the extra manning currently in place will remain for the period of the replacement EA. Toll have proposed that this arrangement is formalised via an MOU between us. Members are not willing to accept the non-payment of the bonus as it's a productivity bonus that is only applicable if certain targets are achieved. Also, members would rather have the extra manning dealt with inside the EA together with some other matters to do with AIMPE parity conditions.

SeaRoad Shipping

The new SeaRoad Shipping EA has now been in place since August. The EA provides for a Works Council of Employer/Employee reps to meet in March and September each year. We have elected 6 delegates across both vessels to represent members on the Works Council and requested that SeaRoad organise a meeting. As the *SeaRoad Tamar* is due for its 30-year drydocking shortly we expect an announcement of arrangements for this and a replacement vessel to be made soon. These matters and a future replacement vessel for the *Tamar* are the main matters we want to raise. We also understand that SeaRoad is still looking to fully replace the *Tamar* in the near future and wish to start discussions on this transition.

We continue to wait on announcements from Navy on the awarding of the on-going contract. The current tender process has split the Serco contract into three – inshore, offshore and towage.

TT-Line – Shipwrights & Pursers

We have had a little bit of backward and forward with TT-Line on a replacement EA for the Shipwrights and Pursers. Things have been complicated by COVID-19, but we are now on track to commence formal discussions. TT-Line has employed a new HR Manager (who was previously at TasPorts in a similar role). We have requested that meetings occur ASAP. The current EA expired on 30 June 2020.

Victoria Ports Corporation

The Vic Ports EA which covers VTS in Melbourne expires on 23 August 2021. Members are turning their minds to a potential Log of Claims. We want to see a smooth transition to a new EA so hopefully we will be in a position to approach the employer early in 2021.

Eastern Area

Marty McEvilly Industrial Officer (Sydney)

Teekay Shipping (Australia) – *Dampier Spirit*

Despite the decision that the *Dampier Spirit* would be leaving the STAG field being made in May 2020, she remains off the Australian coast at anchor. The towage vessel, the *ALP Winger*, is also still waiting, seven weeks after its arrival. We are awaiting confirmation of the exact reasons of this continued postponement from Teekay, but it is likely that there is a delay in the export permit required prior to her tow to Turkey. Our understanding is that the final cleaning of tanks should be completed by now. The delay and lack of an explanation is proving frustrating for those onboard who would like to know when she is leaving in order to receive confirmation of their redundancy. It also appears that there was a misunderstanding amongst some of the crew with regards to the removal of possessions from the vessel without permission, along with their personal belongings, though this confusion from some appears to have been cleared up. As soon as we know when the vessel will be departing, we will let members know.

Transdev Sydney Ferries

Transdev have still not written to the AMOU with any details regarding the announcement by Minister Constance that the Freshwater class ferries will be retired, starting from early 2021. Instead, they appear to be wasting resources on trying to blame others for their failure to report safety incidents to the regulators. The Office of Transport Safety Investigations (OTSI) has begun an investigation into a loss of control that took place on 02 July 2020. The *Pemulwuy* took an abrupt starboard turn after the Master lost control, shortly after she overtook another vessel. The Master involved did everything right and reported the incident through an SRF. The company however, failed to take appropriate corrective actions nor did they report it to the regulators. It took another Master, one who witnessed the loss of control, to report a safety concern to AMSA. It was only because of this action that OTSI became aware of the matter. Someone at Transdev is upset that it looks like they were trying to hide a safety incident. One that apparently happened as many as six times across the fleet in recent times without being reported by Transdev. Rather than acknowledge their failing and trying to improve their reporting processes, the company has begun a witch hunt to find someone to point the finger at for their breach of legal and safety obligations. Although the Master onboard the *Pemulwuy* has rightly been reinstated after being unfairly suspended, Transdev have their sights set on the Master who reported the incident to AMSA and have threatened termination. He is still suspended, and we have serious concerns about the manner in which they are conducting their 'investigations' into his conduct. It appears they are trying to pin something on him in order to confirm a predetermined outcome.

