



# Special Coronavirus & Industrial Report

July 2020

## MEMBERS' MONTHLY MEETINGS

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

Members will be notified when monthly meetings recommence



**AMOU**  
Australian Maritime  
Officers Union

# Federal Report

Mark Davis

Executive Officer

## Recent ex-President Tim Higgs

You were all advised on 17<sup>th</sup> July that Tim has stood down as President on the grounds that his particular, hands-on style of Presidency, coupled with his full-time tug master's job was leaving insufficient room for his two young kids and his partner. This has been a balancing act and a tension for Tim for the 3½ years I have been Executive Officer and no doubt well before that, so a reprioritizing was long overdue.

It is time for a little reflection on my part. The panel that interviewed me for the role I have held since November 2016 was Tim, then-Vice President Kerry Bullock and consultant and author of the Lewin Report John Lewin. Kerry stood down from his role prior to the election a year ago, John sadly passed away earlier this year and Tim has now resigned his post. These three personalities have had a huge impact on shaping what is now the more streamlined structure and operation of the AMOU and none more so than Tim.

Tim was the driver in commissioning the Lewin Report, a document that set the template for reform of the AMOU. The structure centralised the managerial functions in a new Executive Officer position in preference to the duality of directors of separate offshore and port services divisions with oversight by what effectively became an Executive President in Tim's hands. This latter position and its responsibilities were virtually impossible to discharge for anyone but a workaholic like Tim and were clearly unsustainable. This was especially so for a family man with a 3-year old and another on the way being a relatively young man trying to establish a career for himself in an industry that does not always regard union activism as a prerequisite for permanent employment.

Coming from the outside into a new managerial position in a complicated political environment such as that of the AMOU was never going to be easy but it was easier than ever imagined because of the support received from Tim, Kerry and the Executive Council. Tim's AMOU executive experience and our somewhat complementary attributes meant that when it really mattered there were two managers able to work together to achieve a more efficient and financially sustainable AMOU. This was typified by the single most critical exercise that had to be undertaken to get the AMOU back on track, the renegotiation of the AMOU Staff Agreement. It was Tim's absolute commitment to achieving a satisfactory market-aligned outcome to this negotiation and the subsequent engagement of new and highly motivated employees that has set the AMOU on the path to a more secure future.

AMOU members should be deservedly proud to have been led by Tim Higgs, a unionist that used the fire in his belly to do what was necessary for his union and its members when it was most needed. No-one will miss Tim more that I will... but as I have experienced with Kerry, committed unionists are always available when an ear or a word is needed.

## Teekay Marine Resources vessels

A joint negotiation session with AIMPE has been held with the company for each of *MATV Sycamore* (Navy Multi-purpose Aviation Training Vessel) and *ABFC Ocean Shield* (Australian Border Force Cutter) as well as a session involving both vessels. Progress has been slow as anticipated with the company's desire to maintain separate agreements for all four vessels: *Sycamore*, *Ocean Protector*, *ETV Coral Knight* (AMSA emergency towage vessel) and *ADV Ocean Protector* (Customs Australian Defence Vessel). This is somewhat frustrating as TMR is the clear preference for the new DMSS contract that when finalised will add *Stoker*, *Besant* and *Mercator* to the fleet and perhaps ultimately another training vessel and even under ideal circumstances an oiler or two. This means potentially 10 separate agreements instead of our preferential structure: one set of common conditions and schedules catering for vessel operational variations.

Anyway, agreement structure is as much a matter for negotiation as content so we must persevere. We have another session on 29<sup>th</sup> July to build on the slight progress we managed to achieve two weeks prior.

## Trident/STAPL – LNG Tankers

STAPL/Trident are wanting to trial Remote Navigation Audits (RNAs). The company has produced a draft policy document to set terms and conditions that we see as being for the protection of AMOU members subject to this style of audit, as opposed to having the auditor physically present on the bridge as has happened historically.

Most of the concerns we have had specific to RNAs as opposed to the general usage of VDR and CCTV data have been addressed. We have responded with certain amendments to the draft policy and a number of questions, the latter of which the company feels are already addressed in the IMS. Senior shipboard members are relatively relaxed about the situation and company and AMOU are treating the first RNA as a trial of the draft policy and an opportunity to refine it where necessary. I have a teleconference with the company on 28<sup>th</sup> July to give effect to this.

