



Special Coronavirus & Industrial Report

August 2020

MEMBERS' MONTHLY MEETINGS

Please note that monthly meetings will not be held in August or September 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

AMOU Housekeeping

Financial Year

The AMOU Executive Council is meeting on 8th September and on the agenda will be proposed rule amendments, among which is an amendment seeking to change the AMOU's financial year from the current calendar year to the ATO year 1st July to 30th June.

If the Executive Council resolves to enact this rule amendment, the proposal will go out to the membership for feedback and where appropriate, it will be submitted to the Fair Work Commission.

Subscription payments in the new financial year

Members who pay by way of direct debit, payroll deduction and fortnightly or monthly recurring EFT payments will have no issue moving to a different financial year as payments will continue as usual. Members will still receive a subscription form which is marginally different to the form cash members receive, and unless personal details or subscription bands need amending, nothing is required as payments will continue as normal.

Payments made by credit card will be ok within the quarterly payment process, although we may need to amend the next subscription form to make provision for the final 2 payments (June and September 2021), which will be the first 2 payments in the new 2021/2022 financial year.

AMOU membership cards

We have taken the opportunity of our union card provider/maker going bust to bring the operation in-house to ensure more flexibility and artistic control.

Apologies to members for the delay in getting this sorted out but Coronavirus has not made it easy. The objective is to get the cards out to members who are paid up to 31st December and all those on direct debit, payroll deduction and fortnightly or monthly recurring EFT payments by the end of September to cover the period until 30th June 2021.

AMOU Financial year transaction report

The receipt for AMOU fees paid for the ATO tax year 1st July 2019 to 30th June 2020 was emailed to members on 7th July 2020. If you did not receive this you may need to check your junk or spam folder or update your email address.

Membership cards will be sent to the postal addresses we have on our membership database so if you have moved recently please be sure to let us know your new address.

Any contact detail changes should be sent to admin@amou.com.au

Relocation Relocation Relocation

COVID-19 Border controls in Western Australia have put enormous barriers in the way of AMOU members resident in Victoria and NSW joining vessels in the West. The restrictions have also made it very difficult for WA residents to return to their home State once swings have finished on Bass Strait.

AMOU has used first-hand examples in conference calls with WA government, police and stakeholders of members' ordeals in trying to return to WA. One example involved an injured officer trying to get to WA from his Bass Strait ferry after wisely thinking it best to disembark in Tasmania rather than Victoria, driving injured and in discomfort to Hobart, flying to Brisbane (again wisely avoiding VIC & NSW), overnighing in Brisbane and then managing to obtain the necessary clearance to fly to Perth. Citing this example was influential in the WA Police deciding that there needs to be allowances made for WA residents to get home on a one-off basis but with the warning that if they leave the State for work interstate, they will be unlikely to be allowed re-entry. Following this decision another member followed a similar pathway as in the first example and was also successful in returning home to WA. This was after having been trapped on his Bass Strait ferry for more than double the usual swing and having the added complication of crew changes having taken place aboard potentially introducing new sources of Coronavirus.

The latest development in WA has come through from the WA Government as I write this and applies from 1159 hours Thursday 20th August. It is in the following terms:

"The WA Acting Deputy Commission of Police has revoked previous directions and issued the Quarantine (Closing the Border) Directions – Approval for Maritime Crew (No 3) under Paragraph 27 (r). (link <https://www.wa.gov.au/government/publications/quarantine-closing-the-border-approval-maritime-crew-no-3>).

- *Previously International Maritime Crew could quarantine at a crew hotel, and but now must go to a WA-managed quarantine hotel.*
- *Domestic/interstate crew will be given a quarantine direction which could stipulate quarantine at a crew hotel or a supervised quarantine hotel but in practice it is likely to be a crew hotel.*
- *WAPOL advised that the intention is for Victorian crew to also be directed to a supervised quarantine hotel. At this stage it is possible that crew from NSW will also be directed to supervised quarantine hotel, but it is not set in stone that this has to occur, so directions could be to a crew hotel for them at the moment.*
- *If other states get higher COVID19 cases, they could then receive the same directions as the Victorian crew.*
- *The new No.3 direction is drafted to allow for this change to occur without the need for another revised direction.*

- WAPOL advised that G2G applications that do not include a nominated crew hotel will be rejected, and the appropriateness of the crew hotel is assessed with the G2G application approval process.
- The other changes around not allowing visitors, is to address situations where other people have visited people in quarantine and then possibly exposed the community to COVID-19 risk.

There has been some comments and queries to us in regard to whether the intent is to allow interstate maritime crew to quarantine for a lesser period than 14 days, before travelling directly to their ship. The WAPOL advise is that is not the intention and would only be allowed in very exceptional circumstances. WAPOL indicate that industry should plan for the 14-day quarantine period.

