



Industrial Report

December 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

New AMOU President & Vice President

At the meeting held on 10th December your Executive Council appointed Ken Blackband President and Brent Warhurst Vice President of the AMOU. Following recent past President Tim Higgs standing down in July, Ken was Acting President from his elected role as Vice President. During the previous electoral period he held the position of Towage Delegate. Ken is a Tug Master for Svitzer and is based in Brisbane. Brent was elected to the role of Eastern Area Secretary in 2019. He was previously Eastern Area President, a role that does not make you *ex officio* an Executive Councillor. His desire to contribute more to the union's decision-making body led him to stand for the Eastern Area Secretary position and now Vice President. Brent is employed by Modec Management Services as a Production Operations Technician aboard FPSO *Pyrenees Venture*. Brent assists the union enormously by representing us wherever necessary to ensure and advance maritime safety and training standards. I'm sure you will join with me in congratulating Ken and Brent for continuing and strengthening their commitment to AMOU members.

Brent's appointment to Vice President has led to a casual vacancy in his former role of Eastern Area Secretary. Any Eastern Area members wishing to be considered for appointment to this role are welcome to express your interest by emailing me at mark@amou.com.au with a short pen portrait.

Membership subscription invoices for 2021

The Fair Work Commission has ratified the proposed changes to the AMOU Rules to enshrine the ATO tax year as our financial year, replacing the calendar year. Liz is presently sending out the invoices to AMOU members for 2021 subscriptions. In order to transition to the new financial year which will commence 1st July 2021 and end on 30th June 2022, the invoices will only be for the 6-month period 1st January to 30th June 2021. The subscription bands are still represented as being the yearly figures so please just be mindful that if you are paying by lump sum to make it 6 months not 12 months.

Teekay Marine Resources & Teekay Shipping Australia vessels

The settlement with Teekay for the enterprise agreement to cover *MATV Sycamore* (Navy Multi-purpose Aviation Training Vessel) was resoundingly rejected by the membership so the AMOU is back in dialogue with the company regarding what the next moves are. The EA for the *ADV Ocean Protector* (Customs Australian Defence Vessel) was unanimously endorsed by AMOU members.

Christmas & New Year

Most AMOU staff will be working the days in between Xmas and New Year so availability to handle any industrial situations or personal grievances will be as usual.

On behalf of the AMOU Staff and Executive Council we wish you a safe, and healthy festive season. For all those at sea, safe sailing. We look forward to your continuing solidarity in 2021.

Looking back on 2020

2020 will always be known as the year of COVID-19... with all its negative connotations. There have been many positive aspects to the year for the AMOU. Here is my list of these in no particular order:

- Major savings on travel & meeting expense items
- All AMOU staff becoming expert at and embracing videoconferencing
- AMOU Staff reliability and productivity when working from home
- Unexpected employment opportunities on foreign trading foreign registered ships
- Investment of AMOU Melbourne Property Trust funds in Vanguard Australia indexed funds
- Increased mutual respect and joint cooperation with many employers brought about by the adversity of COVID-19
- Settlement of numerous enterprise agreements with reasonable increases and advances in conditions
- Unbelievable support and solidarity from the members and clear appreciation for the work done by the union to meet the additional challenges presented by COVID-19

Trident LNG

The MOU signed with this company that would allow in very limited circumstances the introduction of non-Australian Officers into the tanker fleet is in the process of being tested before the Continuity of Operations Agreement Arbitrator. Trident is endeavouring to use the MOU to introduce a Labour Agreement seconded to relieve a Chief Officer in circumstance where there is an Australian relief ready and willing to replace his offside on board.

Two arbitrated videoconferences were held to promote some common ground, but the positions of the parties were and are deeply entrenched. Submissions have been exchanged and it will be in the hands of the Arbitrator to decide the issue.

The AMOU's position is that this is an entirely inappropriate scenario to trigger the introduction of a foreign crew member. We believe there is a theme running through the last 3 years of the dispute over the retention of the 4 x Australian-crewed LNG tankers that Shell prefers to introduce foreign workers into the fleet. We do not agree and will resist this at every opportunity.

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 growing number of 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. This table sets out the rates that AMOU is providing to agents that approach us with job opportunities.

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

Western Area

Glenn Andersen

Western Area Secretary & Organiser

Enterprise Agreement vs Maritime Offshore Oil & Gas Award

For those unaware, apart from the wording, there is a big difference between an *award* and an *enterprise agreement*. A *National Award* contains a set of minimum wages and conditions. No employee can legally be paid less than what is contained in a National Award. An *Enterprise Agreement* is a workplace agreement which contains a set of negotiated wages and conditions, above the minimums as set out in National Awards. In other words it's a stock standard Holden Kingswood compared to a Holden Monaro. Offshore EBA's are definitely the souped-up version. And just to prove that fact the Maritime Offshore Oil and Gas Award 2020 quotes \$96,154 for a 2/O employed on a Supply Vessel. Compare that with the \$163,000 contained in an *Enterprise Agreement*. I don't imagine any non-union deck officers had anything to do with negotiating the \$163k figure, but non-members are earning that right now.

Vessel Inspections and ship visits

With the easing of border restrictions ship visits should recommence in 2021.

OSM EBA negotiations

I have written to OSM on the missing wages. That was over two weeks ago, as yet with no response. It's not going away.

