



# Industrial Report

January 2021

## MEMBERS' MONTHLY MEETINGS

Please note that monthly face to face meetings will take place on further notice. Please refer to the Executive Officer's Report.



**AMOU**

Australian Maritime  
Officers Union

# Federal Report

**Mark Davis**

**Executive Officer**

## Welcome to 2021

We're already well into the new year and COVID-19 flare-ups are happening here in NSW, QLD and NZ despite strong defensive regimes. This is something we will have to continue to endure at least until widespread vaccination has had an impact. In the meantime, monthly face-to-face meetings are suspended. On February 23<sup>rd</sup> we will schedule a Teams video/telephone conference into which interested members will be given a link to dial in. This conference will be chaired by The AMOU President Ken Blackband and industrial staff and me will be on the call to brief members and answer questions. An agenda will be made available to members closer to the time. The proposed local start times for the conference are as follows:

<b>NSW &amp; VIC</b>	1300 hours
<b>SA</b>	1230 hours
<b>QLD</b>	1200 hours
<b>NT</b>	1130 hours
<b>WA</b>	1000 hours

## Poseidon Sea Pilots

Some members have expressed concerns regarding this company, which is seeking expressions of interest from pilots to work in Brisbane. Would members please contact me on 0437 099 886 or [mark@amou.com.au](mailto:mark@amou.com.au) if any approaches are made from PSP or their associates. Similarly, it would be appreciated if members would not express interest or respond to any approaches without first contacting me.

## Teekay Marine Resources & Teekay Shipping Australia vessels

The settlement with Teekay for the enterprise agreement for the *ADV Ocean Protector (Customs Australian Defence Vessel)* has been approved by the Fair Work Commission and has been sent to AMOU members.

## Trident LNG

The MOU signed with this company that would allow in very limited circumstances the introduction of non-Australian Officers into the LNG tanker fleet has been tested before the Continuity of Operations Agreement Arbitrator. Trident has been endeavouring to use the MOU to introduce Labour Agreement secondees to relieve Australian senior officers in circumstances where we believe there is an Australian relief available. The arbitration allowed a seconded to relieve an Australian, but it was clear that the emphasis in the decision was that it would be case-by-case. AMOU has an excellent shipboard & delegate network that feeds in crew deployment concerns so we are generally on top of any scenarios that would suit the company attempting to introduce a visa-holder.

We have now agreed that AMOU will have a scheduled weekly call with Trident & Shell Tankers Australia (STAPL) to discuss any concerns and look for solutions in advance rather than regularly resort to the arbitration process.

## WILLIAM (BILL) MCKANDER FORSTER

**30.05.1937 – 10.01.2021**

**MASTER MARINER**

Captain Bill Forster was farewelled with a service Woronora Memorial Park Sutherland on Friday 15<sup>th</sup> January 2021. He was 83 years of age.

Bill went to sea as a 16-year-old Apprentice with Ampol Tankers on *MV William G. Walkley*. He went on to have a long and successful career as Master with the Australian National Line.

Bill was a proud and strong member of AMOU and MSG.

Fair winds and following seas Captain Bill Forster.

## Serco tug deployment

For the second time in 6 months Serco has proposed to its crews that a tug is deployed on commercial towage in Port Botany. The main problem is that the Master is being asked to hand command and control of the tug over to Engage Marine. The AMOU was not consulted directly about this but members expressed valid concerns and these issues were addressed to the company (in summary):

1. Serco Master expected to hand over command to a Master of unknown experience, skill and competence. Unreasonable to ask Master to compromise professional obligations to ensure the safety of crew, tug and port.
2. Manning of the tug for the voyages and split of the manning once the tug is preparing for towage. Is deckhand and engineer also expected to make way for non-Serco personnel?
3. Familiarity of non-Serco Master with tugs of this type.
4. Comprehensive risk assessment conducted prior to the voyage?
5. Why is the tug not either time chartered with a full Serco crew or bareboat chartered with non-Serco crew. Both options create clearer obligations on crew and charterer and do not muddy the waters like the proposed hybrid set-up does.
6. Level of additional remuneration that will be paid for the commercial job?
7. What indemnification provisions will be put in place by Serco to protect the Master from potential lawsuits if an incident takes place?

For the second time, the AMOU issues were not addressed by a response and the towage as planned by Serco did not proceed.

