



# Special Coronavirus & Industrial Report

September 2020

## MEMBERS' MONTHLY MEETINGS

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

### Overdue AMOU union fees

Reminders have recently been sent out to members who have paid no union fees so far this year and are therefore unfinancial and to those who risk having their membership suspended for non-payment of fees for a 2-year period. For those receiving the reminders please email [liz@amou.com.au](mailto:liz@amou.com.au) and advise that you are addressing the fees issue and how you are proposing to do this.

### Financial Year Rule Alteration

As signalled in my August report, at the AMOU Executive Council meeting on 8<sup>th</sup> September the proposed amendment seeking to change the AMOU's financial year from the current calendar year to the ATO year 1<sup>st</sup> July to 30<sup>th</sup> June was indeed resolved for implementation.

In accordance with our rules the proposed Rule alterations were posted on the website within 7 days of the Executive Council's determination to make the alterations. They are as follows:

#### **43 - MEETING FOR THE PURPOSE OF RECEIVING THE EXECUTIVE COUNCIL REPORT**

(a) *The President or the Executive Council may, if the President or the Executive Council determine it appropriate, requisition a General Meeting for the Executive Council report, which can be held in conjunction with the Annual General Meeting, for the purpose of:*

(i) *receiving the Full Report; and*

(ii) *receiving the report of the Executive Council for the previous 12 months.*

(b) *At least five percent (5%) of the **financial** members may requisition a General Meeting by each signing a requisition, which may be in multiple copies, for the purpose of considering the Full Report.*

(c) *The President must promptly proceed to convene a meeting, and the meeting must be held as soon as reasonably practicable and no later than three (3) months from the date a requisition is provided to the President under sub-rule (b).*

(d) *At least seven (7) days' notice specifying the place, the day and the hour of the meeting and the nature of the business requisitioned, will be given to all the **financial** members.*

(e) *No other business, other than the business specified in the requisition, will be dealt with at the meeting, or any adjournment of the meeting.*

#### **84 FINANCIAL YEAR**

(a) *The financial year of the Union commences on 1 ~~January~~ July in a year and ends on ~~31st-December~~ 30th June in a year.*

The change to Rule 43 was requested by the Registered Organisations Commission to ensure compliance with recent case law.

The change to Rule 84 has been mooted for some time. If there is no major opposition from the membership and the change is approved by the Fair Work Commission, this will be implemented from 1st July 2021.

The main advantage of a June year end over a December year is the alignment of the financial year end with compliance documents, such as:

- Member annual statements
- Income Statements (formerly known as group certificates)
- Annual payroll tax reconciliation and payment

The alignment of these dates means that there is increased efficiency in outputs, i.e. all the work is being done at once for the same financial period. It should also be a pleasant change not receiving an AMOU membership fee invoice around Christmas/New Year. (2021 will be the last such invoice)

## Expressions of Interest for the position of AMOU President

Following the recent resignation of Tim Higgs as AMOU President, our rules compel the Executive Council to act promptly to fill the vacancy.

Expressions of interest are hereby sought from any AMOU member who has been *continuously financial for a period of two (2) years* in accordance with rule 46(c)(i). The rules specify the following responsibilities:

#### **33 - POWERS AND DUTIES - PRESIDENT**

(a) *The President is the principal officer and the treasurer of the Union and reports to and subject to these rules, acts as directed by the Executive Council.*

(b) *The President will chair all meetings of Executive Council in a way that permits its business to be conducted appropriately, with propriety and in conformity with these rules.*

(c) *The President will, under these rules, take all reasonably practicable steps to:*

(i) *give notice of meetings of the Executive Council*

(ii) *ensure that minutes of a meeting are taken*

(iii) *on confirmation of the Minutes, sign them*

(iv) *sign all documents approved for signature*

(v) *prepare under the Act an operating report, as soon as practicable after the end of each financial year, of the affairs of the Union for presentation to the Executive Council*

- (vi) prepare and forward to the General Manager all returns required by the Act
  - (vii) ensure the necessary financial personnel required to keep the accounting and other records of the Union are engaged
  - (viii) collect, receipt and deposit monies payable to the Union
  - (ix) make payments on behalf of the Union
  - (x) account for monies received and disbursed by the Union
  - (xi) invest funds as directed by the Executive Council
  - (xii) prepare and produce financial statements
  - (xiii) present to a meeting of the Executive Council, held within six (6) months of the conclusion of the financial year, the Full Report
  - (xiv) ensure that the Union complies with its audit requirements; and
  - (xv) ensure these rules are observed.
- (d) The President is responsible for the keeping of the prescribed accounting records of the organisation.
- (e) The President will, when vacating office, deliver all documents and other property of the Union, in the President's possession or control to an officer determined by the Executive Council.

It would be appreciated that anyone expressing interest in the presidency emails me at [mark@amou.com.au](mailto:mark@amou.com.au) with a brief history of union/AMOU activism, why you are interested and what you would bring to the position.

We will keep the EOI open until 3<sup>rd</sup> November 2020.