As mentioned in last month's Industrial Report we also have a problem with the absence of any procedures protecting the bridge team generally with the 24-hour operation of the VDR and CCTV. The CCTV had been installed in accordance with a fleet instruction and became operational with no consultation and no agreement from shipboard personnel and unions. This was very likely illegal.

In the recent spirit of cooperation between the two parties engendered by successful retention of the 4-ship operation and working together cooperatively during the Coronavirus, we are working our way through the RNAs first but will come to this dimension of the operation as soon as possible. We believe there is no need to reinvent the wheel and have asked our UK counterpart union Nautilus International as well as the Nautical Institute for the gold standard procedures on safeguards for officers with usage of VDR and CCTV.

## Port Authority of New South Wales - Cadet

The following is an extract from the ad from Seek.com for a PANSW Cadet position. Please encourage anyone interested to follow this link to the ad proper:

<https://www.seek.com.au/job/50288854>

# Sponsored Deck Cadet



## Sponsored Deck Cadet

- **Two (2) year Funded Program**
- **Commitment to achieve 18-months sea-time**
- **Placement on International Merchant Vessels**

### About the role

Port Authority of New South Wales (Port Authority) are seeking an individual to participate in a two-year Deck Cadet Sponsorship that will involve placement on multiple Merchant Vessels in order to assist the individuals to achieve the 18 months sea-time that is required by AMSA before they can attend the Australian Maritime college or Hunter TAFE (at the trainees own expense) and study to become a qualified Deck Watchkeeper. This is a sponsorship arrangement and not a permanent job role.

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser (Fremantle)

#### Coronavirus

The WA State Government has tightened the rules around entering WA from Victoria and NSW. Even WA residents are having problems coming home. Members from these states working in WA must now seriously consider relocation: either on a temporary or long-term basis. Some members with unreasonable employers and little bargaining power will be placed under pressure to move or face losing their job. We are talking about members who fear their employer discovering they are union members. We can still help those members and they should not hesitate to contact us. The vast majority of offshore members should have no reservations about calling in the union. Our membership density in the offshore is very good. The AMOU revitalisation over the past few years has won us the respect of some companies. We are in a good position to defend our members from COVID-19 exploitation.

***Members from Victoria and New South Wales working in WA must now seriously consider relocation: either on a temporary or long-term basis.***

#### Vessel Inspections and Ship visits

At this moment we are looking at the resumption of ship visits in the West. WA is virtually clear of COVID-19. Karratha reported two cases back in March.

#### OSM EA Negotiations

The marathon OSM EA negotiation is completed. The ballot results came in on July 24<sup>th</sup> with an 80% approval. The previous agreement expired in 2013 and the negotiations took just over two years to conclude. During that time the AMOU negotiators had to deal with: Official shopping (approach a different official to get a friendlier deal), OSM management refusing to talk to the WA negotiator and constant reversals of agreed positions. The above tactics didn't work but slowed the process. What worked for us was the high percentage of AMOU members working for OSM. The union kept up regular communication with members which included telephone surveys on the main issues.

Feedback from AMOU offshore members indicated a high level of awareness and concern about the flow-on effect of this negotiation. OSM inherited one permanent employee from the now defunct Svitzer partnership and they have

never added to that total. A letter from OSM commits to appointing eight deck officers to permanent employment. We could not achieve a rise in salaries to the higher benchmark, that will occur in July 2021. They are now set at the lower benchmark, equal to the present Solstad rate, a 4.5% increase.

All along the one thing OSM feared was protected industrial action. The AMOU has never used that weapon before in the OO&G Industry. OSM got moving when we were four days out from the first of the nine days of planned industrial stoppages.

#### Swire Pacific Offshore

Swire Pacific is reducing from the current six vessels down to two. Management is currently processing interests in voluntary redundancy from employees. The company notice to employees did not include EA options such as study-leave and job-sharing. At a recent meeting Swire management agreed to re-send the notice and include the full range of redundancy alternatives, as per the EA. Nearly one month later and nothing has eventuated. It makes it difficult for the union to work with a company presenting with this attitude.