## Senate Report recommendations

The report is from the Rural and Regional and Transport References Committee and its title is "*Policy, regulatory, taxation, administrative and funding priorities for Australian shipping.*" AMOU & AIMPE did a joint submission to the Committee. Some of the more eye-catching recommendations from the Report are as follows:

R.1. That the Australian government quantifies and reviews the level of subsidisation across competing modes of transport to ensure that shipping is able to compete on an equal basis in accessing the infrastructure and markets it requires to operate.

R.2. That the Australian government reviews Australia's coastal trading framework to ensure that Australian shipping supports the growth of emerging markets and trade, such as coastal LNG trading, offshore wind energy, and the expedition cruise sector.

R.8. That the Australian government reviews the maritime tax concessions currently in place to ensure that Australia's tax system is competitive with other jurisdictions, and that it promotes the use of Australian ships and crews.

R.10. That the Australian government commits to establish a strategic fleet, and that a strategic fleet taskforce be established to advise on the legislative, operational, funding, and requisitioning arrangements necessary to establish a strategic fleet.

R.13. That the Australian government identifies develops and implements policies to arrest the decline in Australia's maritime employment opportunities and promotes seafaring as a career for younger Australians. This process should be guided by a maritime workforce development stakeholder forum.

R.18. That the Australian government develops a fuel security strategy, which will include proposals to transition to locally sourced fuels as well as address supply issues.

R.19. That the Australian government meets its obligations as a member of the International Energy Agency to maintain emergency oil stocks equivalent to at least 90 days of annual net oil imports.

R.20. That the Australian government develops a national security strategy, supported by an Australian shipping capability, to ensure that Australia's supply of essential items is not disrupted during crises and emergencies.

R.23. That the Australian government improves safety on domestic vessels, including by expanding the jurisdiction of the Australian Transport Safety Bureau to include incidents on domestic vessels; and that the Australian government commissions an independent review of the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 to consider whether it provides clear and simple standards for training, crewing, and qualifications to improve marine safety on domestic commercial vessels.

R.24. That the Australian government amends the Navigation Act 2012 to restore an appropriate balance in ships that are covered by the Navigation Act as Regulated Australian Vessels, and those covered by the Marine Safety (Domestic Commercial Vessel) National Law Act 2012 as Domestic Commercial Vessels, to ensure the Navigation Act provides the default standards for Australian commercial ships.

I know you'll agree there is a lot of recommendations that are on the money and totally consistent with our advocacy. We had some friends on the Committee. How this translates into government policy is the next space to watch. This is the link to the PDF version of the full report:

[https://parlinfo.aph.gov.au/parlInfo/download/committees/report\\_sen/024290/toc\\_pdf/Policy,regulatory,taxation,administrativeandfundingprioritiesforAustralianshipping.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/report_sen/024290/toc_pdf/Policy,regulatory,taxation,administrativeandfundingprioritiesforAustralianshipping.pdf;fileType=application%2Fpdf)

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser

#### Captain Sam Frogley

On January 13<sup>th</sup> Sam Frogley died in a hotel room in Darwin. The Police say there were no suspicious circumstances. He leaves a widow and a 10-year-old son. At the time he was completing a Covid-19 isolation before joining his vessel in Dampier. The exact circumstances surrounding his death are unknown at this stage. However, the language used by the Police gives an indication. If that indication turns out to be true Mrs Frogley, and her son may not be entitled to any form of compensation, as insurance companies carry the financial liability. Talking to Mrs Frogley and Deck Officers who knew Sam leads me to believe they have no assets other than a car. Sam was a Farstad Cadet that spent many years working outside Australia. He was not a member of the AMOU. We have been asked by members, who held him in high regard, to help his family. And that is what we are doing. The complete tragedy of the situation transcends union membership. The go-fund-me page set up to assist his widow has seen some of our members make very generous donations, the IR's and Caterers off the *Siem Topaz* have donated, their representative handed Mrs Frogley a substantial amount at the funeral this morning. They donated a similar amount online. It shows we are all seafarers and will help each other out when the going gets tough. The link to go-fund-me is below:

<https://au.gofundme.com/f/fundraiser-in-memory-of-sam-frogley>

#### Vessel Inspections and ship visits

No visits to report for January 2021.

#### Solstad

After many hours on Team Viewer we are now very close to completing the extensive log of claims for the renewal of your EBA. That document will then be studied by all delegates before we convene a Team Viewer meeting. Following delegate approval, the list will be emailed out to financial members for comment.