### Prosecution of *Lady Rosa* Master

I mentioned in my May report that:

*The AMOU has concerns for the (non-AMOU) Master of the vessel in this regard as his is the ultimate responsibility for safety of life and property. This concern is exacerbated as regulatory failings were identified in OTSI's report and whilst we would hope that AMSA is sufficiently professional not to, there is the remote possibility someone could be scapegoated as a smokescreen for regulatory deficiency.*

My understated wishfully thinking 'remote possibility' has indeed come to pass and AMSA has signalled that the Master of the ship upon which a passenger tragically died from inhalation of toxic fumes will be prosecuted.

Questions need to be asked as to how the OTSI report identifies such a raft of shortcomings in regulatory oversight as well as providing recommendations for their redress and the regulator remains strangely silent on these issues preferring to publicise the prosecution of the Master. One would have to conclude that the Master is the soft target in this affair.

The circumstances of the charter and passenger boat industry are not considered in any respect when assessing culpability. Most Masters in the sector are casual and whilst there may be some familiarity with a particular vessel there is insufficient continuity of work for this to be comprehensive and likely to reveal issues within the intricacies of the workings of all onboard systems. Dual certificated Masters have no choice but to be confined to the wheelhouse whilst sailing. There is no Engineer Officer, so much depends on communications from those other crew members onboard to observe potential problems. If

It cannot be emphasised enough the importance of treating the *Lady Rosa* case as a cautionary tale. Masters must drill their crew on identifying and reporting health and safety concerns and communicating these systematically and promptly, otherwise Masters will continue to be lambs to the slaughter.

### Trident LNG - EA

After a joint AIMPE/AMOU session with the company and the COA Arbitrator the parties returned to the virtual negotiating table to focus on 3 issues identified by the Arbitrator to endeavour to secure a 'rollover' of the now expired EA. The issues were:

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

#### Remuneration linkage & term

The company was rigid that there should be no across the board % increase as the agreement's CPI linkage produced a -0.3% decrease. We argued that this was a new agreement and that we can negotiate a new linkage, so we chose WPI (about 1.7%) originally. This was rejected. We suggested an alternative CPI group (about 1.5%). This was rejected. We argued productivity due to the COVID-related workload, in particular remote audits of many persuasions. This was 'respectfully' rejected with some acknowledgement of the additional admin workload of the deck department. We argued compression of relativities as the MUA agreement has the higher of CPI or 1.5% and the company will honour their 1.5% increase. The Arbitrator took into account the various indexations, the future of the business and the productivity argument and decided that some salary increase is merited but not 1.5%, so he recommended:

1. 0.75% increase from first pay period following members' acceptance of the recommendation
2. Agreement expires on 1<sup>st</sup> September 2021

#### Leave in advance/dead days

Some guidelines were agreed on the implementation of the current provisions in the agreement. If officers remain available and willing to join a vessel when notified by the company and cannot join due to matters outside their control, if they run out of leave consultation between company and union will take place and the outcome will likely be that dead days will apply. If it is the personal choice of an officer not to accept the assignment, then the same consultation will take place, but it is likely that the officer will go into the red in accordance with the agreement.

#### Swing Length

Two trips or 55 days +/- 7 days was agreed with the proviso that it was highly unlikely that this will be implemented consistently until COVID-related travel & border entry restrictions no longer apply. This was the company's reference to the need for longer swings to keep the ships operating where there are barriers to crew changing VIC & NSW-based officers in particular.



## Pandemic

A clause was agreed in principle enshrining the officer's responsibility to do what is necessary to get to the ship from their State, payment of dead days whilst in quarantine and different treatment of *Quarantine related marine leave*; meaning the leave that would otherwise have been used had officers not gone into 14 days quarantine on dead days.

The deal was commended to the members as the best that could be achieved in the circumstances. In a 31<sup>st</sup> August deadline Survey Monkey ballot in which all 48 Trident members voted, the proposed settlement was rejected by 26 votes against and 22 in favour. There has been no further dialogue with the company.

## Teekay Marine Resources vessels

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 was initially slow and the two major sticking points for AMOU involved 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.

It became obvious that until the company has the Defence Maritime Support Services - Offshore Service Package contract in the bag, there was little possibility of them releasing funds to cover some of the officer unions' central claims. It was decided in consultation with the delegates from both unions to pursue a 12-month EA expiring 30<sup>th</sup> June 2021 and to consolidate the advances made in the negotiations up to this point. By July 2021 there should be certainty regarding the company's future with the DMSS contract and the potential freeing up of resources needed to address the withdrawn claims.

At the negotiation session held on 23<sup>rd</sup> September it became clear that an agreement on this basis is acceptable to the company with just a clarification needed on the operation of an amended provision and the write-up of the 4 x EAs.