#### Solstad

The 2015 Farstad EA expired in September 2019. We had one preliminary meeting in November last year. The *rollover* word has been bandied about in relation to a new agreement. Quite frankly I don't see that happening, the closer you look at the present agreement the less there is to like about it. I will be asking Solstad delegates to give dates of availability. We may have to adjust our thinking and settle for any WA Solstad employee/member to attend negotiations to get things moving.

Solstad sent out an employee relocation survey on July 22<sup>nd</sup> I expect the company will correlate the responses and put forward a workplace change plan for employees to temporarily relocate to WA. The union was given no notice of the survey and there is no obligation for Solstad to inform us. I expect we will become involved quite soon.

#### Westug

The Westug saga continues. AMOU and AIMPE employees managed to avoid dismissal over the recent Facebook episode, three deckhands were not so lucky. Apart from the prevailing pro-partnership approach this company takes, the Westug EAs are the major source of our frustration. One agreement expires next May, the other 12 months later.

## Loss of Certificate of Competency Compensation

This very good EA clause is one you never want to claim. It means your career at sea is over. The WA office is progressing two of these quite rare claims at this moment. Both companies are wringing their hands at the sadness surrounding each case but are not presently reaching for their cheque books. Unfortunately, the medical evidence in both cases is conclusive and undeniable that the claimants qualify for the compensation. Admittedly the wording of the clause invites some misinterpretation, however when all the parts are considered as a whole, no amount of misinterpretation will alter the actual meaning and intent of the clause.

We are confident of winning substantial amounts for both of these members to help them and their families as they face a very difficult future. These are time consuming but basic responsibilities we have towards union members.

I am sure every member wishes us every success.



## Western Area

### Glenn Walsh Industrial Officer (Fremantle)

#### Mackenzie Towage Bunbury EA

Mackenzie's management has recently terminated the employment of one of our masters on the basis of some spurious misconduct allegations. The matter has been referred to our lawyers for further action. In dismissing this employee, the company has very likely put the final nail in their own coffin. The consensus of opinion amongst other employees and many employed within the Port of Bunbury, is that this company and its style of management has no place in the towage industry. We are currently exploring a range of other options which might expedite the demise of this enterprise.

#### Southern Ports Authority Port of Albany EA

SPA management has confirmed its interest in commencing bargaining but has still not scheduled bargaining meetings for this agreement. The MUA's involvement will take the form of an independent bargaining representative for their member. They will not be party to the agreement.

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

The Port of Dampier VTS EA is waiting for Fair Work Approval.

#### Pilbara Ports Authority – Utah Point

In lieu of enduring the persistent local suspect management of staff matters, two of our members have recently resigned their employment. The recent investigation into the workplace culture has conveniently glossed over and/or entirely failed to consider the substantially adverse impact that this workplace is having on its workers. The longer it takes PPA to rectify local management practices, the greater the likelihood that more employees will resign their employment.

#### Pilbara Port Authority General Staff EA

The NERR has been issued and we are waiting for EA bargaining meetings to be scheduled.

#### Solstad

Given the recent settlement the MUA made with Solstad in relation to the FWC dispute about over cycle payments for crews on the *Normand Swan*, *Far Statesman* and *Far Sword*, members have accepted the same MUA deal.

#### Montara EA Negotiations

Bargaining is set to resume next week. However, the parties have made very little progress on the outstanding and disputed claims. We hope the next meeting produces better outcomes.

#### IMarine Greenfields EA

Parties have agreed to a 2-year term for an EA with terms and conditions that are commensurate with the recently approved Maersk EA. While not perfect, this agreement ensures that this company will at least be competing for work on a level playing field.

#### Argonaut Marine EA

Subsequent to a FWC conference to deal with AMG's good faith bargaining issues, the company has now taken the extraordinary step of locking out our members for a month. This employer response action was apparently taken in retaliation for our members taking a single day of protected industrial action three weeks prior.

The company's disproportionate action in locking out our members is entirely consistent with their attitude and behaviour during bargaining. The AMG bargaining process has now been dragging on for over a year. The company has repeatedly fought its own employees who have simply sought the establishment of an enterprise agreement with terms and conditions that are consistent with their current common law contracts. Most employee claims are entirely cost neutral to the company.