Solstad

As the COVID-19 changes are being rolled back things should drift back to normal. The fact Solstad had an MOU in place with the union put all employees on a level playing field. The contents of the MOU did not always suit everyone, all of the time. Without the MOU in place some deck officers could have found themselves placed under a great deal of pressure to undertake swing lengths a lot longer than the six-week agreed swing length. The AMOU would like to thank those members who were able to, and did, temporarily relocate to WA. There is no telling what could have happened if we had remained totally inflexible. If we come out of this with all employment intact, then that is a good result. We have been talking about EBA negotiations for some time now. The present agreement expired in 2019. I have been communicating with members and some preliminary work is happening. We will be utilising the Facebook page as a communication tool, with some changes.

Maersk Supply Services

No changes to report on the work or redundancy situation at Maersk. I am waiting for members to provide feedback.

Go Offshore

I felt my Go Offshore EBA report of 8 December was important enough to send out to all offshore members. I will repeat some of the main points:

- Superannuation decrease of 2%
- Specialist vessel schedule from 117% to 115%
- Late crew change from +2 days to +4 days

There is another 20 of those clawback claims from Go Offshore. Needless to say, the AMOU will continue to firmly oppose the lot.

Toll Energy EA

The Toll Maritime Offshore AMOU Oil and Gas Industry (Deck Officers) Enterprise Agreement 2019 has been approved by the FWC and will operate as of 17 December 2020. Some companies have no objection to the letters AMOU being included into the title, other companies (OSM, Maersk, Go Offshore) totally oppose the idea. Strange, because I am yet to any individual deck officer turn up to negotiations. Unfortunately, the landing barge *Toll Astrolabe* is, along with the *Skandi Sotra*, another victim of the loss of the Chevron contract. The *Normand Skimmer* is about to take the place of both those vessels. We will talk to the company but there doesn't appear to be any chance of redeployment.

Teekay Shipping Australia – FSO Ningaloo Vision

The Teekay/Ningaloo Vision MOU regarding COVID-19 industrial relations has been signed by unions. It is a fair deal for both Employer and Employees. It contains a realistic five-figure sum of money to finance a full relocation to WA. Swing lengths are increased to cover a temporary, but indefinite period where rosters are adjusted to 4-on/8-off. Transition to a normal roster will occur when travel restrictions and quarantine requirements are no longer in place to enter WA.

INPEX

The difficulty we have had sourcing information on employee relocation arrangements has given us no choice but to initiate the INPEX disputes procedure. Atlas is the labour provider to Maersk Drilling. Neither of those two companies have bothered to contact the AMOU and discuss the issue. It's not hard to work out they are most likely following the divide and rule strategy, with a little sprinkling of confidentiality thrown in to add an edge of employee fear. We need to shine a light on this flimflamming. The INPEX disputes procedure doesn't cover all types of disputes. And wouldn't you just know it: the ATLAS EBA contains a disputes resolution clause where the Employer can refuse compulsory FWC arbitration. We call those types of clauses dead-enders. Some Employers tend to get a little coy when we confront them with this method of industrial injustice, but they will still use it. The AMOU will not entertain these dead-end dispute clauses in any new or re-negotiated EBAs.

Western Area

Glenn Walsh

Industrial Officer (Fremantle)

Mackenzie Towage Bunbury EA

The WAIRC is still dragging its feet re the jurisdictional determination of the contractual benefits claim. Despite repeated progress requests, we are only receiving proforma responses and no progress. We are considering our options around the escalation of this matter.

The Unfair Dismissal dispute for our delegate was settled by confidential agreement between the parties. While we were confident of a successful outcome in the FWC, our member's best interests were served by the settlement outcome reached. Despite the lack of any FWC decision, we believe that the way our delegate has been treated by the company, and the Union's subsequent response, ought to serve as a cautionary tale to others in the towage industry.

The Southern Ports Authority - Port of Bunbury Towage tender process is due to commence in the coming weeks. AMOU are meeting with various towage companies (not MMT) to discuss potential terms and conditions of an enterprise agreement for the successful tender. Given Svitzer's presence in Albany, they appear to be the front runner for the Port of Bunbury towage contract.

Southern Ports Authority Port of Albany EA

We are near to finalising this agreement having completed the remaining few edits this week. We expect the back dated agreement to be approved early in 2021.

Pilbara Port Authority General Staff EA

AMOU resumed bargaining and attended two recent meetings. The parties appear to be making reasonable progress but have postponed the key items still in dispute for the next meeting scheduled in January 2021.

Argonaut Marine EA – Port of Dampier General Protections case

The matter has been listed for initial hearing on 26 February 2021 in the Sydney Federal Circuit Court. Unfortunately, the substantive hearing (if required) will not likely occur until May 2021. Given the potential significance of the outcome in this case, both for our members and the broader pilotage industry, we have additionally engaged senior counsel for this matter.

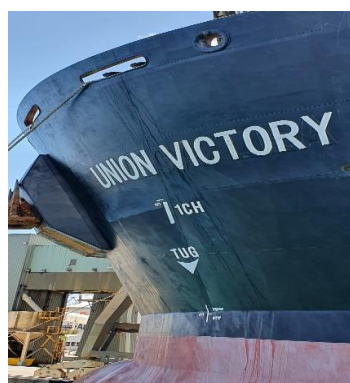
Mid-West Ports Authority General Staff & Maintenance, Operator & Marine Specialist EAs

We are scheduled to meet next in late December to further discuss MWPA's log of claims. We expect this process to venture well into the new year as we have only made modest progress to this point.