WAPOL advise that applications for entry into WA for Maritime Crew are assessed under the Quarantine (Closing the Border) Directions – Approval for Maritime Crew (No 3) under Paragraph 27 (r) direction, and then the Quarantine (Closing the Border) Amendment Directions (No3) – in particular Section 5 e (ii) is applied, which means that if they are from Victoria or NSW they will have the extra scrutiny, and the Quarantine Directions will likely be to Supervised Quarantine, and they are restricted to only enter WA via Perth (where they will quarantine). Link to this [here](https://www.wa.gov.au/sites/default/files/2020-07/Quarantine-Closing-the-Borders-Amendment-No-3.pdf):

<https://www.wa.gov.au/sites/default/files/2020-07/Quarantine-Closing-the-Borders-Amendment-No-3.pdf>

Ends

This is considerably more flexible than we anticipated as it had been circulated that WA's revision to the policy would be along the lines that 'if you don't live in WA you won't work in WA. Anything can happen though.

Companies are encouraging Officers to relocate to the West by offering daily and/or weekly expense limits when they pay off to stay in WA; Trident, Solstad, Modec and Westug among others. [AMOU is encouraging members to avail themselves of this offer wherever domestic circumstances allow this](#). Relocation is seen by WAPOL as a sign that every effort is being made to minimise the risk to the WA populace and encourages them to adopt a more conciliatory attitude to the predicament of VIC and NSW mariners in particular.

As you will all appreciate the alternative is either stay home and risk running out of leave or serve extended swings on the vessel where your relief is not available. AMOU continues to agree appropriate measures with companies to minimise any prejudice to members confronted with these scenarios.

Teekay Marine Resources vessels

A number of joint negotiation sessions with AIMPE have been held with Teekay for separate agreements to cover MATV Sycamore (Navy Multi-purpose Aviation Training Vessel) and ADV Ocean Protector (Customs Australian Defence Vessel). Progress has been fairly slow and two major sticking points for AMOU have involved remuneration; namely monetary recognition of the substantial training burden falling on the deck officers on Sycamore and a percentage pay increase across the board for both vessels that is constricted by the fact that the vessels are within the government sector. The discussions were adjourned to allow Teekay to flesh out a remuneration proposal and the parties are due to reconvene on 26th August.

Trident/STAPL – LNG Tankers

Remote Navigation Audits

STAPL/Trident are conducting Remote Navigation Audits (RNAs). The company produced a draft policy document to set terms and conditions for the protection of AMOU members and our amendments were incorporated. The document will continue to 'live' as both parties learn from the audits being conducted.

VDR Usage procedures

The company has undertaken to produce some Shell paperwork regarding the general usage of VDR & CCTV which has so far not been applied onboard.

Trident EA

After a joint AIMPE/AMOU session with the company before the COA Arbitrator the parties returned to the virtual negotiating table on 17th August to focus on 3 issues to endeavour to secure a 'rollover' of the now expired EA. The issues are:

1. % increase, linkage, term
2. Treatment of leave when unable to join a ship
3. Swing lengths

There was also some discussion about relocations. We have adjourned until 25th August and the company is due to respond on issues #1 & #3. We are agreed in-principle on #2.

Riding gangs

The companies are proposing to put these onboard all four ships in Japan. A set of procedures that was sent through to unions and ships appears to have deficiencies that are causing consternation onboard as quarantine protections from COVID-19 are perceived as considerably stronger in Australia than those being proposed.

Western Area

Glenn Andersen

Western Area Secretary & Organiser (Fremantle)

Coronavirus

Solstad has led the way with temporary relocation arrangements, other companies either ditch casual interstate employees for same-state deck officers or leave permanent employees at home (on or off pay). The AMOU has a clear policy on this issue: If you, as a permanent agree in writing to *not* be paid isolation dead-days then you will not be paid. For those who do not sign away their rights to isolation dead-days we can take up the issue at a future date. Toll is an example of a company we have in our sights.

The whole Covid-19 problem highlights the downsides of casual employment.

Vessel Inspections and Ship visits

The ship visit program re-started with visits to the *Skandi Singapore* and *Siem Thiima*. Communications surrounding

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

the *Skandi Singapore* visit provide an interesting insight into what I have learned about a general attitude companies have towards deck officers. DOF did not want an AMOU Organiser to visit this vessel. The Covid-19 barrier was put in my way. *The client needs a record of your daily temperatures:* Yes, I have that. *Could you stand on the wharf and talk to your members from there?* No, I can't do that. *The master doesn't want you inside the accommodation, you will have to meet officers on the back deck?* No problem. *Your visit will be confined to 10-15 minutes.* Yeah, right. In the end I had to ask the company the question: Which part of the Fair Work Act has the Government changed to prevent ship visits during the Covid-19 pandemic. Their answer was they were not sure.