Despite the parties attending 2 hearings and 5 separate conciliation conferences in the Fair Work Commission, there has been virtually no progress since October 2019. An example of the company's recalcitrant bargaining position is their repeated refusal to even comply with the National Employment Standards in relation to annual leave entitlements. Their view is that if staff want to receive NES entitlements, that they need to trade off some other employment benefits.

The company's replacement bargaining team have not improved the situation at all. While they are less shouty and emotional, they have no experience with and/or understanding of marine pilotage in the Port of Dampier. They dutifully attend the meetings to blandly parrot the exact same bargaining position as their predecessors. This does not augur well for any agreed settlement outcome any time in the foreseeable future.

Much like another company mentioned in this report, we expect that this recent lockout will put another nail in the AMG coffin. Again, the consensus amongst other employees of the company and many others employed in the ports of the PPA, is that this company and its management ought not be involved in marine pilotage. Their existence is a clear and present threat to the industry in Australia. We are also actively exploring a range of options which might otherwise expedite the demise of this company too.

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

MWPA has issued the NERR and is proposing to combine these two separate EAs into a single EA. While the relevant Unions had agreed to consider this proposal, the employees affected had not been consulted.

Subsequent to our advice MWPA embarked upon a consultation process with employees to determine the collective appetite for such a change. Once this process has concluded, we will commence to bargain for either one or two enterprise agreements.

### **Mid-West Ports Authority Dispute**

We have raised a formal dispute in relation to MWPA's handling of a proposed restructure. Prior to the dispute, MWPA proposed to make the Wharf Supervisors redundant in place of newly established Wharf Superintendents without any position descriptions, risk analyses, or other evidence of any reasonable consideration of the impacts of such a change. The consultation period has been suspended and will be postponed until our members are satisfied that there is sufficient information about the proposed changes in order for them to provide feedback on.

Had management informally discussed this matter with their employees in advance of dumping this ill-conceived plan on them without warning, we believe that it would have resulted in far better outcomes and might have preserved any remaining goodwill between the parties. Unfortunately, this proposal has created job security concerns among employees. Many have stated that if key roles such as the Wharf Supervisors can be dispensed with, what hope is there for other positions in the Port of Geraldton.

### **ASP MT *Absolute***

The proposed EA has been voted up and awaits FWC approval.

# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer Bowen

AMOU attended the FWC as a interested party to the MUA and AIMPE's dispute about the lack of consultation on POPs. Although the AMOU had some outstanding issues the POPS document for our members was largely complete and members were satisfied that we could finish the POPs while we were back on the moorings. Keeping in mind there was already a POPS document in place for being on the moorings. Svitzer engaged lawyers for the conciliation claiming they did not have the industrial relations capabilities on hand to deal with the matter, the unions objected but DP Asbury allowed it. From our view it was clear Svitzer was more interested in whether the MUA and AIMPE were going to return to the moorings if the POPs had not been finalized, in which case Svitzer would accuse the workers of unprotected industrial action. DP Asbury indicated that it would be a lawful direction and a case could be made. To resolve the matter quickly all parties agreed to meet and try to resolve the POPs the next morning 24<sup>th</sup> July with a further FWC conciliation while all crews returned to the moorings.

### Svitzer Sydney

The AMOU along with the other maritime unions has filed a dispute in the FWC again regarding Svitzer's failure to consult on POPS. While Svitzer is seeking to implement the redundancy clause and make 2 crews redundant, they have failed to meet and discuss how that will impact upon the Sydney POPS. We see these two issues as combined and one discussion cannot happen without the other. Svitzer has also had the two discussions concurrently in Geelong, which begs the question why is Sydney any different? We believe Svitzer will try and fast track the redundancies without due process ignoring the EA and years of custom and practice along the way.

Regarding the Sydney licence, it was well published that Svitzer had signed it, as had Smit Lamnalco. What is not clear is what Svitzer will do should Engage Marine fail to comply with the licence and also what would the Port Authority do. There has always been an expectation from members in Sydney that a licence would offer some protection as long as all those that entered the port had to sign and comply.