The Year in Review

It is fair to say that 2020 has seen its fair share of triumphs and tribulations. The relatively sudden appearance of COVID-19 restrictions caused the industry and Unions to review and reassess the way we do business. In many circumstances, the collaboration between some companies and the Unions has enabled our members to retain their employment, without the loss of entitlements and conditions. The negotiated usage (MOU) of temporary relocation of crew, paid isolation and longer swing lengths allowed companies to meet their contractual obligations despite the significant limitations on the availability of labour. This collaboration has significantly improved relations with a number of companies whose current feelings of gratitude and good will towards Unions will hopefully enhance the outcomes of future enterprise bargaining meetings.

Given the lifting of restrictions throughout Australia, but most significantly the changes to Western Australia's border, we hope to see a return to some form of normality and a resurgence of the projects that were suspended due to COVID-19. Additionally, the recent iron ore price surge will hopefully create greater confidence and employment opportunities for our members. In stark contrast, we have continued to invest significant human and financial Union resources in fighting the usual suspects. Westug, Odyssey Marine, Argonaut Marine (Auriga) and Mackenzie Marine represent the more challenging employers we deal with. Bullying, threatening, and dismissing employees has become entrenched management behaviour and apparently part of the business model. We will continue to vigorously repudiate the actions of these companies and to make their unconscionable conduct as costly and unpalatable as possible.



Above photo was sent in by one of our delegates in the Port of Bunbury.

Finally, I wish to express my sincere thanks and gratitude to my AMOU colleagues and Union members across Australia for their unwavering guidance, support, and commitment throughout a very challenging time. With luck, we can all reap the benefits of the significant sacrifices made this year as we move into 2021.

Best wishes for a Merry Christmas and Happy New Year ahead.

Glenn Walsh

Southern Area

Chris Neiberding Senior Industrial Officer (Melbourne)

Svitzer National EA

Despite efforts for a meeting with all parties it does not look like this will happen until the new year. Svitzer has sent the unions their list of “non-negotiable” items and we have now had time to go over the draft EBA Svitzer has supplied. It would seem we are still a long way apart and will have to resume face to face meetings in the new year.

Svitzer Geelong

Svitzer has made the decision to exit the port of Geelong despite efforts from the three unions to negotiate a deal that would see Svitzer stay. The union officials with advice from delegates put forward an offer that would reduce crews to 2 and accept a pay decrease of 10% , Svitzer rejected the offer. Subsequently there was a Fair Work Commission conciliation regarding the calculations of members’ redundancies and redundancy swaps. The claim was that members should also have their time as a casual and their probation time included in the redundancy calculations. We were also seeking that Svitzer start the process of expressions of interest for those people in other ports that may want to look at a redundancy swap or go to a job share roll to mitigate redundancies. Commissioner Lee was sympathetic to the efforts of the AIMPE and AMOU to reduce the impact felt by members and find employment elsewhere within the company but his initial advice was that the company could do this at its own discretion. The AIMPE and AMOU are considering their options but we believe we will not find any more answers at the FWC.

Svitzer Whyalla

SIMEC has applied pressure on Svitzer to have mandatory alcohol and drug testing before every shift in Whyalla. The company’s first response was to have the Masters conduct the testing and record everyone’s results, thereby applying further pressure and responsibility on the Master. The AMOU issued a dispute and we have met with the company and had a number of phone calls to try and resolve the issue. As I write this the dispute has not been completely resolved however, we have been able to make some progress. We were able to recommend drug and alcohol self-testing equipment that we believe fulfills the needs of SIMEC and Svitzer. Svitzer has agreed to purchase one that will be installed and take the responsibility off the master. We understand that although this bit of kit resolves most of the issues there will still be some issues with testing during late night shifts and we continue to work with the company to find a solution.

Port of Hastings Marine Control and Geelong Administration Enterprise Agreement

The 2nd EBA meeting with the Port of Hastings will be on 18th December and the AMOU will produce our items for discussion.

Svitzer Sydney

Svitzer announced that they would be leaving the port of Jackson but did leave the door open to the unions to propose a set of POPS and a crewing model that may persuade Svitzer to stay. Everyone recognizes that it is of mutual benefit for employees and the company for Svitzer to maintain a presence in Port Jackson, leaving the port would just increase Engage Towage’s foothold in Sydney. The talks are ongoing but so far the unions have asked Svitzer to look at a 15 crew model and Svitzer has accepted. The bigger issue now is how the POPs will work. The Sydney licence we now know will not be enforced or audited for some time by the PANSW. This is yet another delay for the PANSW and leaves us to continue to believe this licence will never be enforced.

Gippsland Ports

The strict government wages policy has made it hard to negotiate anything more than a 2% per year pay increase, We initially were seeking a 5% pay increase but it became clear that there was not going to be any movement from the government on this position and the port’s hands were tied. Rather than prolong talks the parties settled on 2% per year for 3 years. The final EBA was largely a rollover of the current conditions with a few added flexibilities for crew. For example, upon agreement crews will now be able to start work earlier and finish earlier allowing crew to be more productive keeping in mind the tides and weather. The benefit for the crew is earlier finish times.

