



# Special Coronavirus & Industrial Report

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## MEMBERS' MONTHLY MEETINGS

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

Members will be notified when monthly meetings recommence

# Federal Report

## Tim Higgs President



Dear Members

Firstly, apologies to you all for the report being late. Given the current circumstances we are all facing in our day to day lives in a COVID-19 world this report somehow slipped through the cracks. As we all know the industry is still struggling on a day to day basis with the many changes. One thing that has been appropriately reinforced in these times is the need to prioritise family and ensure their safety and wellbeing. Family really does come first. May has again been extremely busy although this week has seen things starting to ease as most members and companies are coming to terms with the restrictions on travel. Although this is by no means saying things are become economically easier as there are many companies headed for difficult times with deepening downturns across all sectors of the Australian maritime industry.

### Financial report

The Executive Council met earlier in the month via electronic means to discuss and review the 2019 financial report with the auditors along with other business on the shortened agenda given it was via video conference. The financial report will be circulated electronically to the membership shortly for review. The 2019 finances have been audited and the opinion of the auditors is that the financial report is unqualified.

### Meeting for the purpose of receiving the Executive Council Report

When the Executive Council met there were still numerous restrictions in place that would not allow the June '*meeting for the purpose of receiving the executive council report*' to take place via normal means. Additionally, there is also the notice period for this meeting to take place that couldn't be met with the restrictions in place. The Executive Council endorsed that the report be circulated to the membership electronically and that alternative meetings be postponed at this point until later in the year when it becomes safer for members and officials to travel and meet. There will be a memo with further details coming out soon. Please see Mark's report for more detail on the Council debate.

### Financial Year of the AMOU

Currently the unions financial year is 1<sup>st</sup> January to 31<sup>st</sup> December. For as long as I can recall since being elected to council in 2011 changing these dates to the ATO financial

year has been discussed and debated. There are many pros and cons for changing the dates. The major pro being that it removes all major financial transactions for the union from Christmas to mid-year. For members it also avoids paying your annual fees at Christmas time for those that pay in one lump sum. It also aligns the union with the ATO and other organisations for other financial reporting requirements. It would have been good to have completed this change in 2020 although according to ROC this cannot be completed this year as the financial year has already commenced for 2020. There will be further information on this later in the year.

### Name of the Union

Although not discussed at the May meeting of the Executive Council this has also been discussed as many times as the financial year. It has been suggested by many members from across all industry groups within the organisation to change the name for many reasons but most importantly for obvious political reasons. When debated within council it was endorsed unanimously that it is the members that need to drive this and decide if it is in fact what the majority wants. The process and legalities are not as complex as one would think in today's industrial legislation. The Council has endorsed that the first move should be to survey of the membership as to whether a name change is the desire of the majority. A survey of the membership is by no means a referendum. It would simply be used as a tool to gauge the memberships stance on the idea before venturing further on the matter.

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

It was only a matter of time before we saw another COVID-19 infected commercial vessel arrive in an Australian port with suspected COVID-19 cases on board. This ship was the livestock carrier *Al Kuwait* in the port of Fremantle last week. We have seen various state governments ease their isolation measures but as with the marine crew exemptions this varies state by state and some states are still in the process of aligning their legislation with the National Cabinet class exemption for non-cruise maritime crew. This is extremely frustrating as we continue to hear week in week out on the MRG calls that the legislation is not far away. This along with the lack of domestic flights is still causing major issues with crew changes.

On the exemption front for maritime crews crossing domestic borders not much has changed since last month for most states and territories. The below information is a guide only for members and it was as accurate as possible at the time of writing. All members should check with their employer and see the information on the website of the State that they intend on traveling to/from for the latest updates before travel.

**Western Australia (WA):** given what has happened in Fremantle recently the WA state government officials on Thursday's MRG call made it very clear they will not be giving into the Eastern States' pressure and softening their hard boarder approach. Therefore, I can't see the COVID-19 entry arrangements being eased any time soon for maritime crew in WA.

<https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-state-of-emergency-declarations>

**Northern Territory (NT):** The NT government has not yet implemented the class exemptions from the National Cabinet for non-cruise maritime crew and it's still not clear on how maritime crew returning home from interstate travel will be managed by NT Health. Maritime crew joining a vessel in the NT from interstate can apply for an exemption if their company has an approved COVID-19 plan in place with the NT Chief Health Officer.

[https://coronavirus.nt.gov.au/community-advice/border-controls/exemption-categories-for-essential-travellers#/people\\_and\\_organisations\\_eligible\\_to\\_apply\\_for\\_exemption](https://coronavirus.nt.gov.au/community-advice/border-controls/exemption-categories-for-essential-travellers#/people_and_organisations_eligible_to_apply_for_exemption)

#### **South Australia (SA):**

SA has legislated class exemptions from National Cabinet for non-cruise maritime crew. Click on the link below for the latest information for members traveling to and from SA.

<https://www.covid-19.sa.gov.au/emergency-declarations/cross-border-travel>

**Victoria (Vic):** Vic has not at this point closed its borders and maritime crew traveling to and from Vic domestically are free to do so. Only entry following international travel is restricted.