## The Aussie Seafarer – YouTube channel

AMOU member Jordan Tofler has started a YouTube channel titled *The Aussie Seafarer* that is well worth looking at. Please encourage anyone interested in embarking upon a seagoing career to have a look at it. Here is Jordan's introduction:

*I didn't come from a seafaring background. My Dad's an accountant, Mum sells insurance, my brother's a sparky and my sister's a nurse, so it wasn't exactly the most likely career path for me. I've always had a passion for boats and the ocean, and I've worked really hard to make a career of it.*

*It hasn't been easy for me to get to where I am so I want to make this industry more accessible for other Aussies and showcase the job that we do so that those who don't go to sea can have a peek into our world.*

*The channel is aimed mostly at people who don't go to sea or haven't been to sea yet, but it can be enjoyable for people in the industry too. I like to keep it quite general as it is not my aim to educate other seafarers.*

If you are unfamiliar with YouTube search The Aussie Seafarer YouTube in your browser, click the first entry (on Google anyway) and then start with *A day in the life of a deck cadet*.

## Short-term jobs on foreign ships

Port State Control has tightened up on ensuring seafarers on foreign flagged vessels are paid off the ship when they have completed the maximum allowable tour of duty of 11 months (under the Maritime Labour Convention). This has meant that local ship's agents and foreign ship operators have been in contact with the AMOU to try to plug temporary gaps in Master & Deck Officer ranks by sourcing AMOU members seeking work.

We have managed to place a few members onboard but State border entry conditions, the unavailability for work of members even though registered on the employment roster, understandable apprehensions about contracting COVID in a foreign pay-off port, repatriation and quarantine on return have all made the task of filling these vacancies challenging.

***If you are genuinely seeking this kind of work and willing to fill vacancies at short notice please email me directly at [mark@amou.com.au](mailto:mark@amou.com.au) as I will be maintaining a separate register for those available at short notice for these positions.***

If you are genuinely seeking this kind of work and willing to fill vacancies at short notice please email me directly at [mark@amou.com.au](mailto:mark@amou.com.au) as I will be maintaining a separate register for those available at short notice for this kind of work.

Those in financial difficulties, in need of sea time to revalidate their certificates and young members seeking a variety of experiences and time at sea will be prioritised.

There is always a risk involved in accepting this kind of work but we have excellent contacts through the Nautilus Federation and the ITF and have some confidence that we can marshal any necessary support when required.

If any members are contacted directly by companies seeking officers to fill these positions please direct them to me so we can ensure some kind of central coordination. The AMOU needs to be in a position to maximise any opportunities for an ongoing Australian officer labour supply as well as ensuring the pay rates are reasonable, quarantine expenses are covered, and repatriation is guaranteed.

# Eastern Area

## Brent Warhurst

### Eastern Area Secretary & Executive Councillor

#### Glenn Andersen & Brent Warhurst

Glenn Andersen is having a long overdue break so there is no report from Glenn this month. Eastern Area Secretary Brent Warhurst is temporarily based in Perth and has been very active for the AMOU, doing an inventory of our WA storage locker, investigating what is happening with the some-time Farstad simulator facility and organising East-West social drinks particularly involving those Eastern Area members presently stuck in WA in order to . In lieu of Glenn's report the next section is implementing an idea that Brent had emanating from the strange publicity given to the seafarers in lockdown in Victoria enduring interference from members of the sex industry.

#### Expressions of interest for maritime subject matter experts

To ensure the media and public see the best of our industry, The AMOU is seeking to act as a central call point for expert advice and comment on maritime issues and stories. Part of this strategy is to maintain a list of experts in various aspects of the industry. We would like to know if you are interested in being a part of this panel of experts. We are also seeking to hear from those who may have had interesting maritime experiences such as rescues at sea, work on aspects of major projects or have an interesting story on a major event, e.g. the search for MH370. The following list is a guide for submission of expressions of interest. This list is not exhaustive, and we are very open to additional subjects:

- Life as a mariner (home life, effect on family/relationships, career choice reasoning)
- Life at sea (loneliness, mental health)
- The Australian industry perspective - job security, future prospects, unionism and union involvement
- Technical areas of ship design and construction
- Navigation modern and traditional
- Ship safety and disasters
- Specialist/innovative ships
- Oil tanker/petroleum products tankers
- Maritime law and insurance
- Transport policy and shipping politics of the major parties
- Fuel security
- Offshore construction, anchor handling, rig moves, supply, etc.
- Marine salvage
- Maritime piracy
- Towage – especially partnerships
- Domestic port operations
- Maritime training and education
- Antarctic operations
- Dynamic positioning systems use and technical aspects
- Rip snorting sea yarns

All media requests will be managed through Mark Davis and where there is a perceived need for expert maritime advice, he will either consult directly with the relevant member or the journalist will be referred to this member for comment. Employer media policies on certain topics will need to be consulted by individuals before taking part. Guidance on language and union standpoints will also be managed by Mark as each opportunity arises. If you are interested please email me at [brentw@amou.com.au](mailto:brentw@amou.com.au)



# Western Area

## Glenn Walsh

### Industrial Officer (Fremantle)

#### Mackenzie Towage Bunbury EA

The Unfair Dismissal claim for our delegate unsuccessfully moved through 2 separate conciliation conferences in the Fair Work Commission and has now been listed for a 3-day hearing in December. With representation being ably provided by Hall Payne's Kristen Reid and Rachel Cosentino SC, we are confident of a reaching a suitable outcome.