Southern Area

Jarrold Moran

Senior Industrial Officer (Melbourne)

Serco - DMS

It seems that every week there is a different interpretation from either the Serco management or Serco payroll on how to apply the new EA. Some issues are being resolved on the wharf while other matters are being pursued through the formal inspection of time and wages records. All Serco members should be wary of the calculation of their wages from pay cycle to pay cycle and contact us if they suspect something has not been applied correctly.

We still have not had any formal word on the awarding of the navy contracts currently fulfilled by Serco beyond September 2021. There is a rumour that the offshore contract will be signed in January 2021.

Victoria International Container Terminal

The Union Single Bargaining Unit (AMOU, MUA and ETU) and VICT programmed EA discussions for each Friday in November. Matters are moving more slowly now as VICT settle into a position that they have only a certain amount to offer and expect the SBU to make concessions on our claims to fit their financial model. The SBU has made some concessions but doesn't expect the movement to be one-sided. Members are also frustrated that VICT has a predetermined outcome can't be altered in negotiation. The MUA has started the process to take a protected action ballot and we will be moving the same way. A ballot won't occur until mid-January 2021. AMOU members on site are particularly concerned about manning and coverage. They have asked WorkSafe Victoria to advise them on roster patterns and breaks as for some time they have been unable to get adequate relief during shifts.

DP World – Supervisors

Voting concluded on a replacement EA this week and pleasingly the new arrangements were overwhelmingly endorsed by members. 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.

Toll Shipping

We are getting closer to a resolution on a new EA for Toll Shipping with a revised offer from the Company. Toll has offered an EA from 1 April 2020 to 30 June 2022 with a 3.5% wage increase in Year 1 and a second 3.5% wage increase on 1 April 2021. Toll has also increased its offer and will continue to offer a bonus payment in year one. Matters to do with the current extra manning will be covered off in a Deed between the parties (rather than the previously offered MOU). Toll has also offered that other anomalies between the AMOU EA and the AIMPE EA are covered off in a side letter.

SeaRoad Shipping

SeaRoad announced early in December that the newly built *MV Liekut* will replace the *SeaRoad Tamar* in the first quarter 2021. The *MV Liekut* will be chartered for the period until a permanent replacement for the *SeaRoad Tamar* is delivered. The SeaRoad statement on the *MV Liekut* is available here: [SeaRoad to deliver greater capacity with new charter arrangement](#). The chartering of this vessel, the retirement of the *Tamar* and the construction and delivery of a new vessel obviously raise a series of questions from our membership. A Works Council meeting between SeaRoad management and elected Deck Officer representatives took place on 17 December to start a discussion on these matters.

We still have not had any formal word on the awarding of the navy contracts currently fulfilled by Serco beyond September 2021. There is a rumour that the offshore contract will be signed in January 2021.

We had one and a half hours of good discussion and both parties agreed that the dialogue needed to continue as we have many matters to work through, e.g., validity and application of current qualifications to a new vessel, transfer of port specific equipment from *Tamar* to *Liekut*).

TT-Line – Shipwrights & Pursers

The unavailability of Senior TT-Line management, coupled with a new HR team has prevented any further discussion on a replacement EA this month. Members have finalised their log of Claims and we will be in a position to recommence discussions early in the new year. The current EA expired on 30 June 2020.

Canberra 8th to 9th December 2020

I attended meetings with MPs and Senators in Canberra over 8/9 December 2020 and had meetings with the MUA and STC. STC is an interstate rail operator. It's a family-owned business employing more than 2,000 people. The owner Peter Smith was at the meetings. STC runs 5 x 1.8km trains both ways between Melbourne and Perth each week and a similar number between Melbourne and Brisbane. STC and Pacific National are Australia's only interstate rail operators. STC says that it can't compete with foreign vessels moving containers around Australia in our domestic trade.

STC estimate they are losing \$300k a week and can't match the lower wage costs of the foreign vessels. The simple solution STC was initially seeking was a removal of foreign vessels in the local trade, thereby moving everything to rail or road. Failing that they looked to the USA or Canadian cabotage models as positions Australia should consider. Sen Glenn Sterle (ALP) organised a meeting for us with Sen Matt Canavan (Nationals). The position of Sen Canavan was one I had not encountered before from a Member of the current Government. He took the view that the immediate prohibition of foreign vessels taking local trade would provide a serious gap in the transport of goods around the country. He also spoke of how in a post COVID-19 environment Australia would need to be much more self-sufficient and should no longer rely on foreign vessels that may or may not continue to be on our coast. He recognised that Australia could not afford to lose one of two of the interstate rail operators.

We had a good discussion on the role Australian flagged and crewed vessels could have in the local freight task and how a local merchant fleet contributes to national security and sovereignty. We also had a good discussion on Australia's reliance on foreign vessels and foreign interests to maintain our liquid and gas fuel supplies and about how a strategic fleet could be funded.

Sen Canavan indicated that the Government may need to reassess its policies on the establishment of a strategic merchant fleet and undertook to talk to his parliamentary colleagues about this.

Meetings were also held with several Liberal MPs, Sen Griff from the Central Alliance, Sen Jacquie Lambie and Sen Hanson from One Nation. The outcomes of these was again mainly some great support for our position.

Senate Committee Report

The Rural and Regional Affairs and Transport References Senate Committee released its Report and recommendations on the Policy, regulatory, taxation, administration and funding priorities for Australian Shipping on 15 December 2020. This Report is available here: [Policy, regulatory, taxation, administration and funding priorities for Australian Shipping](#). The Recommendations from the Committee make for interesting reading, as does the dissenting report from the Coalition Senators which while not as encouraging as our face-to-face discussion with MPs, signals a shift in the attitude to local shipping from Government members.