<https://www.dhhs.vic.gov.au/travel-restrictions-coronavirus#if-i-am-travelling-domestically-do-i-need-to-go-into-quarantine>

**Tasmania (Tas):** Earlier in the month the Tasmanian state government has implemented classes I, II, and III Class exemptions for maritime workers (non-freight). This has closely aligned their legislation with the class exemptions from the National Cabinet for non-cruise Maritime Crew.

<https://coronavirus.tas.gov.au/travellers-and-visitors/maritime-crew>

**New South Wales (NSW):** NSW is also yet to implement the class exemptions from the National Cabinet for non-cruise Maritime Crew. There are various restrictions in place for maritime crew under the NSW health orders along with restrictions from the Port Authority of NSW when arriving by sea from both interstate and overseas. If entering NSW by air or land, there are no current restrictions.

[https://www.legislation.nsw.gov.au/\\_emergency/Public%20Health%20\(COVID-19%20Maritime%20Quarantine\)%20Order%202020\\_as%20amended.pdf](https://www.legislation.nsw.gov.au/_emergency/Public%20Health%20(COVID-19%20Maritime%20Quarantine)%20Order%202020_as%20amended.pdf)  
<https://www.portauthoritynsw.com.au/community/uploads-covid-19-restrictions/>

**Queensland (QLD):** QLD government has implemented the class exemptions from the National Cabinet for non-cruise maritime crew apart from restrictions surrounding returning from interstate COVID-19 hotspots. Maritime Safety QLD has lifted some of their entry restrictions for ships entering QLD waters from some overseas ports please check their website for the latest updates.

<https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/border-restrictions>  
<https://www.msq.qld.gov.au/About-us/News-and-stories/Coronavirus>

As you can see it is still frustrating for most members travelling interstate for work especially those entering WA. We completely understand the risks associated with COVID-19 and contracting the virus. Therefore it is somewhat understandable it's just unfortunate some months on it's still not consistent across the board and too often it can come down to the interpretation or understanding a local government official has of their legislation or emergency directions that has seen members dealt with in different ways on arrival after crossing a border. Therefore, it is important to be up to date with the applicable information and have the correct paperwork in place.

It's annoying to hear some companies are using this to their advantage as we have seen for the first time in a long time some vessels and rigs have been operating with a full complement of Australian Masters and Officers without issue or incident. Yet we are again seeing the foreigners returning to the vessels supported by Australian companies and the government. One thing that COVID-19 has highlighted is the need for Australian Masters and Officers with the sea time and experience to fill all ranks on board and within ports to keep the supply chain open and industry operating without restriction. Greed and profit should be subjugated to the sustainability of the maritime cluster.

We are all still living and working in difficult times and we will be for the foreseeable future. I am aware of many members that are currently doing it hard. Many have chosen not to travel because of the unknown or because of the extended periods away from family due to isolations. To those that are away or stuck interstate and overseas we are here to support you. The AMOU its staff and officials are here to help address the industrial and safety issues you face. Also remember you and your family also have access to Hunterlink for support.

As always stay safe

Tim Higgs  
President

# Federal Report

## Mark Davis Executive Officer

### AGMs, Annual Report & Financial Report

Conducting the usual series of AGMs legally is most unlikely due to COVID-19 restrictions on gatherings. The EC discussed Zoom conference meetings and decided this method to be insufficiently cybersecure where invitees do not video in and only phone numbers appear on the screen. A Survey Monkey membership questionnaire will not produce the necessary exchange of views. A rule change allowing for the deferral of the AGMs was unwieldy and would still compromise ROC compliance. Seeking an extension of time from ROC to hold the AGMs may not satisfy state union reporting requirements and there is no guarantee of timeliness. The most practical solution in Hall Payne's opinion comes from the Fair Work Act s.266 (3):

*If the rules of the reporting unit provide for a specified percentage (not exceeding 5%) of members to be able to call a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, the full report may instead be presented to a meeting of the committee of management..."*

As our Rules provide the prerequisites, this is the recommended course. We will therefore make the Annual Report and Financial Report available to all members observing the usual ROC timeframe. Feedback will be asked of members and this will be put before the Executive Council to consider in the debate on both reports. The appropriate decision will then be taken by resolution. Whenever the law allows, we will schedule membership meetings with an agenda that includes discussion on the two reports.

### INCO barge lay-up & pay cut proposal

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

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

remains unchanged except that Coronavirus-related quarantine in Tasmania delayed the crew change for *ICS Silver Lining*.

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

In the last Industrial Report, we speculated that the ATO's JobKeeper payment of \$1,500/fortnight is unlikely to provide any relief in these circumstances as *ICS Reliance* was a budgeted lay-up and the remainder of the fleet is unaffected. To our surprise the company has managed to bring its operation within the JobKeeper parameters. This has provided much needed relief to those officers not carrying leave balances into the lay-up period. The company is to be congratulated in achieving this.

The latest development is that the company is seeking a 10% pay cut from the Melbourne operation out of fear generated by client Viva Energy advising that INCO was not the preferred tenderer for the contract renewal at year's end. The favoured tenderer has a significantly lower complement of ratings. This is therefore an initiative to restore to INCO some competitiveness. Officer costs are in the ballpark so there are issues to discuss before any salary reduction can be contemplated. We are also keen to maximise the opportunity after years of unsuccessfully trying to get an EA with INCO to use this as a catalyst to commence negotiations.