Is that really the standard we want for our ferries on Sydney harbour? That safety is less important than management ego? That the company would prefer to cover up safety incidents than have them properly reported. Members have provided the AMOU with multiple other examples of Transdev not reporting safety incidents to AMSA and it's clear for all their talk of a safety culture that something is seriously wrong.

The interim factual statement can be found here:

https://www.otsi.nsw.gov.au/sites/default/files/otsi_assets/documents/reports/IFS%20Pemulwuy%20loss%20of%20control.pdf

For other matters, including the status of the new river vessels, our great team of delegates will continue to keep members informed.

NRMA Fantasea & Manly Fast Ferry

Consultative Committees are due to take place in the coming weeks for both NRMA-owned ferry operators in Sydney. If members have any items they would like discussed, please contact me or your delegates. It remains a difficult time for both companies, particularly Fantasea due to its heavy reliance on tourism now that whale watching season has come to a close. We will hopefully get a better understanding of what the company are planning at the consultative committees.

Port Authority of NSW – Newcastle

We have heard nothing further with regards to the transition to VTS in Newcastle but understand that this is a difficult period and that these things take time. I expect that PANSW will engage in consultation before too long.

Port of Newcastle

There has been little to report since last month. The policy updates proposed at the last consultative committee have been adopted. This includes the Agile Working Policy, so I presume that members will have returned to work in the office in some sort of a capacity by now. The dredge has not yet returned from its dry dock in Yamba, though reports suggest she is back in the water, so it won't be long before dredging resumes in Newcastle.

Port Authority of NSW – Port Kembla

I have received no further update on VTS transition since the last meeting was held in mid-October. At that time, the final sign off from AMSA was outstanding. The VTIC facility upgrade is in full swing with the team currently relocated within the building. We are also awaiting an update on the remuneration uplift for the transition to VTS.

A meeting with regards to the fleet review took place on 30 October. The only thing discussed were the answers to questions that were put to the selected supplier of the new firefighting vessels, Birdon. It was a frustrating meeting and it was made even more clear to those in attendance that a decision has already been made as to the vessel that will be procured, despite feedback from employees regarding a range of issues that suggest they will not be of the appropriate standard. There were no discussions with regards to the greater fleet review process that should also be taking place. I expect a dispute to be required in the coming weeks should the transparency of the consultation process not improve. Given management's proven resistance to genuine consultation this is only going to change if we force the matter. In other news, the new drug and alcohol policy should have been introduced. If members have any questions about the policy, feel free to contact me or your delegates.

Transport for NSW/RMS

Transport for NSW have initiated the process of a Maritime restructure, following similar processes seen for other branches in recent months. On 18 November 2020, two online briefings were held to discuss the proposal for the top line structure in Maritime. There will be a change in senior leadership by the introduction of a new line of Directors. At this time there are no modifications to other staff within Maritime. Employees will stay with their existing reporting line, with no Award roles requiring replacement under the proposal. Maritime staff should have been provided a copy of the consultation pack and feedback is required to be provided within two weeks. New roles for senior managers will be recruited in the third week of January 2021, with the positions being advertised externally. After they are in place then further design about the structure of the remainder of roles within Maritime will take place. This is when the potential changes to members and those under the RMS Award will be seen. This is when we will need to be on our toes to protect members interests as much as possible. Disappointingly, the NSW State Treasurer Dominic Perrottet in his budget on 17 November 2020 confirmed the government's plan to cap annual public sector pay rises at 1.5% for the next four years. The current wage policy allows increases of up to 2.5% and has been in place since 2011. We consider this to be short sighted and will work against the necessary economic stimulus required for NSW. This news will also impact upon the possible pay increases available to members for each of the Port Authority of NSW EA's that fall due in the next few years.