Eastern Area

Marty McEvilly Industrial Officer (Sydney)

Teekay Shipping (Australia) – *Dampier Spirit*

Following months of unforeseen delays, the crew of the *Dampier Spirit* have left the ship for the final time. After serving as FSO on the STAG field for over 22 years and over 30 years in total off the Australian coast, she is soon to start the tow to Turkey for recycling. Her replacement? A rotation of foreign owned, flagged and manned tankers operating on temporary licenses. The final helicopter transfer took place on 04 December 2020. There were no redeployment opportunities within the Teekay fleet, which means all positions were made redundant. At the time of reading, all of the Officers should have received their redundancy payment. Along with the impact on the crew, the departure is clearly a huge loss to the industry as a whole as well as all of those who have worked on her over the years, I'm sure.

Transdev Sydney Ferries

We are currently in dispute, following the notification by TDSF management that they were intending to circulate an EOI for Master V positions. The AMOU has been the driver behind the establishment of the Internship program that has been in place on the charter vessels over the course of 2020 which has given individuals the opportunity to obtain their Master IV sea time and experience.

However, despite our repeated attempts to formalise the Internship process, to ensure it is sustainable, appropriate and that it is not being used to water down the minimum qualification requirements for permanent Masters, we have been met with resistance. We could not allow an informal, undocumented arrangement to continue with the new, permanent river vessels. The company have acknowledged that the EA dictates that all permanent Masters must be Master IV, and have scheduled a meeting on 21 December 2020 with all three Unions to try to determine if an agreement on the future of the Internship can be reached. At the time of writing, a survey has been issued to all members to get their view on how we should best proceed during these discussions, given the amount of goodwill we have already offered during the last 18 months.

Members should by now be aware that a senior Master who had been suspended from work for over 9 weeks for raising a genuine safety concern with AMSA has finally been reinstated. The incident involved the *Pemulwuy* loss of control, causing her to take an abrupt starboard turn. Thankfully no person or property was damaged and the Master quickly regained control using backups. The matter was not reported by Transdev to AMSA. However, the Master of another vessel who witnessed the incident, reported the steering failure to AMSA as a safety concern.

I can say with surety that the decision was made by TDSF management from the moment that they received the letter from AMSA and/or OTSI regarding their non-reporting, that the concerned Master would be terminated. Someone's ego had been damaged. And they certainly tried their hardest to achieve that outcome. They threw everything they could possibly think of at him, ignoring all the rules of fairness and natural justice that should be followed. They used clauses out of context from the fleet generic manual, from the code of conduct, reporting procedures and legislation. When we addressed those allegations, they came back with more trying to use his answers against him. It was a farce of a process. If management had been more competent, they may well have been successful. Fortunately, they made too many mistakes and we were well prepared.

The OTSI investigation has now been expanded to include both incidents. Had the company put half as much energy into addressing safety incidents as they did into trying to terminate those who raised them with the appropriate authorities, then the second incident would not have occurred.

Then, on 23 November 2020, the *Pemulwuy* experienced another control failure while travelling in excess of 20 knots. The incident has been described as almost identical to the one involving the same vessel on 02 July 2020, with the vessel suffering a toggle failure and veering aggressively and uncontrollably to starboard. Luckily, no passengers were hurt.

It turns out that all it takes is two steering failures for TDSF to properly investigate an incident. As a result of the second failure and a thorough investigation (encouraged no doubt by OTSI's open inquiry into the first failure), an electrical fault was identified. It had been causing the toggles to fail significantly earlier than their lifespan. It was replicated on all the Emerald class vessels. So, it is a positive that this has been identified and subsequently rectified. As a result, the harbour is a safer place.

Finally, I would like to thank Ben Wilson for the hard work and effort he has put in over the last three months, after stepping into the head delegates role while Terry Schydlo was away. Ben did a tremendous job, and we are lucky to have such a dedicated and hardworking team of delegates at TDSF.

As always, they will keep members informed of matters that occur at the ferries.

Vale Captain Bill Bradley

It is with great sadness that the AMOU was informed of the passing of Bill Bradley this month at the age of 67. He was an Engineer and Master with Sydney ferries since the early 90s and was well respected by all who worked with him. He was a strong unionist, who worked hard on behalf of his colleagues. He will be remembered as honest, sincere and principled as well as a friend to all. Beloved by his *Scarborough* crews, he will be sorely missed around the fleet.

The fleet review and fire tug replacement vessels process continues but without some key parties being involved. Both subject matter experts who have been involved with the process since its very inception have resigned, including an AMOU member. The grounds included that the proposed fire - fighting vessels that it's clear that PANSW has already settled on, are flawed in design; below industry standard; are an ineffective use of funds; and will fail to provide the Port Authority with a multi-functional emergency response vessel with the capability to safely respond to the wide range of possible port emergency scenarios. Our member wrote a letter to the AMOU explaining the reasons for his resignation, which has also been provided to NSW Minister for Transport Andrew Constance. Rather than to acknowledge the genuine reasons for the members resignation, PANSW have somehow convinced themselves that they have engaged in genuine consultation. This was raised at the recent consultative committee and management have said they intend to continue with the process and did not acknowledge the feedback provided by the resigning committee members. It is very disappointing to discover that once again, the only way to get this company to listen to the genuine views of their employees is through the dispute process. We will discuss next steps with the MUA to ensure we take a united front.