### Teekay Marine Resources vessels

AMOU & AIMPE officials and delegates have had a Zoom conference to go through the log of claims and the strategy for the forthcoming negotiation of the EAs/employment conditions that presently apply to the following ships:

*MATV Sycamore* (Navy Multi-purpose Aviation Training Vessel)

*ETV Coral Knight* (AMSA emergency towage vessel)

*ABFC Ocean Shield* (Australian Border Force Cutter)

*ADV Ocean Protector* (Customs Australian Defence Vessel)

The company is seeking to commence negotiations in the second week of June.

Executive Officer's Report cont.

## Engage Marine/Engage Towage

The AMOU Executive Council endorsed signing the framework agreement brokered under the Fair Work Commission's Interest Based Problem Solving process (IBPS), that provides for core conditions to apply to the tug crews. AIMPE and CFMMEU-MUA division have also both endorsed signing the framework agreement which provides for conditions gauged not to undermine the existing industry standards and embodies a model that gives crew members ownership of the day to day operations of their tugs in each port and incentives to ensure the success of the company's port cooperatives. All three unions have embraced Engage Marine's new direction on the basis of the protections afforded by the agreement.

Discussions reconvened on 18<sup>th</sup> May and were intended to traverse the detail of how the framework translates into the employment relationships in each port. The videoconference proceeded differently with Engage expressing frustration with union WA branch/area attitudes to the Engage Group differing to those expressed nationally under this IBP-S process. Three examples were cited: disparaging comments about Westug in union publications, social media comments available to Engage's competitors, got to competitors and customers and consistent contact being made by the MUA WA Branch with Rio Tinto with the clear intent of undermining Engage. There was also reference to survey monkey questionnaires sent around. Engage's position was that it was increasingly difficult for the company to sell the concept of this framework and the necessary union collaboration when its core relationship with Rio is being undermined by the actions of union branches.

We undertook to discuss the matter amongst the three unions and then reconvene under the IBPS process. This has not yet happened.

there is the remote possibility someone could be scapegoated as a smokescreen for regulatory deficiency.

## OTSI Report into Passenger Fatality – MV *Lady Rose*

The NSW Office of Transport Safety Investigations (OTSI) has released its Ferry Safety Report into the fatality of a passenger that occurred on 2 February 2019 aboard All Occasions Cruises' vessel MV *Lady Rose*.

This is something all ship's Masters and Officers should read. Below is the link:

<https://www.otsi.nsw.gov.au/ferry/investigations/pasenger-fatality-mv-lady-rose>

OTSI investigations are positively orientated, in that they identify proactive measures and make recommendations based on what has been learned and what can be put in place to avoid similar incidents. Nothing has as yet emanated from AMSA, which has an extended mandate that can identify fault, apportion blame, and prosecute parties where appropriate. The AMOU has concerns for the (non-AMOU) Master of the vessel in this regard as his is the ultimate responsibility for safety of life and property. This concern is exacerbated as regulatory failings were identified in OTSI's report and whilst we would hope that AMSA is sufficiently professional not to,

# Western Area

**Glenn Andersen**

**Western Area Secretary & Organiser (Fremantle)**

## Coronavirus

In the West, the AMOU has made agreements, in the form of MOUs with a number of companies. The agreements include paid isolation time (dead-days) and six-week swings. The extended swings come with the proviso of *Overscale* payments commencing immediately past the six-week period. Some companies are pushing employees into unpaid isolations and no overscale payments. We will do our best to catch up with those companies which are in reality, ignoring registered FWC EBA's.

Some companies have managed to avoid isolations by making crew changes in different states. Others have juggled employees around so they can join without entering an isolation state.

***Please think of possible consequences before you act, speak, or just as importantly: before using social media***

## Vessel Inspections and Ship visits

No likelihood of this starting-up in the near future.

## OSM EA Negotiations

The AMOU lodged an application with the FWC to take Protected Industrial Action in relation to the lengthy, drawn-out EBA negotiations. OSM employees are, at this moment casting their vote in the Protected Action Ballot. As expected with us lodging the PABO application OSM was motivated to re-start negotiations. Since then we have had three meetings and made real progress. There has been give and take from both sides, I am continuing my phone survey with members and am aware of what is non-negotiable.

## Atlas Professionals

The Maersk Deliverer drilling rig has down-manned all Australian DP Operators have been let-go leaving foreign visa holders onboard.

## Swire Pacific Offshore

Swire Pacific is reducing their fleet down to two boats and calling for candidates for voluntary redundancy. Members who take a redundancy can still ask the union to recover any unpaid isolation days or unpaid overscale, after they leave.

## Toll Energy - Offshore

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

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

## Westug

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

## Disciplinary Proceedings

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

## Superannuation and Income Protection

In past EBA's the company generally arranged income protection for deck officers, not anymore. It is now mostly your responsibility to arrange income protection. We have a number of unwell members enjoying the peace of mind that that cover

provides. Now they can no longer work at sea. Without their superannuation income protection, I am sure their unfortunate illnesses would have been made worse. Then there is the member who had a permanent job but no company, or superannuation income protection. His on-leave injury left him unable to go to sea, he was forced to give up his permanent job. I don't know what his financial position is now.