#### Go Offshore

We meet for the next round of negotiations on February 2<sup>nd</sup>.

#### Maersk Drilling

Last month I reported our appearance at the INPEX disputes conference, where we challenged Atlas Professionals' refusal to maintain the ongoing employment of casual deck officers from outside WA. Maersk Drilling did not appear at the dispute conference; but they did make phone contact. Their intention is to fill as many of the deck officer/DP positions as they can with Australian deck officers however, they will only employ those who are domiciled in WA. The part about preference over foreigners is certainly encouraging. We have been contacting members and pushing them in the direction of these jobs.

#### Toll Energy

The *Toll Astrolabe* redundancies have taken place, the Solstad vessel *Normand Skimmer* has taken over the contract. Toll repeatedly got the redundancy amounts wrong. They were using the previous EA to work off. This meant employees were losing 1 week's redundancy pay, per year. It is still not fully sorted. The 2020 EA gave those deck officers an extra week's redundancy per year of service, to a ten-year employee – and there were a few – it was worth an extra \$30,000-\$40,000.

#### INPEX

The INPEX training fund has led to numbers of new members signing up. Those individuals are grateful of the INPEX training scheme and realise the AMOU negotiated relentlessly to make sponsored training available. INPEX finances the training fund, but those who are selected, and graduate should certainly buy past AMOU President Tim Higgs a beer or two. Tim was the AMOU driving force which secured a sizable chunk of the training fund for both prospective, and existing deck officers.

#### DOF Subsea

DOF has been flying under the radar for some time now. Refusing to fund (pre-Covid-19) vessel inspections and cutting corners on adherence to EBA clauses. We have a good percentage of members, that with reasonable permanency levels gives us a solid foundation to launch our EBA negotiation. I have communicated with the company and expect talks will begin sometime in the next few weeks.

#### Offshore Unions Meeting

Mike Carroll (AIMPE), Will Tracey, George Gakis (MUA) and I met in our Fremantle AMOU office to discuss a united approach to deal with the latest strategy from offshore companies. This particular strategy has AMMA's (Aust. Mines and Minerals Association) fingerprints all over it. An offshore company identifies their own particular niche of the offshore industry and declares that to be a world within a world. It then follows that certain workplace conditions need only apply to other parts of the industry, and not theirs. They will then claim their employees support this *isolationist* policy because it protects their jobs. It is a load of hogwash. What's next: A Certificate of Competence for each company? Masters and Officers want salaries and conditions to be similar throughout the industry. Tolerating this fragmentation would encourage the depressing scenario of worker competing against worker.

Many deck officers will see this three-way union cooperation in the offshore as long overdue. Not sure if companies realise what the flow-on effect will be for them, they should understand for every action, there is a reaction.

Some of the points of agreement, if incorporated into EBA's, will give the AMOU the ability to initiate the disputes procedure. It could also enable us to use a different pathway to combat the visa issue.

### Company Questionnaires

ESSO, the large US energy company operating in Australia, is instructing their marine support provider (MMA) to have all employees complete a highly personal and intrusive questionnaire: Credit history, Property ownership, Company Directorships, Driving Offences, Civil and Criminal Convictions, Social Media accounts. Certain criminal convictions will disqualify you from holding a MSIC card. That does not include driving offences. What makes them think they have the right to come out here and pry into private lives in this way. What has a speeding ticket got to do with driving a ship? The *implication* written all over this tale is that casual employees complete the form, or we will be forced to employ you *elsewhere*: Yes, you've got it, Centrelink. You have to pity the poor sod whose job it is to issue this Buckley's choice of *confession* or food on the table. Secrets for work. Once again, I will mention the *not so cunning* Swire Pacific medical questionnaire. Please provide this third party (MP Safety Management) with all your ailments, even the ones you haven't yet got, and they will kindly, and conveniently, arrange your AMSA Medical appointment. The AMSA doctor will read this form and can release this information to a prospective employer. That same AMSA doctor cannot release the medical information you place on the AMSA form, that is protected by patient privilege. The MPSM information: well, who knows were that may end up.

# Western Area

## Glenn Walsh

### Industrial Officer (Fremantle)

#### **Southern Ports Authority Port of Albany EA**

The final edit is imminent. Usefully, it is serving as a bargaining template for other pending EA negotiations in Bunbury, Esperance and Geraldton. We are seeking parity on a range of key conditions and entitlements across all pilotage in WA.