Most offshore companies cooperate to make ship visits work smoothly. What was glaringly obvious in this case was this company did not want deck officers to meet with the organisation which represents them industrially. For me, that shows a total disrespect towards deck officers and is an example of the contempt most, but not all, offshore companies generally hold towards deck officers. All shipboard personnel have an important role to carry out, we like to think the navigators have that most basic, but most important role: the safe conduct of the vessel on the high

seas. The officer of the watch is not only responsible for that safe conduct but also for the lives of all onboard.

Do you think that serious responsibility would earn masters and deck officers an extra sliver of respect from management? In my experience, not really.

OSM EA Negotiations

As the OSM employment agreement makes its way through the FWC approval process we need to meet with management and have our input into the appointment of the as yet unnegotiated eight permanent positions.

Swire Pacific Offshore

Swire Pacific has employed foreign deck officers to re-locate four of their vessels to SE Asia. The fleet is now down to two vessels. Swire Pacific has still not complied with their commitment to re-send letters to employees setting out the full range of options before compulsory redundancies are issued.

Solstad

The offer of company assisted temporary relocation to WA was taken up by some employees keen to evade the strict 14-day isolation rules the WA Government has in place. The offer involves an amount for rent and a *per diem*, or daily payment, on top, to cover food and expenses. The AMOU supports this idea and is encouraging members to take part.

Some companies, such as Toll, not paying for isolations, are not openly offering relocation plans to employees. This may just come back to bite them as we will go to the FWC to obtain payments.

Westug

On Thursday 20th along with MUA officials, I met with Westug/Engage management. The purpose of this meeting was to see if common ground could be found on the EA versus the partnership issue. Unfortunately, nothing of any substance came out of the meeting. They are determined to expand the partnership model in the NW of WA. The three seagoing unions remain just as opposed as we have always been.

Members must keep in their minds: nobody can force you out of the EA protected employment you currently have. If you leave the protection of a Fair Work agreement, then realistically, you are almost completely at the whim of the employer.

We put forward the possibility of combining the two separate EA's which Westug employ under. Management made it clear it was to their advantage to maintain the status-quo in that regard. What is abundantly clear is if employees employed under EA no.1 take protected industrial action during an EA negotiation then the company will try and force those employed under EA no.2 to do their work. In other words, the two EA's only exist to force one set of company employees to *scab* on the other set. Is this the intent of the Australian Fair Work system, which provides for legally protected industrial action? I don't think so, it is a perversion of industrial justice in this country.

Loss of Certificate of Competency Compensation

Further to last month's report upon this matter the AMOU has now, on behalf of our AMOU member, reached an amicable settlement with one company. It will not change our member's medical diagnosis but will provide more financial security. A great result for our member, a great endorsement of AMOU negotiated conditions.

Workplace Change

The workplace change clause is required in all FW agreements to conform with the NES (National Employment Standards). The clause relating to Workplace Change is more or less identical in each offshore EA. To make workplace changes the employer, once they have decided to introduce the change, must notify employees of the nature of those changes. And do it in writing. Employees then have the right to nominate a representative to look after their interests in relation to the effect the changes could or would make to their employment. Some agreements nominate a union as a default representative. Changes brought about by Covid-19 are introduced by way of this clause. Some unscrupulous companies don't bother following this pathway, they just ignore it and impose changes, while some others employ a mix: i.e. in one line of an employee send-out they make a statement which is based upon an actual part of the EA, then in the next line they make a statement which is *not* based upon fact: it is dressed-up as part of the EA. This leads to confusion amongst some members, unfamiliar with content, and more importantly, the *intent* of the EBA clause.

The message is: don't take what the company sends you as gospel, contact the union and listen to our interpretation of the EA.

Western Area

Glenn Walsh Industrial Officer (Fremantle)

Mackenzie Towage Bunbury EA

Our Delegate who was recently terminated will have the unfair dismissal claim heard in the coming weeks. Typical of this company's lack of professionalism, the Managing Director didn't bother reading his emails, which resulted in the company failing to provide a response in accordance with the Commission's instructions.

We recently lodged another FWC dispute in relation to an underpayment claim for another member. Despite the relevant EA clause being abundantly clear, MMT's middle management team continued to argue their claim against all logic. Fortunately, the matter was resolved when the Managing Director opened and read his emails and determined that our interpretation of the EA was in fact appropriate.

All 3 maritime Unions recently expressed serious concerns directly to the SPA Bunbury Harbour Master about MMT and its lack of adherence to, and the proper management of health & safety matters. Evidently, MMT will soon be required to account for the many operational and managerial deficiencies in relation to their license to conduct towage services in the Port of Bunbury.