### **Protected Action Ballots**

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

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

# Western Area

## Glenn Walsh Industrial Officer (Fremantle)

### Mackenzie Towage Bunbury EA

The Enterprise Agreement has been approved by the FWC and came into operation on 19 May 2020. We have 2 applications before the WAIRC on foot and an additional FWC general protections claim in relation to MMT's mishandling of a trumped-up disciplinary matter, and a related contractual benefits claim. Given the company's ongoing negative disposition in the settlement of these and other matters, we anticipate a protracted series of disputes.

### Southern Ports Authority Pilots EA

The NERR has been issued for the Port of Albany Marine Pilots Enterprise Agreement bargaining process. We anticipate that much of the work already undertaken for the other SPA ports EA will significantly abbreviate the bargaining process. The AMOU recently participated in a round table consultation process with SPA management and the MUA in relation to establishing a range of common protocols for bargaining and beyond.

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

The Port of Dampier have yet to respond to the proposed terms that were presented to the board of the PPA for approval.

### Argonaut Marine EA

Subsequent to the FWC PABO, the parties resumed bargaining with a view to making further progress. Unfortunately, it became immediately apparent that the employer and its advisor are adamant that the new EA should otherwise represent a diminution in the pay, conditions, and entitlements for current and future employees. They have taken an adversarial approach to enterprise bargaining from the very outset. Despite losing the Majority Support Determination, and the subsequent disputed Protected Action Ballot Order, the chest thumping and histrionics during meetings have continued unabated. Inevitably the employer's recalcitrant attitude and petulant behaviour will leave our members with no choices other than taking various forms of protected industrial action. Stay tuned for a disruption to normal services.

### ASP MT Absolute

Parties have reached in-principle agreement for a 12-month term. The vessel is currently berthed in Fremantle and has commenced operations.

### Montara EA Negotiations

Due to the travel restrictions imposed by the COVID-19 response, bargaining has been rescheduled to 2 x full day Zoom meetings next month.

### Odyssey Marine EA

After 10 months and approximately 6 separate and seemingly productive EA bargaining meetings, OM's managing director Wes van der Spuy (pronounced Spew) lived up to his putrid reputation when he ran a non-union ballot with an entirely new and previously unseen enterprise agreement (without notice). After initially retraining deckhands as Masters in order to exclude the MUA, OM's unscrupulous General Manager, Chris Hedges, engaged in sham bargaining with AMOU as a delaying tactic prior to balloting this appalling document. Had the OM employees voted down the new agreement as instructed; we would have taken the company to the FWC to resolve matters. Despite the unequivocal and repeated AMOU advice to reject this POS agreement, it was voted up by a margin of 22:6. These employees have now put themselves directly in the firing line as this agreement enables the company to bully, demote, relocate, or dismiss people without any recourse via FWC arbitration, except perhaps for unfair dismissal. Members have now significantly lost out on superannuation, wage structures and pay increases, dispute resolution and job security to name just a few items. We wish them luck as they are really going to need it. Odyssey Marine and its despicable management team cannot be trusted and ought to be treated with utter contempt. They have joined other notorious companies in the race to the bottom.

### Solstad

The AMOU and other maritime Unions have signed an MOU in response to employer requests for amended swing lengths, payment of dead days for isolation and over cycle payments. The Unions have temporarily agreed to increase swing lengths to 6 weeks, retaining the payment of dead days for isolation and over cycle payments to take effect after six weeks on board vessels. Parties have been unable to resolve the ongoing dispute in relation to the over cycle payments for crews on the *Normand Swan*, *Far Statesman* and *Far Sword*. The matter will likely be escalated to FWC for conciliation and arbitration.

### Oil & Gas Services Greenfields EA

Bargaining has progressed for an agreement that includes terms and conditions that are reasonably consistent with those contained in the recently approved Maersk agreement. Given the uncertainty of Covid-19 restrictions, the agreement will likely be limited to an initial 12-month term.

## Westug

In response to maritime union members “liking” a Facebook post made by the North-West MUA Organiser, the company raised various allegations of misconduct against 5 employees. Without disclosing the confidential outcome of these allegations, some of these people have returned to active duty whilst others will be seeking the assistance of the Fair Work Commission to resolve their employment concerns. It is clear that Westug management is actively trawling through their employees social media posts in an attempt to find evidence of what they consider to be inappropriate behaviour. While this is clearly an unreasonable and objectionable way to treat employees, it is happening, and it has significantly dire consequences for all union members.

*Please refrain from engaging in any social media platforms on any matters that are either directly or even remotely related to your employer, their clients, or other stakeholders. Do not give this employer ammunition to shoot you or your colleagues! If the growing rumours of Engage Marine's financial difficulties are true, then it is likely that they will attempt to use any excuse to shed unwanted staff, or to coerce people into partnerships. Please encourage your colleagues to heed this very serious warning as our capacity to deal with these matters is severely limited at present, due to the volume of other work caused by the COVID-19 crisis.*

# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

The Svitzer EBA negotiations continue to be on hold until further notice. There has been no progress since the last industrial report. Should that change the AMOU will notify members right away. The following is the situation with key battleground ports.