The progress of the contractual benefits claim lodged in the WAIRC in March has been painfully slow and hampered by a range of factors beyond our control. We hope to have this matter resolved in the coming weeks.

#### Southern Ports Authority Port of Albany EA

The parties have reached in principle agreement on most claims. We expect the agreement to be finalised for approval by the SPA board and then the FWC before the end of this year

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

The Port of Dampier VTSO Agreement 2020 was approved by the Fair Work Commission with the relevant benefits and allowances to be back dated to August.

#### Pilbara Port Authority General Staff EA

Bargaining has commenced with a significant number of self-appointed bargaining representatives engaged in the first meeting. We hope to bolster Union membership during this process as our numbers have been progressively depleted via a number of employees resigning from their employment at Utah Point. It is interesting to note the surprised faces on employees who have never been involved in EA bargaining, and who are clearly out of their comfort zones.

#### Montara EA Negotiations

Bargaining has resumed with some significant progress being made. Despite the AWU's recent PABO, the parties have committed to resolving the outstanding matters.

#### Solstad

The company recently advised the AMOU and AIMPE that the requirement for 6-week swings, employee relocation and isolation periods has lapsed. The focus is now upon finding work for employees who are unable to work due to Covid-19 restrictions. We are waiting for more details in relation to companies temporarily swapping employees to avoid the need for interstate travel and isolation. Given the significant decline in available work, we remain concerned by the future employment prospects.

#### Argonaut Marine EA

Despite recently agreeing to engage in the Interest Based Bargaining (IBB) process before Deputy President Binet in the Fair Work Commission, the company has now implemented redundancies for 2 of the Marine Pilots in the Port of Dampier. Our serious concerns about the employer's response to what has been a tumultuous bargaining process will be ventilated in the appropriate jurisdiction.

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

The parties held the first joint EA bargaining meeting to determine the process, especially in relation to the maintenance of 2 separate enterprise agreements. The AMOU lodged an interim log of claims to get the process underway. Any further claims need to be forwarded to the AMOU prior to the next meeting scheduled for 15 October 2020.

#### Mid-West Ports Authority Dispute

In an attempt to settle a range of disputed matters in relation to the proposed restructure of marine, land and rail operations in the Port of Geraldton, AMOU members met with MWPA management to undertake multiple risk analyses, and to discuss the concerns particularised in our extensive submissions. While we appear to be making some progress, we expect the restructuring consultation process to run well beyond Christmas and into the new year.

#### IMarine Greenfields Agreement

With the relevant FWC forms signed and delivered we await the pending FWC approval. We are hopeful that this enterprise will advance the training and employment prospects for Aboriginal and Torres Strait Islander deck officers.

#### Svitzer Lines and Launches Kwinana Rosters

Our members met with Svitzer last week to discuss the company's concerns with the current shift rosters and the scheduling of overtime. While fatigue management was the initial concern raised by Svitzer management, it now appears that the actual concerns relate to scheduling issues which we believe have been exacerbated by flawed data. We hope to resolve the company's concerns via a collaborative approach facilitated by the Union.

# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

After looking closely at all the available options, the AMOU and delegates agreed that the best way forward in these negotiations would be to maintain industrial stability during these uncertain economic times. We believe a short term roll over for 2 years (backdated) of the current conditions coupled with a wage freeze will give the economy time to recover and bounce back from all the challenges that have happened over the course of the year. This has not been an easy decision but through much debate and testing different hypotheses we think it remains the best outcome.

If we were to continue down the current trajectory negotiations will be prolonged and frustrating; possibly putting some ports currently out to tender under threat AMOU has always maintained that through good economic times we push forward with conditions and wages and in bad economic times we hold fast and defend the conditions and wages we have.

The AMOU has written to Svitzer and included the other two unions in our correspondence stating the above and we will continue to press the position at the next meeting. We understand Svitzer are considering the position along with the other two maritime unions however we have not received a written reply from the company yet.

### Svitzer communications & conciliation group

As some of you may be aware Svitzer have started a Communications and Conciliation group or are trying to at least. The AMOU have put this in dispute as we believe there are a number established groups with elected crew members that cover the areas of health and safety (HSRs) and industrial matters (union delegates).

There are several concerns with this new group.

1. Svitzer themselves choose who goes into the group bypassing elections. Those that represent the crews should be elected. This is especially true with HSRs as it is a legal requirement they are elected by their peers.
2. Will Svitzer refer to this new group in all matters of conciliation giving them a way to bypass the elected HSRs and union representatives in the future?
3. There are already multiple committees, working groups, delegates, HSRs, NAB meetings and the like. The AMOU suggest instead of creating a new group existing groups should be strengthened or tasked with whatever issues this new group would tackle. Simply put there is no need for it.

We will continue to push these issues on members behalf.

### Svitzer Melbourne

There have been some issues recently in Melbourne around the order of pick with management seemingly picking and choosing

who goes where and when. There was and is a level of flexibility the unions have shown because of the pandemic and the need to avoid crew crisscrossing the state. The 3 maritime unions teleconferenced with the company and expressed these concerns but were rebuffed. We have requested more data from the company, and we will resume discussions shortly. We will hopefully come to a local solution before the issues escalate to a national level.