### TasPorts Tugs

The AMOU is currently helping Masters with a problem regarding the Daily Deck Log. There has been some issues with the log being adjusted from payroll after it has been submitted from the Master. We are working with TasPorts to resolve the matter. If you are a Tug Master and have had issues in this area, please let

the AMOU know. TasPorts has been cooperative and also seems willing to resolve the issue.

### TasPorts

TasPorts has introduced a Flexible Working Policy and as we understand this is a direct result of the success TasPorts has had with employees working from home. TasPorts is seeking the AMOU's input into the new policy and we are asking members to email [Chris@amou.com.au](mailto:Chris@amou.com.au) with any input. Our first impressions are positive with TasPorts acknowledging that throughout the COVID-19 pandemic employees where they could, had to work from home and in a lot of cases this provided benefits.



# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### TasPorts Pilots

After many months of discussions on a new EA for the TasPorts Pilots, members and TasPorts agreed on a roll over of the current arrangements with a 2.7% wage increase. The proposal received a positive vote and documents are now with the Fair Work Commission for approval. The current EA expired in November 2018 and the new Agreement will expire in June 2021.

#### Searoad Shipping

Another long saga was completed this month with members voting to approve a new EA at Searoad. As part of the settlement members will get 1:1 leave which is available to the other departments on board. We will now turn our attention to the delivery of a replacement vessel for the *Searoad Tamar* which is expected later this year.

#### Serco - DMS

Members took industrial action over a couple of days in late June. This action forced some movement from Serco on the new EA and 'in principle' agreement was reached, and action lifted. We are still drafting but the process is nearing completion. Negotiations have been going on since 2018. Members have been strong and united, and the result is a good reflection of their efforts. We have still to hear from the Navy about the awarding of the Serco contract into the future but expect some announcements in coming weeks.

#### Flinders Ports Pilots

We had a few discussions with Flinders Ports about a new EA for the Pilots they employ. Both parties agreed that a 24 -month rollover might be the best option in the current environment. Flinders Ports are finalising the draft document and we expect a quick conclusion of this matter.

#### Victoria International Container Terminal

VICT is another long saga with little interaction with the employer on the proposals they put forward. Discussion has been limited. 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 with 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 in April. The VICT proposal was voted down 89:43.

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

A vote on the VICT document took place during late July and again was voted down by employees.

We are waiting to see how VICT will now proceed.

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

#### DP World – Supervisors

There is no change in the DP World EA discussions this month. The DP World Supervisors have taken a pragmatic approach to negotiating a replacement EA during the COVID-19 months. Delegates have suggested that DP World agree to rollover the current EA with 2.9% annual wage increases for 4 years. DP World have suggested a rollover with 1.5% wage increases each year for a 3-year term. Members appreciate that a downturn in work has happened because of COVID-19 but think stevedoring will see a quick snap back and are reluctant to lock in low wages over such a long term. Discussions continue.

#### 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 rollover the current EA for 24 months with 2% p.a. increases. We have an additional 3<sup>rd</sup> Officer on board both new vessels which Toll also want to remove. Members are concerned that removing the extra Mate will just push the work they are doing onto other members.

We have asked Toll to formally respond to our Log (in writing) and to explain how tasks currently undertaken by the extra Officer will continue to be done.

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

The new ASP agreement was voted up by members in late July. The 2-year Agreement delivers 2.95% p.a. wage increases with little other change.

## **RSV Nuyina**

Serco continues to wait for the construction of the new icebreaker in Romania. Only about six weeks of work is still to be completed but the shipyard has been infected with COVID-19. Serco is unsure when the yard will reopen. As such Serco have encouraged members currently employed to seek other temporary work and have discussed arrangements with us for members to take leave at reduced rates. We will be updated by Serco on the situation in early August.

The Government has bareboat chartered *MPV Everest* to undertake work in the upcoming season. We have approached Kuiper International who will be providing the crew for this vessel about their needs.