Southern Ports Authority Port of Albany EA

The parties have engaged in 2 bargaining meetings so far and are very close to reaching an in-principle agreement. This is an incredible achievement, especially when compared to the 12+ months it took to finalise the other SPA Pilots EA. The new SPA management team appears to be making significant inroads into repairing the considerable damage caused by their predecessors. We hope this is a sign of better days ahead for all employees of the Southern Ports Authority.

Pilbara Ports Authority (PPA) - Port of Dampier VTSO EA

Lodgement of the Pilbara Ports Authority Port of Dampier VTSO Agreement 2020 was made on Wednesday 12/08/2020. Fair Work has confirmed that the application is taken to have been lodged in accordance with the Fair Work Commission Rules. At this stage it is taking between 3 and 6 weeks for Agreements to be approved through the Commission.

Pilbara Port Authority General Staff EA

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

Montara EA Negotiations

Bargaining has resumed with some significant progress being made. The parties have finally agreed upon a shared template which should streamline future negotiations.

Argonaut Marine EA

In response to the employer's lockout of the Pilots, and after failing to garner any support from the WA Labor government, we sought the assistance of the Fair Work Commission in terminating the action.

In conciliation, the parties agreed to halt all protected industrial action with a view to resuming good faith bargaining, and further committed to undertaking Interest Based Bargaining (supervised bargaining) if no progress is made at the next scheduled meeting.

Unfortunately, and despite some modest improvements, the parties were unable to make sufficient progress at the most recent bargaining meeting. As a result, the parties made a joint FWC application to engage in Interest Based Bargaining and are waiting for further instructions from the chambers of DP Binet.

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

MWPA is still proposing to combine these two separate enterprise agreements into a single enterprise agreement. It appears that MUA members are apparently unwilling to accede to MWPA's proposal, which will likely result in the retention of 2 separate enterprise agreements.

AMOU will visit Geraldton next week to discuss the restructure, meet members and engage in the two scheduled consultative committee meetings.

Solstad

Members will be aware of the company's efforts to temporarily relocate Masters to Western Australia in an attempt to satisfy their manning requirements. Given the Covid-19 situation in Victoria, and now New South Wales, it is unlikely that the WA border restrictions will be eased any time soon. While we appreciate the adverse impact that relocation has upon members and their families, we are conscious of the fact that we need to be adaptable in order to keep employers viable to preserve the employment of our members.

Mid-West Ports Authority Dispute

AMOU members submitted a detailed response to the proposed restructure which ultimately raised more questions than answers. It is apparent that MWPA has not fully or properly considered the potential ramifications of the proposed restructure, with a number of affected employees still being left in the dark. We believe that this may include members of another maritime Union, which doesn't augur well for a smooth and efficient program of change.

We still have significant concerns about the proposed restructure which have yet to be addressed by MWPA who have advised that a more fulsome risk assessment process will be undertaken in consultation with all affected employees in the coming weeks. We wait in hope and anticipation.

Southern Area

Chris Neiberding

Senior Industrial Officer (Melbourne)

Svitzer National EA

The unions and Svitzer are looking to resume EA negotiations via zoom on the 7th and 8th September. We understand a lot has changed since the last negotiation session, so the state delegates are looking for feedback from members before the meeting begins. More on this for Svitzer members after the talks.

Svitzer Melbourne

After a trip to the Fair Work Commission Svitzer has finally begun the hiring process for the vacant master's position in Melbourne. Despite the POPS outlining the crewing requirements, and the hiring procedure written in the EA, Svitzer tried to fill the position with a fixed term contract position; clearly reserving that position to save on a redundancy elsewhere.

During the FWC conciliation Svitzer agreed to fill the vacancy with a full-time employee rather than a fixed term contract. The process was longer than we would have liked but produced a much better outcome than having rolling contracts for 3-month terms. It is our belief Svitzer would have continued these fixed term contracts with no end in sight. The full-time position should be filled by 21st August.

It is also no surprise that Svitzer is dragging its heels on filling another master's vacancy in Melbourne. The union has now written to the port manager twice with no response. We will be taking this further in upcoming days.

Svitzer Sydney

Svitzer started the redundancy process in Sydney with a view to reduce crews from the current 19 to 17, citing competition in the port and the effects of Covid-19 as reasons for redundancies. The delegates issued a dispute notice and we have since been in Fair Work Commission processes on several occasions in conciliation and for one hearing. Interestingly Svitzer has said it has fulfilled the obligation to consult on redundancies and wants to continue the process or go to arbitration. Notwithstanding Deputy President Booth's declaration that the redundancy process would halt until the parties arrived at an outcome either by conciliation or arbitration, Svitzer continued the process asking for expressions of interest. A hearing took place in the FWC and an order was given to Svitzer that they shall not proceed with EOs or any other part of the redundancy process until the issue had been resolved. Since then we have had one meeting with the company to look at a set of POPS and a roster that could be workable for everyone. There has not been a solution yet, but we are hopeful these meetings will continue productively.