Evidently, we have a significantly different interpretation of AMOU rules that relate to our capacity to represent a range of maritime occupations. It is likely to be escalated to the FWC for arbitration.

#### **Pilbara Port Authority General Staff EA**

The bargaining process is cycling towards completion save a few key items upon which we remain apart. The large number of self-appointed bargaining representatives at meetings has served to frustrate progress, especially when our presence in meetings is via zoom or MS Teams.

#### **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**

Despite having traversed most claims over numerous meetings, the actual rate of progress has been alarmingly slow. MWPA's preferred strategy of tackling multiple competing demands simultaneously is not working. In spite of reports of good progress to their CEO, yesterday's meeting revealed the real state of affairs. We have a very long way to go.

#### **Fremantle Ports General Staff EA**

The NERR has been issued and the parties are looking to commence bargaining mid-February. Given the recent and significant departure of key FPA management due to forced retirement or other reasons, we will be negotiating with a new CEO and other senior management. This will hopefully provide us with an opportunity to increase our presence and membership which has been historically really poor.

#### **Shell Prelude EA**

We are currently disputing the company view that we are not entitled to bargain for our members in upcoming EA negotiations. Simon White (ex AMMA) has resurfaced to inject his skewed world view and to frustrate our involvement in bargaining.

# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

The AMOU has had one delegates' teleconference since the beginning of the year and are ready to return to EBA negotiations. There was some hope that negotiations would be done in person as had been done pre-COVID, however due to inconsistent border restrictions and changes we will be having the next meeting via video conference again. This is due to take place next week.

### Svitzer Geelong

Despite AMOU efforts along with the other unions, Svitzer decided against maintaining a presence in Geelong and the crews were not presented an opportunity to relocate to other ports or take on job share positions elsewhere. We were bitterly disappointed with the way Svitzer handled the situation. We believe Svitzer could have done better for their employees in this instance and could have continued to operate in Geelong. We believe the crews made considerable concessions with the offer of a 10% pay and the decrease of the number of crews down to 2, which would be the bare minimum to operate safely. It is unfortunate that Svitzer decided to reject this offer and abandon the port leaving it to Engage Marine. The AMOU congratulates the delegates for their efforts.

### Svitzer Sydney

Svitzer and the 3 maritime unions were trying to come to an agreement that would still see Svitzer operate with some capacity to service Port Jackson, limit the amount of crew reductions and agree on some cost reductions. Svitzer first proposed a reduction of 19 to 12 crew which was rejected. A counter proposal involved 15 crews and a commitment to negotiate new POP's with the company maintaining a presence in Port Jackson. This was accepted by Svitzer with support from all unions, was presented to the workforce and was agreed unanimously by all members. The POPS were largely maintained but only through the hard work of the delegates. The changes were limited to a reduction in the port transfer allowance from \$75 to \$25, the use of e-tags only used for work-related travel, relief arrangements for dockings, extended voyages and leave without pay at Svitzer discretion. The implementation of an agreed new roster started on 4th January as this was the end of the current roster cycle. All union representatives did an outstanding job to save crews and maintain a presence in Port Jackson. Hopefully when the ships return so will the demand for more crews.

### Victorian Regional Channels Authority

The AMOU issued the VRCA with our log of claims before the Christmas break and will meet with them again on 19<sup>th</sup> January to get their response.

### Gippsland Ports

Gippsland ports EBA is near completion with the port seeking one final run through of the EBA for agreement and then the in-principal agreement is taken to Government for approval. We understand this will be forthcoming as they have been kept up to date during the negotiations. The last outstanding matter was the on-call allowance which has now been increased from \$300 to \$370 should a public holiday fall while employees are on call. Once everyone returns from leave and we can review the document, it will go to a "Request for Final Approval" from government and go to vote from there.

# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### Serco - DMS

Our latest claim that Serco have been misinterpreting the new EA with regard to pay for offshore vessels in WA has been rejected by management. We will now take up an offer from Serco to meet and discuss our issues before seeking further instruction from members on where to from here which may include seeking the assistance of the FWC. 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. We continue to wait for an announcement by Navy which we were told to expect in the latter half of 2020 and then which was rumoured to happen this month.

#### Victoria International Container Terminal

The Union Single Bargaining Unit (AMOU, MUA and ETU) have applied to the FWC for a protected action order. Ballots close this week, and we expect results shortly. The SBU and VICT have been meeting regularly with little progress on our substantive matters – wages, manning and coverage. Meetings between the parties continue to be programmed each Friday.