# Eastern Area

## Marty McEvilly

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

The end of life of the *Dampier Spirit* has been confirmed, though details of final dates and final arrangements have not been forthcoming. We have held a number of consultation meetings with Teekay but little information has been available to be shared. We understand that we are still looking at mid-September for the final offtake before approximately a week of cleaning and preparing the vessel for a dead tow to Turkey where she will be recycled. All members should have been sent an indicative summary of a potential redundancy figure in recent weeks. Members are asked to ensure that all the contents of their letters are correct. Please contact the Union should you wish to clarify anything. Although redundancies are inevitable, we will also continue to raise the prospect of redeployment within the Teekay fleet in our upcoming consultation meetings

### ASP Gladstone Bunkering Facility EA

The Fair Work Commission has approved the *Larcom* EA. There were some delays due to undertakings that the Commission required ASP to make but they were ultimately satisfied that the agreement met all their technical requirements and approved the EA on 20 July. It will come into effect on 27 July 2020. I am delighted that the members aboard the *Larcom* finally have an up to date EA, and we will endeavour to ensure that when it comes time to negotiate the next EA that the delays seen in the last few years will not be tolerated.

### Transdev Sydney Ferries

We attended a special MCC in July to discuss several pressing topics, most notably the arrival of the first batch of new river vessels. We were advised that the first four vessels were due to arrive in Newcastle for the suppliers to begin their review in late July. They were also planning for an assessment by an independent Australian company to take place to enable them to provide an asbestos free certificate for each new vessel at this time. At the time of writing, we have been advised that the arrival of the vessels has already been delayed until 7-10 August 2020. Transdev had a very optimistic schedule and were aiming to have them available to run after passing trials from late August, but this is now not going to happen. They were also still waiting on confirmation on the proposed 2020 timetable changes but at this point it appears likely that the only change will be the cross-harbour split. The company has also restarted conversations about permanent part time, though we will keep a keen eye on any proposals they make should they further this conversation. As always, pay attention to the information coming from your delegates and contact them for any issues or concerns.

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

The appeal against the approval of the EA, lodged by the MUA, is ongoing. A hearing date before the Full Bench of the Fair Work Commission is scheduled for 17 August 2020. Unless the Commission decides otherwise, the EA remains in effect. That includes the upcoming annual increase, which should take place after 01 August 2020. The company has continued to dig its heels in with regards to the way they used JobKeeper to contribute to the backpay payment that members were entitled to. Although we continue to pursue avenues to challenge this, at the time of writing it appears they have exploited a loophole in the system. The first Consultative Committee as outlined in the EA was also held since the last report. Although the tone of the meeting started off negative, due to the backpay issue, I'm confident that it will prove to be a good avenue for employees to engage in meaningful dialogue with management and vice versa.

### Port Authority of NSW – Newcastle

Delegate elections for Newcastle Pilots were completed, with the number of delegates increased from two to three. One of our previous delegates, Tim Delves, needed to withdraw from running for personal reasons. We would like to thank him for all his passion and tireless dedication to the role over the past years. I'm confident the new delegates will bring a similar level of enthusiasm in representing all of our Pilots in the port. In other news, the company has proposed a Consultative Committee for 11 August 2020. If anyone has any agenda items they would like raised, please let your delegates know.

### Port of Newcastle

The only significant industrial issue that we are currently dealing with relates to the attempts by PON to introduce a CCTV policy without going through consultation. Although we appreciate that CCTV can serve a very important function, it can also be open to misuse. We have provided feedback to PON regarding the areas in which their policy left the door open for abuse and are awaiting further correspondence from them. It has been confirmed that no recording will take place prior to consultation being complete.

### Port Authority of NSW – Sydney

The Port Authority remains a hotbed of issues. Your delegates are doing a great job of staying on top of them. I have also been involved with several individual issues that are currently taking place. Members are asked to contact the delegates and the union should you be concerned about mistreatment by management or otherwise.

## Port Authority of NSW – Port Kembla

The next Consultative Committee will take place on 30 July 2020. We have not had a consultation meeting regarding the VTS transition in over two months so we will expect to hear when the final conversion will take place, along with the details of compensation for VTS members. Other questions we have asked to discuss relate to the gas terminal and the impact Covid-19 has had on future plans. Please contact your delegates if there is anything additional you would like raised in the meeting

## Transport for NSW/RMS

Consultation with Transport with regards to Covid-19 continues. We have fortnightly meetings between the Secretary and the Unions, under the guidance of Unions NSW. The focus remains on public transport and the increased passenger number, though the shadow of what is occurring in Victoria and the potential for it to occur in NSW is also being keenly watched. A meeting is also scheduled for 03 August 2020 to finalise the update to the role descriptions of ESO's and ESO Team Leader.