Captain Cook Cruises

The proposed *Captain Cook Cruises Enterprise Agreement 2020* is currently in the access period and employees are considering whether they should vote in favour of the agreement. The voting period should take place between the 27th and 30th of November, with the outcome known by 01 December 2020. Negotiations for the EA stalled in recent months when it became clear that the company was unwilling to move on several Union claims. The company have thus taken the decision to put the proposed EA out to vote without the endorsement of the Unions. Although we appreciate it is a difficult time for those in the marine tourism industry, we do not believe that this should be used as a shield against reasonable claims from employees. The view of the AMOU is that some of the positions put forward by the company, specifically with regard to term, casual loading, consultation and the dispute resolution clause are disappointing and do not take into account the reasonable feedback provided by employees and their representatives. On this basis, we are advocating for a **NO**

vote and hope to see the company back at the negotiation table in early December 2020 to address some of those areas.

Keolis Downer Hunter – Newcastle Ferries

Keolis Downer have been in discussions with the Unions regarding a roster change that they would like to make. After some meetings in July and August it was clear that the company were engaging in a façade of a consultation process in order to push through their predetermined roster change, which was simply to remove fatigue breaks for Masters and deckhands and force them to work through them without additional compensation. On the basis of the concerns raised by members, primarily around the impact on fatigue and safety that the proposal clearly ignored, we wrote to the company on 03 September 2020. On 02 November 2020, two months later, they responded, dismissing our feedback and failing to provide a response to our questions with regards to fatigue. Members of both the AMOU and MUA were rightfully angered by the content of their response. To get an idea of the type of response and the consideration the company have given to fatigue, they included statements such as *"(the roster) allows between 2 and 3 minutes turnaround at each end during peak periods ... for which is paid time for employees to rest between trips"*. We have since written back and have a meeting scheduled for late November. It is likely that we will end up in dispute if the company continues to try to remove fatigue breaks without conducting a fatigue study.

NSW Marine Pilotage Code Review

The introductory meeting establishing the Marine Pilotage Code (MPC) review Working Group will take place on 23 November 2020. The MPC comprises of two volumes, MPC1 and MPC2. MPC1 demonstrates how the Regulator (Transport for NSW) and Port Authority of NSW should comply with requirements for qualification, initial training and ongoing training for Marine Pilot Licences, Pilot Exemption Certificates and Certificates of Local Knowledge imposed by the Marine Safety Act 1998 and the Marine Safety Regulation 2016. MPC2 is a performance-based standard which ensures pilots are fit for duty and capable of carrying out the inherent requirements of the pilotage job at the time of licensing and the duration of their employment as a pilot. MPC1 is due to be reviewed every five years and was last reassessed in October 2015, so it is due for a review. It has also been decided that MPC2 be reviewed as well, to ensure that health standards align with developments in medical management and changes in the inherent requirements of pilotage. It is anticipated to have the reviews completed by Q2 2021, though we expect this to be an optimistic timeframe if previous review processes are a guide. Two pilots from each area, along with representatives from the AMOU, PANSW, AMPI and TfNSW will be in attendance. All members with feedback or questions should contact their delegates or me.

RV Investigator

There were concerns raised in the last month regarding extended swing lengths, coupled with 14-day CSIRO dictated quarantine for all marine crew prior to joining. This would have pushed the length of time away from home far beyond the maximum limits in the EA. Despite border restrictions having eased, the CSIRO were still insistent upon the quarantine, including for Tasmanian residents. However, thankfully sense prevailed and the quarantine restrictions for upcoming swings will match the Tasmanian border restrictions for travellers. At the time of writing that only requires Victorian residents to quarantine, though the South Australian situation is being monitored. A testing regime will still be applied but it is a much more reasonable outcome than what was previously being applied.