### Melbourne

Since the outbreak of COVID 19 Svitzer has suspended the implementation of additional crews 13 and 14 agreed in the revised POPS. Although this is not ideal Svitzer has repeatedly said it was only a suspension and the 13<sup>th</sup> and 14<sup>th</sup> crews would be implemented once numbers pick up again. In the meantime, the three unions were workshopping a position that was earlier last week submitted to the company. The position is as follows:

1. Parties enter a Legal Deed recognising that the implementation of the 2020 POP's proceed as it reflects how crews are currently working
2. Recognise that due to the COVID-19 Pandemic the engagement of crews 13 & 14 is temporarily postponed
3. Specific References to crews 13 & 14, M5 and the new roster throughout the Agreement are agreed to be implemented upon the achievement of trigger points to be agreed
4. Until such time as the agreed trigger points are reached it is recognised that the hiring of crews 13 & 14 is on hold. It is agreed that the recruitment process will resume when the trigger points are reached, or earlier arising from any review.
5. The parties will meet on a regular basis weekly, fortnightly, or monthly to review the data and measure against the agreed trigger points.

We await Svitzer's reply.

### Port Botany and Port Jackson

A final licence has been published by the Port Authority of NSW for both Jackson and Botany. Svitzer has told the unions that they have signed the licence and will be pursuing the implementation of the conditions set out in the licence in the coming 2 weeks. The AMOU has some concerns that have not yet been addressed by the

company, namely whether Svitzer will come good on the previously agreed allowance. Svitzer has not given a firm answer on this, only stating that circumstances have changed since then. There seems to be no thought to consultation in a timely manner around POPS. As we understand it the company is seeking POPS meetings only one week before the licence dictates implementation. This leaves little room to go over all the issues. With this matter being 2 years in dispute we would have thought Svitzer would be seeking further engagement before leaving it so close to the deadline. We understand that members have mixed feelings about the licence and captivity that has long been a point of contention. We also recognize that the licence comes with the security that members have been seeking from the very start of this disputed matter.

For those seeking more information you see the published licence on the Port Authority of NSW website.

### Geelong

Earlier last week Svitzer told the unions that they were seeking substantial changes to crew numbers, pay and POPS in Geelong. Svitzer maintain the reason for the request comes on the back of falling revenue and a few other commercially sensitive matters we cannot discuss here.

Although Svitzer maintain they will work with the crews and unions to look for other ways to cut costs, Svitzer had submitted a proposal to the unions consisting of cuts in crews from 6 to 3 and a wage reduction of 8.5%. Needless to say, the crews were not too receptive to this position. A reduction in wages would be a matter for the EBA so we will wait until the discussions pick up again before any further thought goes into that, however the current position from members is a flat no. As with the POPS and manning, the delegates are proceeding through the steps and have met with each other and as a group but not with the company yet.

### Newcastle, Port Kembla & Eden

The AMOU has very little information on the licences for Kembla, Eden and Newcastle only that there has been an indication that these licences will be issued once Sydney has been established. We don't know if they are in the process of being drawn up or are ready to go.

# Southern Area

## Jarrod Moran Senior Industrial Officer (Melbourne)

### TasPorts Pilots

TasPorts made a settlement offer to Pilots on a replacement EA on 19 May 2020. The current Agreement expired in November 2018. The TasPorts offer included a wage increase for a Chief Pilot in each pilotage region above the wages offer for all other pilots to reflect additional responsibilities foreshadowed for this role. These are matters that have not previously been raised with Pilots or the AMOU and have not been part of our negotiations up to date.

### Searoad Shipping

We are expecting a draft EA from Searoad. Our main issue is 1:1 leave which is available to the other departments on board and which members are willing to pay for by reducing any wage increases. The current EA expired in 2018.

### Serco - DMS

We have had little interaction with Serco since mid-April when we last discussed their proposals on a new EA. We have requested meetings and expect this will happen in the week of 1 June 2020

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

### Victorian Regional Channel Authority

VRCA has presented a draft EA to us to cover Marine Controllers at the Port of Hastings and administrative staff at the VRCA Head office in Geelong. We have had one meeting with the VRCA and have made some slight amendments to their suggestions. The EA they have produced is basically the Victorian Governments public service EA which covers around 40,000 State Government employees.

### Flinders Ports - Pilots

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

Flinders Ports has come back with an offer to roll-over the current EA with CPI wage increases for 24 months. We are looking for a draft EA to be considered by members.

### Port of Hastings Development Authority

PoHDA has finally received the OK from the State Government to commence bargaining on a replacement EA. Operations for the Port of Hastings have been taken back from Patrick Ports (LINX) by the State Government and the EA we had with Patricks expired in December 2018. One meeting with members has occurred and we are now developing a Log of Claims.

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

### Victoria International Container Terminal

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

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

We along with the other Unions have made application to the FWC for Bargaining orders as VICT have not met with us to discuss a replacement EA.