#### Toll Shipping

Members will be aware that Toll Shipping, along with other parts of the Toll Group is currently for sale. As previously reported our EA with Toll expired in April 2020. Members are keen to get a replacement EA in place before any sale is finalised. After many months of talks Toll have offered a new deal 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 have also proposed that the current annual bonus is only applicable in year one of the new EA. We have many other matters that we would like covered by the EA e.g. current additional manning, overseas travel arrangements that Toll have proposed in a side letter or MOU. Members feel that they would prefer the comfort of all matters being subject to the Deed rather than a side letter that may or may not be recognised by any new owner. We are working closely with the AIMPE to ensure that we are not being sold short in eagerness to get an EA before any potential sale.

#### TT-Line – Shipwrights & Pursers

The current EA for the TT-Line Shipwrights and Pursers expired on 30 June 2020. We have been well prepared to commence discussions with TT-Line for some time but a convergence of unavailability of management a new HR team has made it difficult to get dates to meet. We hope to meet with the Company in the next few weeks.

#### Svitzer Geelong

While industrial matters to do with Svitzer are covered in Chris's report, additionally members requested we raise workplace and public safety issues that arise with the departure of one towage provider from Geelong with relevant authorities. Together with AIMPE we have met with VRCA, WorkSafe Victoria and are in the process of setting up a meeting with the Ports Minister's Advisor. The VRCA have provided us with issues they see in the current legislative framework around all Victorian ports that impact of workplace and public safety. WorkSafe have undertaken to establish a working group to consider all port related OHS issues in the coming weeks.

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

We will keep all members up to date with our discussions and developments here and will be seeking the input of members on proposals.

#### WorkSafe Victoria – COVID

Coming out of the WorkSafe meeting on Geelong was a further request from WorkSafe to consult with the 3 maritime unions on Covid-19 matters in ports. We have had 2 meetings in January to essentially map the issues and provide initial feedback to WorkSafe on priority matters. WorkSafe will develop a framework on dealing with these issues via a stakeholder reference group in the coming weeks, which we will be a member of.

#### MPV Everest

We continue to raise questions with the Federal Government on why they didn't insist on Australians crewing the temporary replacement for the *Aurora Australis*. The Shadow Assistant Minister for the Environment wrote to the Minister for the Environment raising the most pertinent questions on this matter. We will provide updates to members on any response we receive.



# Eastern Area

## Marty McEvilly Industrial Officer (Sydney)

### Happy New Year

I would like to start by wishing a Happy New Year to all members. Although to many, myself included, it currently seems as though this year has not changed significantly and we are still looking at much of the same challenges that we faced in 2020, I am confident that we will continue to adapt to face them head on. I've been busy since my last update, though largely with individual issues rather than industrial matters. Now that HR departments have returned from their holidays, things have started ramping up.

### Transdev Sydney Ferries

Our dispute regarding Master V positions remains ongoing. TDSF have made no further steps to issue an EOI or continue with the recruitment of Master V's as a result. We remain in discussions with the other Unions with regards to a possible alternative option to provide for a career pathway, however we have made it clear that the model used in the trial Internship that has been used for the Charter vessels will no longer be considered. This position was made after a vote of members and I thank you all for your input. Our focus now is on increasing the number of permanent Master IV jobs, while also considering ways to enable more TDSF employees to obtain their Master IV. Delegates will keep members updated as discussion progresses.

The first 4 new river vessels remain in the yard and TDSF are close to rectifying the issues identified by the HSR's. They are very keen to take the first vessel, the *Esme Timberly*, onto the water for trials. This has been delayed due to a dispute from the MUA regarding GPH manning numbers for the trials. TDSF have taken the MUA to the Fair Work Commission for assistance in resolving that dispute. One of their requested outcomes was for the Commission to decide the manning numbers for GPH's on the new vessels.

The AMOU has not been engaged in consultation regarding the number of GPH's on these vessels and we consider the approach by TDSF to get an outcome from the Commission as to how many GPH's are necessary to be an attempt to avoid their consultation obligations. As a result, we raised a dispute about lack of consultation on 22 January 2020. At the time of writing, five days later, we have received no response. However, when both the AMOU and AIMPE sought to be interested parties in the dispute at the FWC, TDSF's representative asked the Commission to reject our application on the basis that we have no direct interest in the dispute. Apparently, Masters are not entitled to be involved in discussion about how their vessels will be crewed. This is a ridiculous approach for Transdev to take and we will ensure that the views of our members are heard.