In other news, the most recent Consultative Committee took place on 14 December 2020. There were a wide range of topics discussed, including when negotiations are likely to take place for the next Enterprise Agreement. The existing one expires in June 2021. Although PANSW had previously committed to starting negotiations in November 2020, they cannot begin until they have approved bargaining parameters from the governments Wages Policy Taskforce. Due to delays and backlogs caused by COVID and political announcements, it is unlikely that they will have those before February 2021 at the earliest. Meaning we will have only a few months to bargain. This update and everything else discussed at the consultative committee has been shared by your hardworking delegates. However, I ask that all members start to think about claims that they would like to make when we do start negotiations. We need to use this extra time to get as prepared as possible.

Captain Cook Cruises

The proposed *Captain Cook Cruises Enterprise Agreement 2020* went out to vote between the 27th and 30th of November. The AMOU advocated a 'no' vote. Thankfully, a 'no' vote was returned. Out of 144 eligible voters, 128 voted. With 97 (76%) of those voting against the proposed EA. The company have so far resisted calls from the bargaining representatives to reconvene negotiations as soon as possible. They are in the process of trying to gather employee feedback to better understand the reason for the vote and wish to start again in the new year. It also appears that the General Manager may have moved to another role, which we believe is also causing a delay in getting us back to the negotiation table.

Keolis Downer Hunter – Newcastle Ferries

The key ongoing issue remains the proposed roster change that Keolis Downer would like to make which removes ferry Masters and GPH fatigue breaks. After we wrote a comprehensive letter to management including our feedback and requesting information on 16 November, a meeting was held on 08

December. We had hoped that the company would be willing to at least consider the feedback that employees had provided, particularly regarding safety and fatigue. However, they continued to be dismissive and confrontational. Since that meeting, we have finally received some information regarding the company's fatigue policy, though we are waiting for responses to the remainder of questions that we have posed along with requested documentation.

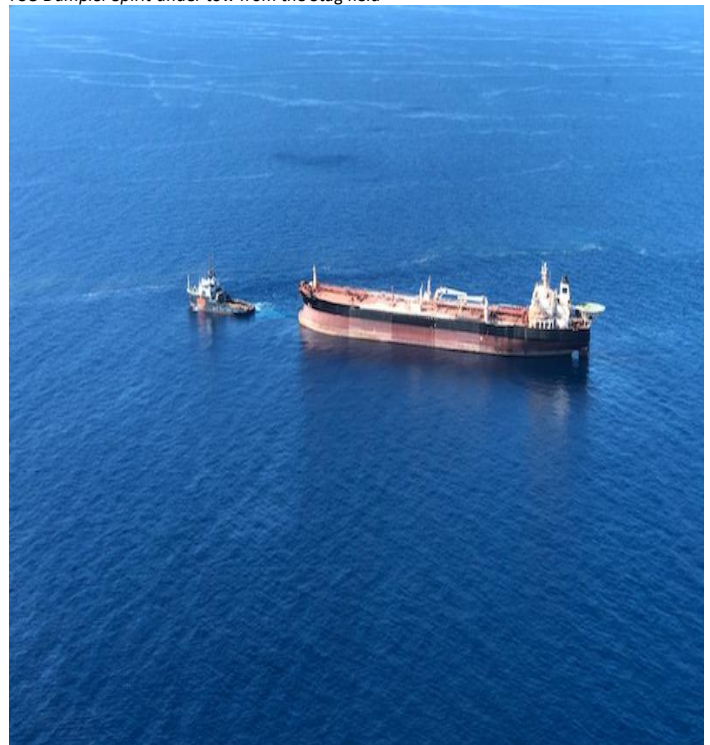
Transport for NSW/RMS

The process for the Maritime branch top line restructure has continued, with a determination on next steps having been made on 15 December 2020. There will be a change in the senior leadership structure by the introduction of a new line of directors. 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. However, in early 2020 after the top line recruitment has taken place, the remainder of Maritime will go through the Evolving Transport restructure process. All members should ensure they are aware of all information available and engage in consultation during that process. The COVID update meetings have been placed on hold until the new year

NSW Marine Pilotage Code Review

Two meetings for the Marine Pilotage Code (MPC) review Working Group have taken place. The first was to introduce those involved, with Pilot representatives from each port, along with the harbour masters and company representatives. The review process is being coordinated by Transport for NSW (TfNSW) and in the second meeting working groups or sub-committees were established to look at different sections of MPC1. Although the AMOU and several pilots opposed this approach and would have preferred if the entire committee worked on the full review together, in the interests of transparency, TfNSW dictated that the working group approach was the most effective use of resources. Time will tell, though we remain sceptical. The first round of meetings for each working group will take place in January with the next meeting for the full committee scheduled for 01 February 2021.