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

At our FWC Conference on 1 May 2020 the Commission noted that the current EA does not expire until October 2020 and encouraged the parties to sit down and talk through issues.

## **TT-Line *Spirit of Tasmania* vessels**

Due to travel restrictions the number of passengers on the 2 x *Spirit of Tasmania* vessels has dropped markedly to around 15 per voyage. TT-Line has received revised safe manning certificates from AMSA which affect our purser and shipwright members. Manning levels are matters contained in the EA we have with TT-Line and we are in discussion with them about this. The proposal from TT-Line is for members to use leave when not required on an amended roster. We have many concerns about how the full duties currently undertaken by our members will continue to be done with reduced numbers. Our consultation continues.

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

The ASP-employed Deck Officers on the SPoTs are not affected by reduced manning proposals. ASP has made an offer to replace the current EA with a 2-year deal, expiring 31 July 2021 with 2.95% p.a. wage increases. Members have generally welcomed this offer.

## **Toll Shipping**

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

# Eastern Area

## Marty McEvilly Industrial Officer (Sydney)

### ASP Rio Tinto Fleet EA

The EA has been approved and is now fully in effect. Since its approval, ASP has started encouraging longer swings. Please be aware that the terms of the EA remain in effect, so you can only be forced to work longer swings by agreement. We have also been informed that all joiners will be tested for Covid-19 in Gladstone prior to joining. If members have questions or concerns regarding this process or anything else, please contact me.

### ASP Gladstone Bunkering Facility EA

ASP has finally put the EA for the *Larcom* out to vote. The agreement has not changed significantly since it was last reviewed in November of last year, with ASP relying on the Rio Tinto Fleet EA appeal process as the reason for not getting the agreement out earlier. Voting closes on Thursday 28 May 2020 and I will report back to members with the outcome as soon as it is provided. This process has been particularly drawn out and frustrating, so I thank members once again for their patience throughout. At least there is finally light at the end of the tunnel.

### Transdev Sydney Ferries

It has been a rather turbulent month at the ferries, particularly given the work stoppages taken by MUA coupled with the company's reactions. As always, members are reminded to be aware of the policies in place, particularly with relation to drug and alcohol testing and to contact your delegates if you've any questions or concerns. Our members reacted impeccably to the situation and did not put themselves or the union in the firing line for engaging in unprotected industrial action, so I thank you all. The Maritime Consultative Committee is due to take place in the first week in June, after being suspended in April due to Covid-19. This will be the first opportunity to get information and raise some ongoing concerns, particularly with regards to new vessels, timetables, training and recruitment, both of Engineers and Masters on the E-List. As passengers on public transport begin to increase, safety and social distancing will also continue to be a key discussion point between the Union and management at Transdev Sydney Ferries.

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

The application made by the MUA, with our support, against the approval of the EA has been unsuccessful. The Fair Work Commission has determined that the only award that covers the relevant employees at Fantasea is the *Marine Tourism and Charter Vessel Award 2010*. As a result of this finding, the Commission has approved the EA. It will be in full effect from 02 June 2020 (seven days after the decision of the Fair Work Commission). While the outcome is disappointing from the Unions' perspective, it does mean that Fantasea can begin the process of ensuring back pay is paid to employees, from 01 August 2019. I will be in contact with Fantasea Management to confirm how they intend to process the backpay, but it is certainly going to come as very positive news to those who are currently receiving significantly reduced income. Although the option remains open to appeal the decision, the EA remains in effect until such time as any such appeal is decided. So please familiarise yourself with the EA and all its contents. I will ensure members are advised should we consider appealing the decision.

### Port Authority of NSW – Newcastle EA

As reported last month, the *Port Authority of New South Wales - Newcastle Enterprise Agreement 2019-2023* is now approved and in effect. My understanding is that backpay and the implementation of the additional obligations under the EA and the MOU have been implemented. I have had very little to do with the issues industrially since the EA was approved, though I understand that progress is still being made, albeit slowly, on the transition towards a VTS operation. If members have any concerns, please contact me.

### Port of Newcastle EA

As members will know, the EA was successfully voted up with a 97% Yes vote. There was also 99% engagement, with 90 of 91 eligible employees voting. Since then the agreement has been submitted to the Fair Work Commission for approval, and the Unions have submitted our declarations supporting the approval of the agreement. The timeframe for approval can vary from three weeks to up to six months. However, given the efforts put in by all parties prior to the finalization of the agreement I am confident that the technical requirements of the commission have been met which should speed up the process. This has been a very long journey, for me, the delegates and each one of you. I would like to thank all members for their patience, understanding and resolve throughout the last 15 months, particularly in ensuring the resounding no vote at the end of last year. The agreement that was voted up is significantly better than the dismal effort they initially tried to get you all to agree upon, and we would not have been able to achieve that without you all. Fingers crossed we will be able to report on a successful approval of the EA by this time next month.

## **Port Authority of NSW – Port Kembla**

There has been no consultation with the AMOU with regards to the transition from VTIC to VTS since the last update. I hope to have a more significant update on progress and changes to employment conditions before the next Industrial Report. Particularly on the expected date for the transition.