### Svitzer Brisbane

There was an agreement between crews in Brisbane and Svitzer that once the SLA agreement had been re-signed and nailed down the 16<sup>th</sup> crew in Brisbane would be made permanent. Until then the 16<sup>th</sup> crew were engaged in a 6-month fixed term contract. As we were nearing the end of the 6 months Svitzer decided not to make the 16<sup>th</sup> crew permanent and cited COVID and the downturn in Brisbane as the reason. The AMOU disputed this along with the other unions, taking the matter to the Fair Work Commission for conciliation. Deputy President Asbury made it quite clear that both parties could mount an argument but if there could be no resolution in conciliation then she would arbitrate the matter. It was decided against going to arbitration and after a number of offers and discussion the matter was settled as follows:

- 15.38 permanent crews
- No trigger to return to the 16<sup>th</sup> crew but the EA provides a way for us to raise the issue once shipping returns
- The 3 crews affected by the removal of the 16<sup>th</sup> crew to get the .38 permanent jobs
- AIMPE suggested removing Clause 5(b)&(c) from the POPs (order of call for non-rostered permanents and job share) This will be put to the members at a meeting on Monday morning before agreement by the AMOU
- The POPs will be amended to reflect these changes

### Svitzer Sydney

Since our last meeting in Sydney to discuss possible changes to POPS and crewing Svitzer have not engaged further in the process, locally or in the Fair Work Commission. In my last report we said Svitzer is considering their position in Port Jackson, but we are waiting on the outcome.

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.

## Port of Hastings EA

The Port of Hastings EA has been finalised. The EA will go for 4 years with a 5.1% increase in the first year and a 2% increase every year after that for engineering and maintenance staff and 4% for administration in the first year and a 2% increase every year after that.

The negotiation was held locally only over a few meetings with members endorsing the position with ease.

## Gippsland Ports EBA

The 3<sup>rd</sup> Gippsland Ports EA meeting will be held on the 29<sup>th</sup> September, although most people are attending via ZOOM the meetings have generally been productive and the single bargaining unit between the AMOU, AIMPE and MUA has been working well. The AMOU is keen to push for a master's indemnity clause for those members working on vessels which we have submitted to the port for consideration.

At this early point in the negotiations most of the log of claims are still under consideration and discussion, we hope to have more information after the next meeting.

## TasPorts

There are a number of consultive meetings coming up and if members need the AMOU to raise any issues at these meetings please email me at [Chris@amou.com.au](mailto:Chris@amou.com.au) or talk to your local AMOU delegate.

Coming up:

6<sup>th</sup> October – TasPorts EA technical and administration classification description meeting

20<sup>th</sup> October – TasPorts Towage workplace consultive committee meeting



# Southern Area

## Jarrold Moran Senior Industrial Officer (Melbourne)

### Serco - DMS

The saga that was the renegotiation of the 2015 EA is over, with members voting to accept a replacement document. The EA is currently going through the approval processes of the Fair Work Commission.

I would like to thank the delegates and members for their support over the 2+ years these negotiations took including 2 periods of industrial action.

We have still to hear from the Navy about the awarding of the Serco contract into the future but expect some announcements soon.

We continue to have concerns about the less than modern approach to workplace management by Serco, particularly in NSW. Members are reminded that Clause 9.2 of the 2015 Collective Agreement and Clause 10.2 of the new Enterprise Agreement give members a right to AMOU representation on any employment matter.

### Flinders Ports' Pilots

The Flinders Ports Pilots EA 2020-2022 was voted on and accepted by Pilots earlier in the month.

The EA is a roll-over with CPI wage increases each year as we look to pass the COVID-19 downturn.

### Victoria International Container Terminal

VICT have changed their negotiating team and we have had one meeting this month on a replacement EA. The two attempts by VICT to get an EA through with little Union involvement were voted down.

The next meeting is planned for 1 October 2020

### DP World – Supervisors

No change in the DP World EA discussions this month.

We have been trying to get a reply out of DPW with little success. The content of last month's report remains current:

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.

***In a COVID-19 environment Australians deserve better returns on taxpayer dollars than this potentially missed opportunity for employment and training that the AAD has delivered.***

### Port of Portland Pilots

The Port of Portland Pilots replacement EA was voted up by members. The new arrangements give 2% p.a. wages increase over a 4-year term. Documents for formal approval are being prepared for the Fair Work Commission.

### RSV Nuyina

Please see following this entry a one-page political brief on the vessel AAD will use as they await the delivery of the *RSV Nuyina*, which is currently undergoing final fit out in Vlissingen, The Netherlands. We understand at this stage the new vessel will not be in Hobart until around May 2021.