## Captain Cook Cruises

Three EA negotiation meetings have taken place in the last few weeks. Both parties have outlined their log of claims and in the last meeting the company proposed a draft EA for discussion. We worked through approximately half of this document and will continue in the next meeting. Positively, they do seem responsive to feedback from employees and progress is being made. Of course, this may change once the company provides insight into the financial aspects of the agreement, which to date they have been unable to share. Expect a better understanding of where we might be headed after the next meeting on 04 August 2020

## Keolis Downer Hunter – Newcastle Ferries

The company held a consultation meeting on 23 July and confirmed that they are looking to make roster changes for both Masters and GPH's. They would like to make them before October. They advised us that they haven't been provided with direction from Transport for NSW at this time, though are trying to address the Customer Experience concerns that are continually raised with regards to breaks in service. They have asked us to consider two proposals. One adds approximately 34 runs per week and requires the

employment of three additional PPT staff. The other adds 30 runs and requires things to stay the same with the exception of employees giving up breaks on multiple days. Neither proposal seemed convincing, particularly the second option, though it would clearly be their preference as the cost of hiring three additional part time Masters alone for the sake of 34 runs would be prohibitive. We are waiting to see what they hear back from Transport before responding, though members are asked to speak to your delegate if you have feedback or concerns.

## RV Investigator

The Victorian Covid-19 crisis has had an impact on the ability of both ASP and the CSIRO to plan for the upcoming voyages while managing the risks associated with a potential infection. There is ongoing discussion with regards how to best protect employees, scientists and others, which is likely to include quarantine and involvement in a testing regime. This is still being worked through and members are asked to pay close attention to directions and emails from management and to contact us should they have any concerns.



# Eastern Area

## Tracey Ellis Organiser (Brisbane)

I have been on leave this month and am struggling to get on top of the backlog of work. Apologies if anyone has been unable to get hold of me. If I haven't responded to you yet and the matter is urgent, feel free to give me a call or send another email.

### Port of Townsville

The Port Services Agreement is nearing in-principle agreement. Government accepted the productivity initiatives put forward and the employees had no choice but to accept the Government Owned Corporations Wages Policy decision to defer the first pay rise. The Administration Agreement is also near completion with a couple of minor details to be ironed out. They will also be subject to the pay deferral.

### Queensland Ministerial Freight Council

At the last meeting, Minister Bailey said that he is happy with Queensland's border control measures in response to the threat of COVID-19. Those measures found a confirmed case of COVID-19 on a vessel that entered Queensland and it was contained.

I let Minister Bailey know that the Tourism industry is still struggling. They are starting to get back into it as restrictions ease, but they need JobKeeper and the other port rental subsidies extended. I also mentioned the dramas some members had trying to get a border pass online when the new Victorian restrictions were being implemented. This seems to be working now.

After the submissions the AMOU made to the Economic Recovery Plan for Queensland, and lobbying from the other unions, the Government created a Maritime Jobs Taskforce. Minister Bailey said that 22% of the nation's maritime workers currently live in Queensland and he'd like to make that more. Let me know if you have any ideas that will help get more ships and jobs into Queensland waters.

### MSQ

#### Maritime Operations Certified Agreement

Unfortunately, Parliament decided not to give government employees a pay rise this financial year and will defer it until six months after the scheduled 2021-22 wage increase. MSQ is working behind the scenes to make sure the wording in the certified agreement reflects the wages policy.

#### VTSO review

The First VTSO meeting will be held on 24 July 2020. The review will investigate the responsibilities/role descriptions/classifications of VTSOs, resourcing, recruitment, training, one person shifts at Cairns and Hay Point, management of leave requests, meal breaks, rostering practices, overtime, health, wellness and fatigue.

The aim of the review is to make things more efficient and create a better working environment for the VTSOs.

### JobKeeper

I've had a few complaints from employers saying that their employees aren't keeping their obligations under JobKeeper. The complaints include employees not making themselves available for work and/or not letting them know if they can't go to work. Under the JobKeeper scheme you can be directed to work if you can be usefully employed during the pandemic, but they can't unreasonably increase the number of hours you work.