We have had other issues ongoing, but your delegates continue to put out fires as they come up. Please refer to them with any questions you may have.

### NRMA – Fantasea and Manly Fast Ferry

I have little to report since last month. Fantasea have launched the trial of a new service, which is positive and will hopefully assist in providing members with much needed work. Similarly, they have been assisting Transdev and conditions have been put in place to ensure that those who cover Transdev Sydney Ferry runs get paid in line with the Ports and Harbours' Award.

### Transport for New South Wales / RMS

There have been no further updates with regards to the Maritime branch restructure, which we expect will begin in the next few months. Beyond this, most discussions with TFNSW have been with regards to the challenges that have emerged since the Northern Beaches Covid-19 flare up before Christmas and the health orders that have been implemented as a result.

### Port Authority of NSW - Newcastle

There have been some discussions between the new Harbour Master and pilot representatives on issues, including the management of those on long term sick leave. Delegates have been in touch with members to get their views, which will inform our next steps. I aim to attend a pilot meeting to be held in the coming weeks to discuss the ongoing issue and to meet more of our members.

### Port Authority of NSW - Sydney

In a disappointing, but unsurprising development, PANSW has rejected our view that the fleet review and fire tug replacement vessels process has failed to engage in genuine consultation with employees and Unions. We will discuss next steps with the MUA to ensure we take a united front when meetings restart.

The other important issue for PANSW Sydney is the fact that we have upcoming EA Negotiations. Delegates have already asked members to consider potential claims that we may make. In the coming weeks I will work with them to collate them into a log of claims so we can be as prepared as possible when negotiations begin. This will most likely be in April 2021, subject to PANSW getting approval from the Wages Policy Taskforce.

### Port Authority of NSW – Port Kembla

As is the case in Sydney, the Port Kembla EA is due to expire in June this year and we will need to begin negotiations shortly. I ask all members to also think about claims they would like us to pursue. Pilots need not worry, as their EA will remain in place until March 2023.

### NSW Marine Pilotage Code Review

Meetings to discuss the review of the Marine Pilotage Code (MPC) have continued, albeit in the smaller working groups that have been tasked with looking at different sections of the MPC1 part of code. The next meeting for the full committee is scheduled for 01 February 2021 where each group will report back on their progress. Expect more of an update next month.

## Captain Cook Cruises

As reported last month, the proposed *Captain Cook Cruises Enterprise Agreement 2020* was voted down with a 76% no vote in late 2020. Since then, the parties have been unable to agree on a date to restart negotiations. The AMOU remains available and expects that the other bargaining representatives should be able to sit down to discuss next steps in the coming weeks. In positive news, there was a U-turn on the decision to end the Lane Cove run, which is good for ensuring continued work for members.

## Keolis Downer Hunter – Newcastle Ferries

The key ongoing issue remains the proposed roster change that Keolis Downer would like to make which removes fatigue breaks for ferry Masters and GPHs. We remain at loggerheads with the company and they refuse to take the genuine feedback of members on board. Of course, we remain committed to attempting to deal with this matter as amicably as possible and a meeting will take place in early February to discuss next steps. The company have alluded to the fact that they may seek the assistance of the Fair Work Commission, but we are hopeful that this will not be necessary and that safety considerations will prevail.

## Port of Newcastle

There was an outstanding item from the last Consultative Committee regarding the final batch of People and Culture policies that PON would like to implement changes on. I ask that all members provide their delegates or myself with feedback as soon as possible.

## *RV Investigator*

AIMPE have raised an issue with meal allowances ashore, which we are supporting. It appears that ASP may not have been adhering to the terms of the EA and there have also been questions raised over the taxation of the allowances. ASP were seeking advice, but we will soon have the required information to decide how we approach the issue. The *Investigator* EA also expires in July 2021. I ask that all members begin to consider claims. We will look to ensure that we finalise a new EA much more swiftly than the last time around.

# Eastern Area

## Tracey Ellis Organiser (Brisbane)

### Thursday Island & Horn Island

It looks like I will be conducting workplace visits up at the tip of Queensland in mid to late February. I will be in touch with the relevant delegates to organise but let me know if you'd like a visit from the Union.