Members nationally will be affected by the result of the issues Sydney is facing. Although on the surface it may seem like an issue about crewing levels and redundancies it is really about the ability of the company to read EA clauses in isolation. If this were to be the case it would have a serious effect on how the company would conduct their consultation in the future.

Svitzer Bowen

Again, we have another Svitzer port that has ended up in the Fair Work Commission for something that could have been sorted out in genuine consultation around the POPS. Svitzer was asking members to return to the moorings without the new finalized POPS in place. The AMOU was content to return to work and work through the new set of POPS at the same time acknowledging there was a tender process also going on. FWC Deputy President Asbury instructed the parties to meet and finalize the POPS and this continues today. What was most alarming, Svitzer had lawyers appear on their behalf in the FWC conciliation between Svitzer and the unions. This has always been done in-house between the parties and although it is difficult most of the time, we can find an outcome. Bringing lawyers into conciliation narrows the field of conversation and misses the point of conciliation. Unfortunately, it looks to be habit forming for Svitzer, and we can guess expensive.

Svitzer Whyalla

AMOU members have instructed Whyalla management that under the prevailing circumstances they will not be assisting in the training of another towage company's employees. The members are able and willing to work on integrated operations but any request that involves members going outside their normal operations to assist in unworkable.

The AMOU was surprised to hear that a company's own masters were being instructed to give away their intellectual property to the competition by way of training. In an environment where the masters' experience and knowledge are a key factor helping win contracts, here they were being asked to give it away.

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

This long saga may be at an end. Negotiations for a replacement EA started in 2018. Members took 2 periods of industrial action during discussions. The result of both actions was to force the company back to the negotiating table and to agree to a number of union claims. Voting on a replacement EA took place over 19/20 August 2020. The document we arrived at is not a perfect EA and we still have unfinished business.

Federal Government contracts in the early 2000's had certain requirements such as workers were to be employed on individual arrangements (AWA's). The EA's we have negotiated in 2011 and 2015 have sought to bring the differing entitlements under the AWA's to the same level. This is not a simple task. The new EA ticks off on a few of the final differences but not all.

If the EA gets approval from members then at the top of the list for the next round of negotiations will be the outstanding matters.

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 roll-over might be the best option in the current environment. Flinders Ports are finalising the draft document and we expect a quick finalisation 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 which have members on the site, namely AMOU, MUA and ETU served a Log of Claims on VICT on 24 March.

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

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.

VICT have made changes to their negotiating team which is now headed up by Paul Cudmore Labour and Learning Manager. Our next meeting will be on 26 August 2020.

DP World – Supervisors

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 roll-over the current EA with 2.9% annual wage increases for 4 years.

DP World have suggested a roll-over 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 although management are a little distracted with MUA negotiations also taking place at the moment.

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 3rd 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. We are still waiting on this advice from Toll.

Spirit of Tasmania vessels

ASP

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. The EA was approved by the FWC.

TT-Line

The Shipwrights and Pursers EA expired on 30 June. While COVID-19 matters have taken up our time we have not approached the company about renegotiation. We will seek to start talks soon.

We understand that dry-docking for *SPoT1* which was to occur this year has now been pushed back to 2021 and *SPoT2* to 2022.

RSV Nuyina

The *RSV Nuyina* left the Romanian shipyards around 12 August 2020 and is being towed to Vlissingen. We will be updated by Serco on 27 August 2020 on the status of the build and expected delivery dates.

The Government has bareboat chartered *MPV Everest* to undertake Antarctic work in the upcoming season. We have approached Kuiper International which will be providing the crew for this vessel about their needs and how we could help them find suitable Officers. We have received no reply.

We asked the Federal Government's Australian Antarctic Division about industrial arrangements for the crew on the *MPV Everest* and received the following in their response:

"Under the Charter Agreement the AAD has entered into with Maritime Construction Services (MCS), the operators of the vessel, MCS is responsible for operating the vessel in line with all applicable International Maritime Organisation, Flag State and Australian Government rules and regulations. This includes the crewing of the vessel.

The AAD has established a project team that is working with MCS to ensure operations from the vessel whilst under charter to the AAD are conducted safely and efficiently. Once the vessel is on-hire to the AAD, this team will also monitor performance against the terms of the Charter Agreement. MCS have been very supportive of these processes and their collaboration is of a high standard. I also note that the vessel will be liable to relevant Flag and Port State Control inspections undertaken by AMSA whilst it operates in Australia.