### MPV Everest

This is the briefing paper for a political campaign to resist the government attempts to circumvent Australian crew and conditions on the chartered AAD service vessel:

*Since 1989 the Australian Antarctic Division (AAD) of the Australian Government has used the Aurora Australis to assist in fulfilling tasks under the AAD's Charter. Importantly the Aurora Australis has resupplied the Australian bases in Antarctica and moved the approximately 500 scientists and other personnel on and off the bases.*

*Earlier this year the Aurora Australis was decommissioned and is now retired.*

*In 2017, in advance of the Aurora Australis decommissioning, the Australian Government funded her replacement vessel and construction of the RSV Nuyina commenced in Romania.*

*COVID-19 has set back the commissioning of the RSV Nuyina which is now expected in Hobart in early 2021.*

*Usual weather conditions mean that only a limited travel period is available to get to the bases - November to March.*

*Under pressure to relieve personnel on the Antarctic bases and to also ensure the bases were resupplied, the AAD have chartered the MPV Everest to conduct 3 voyages to Antarctica this summer season.*

*The MPV Everest is flagged in the Bahamas. AAD has a Charter Agreement with Maritime Construction Services (MCS), the operators of the vessel. MCS is headquartered in The Netherlands.*

***The AAD Charter Agreement with MCS does not place a requirement on MSC that:***

- ***Australians must be employed to crew the MPV Everest***
- ***Australian cadet seafarers must be given opportunities for training and sea time experience on MPV Everest; or***
- ***Australian terms and conditions of employment under an Enterprise Agreement registered with the Australian Fair Work Commission must be in place for work on MPV Everest.***

*The AMOU has asked MCS to employ Australians and to put an Enterprise Agreement in place. MCS has not taken up these suggestions.*

*This is the second time this year that the government has failed to recognise such an obligation, with senior foreign officers being retained at the expense of Australian ship's officers on MV Pride, which was chartered by AMSA to remove containers from the seabed off Newcastle.*

***In a COVID-19 environment Australians deserve better returns on taxpayer dollars than this potentially missed opportunity for employment and training that the AAD has delivered.***

## Eastern Area

### Marty McEvilly Industrial Officer (Sydney)

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

There have been delays with the departure of the *Dampier Spirit* for her tow to Turkey. The causes are the volume of sediment in the tanks making the cleaning process much more significant than expected, along with issues in discharging produced water. At the time of reading, the final offtake should be completed, and the vessel will need to disconnect from the catenary anchor leg mooring (CALM) buoy and will be at anchor within the STAG field. We are waiting confirmation of where the remainder of the tank cleaning will be completed prior to the vessel being towed, subject to an export permit being granted, although Fremantle was flagged as a potential safe anchorage in the event of cyclones developing. The produced water cannot go over the side once the vessel is off the CALM buoy so a tanker will be used in the first week of October to take the water. The suggested date at this time for when she will be granted approval to be towed is now 17 October 2020. Redundancies are likely to take place from that date. Disappointingly, it has also been announced that the vessel will not be replaced by an FSO, but rather by a fleet of offtake tankers, almost certainly foreign flagged and crewed. Another significant blow to Australian jobs.

#### Transdev Sydney Ferries

By now everyone will be aware that Asbestos was found on three of the four new river class vessels that Birdon transported to Newcastle in August. This rightly received media attention as well as scrutiny from the HSR's, new build committee and Unions. We have all been telling the company for months that the risk of asbestos being found in vessels built in Indonesia was high, so it was extremely disappointing to find out that some still managed to make its way into Australia. The company only agreed to conducting Australian asbestos tests after pressure from the Unions and even then proposed to only test a single ferry (the first one that managed to be asbestos free). If it wasn't for our intervention, vessels with asbestos containing material could have been operating on Sydney harbour. Fortunately, the asbestos has been removed and the vessels now comply with Australian standards. We wrote to the company asking that they complete the build for the remainder of the vessels currently on order in Australia, however they have refused and passed the blame back on to Birdon and given us an assurance that it won't happen again. The vessels are due to be in Sydney for acceptance trials in the last week of the month. We will undoubtedly find out more at the next MCC on 01 October.

As always, delegates will keep members informed as to what takes place. In positive news, two members of the Masters E-List were offered roles in the last week, so expect to see some new members in the ranks soon.

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

On 09 September 2020, the Full Bench of the Fair Work Commission handed down its decision in the MUA led appeal against the approval of the Fantasea EA. They dismissed the appeal grounds, meaning that the EA remains in effect. The EA was voted up on 01 August 2019 and there have been significant legal battles going on in the background since then. The company also had another win in the FWC against the MUA, when Deputy President Sams refused to rule on a dispute application brought under the new JobKeeper amendments to the Act. This related back to the company's use of JobKeeper to pay backpay entitlements agreed to under the terms of the EA. This was a very disappointing and weak position for the Commission to take given the company clearly exploited a loophole to their benefit. Away from the Commission, the next Consultative Committee is due to take place in the coming weeks. If members have any items they would like discussed, please contact me or your delegates.

#### Port Authority of NSW – Newcastle

Changes are coming in Newcastle, with the announcement of a new Harbour Master due to start in the coming weeks. Our members have enjoyed a positive relationship with the outgoing Harbour Master, so we hope to see that continue with the new appointment. There has been consultation with both Pilots delegates and VTIC relief representatives in recent weeks, with the outcomes of each meeting being positive and the company showing a willingness to engage with the Union in a positive manner. VTS transition remains on the horizon and we will ensure that consultation takes place as the process continues.