### Pro Dive

The Better Off Overall Test (BOOT) issues with the *Pro Dive Cairns Enterprise Agreement 2020* have finally been resolved and Deputy President Asbury is set to approve the Agreement. Following our victorious Full Bench appeal decision, Masters will get paid an extra 317 hours of overtime per year. Previously, Masters were only getting paid overtime after 12 hours in a day. Now they will also get paid overtime rates for any hours above 38 in the week, averaged over 12 months.

### RiverCity Ferries

The Unions filed a dispute in the Fair Work Commission after RiverCity Ferries notified them that they intend to stop paying overtime to part time employees who work an extra shift outside of their ordinary rostered hours. RiverCity Ferries interpret the enterprise agreement differently to the former contractor, Transdev, who used to pay overtime rates whenever they called in a part time employee to cover a shift. The matter should be listed for hearing in February. Some part time employees are concerned that they will be overlooked for extra shifts, however there are provisions under the EA for Individual Flexibility Agreements to be made should part time employees want to be able to work at ordinary time. Normally unions are against this sort of arrangement, but if it is the difference between getting extra shifts and not, we are open to exploring the idea. Ultimately, this issue can be addressed in the upcoming EA negotiations. We can look at things like increasing the minimum guarantee of hours for part timers in exchange for ordinary time, if that is something the majority is willing to consider.

RiverCity Ferries confirmed that they intend to create a new roster in July. Those who want to remain part time can, and those who want to go full time will be encouraged to do so. RCF are going to consult with the Unions about the new policies and will start elections for a consultative committee soon. RCF want to start monthly meetings at Hawthorne with the maintenance department and crews to discuss maintenance issues. There are still some issues around how RCF intend to pay annual and personal leave. The Unions are looking into this and will notify members as soon as we have a definite answer.

### Sea Swift

The three maritime unions will meet with Sea Swift on 27 January to discuss how the Cargo Handling Allowance should be paid. There is a 2-day EBA meeting 4-5 February to try and reach agreement on the outstanding issues which include a marine only agreement and a Masters' indemnity clause.

### Maritime Safety Queensland

#### VTSO review

The latest VTSO Working Group meeting was postponed because too many people were unavailable. Another date will be advised shortly.

#### MSQ Consultative Committee Meeting

The last Consultative Committee Meeting was postponed due to the lack of agenda items. Please let me know if there are any items you'd like raised.

#### Marine Enforcement Team

MSQ has started the recruitment process for the new Marine Enforcement Team. The AMOU, Together Queensland and AIMPE 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. MSQ has provided the Unions a suggested resolution, but we are waiting for a meeting to be scheduled to discuss.

### Bay Island Transit Services

SeaLink has recommenced enterprise agreement negotiations with the Unions. They will get back to us with what a permanent employment package will look like as well as propose a package that improves the conditions for the ambulance boat Masters. The company has agreed to put in the Stradbroke Ferries indemnity clause. The next meeting is scheduled for 29 January 2020.

### Curtis Island Ferries

SeaLink has put the draft Curtis Island Enterprise Agreement out to ballot, despite some of the Unions not being given enough time to canvass their membership for amendments. The AMOU is still trying to resolve the Masters' indemnity provisions and will likely file a bargaining dispute in the Fair Work Commission. The AMOU advises members to vote NO to the agreement.

### Barge Express

The AMOU successfully defended an appeal in the Northern Territory Civil and Administrative Tribunal where the former owner of Barge Express tried to avoid paying the settlement that was reached in the Fair Work Commission after the company allegedly unfairly dismissed an AMOU Master.

### Smit Lamnalco

#### Smit Lamnalco National EA

Enterprise Agreement negotiations have still not officially commenced. Smit Lamnalco have indicated they will notify the Unions of proposed dates for the first meeting within the next couple of weeks. I met with Townsville Masters to discuss their log of claims and am waiting for the other ports to get back to me with their claims.

### **Smit Lamnalco Gladstone**

We have a 2-day meeting with Smit Lamnalco scheduled for 8-9 February to try and resolve the outstanding enterprise agreement issues. If this does not succeed, then we will undertake conciliation in the Fair Work Commission with Commissioner Booth to try and resolve the rostering and fatigue issues and finalise the Agreement.

It is likely the roster change hearing scheduled for 3-4 February will be postponed. The decision will determine whether Smit Lamnalco can change the rosters without agreement from the crews. Management says they believe their proposed enterprise agreement provisions will mean that this particular roster change argument will not come up in the next agreement.