It is therefore recommended that you contact MCS directly to discuss these matters further on behalf of your members."

We will work with the AIMPE on putting an appropriate EA in place for the *MPV Everest*.

Review of the Victorian Ports System

The Victorian Government is conducting a holistic review of the operation of ports in the State. The first part looked at opportunities for coastal trade in Victoria. Part 2 is about the structure and governance of management in the Ports and the final stage will look at a Victorian Ports Strategy. Details of Part 2 are available at:

<https://getinvolved.transport.vic.gov.au/portsreview>

A copy of the AMOU submission to the Review is available on request but in essence we have submitted that in a post COVID-19 environment where the State and the nation will need to have a primary policy of providing good local jobs (due to local unemployment and self-reliance) and the associated need for many port workers to have AMSA qualifications that:

- Foreign flagged ships involved in coastal trade should be required to be crewed by a minimum number of Australian crew (including cadets).
- Foreign supply vessels servicing Bass Strait installations etc., for a minimum of three months should be required to provide berths for Australian cadets. Supply vessels on campaigns longer than six months should be required to be crewed by a minimum number of Australian crew.
- All capital works undertaken and/or funded by the Government or the ports themselves such as dredging and channel deepening should be performed by fully Australian crewed vessels.
- All vessels that spend a majority of time within port limits such as tugs, pilot launches and bunker barges should be fully Australian crewed.

Eastern Area

Marty McEvilly

Teekay Shipping (Australia) – *Dampier Spirit*

There have been few updates with regards to the *Dampier Spirit* in the last four weeks. The final offtake is still scheduled for approximately mid-September before preparations are made and the vessel towed to Turkey for recycling from the 23rd/24th. There have been some concerning reports coming from members with regards to how they are being treated, including one deck officer who was sent home under questionable circumstances by the company, immediately prior to his swing starting after spending two weeks in quarantine in Perth. This appears to have had flow on effects to those on board as the company has sought to find last minute replacements. It appears that redeployment opportunities are going to be very limited and there is currently no plan for a replacement vessel managed by Altera, so redundancies are most likely. Members are encouraged to contact the Union if they have any questions with regards to the indicative figures provided by Teekay.

ASP Gladstone Bunkering Facility EA

As reported last month, the Fair Work Commission has approved the EA for the *Larcom* and it has come into effect, as of 27 July 2020.

Transdev Sydney Ferries

There has been significant interaction between Transdev and the Unions in recent months, with several areas of contention. Chief amongst them was the company's attempt to bypass consultation and attempting to introduce Permanent Part Time positions. All members are reminded to contact the delegates if they would like to avail themselves of amended working conditions, as the possibility exists within the IFA provisions of the EA. The rostering committee should also have been presented with any suggestions from the company with regards to rosters before they engage all employees. Management should not be trying to erode the conditions in the EA without proper consultation. Concerns regarding training for the *Golden Grove* also resulted in our writing to the company, ending in assurances that this will not be repeated with the remainder of the First Fleet vessels. The new vessels are also on the way, having arrived in Newcastle. Delays have occurred though the company still expects the vessels to be taking passengers in October. In other news, public consultation is also reopened with regards to the CQ upgrade and Dean Helm has been appointed permanent Managing Director. Whether that means he will be involved in consultation in the future, now that he has the job on an ongoing basis remains to be seen.

Fantasea Cruising Masters, Coxswains and Deckhands EA 2019

A hearing in front of the Full Bench of the Fair Work Commission was held on 17 August 2020. The MUA presented the argument that the decision of the Commissioner who approved the EA was flawed and that the incorrect underlying award was relied upon. The full bench is now considering the information presented by both parties and a decision will be made within the next few months. Unless the Commission decides otherwise, the EA remains in effect. The other area of interest this month was the suspension of the short-term chartering of vessels to assist Transdev Sydney Ferries because of a dispute lodged with Transdev. This related to ensuring that all those who work on behalf of Transdev are paid, as a minimum, the wages in the Ports, Harbours and Enclosed Waters Award. Under the EA, some Fantasea staff were getting paid less, particularly on weekends due to weekend loadings. This has since been resolved and the additional amounts are due to be back paid to those who worked. This also means that future short-term work will be potentially available to Fantasea, which will come as a relief to members given the limited hours that are available. Transdev will pay Fantasea the additional amount required to comply with their obligations.