#### Port of Newcastle

As reported last month, our efforts to provide feedback on the CCTV Policy were largely discarded by management. We have made the decision not to press this further. This has meant that the Policy is now in place and members are reminded to familiarize themselves with its contents. By way of an update, PON have also successfully applied to the Fair Work Commission to remove the old EA. Although this generally happens automatically when a new one is negotiated and approved, because the scope of the EA and who it covers changed slightly, there were still a handful of people who were still covered by the old agreement and not the new one. HR and Legal being the majority of those remaining. They've chosen to go onto individual contracts, and we wish them all the best. At times like these the protection of an EA is crucial.

## Port Authority of NSW – Sydney

There was contention this month when it was revealed that the Port Authority made an application to Transport for NSW to change parts of the Pilotage Code related to the training requirements of pilots in the Sydney ports, without any consultation. Due to some great support and unity shown by Pilots across all three areas, the company has acknowledged that they should have engaged in consultation and will not give effect to the changes until after further discussion. The Code is due for its five-year review in October this year, which the AMOU and in which reps from each port will be involved. Training requirements will undoubtedly be a significant discussion point. In further updates, the company has started to reengage with the Unions and workplace reps with regards to the acquisition of the firefighting vessels and the overall fleet review. A couple of lengthy meetings were held in mid-September and the company has made a commitment to communicate better with employees rather than make decisions behind closed doors. At this stage Birdon has been accepted as the chosen builder of the firefighting vessels, though the company has said that no decisions have been made with regards to the specifics of the vessels, so we hope to have greater input into that process in the coming weeks. The next VTS fatigue committee discussion will also be taking place in the last week of September, an update of the outcomes will be provided by your delegates.

## Port Authority of NSW – Port Kembla

VTS transition remains on the agenda, with no consultation with the Union having taken place since July. We are aiming to have another meeting to discuss some areas of contention in the next week or so. I would also like to thank members and delegates from not just PK but all three areas for their feedback on the proposed draft Alcohol and Other Drugs policy that was shared for consultation. We provided a comprehensive list of feedback items to which I trust the company will give proper consideration.

## Transport for NSW/RMS

We continue to engage in regular consultation with Transport with regards to Covid-19 and its ever evolving impact, particularly on public transport.

## Captain Cook Cruises

Negotiations have continued on a regular fortnightly basis. The parties are getting closer to the pointy end and it now seems that there are going to be some fundamental differences between the Unions and management. These revolve largely around the questions of term, dispute resolution clause, consultative committee and wages. The next meeting will probably determine what happens next, with the prospect of the company putting out an unendorsed agreement to vote not outside the realms of possibility, though they have not threatened it as yet.

## Keolis Downer Hunter – Newcastle Ferries

As reported last month, in July 2020 the company advised us that they were looking to make roster changes for both Masters and GPH's, to align with timetable changes they would like to make in October. We met on 14 and 25 August 2020, and the company outlined its preferred option to increase the number of services they provide and to leave rosters largely unchanged, except remove fatigue breaks on 6 out of seven days each week. Without any offer of compensation. Just a brazen proposal to remove breaks so that they could improve their customer service ratings. The company said they have taken fatigue into consideration, though it appears very evident that they had not. We wrote to them providing our feedback on 03 September 2020, though no response has been received. We also had to write to the company on behalf of Masters when the company gave incorrect guidance with regards to Masters responsibility should they be training another Master. Keolis Downer may have experience operating bus and light rail services, but it is becoming more and more apparent that their approach doesn't always work well when it comes to the maritime industry.



# Eastern Area

## Tracey Ellis

### Organiser (Brisbane)

#### Ports North

##### Admin & Technical and Operations & Maintenance EAs

We finally resolved the coverage issue surrounding the Admin & Technical and Operations & Maintenance Agreements and began negotiations. Most of our claims centre around the Port employees being recognised as maritime workers. The first meeting was very hostile with Ports North refusing to even acknowledge that the Port operates in the maritime industry, let alone their Masters being maritime workers. There has been some movement from Ports North with them agreeing to a large portion of our claims. However, cost neutral claims like RDOs and marine based wording remain outstanding. We will continue to fight for the Agreement to acknowledge the industry Ports North Masters are in.

#### Pilot EA

The negotiations for the Pilot Agreement couldn't have progressed any differently to the Admin and Operations negotiations. The Pilots reached in principle agreement on a rollover with 9% over three years as per the Government Owned Corporations Wages Policy without the need for a formal meeting.

#### Australian Reef Pilots

We finally reached in principle agreement on the Enterprise Agreement with ARP. In a last-ditch attempt, we were also able to secure a 25% Casual Loading which is up from 0% in the current contract. The Agreement went to ballot, but ARP blatantly swapped out the document with an amended version during the voting period. Some Pilots had already voted on a 2-year agreement when it was intentionally switched to a 3-year agreement. Luckily the AMOU spotted the change and has halted the voting proceedings. It appears ARP are going to change it back to 2 years and restart the 7-day notice period and ballot. I will file a dispute in the Fair Work Commission for not bargaining in good faith if they do not amend the document and follow the correct procedure.