## **Port Authority of NSW – Sydney**

Since the last update, we have been busy looking out for the interests of members involved in the Ruby Princess Special Commission of Inquiry. Being involved in both Police investigations and giving evidence in public enquiries is not something that anyone would expect to happen as a result of simply doing your job, so my praise must go to the members involved for their attitude and resilience during this difficult process. Although findings from the various inquiries are still months away, we are confident that all AMOU members followed their obligations to the letter and were in no way responsible for the ultimate outcome of allowing the ship to disembark passengers. There may be some industrial concerns on the horizon, with concerns regarding the fleet review process as well as what the roadmap to returning to full duties looks like post Covid-19. We are also dealing with a number of disciplinary matters at the moment and members are encouraged to contact me if they have any issues they would like to discuss.

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

We were notified in mid-May that due to the physical condition of the vessel she will be unable to stay on the field without significant works being completed. The decision as to whether the vessel will be repaired or replaced has not been made though we understand that Altera and Jadestone are in extensive discussion as to what the appropriate next step will be. We will be in regular contact with Teekay management to ensure that we are given as much information as possible as soon as possible as this complex situation emerges. Just prior to this news, we reached an in-principle

agreement to agree to extended swing lengths as a result of the COVID-19 situation, the details of which have been shared with members. Discussions regarding the proposed sale of Teekay Offshore have been placed on hold due to the above situation. I ask all members with questions or concerns to please contact me directly.

## **Transport for NSW**

At the time of writing, Gladys Berejiklian has just announced that all public sector workers in NSW will not be entitled to a pay increase for a period of 12 months. We are still looking into exactly what this means for TfNSW staff and the mechanisms being relied upon. We will be working closely with Unions NSW to get information and clarity from TfNSW, along with the regular consultation and COVID Taskforce updates. Please contact me if you have any specific questions or concerns.

## **ASP - Investigator**

ASP has announced its intention to reduce manning while the vessel is alongside in Hobart. This has not resulted in any significant feedback from members and given the circumstances appears to be reasonable. Should there be concerns now or in the future from members, please contact me.



# Eastern Area

## Tracey Ellis Organiser (Brisbane)

### Port of Townsville

In March, AMOU members put it to POTL that they would like a 12-month roll over of the Port Services Enterprise Agreement to avoid adding extra pressure during the COVID-19 crisis. POTL is still waiting for the government to provide a response to this. In the meantime, we will have the first EA meeting for the Port Services and Administration Agreements in the first week of June.

### Queensland Ministerial freight Council

I attended the Freight Council meeting on 28th April where the Minister for Transport met with industry spokespeople to discuss COVID-19 related transport issues within Australia's supply chain. I passed on feedback that I had got from members about the need for maritime crews be offered priority COVID-19 testing so that they can eliminate the need for a full 14-day quarantine when travelling into remote communities to deliver supplies, while still keeping the communities free of COVID-19. The feedback I gave at an earlier meeting asking for a streamlined state to state travel policy for maritime workers was actioned and the Government implemented a national policy that allowed maritime workers to travel domestically within the 14-day quarantine period.

MSQ GM Angus Mitchell announced that he had suspended the need for Pilots to earn Continuing Professional Development (CPD) points required for renewal of pilot licences until 16 September 2020. MSQ were also concerned about seafarers getting medical assistance should they need it. They have collaborated with the State Health Emergency Coordination Centre (SHECC) for seafarers requiring shoreside medical assistance and who are within 14 days from last overseas port or displaying COVID-19 symptoms. Anyone who has concerns about seafarers not receiving medical treatment should get in touch with the AMOU and I can pass the information on.

On 30 April 2020, MSQ aligned Townsville's shipping exemption policy with that of Brisbane where it is possible for ships to enter the port within 14 days of being in another country. They took into consideration the AMOU's concerns about high risk countries within 14-day's travel to Townsville. MSQ then went on to do the same for Gladstone on Friday 15 May. It seemed like the decision was already made before we were asked for input this time.

### Sealink – Kangaroo Island Ferry

Sealink are trying to increase the number of passengers from 25 to 100 on trips that carry dangerous goods and want to allow trucks carrying hay to travel uncovered, increasing the risk of fire.

The AMOU has been working with members to show the company the flaws in their risk assessments and to lobby for safer procedures to be implemented.

### Cairns & Port Douglas Tourism Industry

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

### Ports North Maintenance

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

### Smit Lamnalco - Gladstone

After more than 12 months in the making, we finally have a decision in the GMDSS dispute. The Fair Work Commission decided in our favour with Commissioner Spencer confirming Smit Lamnalco must pay our member for his GMDSS revalidation. The decision went on to say that Smit Lamnalco is obliged to maintain the current levels of qualifications, as at the time the Agreement was 'made' and maintain present levels of certificates of competency. We expect that this will flow on to all the other revalidations that SL had stopped paying while they were waiting for the GMDSS decision. Since the decision, Smit Lamnalco has already deferred paying one Master for his Certificate of Safety Course stating that the company is "considering its position". They have 21 days to appeal the decision.