Port Authority of NSW – Newcastle

A Consultative Committee was held with our VTIC delegates on 11 August 2020. It was uneventful, with the company failing to engage in robust consultation in the areas that we requested. A follow up meeting will soon be arranged to discuss some outstanding issues on behalf of VTIC relief and PPT members and we will look to ensure further consultation takes place with regards to the VTS transition once the Operations Manager finds her feet again, now she has returned to the role. A consultation meeting is scheduled between Pilots and management on 25 August 2020 which I'm confident will have better outcomes.

Port of Newcastle

The company has responded to our suggested amendments to the CCTV policy that they attempted to implement without following the consultation obligations in the EA. Disappointingly, rather than taking the approach of attempting to address the genuine concerns that their employees have regarding the potential for the misuse of the policy, they appear to have simply sent it to external lawyers to confirm that the policy complies with legislation and have not taken the feedback on board. Although disappointing, it is not surprising, and we are in the process of finalizing our response.

September 2020.

Port Authority of NSW – Sydney

I do not have anything specific to report on industrially this month. Our delegates and members continue to do an excellent job of addressing concerns that arise. I have, however, been involved in a number of individual issues with members. If you are feeling mistreated by management, please contact your delegates.

Port Authority of NSW – Port Kembla

A positive consultation committee meeting was held on 30 July 2020. The company has since produced a draft Alcohol and Other Drugs policy for consultation. It is a very comprehensive policy and given the lack of an existing policy in PK, I would like all members to pay attention to the contents and provide feedback to your delegates. The VTS transition is ongoing, with a desktop audit from AMSA seemingly the final hurdle. Progress with regards to compensation for VTSO's after the transition is still being made by port authority, though all parties acknowledge that the current environment is making the approval process more difficult.

Transport for NSW/RMS

Consultation was completed between the maritime Unions and TFNSW with regards to the Role Descriptions for ESO's and ESO TL. The new RDs were sent for evaluation and it has been decided that there is no change in the grade for either role. Although disappointing, this is not surprising based upon management inflexibility to make significant changes and the stringent guidelines applicable, along with the current environment. The newly approved PD's make no significant difference to the day to day work of ESOs or TLs. Other than that, we continue to engage in regular consultation with Transport with regards to Covid-19 and its evolving impact, particularly on public transport.

Captain Cook Cruises

There is little to report since the last update. Two further negotiation meetings have been held and we are working towards an EA document. There is still some way to go but the discussions are robust, and all sides seem to appreciate the environment we are in, which is certainly having an impact on negotiations. Positively, the company has been receptive to a number of our claims, including Masters Indemnity. The next meeting is due to be held on 01

Keolis Downer Hunter – Newcastle Ferries

On 23 July 2020 the company advised us that they were looking to make roster changes for both Masters and GPHs, to align with timetable changes they would like to make in October. Although they had some indicative plans, they were lacking in detail and more importantly justification. On 14 August 2020 they then provided copies of their proposals and a meeting is scheduled for 25 August 2020. There remains many questions and concerns with the proposals that we will discuss with them. Members are asked to consult with their delegate and provide their feedback before then. The other issue that raised its head in recent weeks involved the company request for Masters to train GPHs. The company failed to provide any reassurance to Masters that they won't be held responsible for any incidents that occur while a trainee may be in control of a vessel, and as such our delegate has written to the company to stop the practice until a proper set of guidelines has been agreed. We are awaiting further information on this.

RV Investigator

As reported last month, the Victorian Covid-19 situation has had an impact. Discussions are ongoing on how best to protect employees, scientists and others, which includes quarantine and testing. ASP has been upfront with their endeavors in this regard but members should contact us if they have any immediate concerns.



Eastern Area

Tracey Ellis Organiser (Brisbane)

Port of Townsville

We reached in-principle agreement with the Port of Townsville on the Port Services Agreement. It will go to ballot as soon as the Cabinet Budget Review Committee approve it.

The first draft of the Admin and Technical Agreement is complete. Once the parties have proofread the document, it will go to the members for confirmation of in-principle agreement. That Agreement will go through the same CBRC approval process before going out to vote.

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

MSQ Consultative Committee Meeting

The next MSQ Certified Agreement 2018 Consultative Committee Meeting will be held on 3 September. Please let me know if there are any items you'd like raised.

VTSO review

The first VTSO Working Group meeting was held on 24 July 2020 and began the discussions around making the working environment better for Vessel Traffic Service Officers. The date for the next meeting has not been set but will most likely be in September.

P & O Wunma & Aburri

Both Agreements have been approved by the Fair Work Commission. It was a very quick process, only taking a few weeks rather than the couple of months I have seen other approvals take lately. Back pay payments should start hitting bank accounts shortly.