### Australian Reef Pilots

The AMOU is still in discussions with ARP about a possible underpayment of superannuation for Check and Port Pilots and Travel Days. The company says it has been paid correctly and asked for more evidence of who was affected. We have since provided this and are awaiting their response. The EA negotiations are going well. There has been quite a lot of movement on the drafting of the document. The main issue needing to be resolved is the pay rise clause. Obviously with the effects of COVID-19, there is a limited budget and it's unlikely a pay rise will be coming this year. The company wants the ability to give a pay rise at its discretion in the future whereas the Union wants something more concrete in the way of a clause that allows an automatic pay rise should the financial threshold be met.

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

In the latest reference group meeting, the ACTU said the union group seemed to be more effective at communicating the bigger picture issues around collective bargaining than the employer representatives, and it appears the government representatives are listening. It is obvious that the employers want to make the enterprise bargaining process cheaper for themselves and lessen the scrutiny they face by getting rid of things like the BOOT test. As well as the meetings are going, the ACTU is not under any illusions as to this exercise being mostly about not losing any of the conditions employees currently enjoy. Over the next few meetings both parties will put forward experts from employer groups and academics. The next meeting is set for the 4<sup>th</sup> of August.



## Brisbane Ferries

Transdev lost the Brisbane Ferries contract and SeaLink was awarded the new contract. There is currently a handover in progress with SeaLink's new venture River City Ferries taking over in November. Paul Gallagher from the MUA and I met with both companies about the changeover. They both want what is best for the employees and are working towards a smooth transition. The new company has guaranteed the current EA conditions which include a 6-8% pay rise for masters in July next year. They are currently drafting the Greenfields Agreement. River City Ferries say they are happy to take on the existing employees, should they want to come across.

There are still a couple of disputes with Transdev underway about overtime and dual duties payments. We hope to have them resolved before the handover.

## NQBP

With the threat of the Fair Work Commission Hearing on 27<sup>th</sup> July, NQBP has moved in our favour and agreed to pay Days in Lieu for simulator training. They asked us to withdraw the dispute. We have not withdrawn the dispute and are awaiting their decision on whether to back pay the most recently affected AMOU members. If they do not agree to back paying those members it is likely the matter will be heard in the Fair Work Conference on Monday.

## Smit Lamnalco

I have not had a chance to work with the Smit Masters much this month. In Gladstone, the guys are gearing up for the second EA meeting early next month. They have nearly finalised their log of claims and are starting to meet regularly to discuss the issues to be resolved during the negotiations. The rostering dispute is back in the Commission with a conference listed for Friday 31 July.

In Townsville and Mackay, masters are still waiting to see what happens with their vessel refits and Townsville crews are still waiting for the outcome of the engineers' roster dispute.

## Sea Swift

It appears that the dispute between AIMPE and Sea Swift about the payment of employees who had temporarily relocated to Darwin during COVID-19 has fizzled out. AIMPE's argument that the direction to relocate to avoid the 14-day isolation period was a company directive and payable by them. The company's position is that it is a biosecurity/government directive, meaning self-isolation costs are the employee's responsibility but they will contribute \$200 to help. Sea Swift was expecting the situation to resolve itself on 17 July as the border restrictions eased. Let me know if any AMOU members are having issues and I can follow this up.

## Pro Dive

Our Appeal of the Fair Work Commission's decision to approve the Pro Dive Cairns Enterprise Agreement using the Professional Diving Industry (Recreational) Award instead of the Marine Tourism Award was held on 24 July. The hearing went as well as could be expected with the AMOU putting forward our arguments that included the argument that the Diving Award doesn't have a classification for Masters. The full bench seemed interested in our arguments and were asking Pro Dive the same questions. As with anything in the Commission, we can't count our chickens before they hatch and have to wait for the written decision to come down. They did not give a timeframe so this could take weeks or months.

## P & O Wunma & Aburri

Both Agreements were voted up and all paperwork has been submitted to the Fair Work Commission for approval. This process can take anywhere from a couple of weeks to a couple of months, depending on the workload of the Commission.