#### Svitzer Brisbane

Chris Neiberding and I attended conciliation in the Fair Work Commission to resolve the matter of the 16<sup>th</sup> crew being removed by Svitzer. You can find information about this in Chris's Industrial Report.

#### MSQ

##### VTSO review

The latest VTSO Working Group meeting decided the scope of independent reviews into single operator shifts, meal breaks, resourcing (use of casuals, etc.), management of VTSO leave requests and fatigue. The next meeting is set for Friday 2 October 2020.

#### MSQ Consultative Committee Meeting

The last Consultative Committee Meeting was postponed due to the lack of agenda items. Please let me know if there are any items you'd like raised. The MET overtime and position description issues the AMOU raised have been scheduled for separate discussion with MSQ on 8 October.

#### Curtis Island Ferries

EA negotiations are continuing. SeaLink has agreed to notify employees whether their Banked Leave has been approved within 7 days, allowing Masters to plan ahead for their leave. The company want to change the yearly pay rises from January to July in line with the financial year. If this is agreed, we need to make sure they pay an increase during the 6-month changeover time. SeaLink will come back to us with a revised wage proposal after we rejected their offer of CPI. We have also rejected their proposed changes to the generic indemnity clause and have reiterated our claim for a Master specific clause. The next meeting is scheduled for 6 October.

#### Port of Townsville

The Port Services and Admin & Technical Agreements have been submitted to the Office of Industrial Relations for Cabinet Budget Review Committee approval and have gone through the first round of reviews by the shareholding groups. POTL is hopeful that we will get CBRC approval before they go into caretaker mode on 6th October.

#### Queensland Ministerial Freight Council

After the submissions, the AMOU made to the Economic Recovery Plan for Queensland, State Government pledged \$2.3 million in funding for FNQ Ports. Whilst this is a great start, there needs to be more funding made available for maritime projects. I told the Ministerial Freight Council that AMOU members are still struggling to cross the border due to COVID-19. Mark Davis and Martin Byrne have also been lobbying Angus Mitchell to reduce the restrictions placed on our members during the pandemic.

#### Brisbane Ferries

We were unable to reach agreement with Transdev in Conciliation about how the Dual Duties allowance should be paid, so the dispute has progressed to Arbitration where Deputy President Asbury will decide the issue. The hearing is scheduled for Monday 28 September.

River City Ferries says they have offered all operations crew a position when they take over the contract in November. They intend to put all employees through a pre-employment medical which includes a vision assessment, musculoskeletal assessment and a urine drug and alcohol test. AMOU has raised concerns with RCF about the need for such an in depth medical for people who have already been deemed fit to carry out their roles. RCF says that it is just a baseline medical. We will continue to monitor this situation.

I wrote to AMSA with the AMOU's concerns that the 4<sup>th</sup> Generation CityCats can be operated with only 2 crew. These concerns included:

- Due to the distance between the wheelhouse and the cabin, there is limited ability for the Master to assist in an emergency or in the event of an unruly passenger.
- In the event of a CCTV or intercom failure there would be no way for a Deckhand to communicate with the Master while on the lower deck.
- The lock on the wheelhouse door may prohibit entry in the event the Master becomes incapacitated.
- Using experienced crew to undertake the risk assessments may have skewed the results.

AMSA blew off our concerns, stating that they are happy with the risk assessments that they did with Transdev.

I also wrote to the Lord Mayor to seek assurances from him that the CityFerry and CityHopper Masters would be able to remain employed and accrue sea time while the monos are off the water due to safety concerns. Lord Mayor Adrian Schinner committed to continue to pay the Masters until River City Ferries takes over where they can begin to drive Sealink's KittyCat vessels. There has been no update on whether the old CityFerries and CityHoppers will return to service. Transdev's surveyors disagree with Brisbane City Council's surveyors about the state of the original wooden fleet.

## Smit Lamnalco

Gladstone EA negotiations are going surprisingly well with Smit Lamnalco seriously considering the Unions' roster proposal. We will get the results of the independent rostering and fatigue assessments at the next meeting on 8 October. We hope the roster is approved so the AMOU can drop a lot of our claims and get to the sharp end of negotiations.

The re-hearing of the Roster dispute is set for 14 October. The Unions have received the company's submissions and will provide our response to the Fair Work Commission on Tuesday 29 September.

## Bay Island Transit Services - SeaLink

After lobbying by the AMOU and the MUA, SeaLink has decided to allow current employees and their families access to a travel pass between the islands. Any future staff will get travel, but their families will not. SeaLink and Translink have still not finalised the timetable change that will allow us to begin EA negotiations. The AMOU will continue to press SeaLink to start negotiations.

It appears things are going well in Townsville after Smit finally trained an extra master to drive *SL Cook* so it could cover the *SL Herbert's* docking.

Smit has notified the unions that they would like to begin negotiations for the National EA and will be issuing crews with a Notice of Representational Rights in the coming days.

## 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. The last meeting was meant to be the final one, however, the Attorney General has called further meetings to try and reach a resolution. 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 (aka less scrutiny and cheaper wages).