Curtis Island Ferries

EA discussions commenced with the company expressing its concern around labour being too expensive to competitively bid when the contract goes out to tender next year. It is likely the Agreement will be 4-years long which will give some certainty for the company to budget on when tendering and hopefully for the employees should another company take over and decide to keep them on. The AMOU provided the company with our log of claims which included indemnity and loss of certificate clauses and a modest increase to superannuation payments. The other unions and the company will provide their log of claims at the next meeting which is scheduled for the 7th September.

Australian Reef Pilots

The enterprise agreement negotiations are nearing the end with the parties almost at in-principle agreement. We have what will hopefully be the last EA meeting on Monday 24 August to discuss the final items. The new management were working well with the AMOU during the EA process, but tried to pull the wool over the Pilot's eyes this week by trying to force the Union out of discussions around the payment of a Pilot who was directed to self-isolate for 14 days. After reminding them that the AMOU is authorised to represent the vast majority of ARP's Pilot employees, not just for the negotiation of the EA but in their employment generally, we hope to see more co-operation in the future.

The AMOU is still in discussions with ARP about a possible underpayment of Superannuation and Travel Days for Check and Port Pilots. We had hoped to get an outcome by now but will continue to press the issues.

NQBP

The Pilots decided to accept NQBP's offer to pay Days in Lieu for simulator training, without backpay, ahead of the Fair Work Conference. Whilst the AMOU was confident that we were correct in our interpretation of the clause, there is always risk involved when taking matters to the Fair Work Commission. The Pilots decided to withdraw their claim for backpay and are happy with the outcome that Days in Lieu will be paid for future Simulator training on their days off.

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 2020. The Full Bench in the appeal originally consisted of Vice President Hatcher, Deputy President Kovacic and Deputy President Asbury. Sadly, Deputy President Kovacic passed away on Friday 31 July. The Full Bench has been reconstituted and Deputy President Dean was added to replace Deputy President Kovacic. He will read the transcript of the hearing and all submissions by the parties and will join in the decision-making process of the Full Bench.

Brisbane Ferries

Unfortunately, Deputy President Asbury fell ill and the Fair Work Conference with her about the Dual Duties dispute has been postponed until Wednesday 26 August. At the Conference we will put forward our position that the Dual Duties payments should be paid on every minute that a CSO is absent despite the fact that Transdev thinks they should not have to pay the allowance during transit times when there are no passengers on board the CityCats.

The Unions are working with River City Ferries to finalise a Greenfields Agreement, which is the first EA for a new enterprise. It is basically a cut and paste of the old agreement, including the 6-8% pay rises. We need to make sure that the new company understands the intentions of the old clauses and may need to correct the wording if necessary.

Smit Lamnalco

Gladstone EA negotiations are underway with the parties agreeing to meet every few weeks. The company log of claims is completely opposite to that of the unions' in terms of yearly pay rise and conditions. The Unions have insisted on doing things differently this time and are creating a roster before trying to reach agreement on the other little things. The parties each produced a set of rostering principles that were not too far apart, and the unions have put forward a roster proposal for Smit Lamnalco to consider. One thing that both the company and unions agree on is that if the roster is agreed to, most of our claims will no longer be necessary.

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.

Bay Island Transit Services - SeaLink

The AMOU and the MUA are continuing to press SeaLink to begin the EA negotiation process. They say they have been waiting for the timetable change to be finalised which will make some of AMOU's log of claim items redundant. There are still plenty of items on our list that could be resolved in the meantime like the travel pass issue. The unions have met with SeaLink and passed on a petition that all the Bay Island employees signed asking to maintain the travel passes for employees and their immediate families. This travel pass was part of the package originally agreed and compensates families who have had to move to the island for work.

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

Discussions are continuing between the ACTU, the Government and employer groups around reforming the collective bargaining process.

It sounds like the employers are still lobbying for cuts to worker's rights and to make the agreement process quicker and easier for themselves i.e. less scrutiny and cheaper wages. I provided the ACTU with case studies to help them illustrate:

1. The need for greater scrutiny for employers who are seeking to have their enterprise agreements approved by Better Off Overall Testing under the wrong Award,
2. The need for sector-based bargaining in the dredging industry so we can have a level playing field for Australian companies to tender for contracts and
3. The need for a sector-wide agreement to be put in place so we have the ability to show foreign companies a document that outlines Australian dredging standard rates of pay, rather than unions attempting to negotiate an Australian enterprise agreement for a dredging project that may only last a few months.
4. Bargaining imbalance of power, where recently an employer separated individual employees who wanted to represent themselves in EA negotiations from the rest of the bargaining group, which included the three unions and their delegates. I outlined that where companies meet with individual representatives by themselves, this can result in a power imbalance because the individuals are not getting all the information. Individual employees can also be pressured to go along with the company's position and may not have the confidence to speak up about items on their log of claims. The next meeting is set for 1 September 2020.