Smit Lamnalco is shopping around a fatigue management policy for employee feedback that contradicts the EA. The policy expects Masters to work with a supervisor to determine their level of fatigue and potentially remain at work on light duties. The enterprise agreement states Masters have to manage their own fatigue and are to stop work immediately if they are not fit for work. The Masters have put together a response that, if acted upon by the company, will reduce the fatigue issues. The AMOU met with the new Industrial Relations Manager about a number of other issues including possible underpayment of allowances. The meeting was cut short by the company and we hope to resume discussions on 29 May.

The three Unions met with Smit Lamnalco on 20 May to discuss their COVID-19 contingency plan and possible changes to the roster. The AMOU is concerned that the company plans to use COVID-19 as an excuse to add more secondary shifts to the roster which will create a fatigue issue. The company say they just want to explore options for managing the situation if some Gladstone employees are affected by an outbreak of COVID-19, whether directly or through an order to self-isolate. We discussed options that included accessing sick leave in advance and sourcing external qualified workers in case of a lack of current employees. The company will get back to us with their proposal.

## **MSQ**

I'll be attending the MSQ Consultative Committee meeting on 10 June where we'll be discussing the Terms of Reference for the Consultative Committee, the changes associated with the MSQ organisational change and the MO3/MET rosters. Let me know if there is anything else members would like to see on the agenda. There will be a separate meeting to discuss the VTSO review at a later time.

## **Australian Reef Pilots**

After ARP unilaterally decided to cut the pay of Check Pilots and Port Pilots on a common law contract by 10%, the Pilots voted to help the company during the pandemic. They agreed to share the pain across the Pilots by cutting them all by 4% instead of cutting a few by 10%. The cut will be in place until 30 June 2020 when salaries will return to normal.

The AMOU has been pushing to finalise the EA negotiations so the Pilots will finally be able to have the protection of the Fair Work Commission. ARP has firmly stated that they want to continue to negotiate an agreement but have been too busy with COVID-19 related matters to respond to our draft EA. The CEO gave his commitment to keep working through the document and respond as time permits. We intend to have another EA meeting in the coming weeks.

## **NT company (name withheld for legal reasons)**

The AMOU reached a confidential settlement in the Fair Work Commission with regards to a COVID-19 related stand down.

## **Coral Knight**

The enterprise agreement negotiations process has commenced and the AMOU has prepared its Log of Claims. We will be meeting with AIMPE on 28 May to discuss strategy and with Teekay in the second week of June for the first EA meeting.

## **Transdev Brisbane Ferries**

Transdev has been transparent about their approach to the COVID-19 by inviting the AMOU and the MUA to their Health and Safety meetings and implementing our members' suggestions. They included independent cleaning contractors and air filtering devices, giving Masters the discretion to limit passenger numbers and blocking off a safe area for the customer service officers. Since restrictions have eased, patronage has increased by 20%. The Unions and Transdev will be constantly monitoring the situation and implementing new changes as needed.

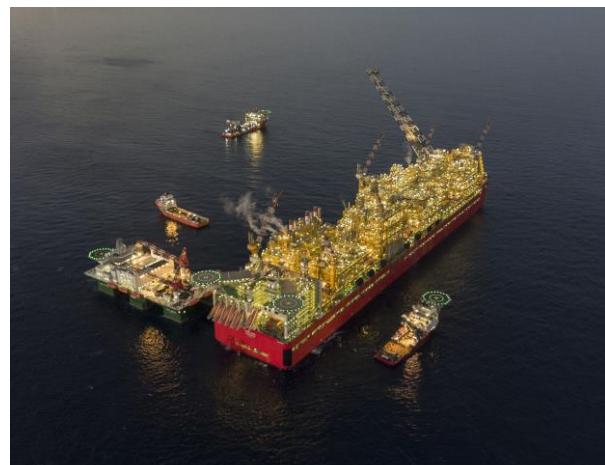
The AMOU and MUA will meet with Transdev on 28 May to discuss the way Dual Duties and Annual Leave is being paid and why there is a lack of Customer Service Officers on some shifts.

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

The three maritime unions have reached in-principle agreement with the Port of Brisbane on a 3-year agreement with a yearly increase of CPI or 1%, whichever is higher. The deal includes a \$10 increase to airport parking and a meal allowance to be paid during refit. Other cost neutral changes are still being finalised and include rostering for equal Christmases off and addressing the Wi-Fi issues. So far we have been unsuccessful in getting an officer's indemnity clause into the EA but the Port has agreed to conduct training to ensure that officers understand the Dredging Plans, their responsibilities, and the extent to which they are covered for liability. We will continue to push for an indemnity clause.

## **Sea Swift**

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



## P & O Wunma & Aburri

The AMOU has reached in principle agreement with P&O for a 4-year agreement for the Wunma with an increase of 2.5% each year. Backpay will be paid from April 2018 and Super will increase from 10% to 12% over the life of the agreement. The deal also includes \$30 per night Cabin Share allowance, travel costs paid for all Queensland-based employees and a Short-Handed allowance which splits the salary of the missing crew member between the remaining crew. The Agreement is currently being proofread and will go to ballot once this process is complete.

The ballot to vote on the proposed Enterprise Agreement for *Aburri* has been held up while we wait for a meeting with P&O about the travel arrangements associated with employees who live outside of Australia. Once this issue is resolved, the EA will go to a long-awaited vote.