FSO *Dampier Spirit* under tow from the Stag field



NRMA Fantasea & Manly Fast Ferry

Consultative Committees took place for both of the NRMA owned operators in Sydney in the last month. Fantasea was a relatively straightforward affair, although it was pleasing to hear that they plan to provide a new hop on hop off service, which will assist in providing work for members. It's clear that they have been struggling particularly since the end of whale watching season. MFF has a little bit more going on, with the process of nominating HSRs being a contentious issue, along with the fact that MFF advertised for casual GPH positions over summer despite the fact they have multiple employees currently on reduced hours. Positively, the company seem willing to work with their employees on these issues and the dialogue was positive. Since the Consultative Committee, it appears that in the most recent roster, run sheets were prepared that were too short to comply with EA and fatigue requirements. This has been addressed; however, it pays to remain vigilant. Crib breaks are crucial for fatigue and the minimum requirements are there for a reason.

Port Authority of NSW – Newcastle

Our Pilots are under pressure from Port of Newcastle and some terminals to ease some of the restrictions put in place because of COVID, particularly with regards to the number of and spacing between night jobs. The delegates are working through some proposals that should assist in giving PANSW some further flexibility without compromising on the fatigue and lifestyle benefits that the changes have had for pilots.

We have heard nothing further regarding the transition to VTS in Newcastle and in the new year we will ensure that we are more heavily involved in consultation.

Port of Newcastle

A Consultative Committee was held on 17 December 2020, for the express purpose of tabling the final batch of People and Culture policies for review and feedback. Unfortunately, the documents were not provided to the Unions or committee prior to the meeting so it ended up being rather short and uneventful. We will ensure that the draft policies are shared for all members to provide their feedback. It is likely that another meeting will be convened in late January/early February so if members have questions that they would like to be tabled in the consultative committee, feel free to contact me. We are also aware that the dredger *TSHD David Allan* has returned from dry dock. I understand there are still a few things to work through but nothing that our talented Masters and Mates won't get under control in no time.

Port Authority of NSW – Port Kembla

Unfortunately, I have received no further update on VTS transition since the last meeting was held in mid-October.

Season's Greetings

I would like to wish a Merry Christmas and happy holidays to all of those who I have spoken to, emailed, texted and represented over the course of the last 12 months. The year has thrown challenge after challenge at us all and I know that things have been very different to what we had all expected coming into it. However, I would like to say that the patience, understanding and support that I have received from all those I have dealt with has been phenomenal as we at the AMOU have tried to adapt to these new circumstances. I hope that everyone stays safe and gets to spend quality time with their family and loved ones over the festive period. I'll see you in 2021.

Eastern Area

Tracey Ellis Organiser (Brisbane)

Australian Reef Pilots

The Enterprise Agreement was finally approved by the Fair Work Commission and we have already been able to use the provisions to ensure that Pilots are paid for callout days and the original Pre-COVID POPs was reinstated. The long, drawn out Fair Work Commission Approval process showed that there are definitely issues with the system. We had both the union and employer agreeing that the document should be approved because it passed the Better Off Overall Test but because of technicalities the Commission didn't want to approve it.

MSQ – Marine Enforcement Team

Negotiations are continuing on how the Marine Enforcement Team will fit into the current Agreement and pay structures, taking into considerations that MET Officers are required to work more weekends than other roles. This is more of a technical issue around how TMR/MSQ certified agreements work, since the pay rates and conditions have been agreed by all parties and TMR has advertised the positions. 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, Pro Dive has finally conceded that their Agreement does not pass the BOOT test for Masters. The company has offered to make undertakings to ensure it does pass. These undertakings will be assessed by Deputy President Asbury during a hearing in the coming weeks.

River City Ferries

RCF has addresses a lot of the KittyKats teething issues including adding fans and reconfiguring the windows to allow more airflow plus wet weather gear for the Masters. There are still issues that need to be resolved with meal breaks being late due to the KittyKats having to go slowly to reduce wash and noise pollution.

AMOU and MUA delegates are working together on a draft internal recruitment policy that streamlines the process to propose to RCF as the company say the old Transdev one is too long and complicated since they do not have a HR department. RCF has also agreed to review the latest appointments to vacant Master roster lines because they did not follow the EA seniority process and advertise the vacant roster lines to Masters on the other lines before filling the position. RCF has said that they will now pay Personal leave and Annual leave at 7.6 hours per day, no matter the shift length, and 38 hours per week in line with the High Court decision on how annual and personal leave should be paid. This is different to what was agreed with Transdev during the last EA negotiations where you got paid the hours you would have normally worked that day (e.g. 11 hours for the day or 38 hours if you took the week off).

Unfortunately, it is unlikely that we would be successful if we took it to the Fair Work Commission because of the High Court ruling. This something that we can try and correct in the next EA but unfortunately, we can't fix it now unless RCF willingly agreed to it. In the meantime, the AMOU will ask RCF to clarify how the 7.6/38 hours will work for different scenarios in the roster.

The Unions have filed in the Fair Work Commission about the way RCF has interpreted the EA when it comes to paying par timers for extra shifts. We are waiting for the FWC to give us a conciliation date. In the meantime, RCF has said they will not be paying OT for extra shifts unless it is over 38 hours. If it is found at the FWC that they should have been paying it, they will backpay anyone affected.

The Fair Work Commission has not made a decision about the Dual Duties dispute yet.

Sea Swift

The three maritime unions are pushing for a Maritime only Agreement to prevent the past practice of being outvoted by the shore-based employees. So far Sea Swift has said no to this claim. Another one of the AMOU claims is to upskill employees to Master <500t tickets. Sea Swift said they don't want to put specific tickets into the EA but said anyone who wants the company to pay to upgrade their ticket should apply to the company and they will consider it on a case-by-case basis. The company has agreed to pay a cargo handling allowance, we just need to figure out how it will be paid across the vessels and workgroups. They have also agreed to increase the redundancy cap for employees who work for Sea Swift for 9 years or more to 16 weeks. This is up from 12 weeks in the current Agreement.