Eastern Area

Tracey Ellis Organiser (Brisbane)

Australian Reef Pilots

The approval of the Enterprise Agreement has been held up by the Fair Work Commission because of a technicality. At the start of the negotiations, before Auriga took over the business, ARP was supposed to issue a Notice of Employee Representational Rights (NERR) to all employees. This did not happen, so despite the document being voted up 28-1 and both the company, individual bargaining parties and the union being in agreement that the document should be approved, we have to start the process again. ARP will issue a NERR, the employees will have the opportunity to appoint a bargaining representative and then the voting process will be conducted again.

MSQ – Marine Enforcement Team

The AMOU met with management to discuss how the new Marine Enforcement Team will fit into the current Agreement and pay structures, noting that MET Officers are required to work more weekends than other roles. The outstanding issues seem to be addressed and MSQ will send out an amended proposal for approval by the unions.

Pro Dive

After winning our Appeal of the Fair Work Commission's decision to approve the Pro Dive Cairns Enterprise Agreement using the Professional Diving Industry (Recreational) Award instead of the Marine Tourism Award, the unions and the company will appear in the Commission on 20 November 2020 to decide how to address the issue of whether the Agreement passes the Better Off Overall Test against the new Award. It is likely the company will have to make some undertakings to ensure it does pass.

River City Ferries

RCF has now taken over the CityCat and CityFerry contract from Transdev. There have been a few teething issues that River City has been quick to fix. The AMOU was able to ensure that the Ferry Masters will get more training if they need it and they would not lose pay while waiting for the new KittyKat vessels to come online. We are currently trying to address the issue of KittyKats being smaller than the 15m monohulls, meaning Coxswains are working on the Master V run for the lower rate. We are also trying to address the career progression issues arising from not having Master V sized vessels. The AMOU and MUA have convinced RCF that their uniform policy which said all tattoos must be covered was out of date and RCF has agreed to allow non-offensive tattoos to be visible. The Fair Work Commission has not yet decided the Dual Duties dispute.

Bay Island Transit Services

SeaLink and Translink have still not finalised the timetable change but SeaLink has agreed to resume the EA negotiations. The next meeting is planned for Monday 23 November.

Curtis Island Ferries

SeaLink has increased the wages offer from WPI to WPI or 2% whichever is higher and added employees' personal leave balance on to the payslips but are still saying no to a split shift allowance or our Master-specific Indemnity Clause. It was agreed at the meeting that the company will run a survey with the employees to find out their views on the MUA's proposed change to the redundancy clause. They have asked for redundancies to be given in order of least amount of time with the company instead of least amount of time in the job classification. The next meeting is scheduled for Tuesday 1 December.

Sea Swift

The first Enterprise Agreement meeting went well with all parties seeming to be willing to genuinely reach agreement on the EA as soon as possible. We discussed the claims from all unions and Sea Swift has indicated that they will respond at the next meeting on 9 December. The company are currently negotiating a memorandum of understanding with the MUA about allowing union officials to visit the crews onboard the vessel instead of a donga on the wharf. If this gets signed, all unions will be allowed on the vessels to talk to members.

Smit Lamnalco

Smit Lamnalco Gladstone

It became clear in the last EA meeting it is unlikely the parties will be able to agree on a roster because the company want to use sliding start times and the crews want to use split start times to address the fatigue and overtime issues under the current roster. Smit Lamnalco has suggested the parties seek the help of the Fair Work Commission. We will know in the coming days if they decide to apply for the FWC Interest Based Bargaining. The Fair Work Commission is yet to set a hearing date for the Roster dispute. The three unions told the company they would like to see this matter resolved as soon as possible and will be notifying the Commission of this.

Smit Lamnalco National EA

Whilst Smit has issued crews with a Notice of Employee Representational Rights to begin the bargaining process for a new agreement, it seems neither the company nor the Masters are in a hurry to commence negotiations because the Agreement doesn't expire until June next year. A date for the first meeting has not been set yet but it is likely that we will exchange our log of claims well ahead of the meeting.