The next EA meeting will be held over 2 days from 4-5th February. We are hoping that by having a two-day meeting it will speed up the process. Sea Link will be putting out a new draft EA before the meeting.

The company is still negotiating a memorandum of understanding with the MUA about allowing union officials 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.

Bay Island Transit Services

EA negotiations began this month. The AMOU and the MUA tabled a log of claims and SeaLink confirmed that they do not intend to table a log of claims because they are more interested in addressing our claims. The main concern for the company was the upcoming contracts with Translink and Queensland Ambulance Service coming up for tender. All parties agree that we need to take into consideration during the negotiations that SeaLink needs to remain competitive, so they win the contracts next time. The next meeting is scheduled for Wednesday 13 January.

Curtis Island Ferries

Most issues have been resolved during the EA negotiations and SeaLink has advised it will be providing us with an updated draft that they hope to put out to vote before the end of the year. There are still a couple of items the parties disagree on, including the Masters' Indemnity Insurance and a limit on the number of hours those on a split shift can do. The items agreed to include the redundancy clause to reflect that those who were first on will be last off and that will be determined by their date of engagement of employment instead of from the date they started work in the particular classification. SeaLink also agreed to implement a casual availability calendar to ensure shifts are spread evenly amongst the work group. SeaLink offered 2% per year or WPI, whatever is highest. We are waiting on a response to our counter claim 2%, 2%, 3%, 3% or WPI if it's higher.

Smit Lamnalco

Smit Lamnalco Gladstone

The Roster Dispute has finally been set down for a two-day hearing on 2-3 February 2021, where it will be determined whether Smit Lamnalco can change the Rosters without agreement from the crews. There will be an EA meeting on to attempt to resolve the deadlock around sliding starts and split starts in the roster proposal. The unions are hoping to resolve the issues before Smit Lamnalco applies for Interest Based Bargaining (IBB) at the Fair Work Commission and more importantly before the Agreement expires at the end of this month.

Smit Lamnalco National EA

The start of National EA negotiations is imminent. Smit Lamnalco has reached out to the union officials to organise a meeting to discuss the administrative issues before a formal meeting with the delegates is called. I have received some items from each port for our National log of claims and will be in touch with the delegates to finalise the claims. Smit has indicated that their National log of claims will not be as lengthy as their claims in Gladstone.

Maritime Jobs Taskforce

The AMOU did not end up being part of the Maritime Jobs Taskforce, but we've passed on the feedback we received from members. It looks like substantial opportunities for shipping in Queensland may arise out of the taskforce including a weekly coastal freight service between Brisbane and Townsville. More information can be found in the attached Maritime Jobs Taskforce report.

Australian Council of Trade Unions-Government IR Work Group on Collective Bargaining

It was quite disappointing to see the progress made in the IR Working group thrown away by the Government when they introduced their IR Omnibus Bill. The Bill will actually reduce workers' rights if it gets up. The unions and employers in the work group agreed the complicated and drawn-out enterprise agreement approval process needed to be streamlined, but the unions maintained the need for scrutiny on employers to make sure they are paying above the Award. This Bill gives the Fair Work Commission the ability to approve an Agreement that doesn't pass the Better Off Overall Test, takes away overtime rates for part timers under some Awards when they come in for extra shifts, and a weaker casual conversion mechanism. The AMOU and the ACTU will continue to oppose the Bill. If you are as outraged as us about this attack on workers' rights, you should write to your local member and ask them to do what they can to oppose the Bill.

Summary of achievements in QLD and NT over 2020

After winning the appeal of the Pro Dive Enterprise Agreement, we proved to the Fair Work Commission that Masters on dive vessels should be paid under the Marine Tourism Award. This means they are entitled to overtime after 12 hours in a day *and* after 38 hours in a week. Previously Masters on that Agreement were only getting overtime after they worked more than 12 rostered hours in a day. This win is on the back of the earlier win where the AMOU and MUA were successful in getting the Fair Work Commission to limit how many hours can be worked for a day rate. These are massive wins that will affect the whole tourism industry and will increase wages once the industry recovers from the pandemic.

We finalised the Australian Reef Pilots Enterprise Agreement after we were awarded a Majority Support Determination in the Fair Work Commission. This meant ARP had to stop using individual employment contracts that had some Pilots on different conditions to their colleagues.

We finally got Sea Swift and Bay Island Transit Ferries back to the table for EA negotiations and have helped some officers who had lost their jobs due to COVID-19 find other work in the industry. We also secured financial settlements for some Masters who were unfairly dismissed or underpaid due to COVID-19 and other issues.

After the Submissions the AMOU and others made to the Economic Recovery Plan for Queensland, the State Government pledged \$2.3 million in funding for FNQ Ports. We also helped with the transition from Transdev to RiverCity Ferries for the new CityCat and CityFerry contract in Brisbane and ensured Pilots in Mackay now get paid a Day in Lieu for simulator training. The AMOU also helped secure a permanent .38 crew for Svitzer in Brisbane.

Thanks to all the AMOU delegates and members who made these things possible, sometimes under intense scrutiny from their bosses. Have a Merry Christmas and a Happy New Year.