



# Industrial Report

February 2021

## MEMBERS' MONTHLY MEETINGS

Please note that a nationwide virtual meeting will be held at 1300 hours on Tuesday 23<sup>rd</sup> February with Sydney members at this stage able to attend physically whilst observing COVID-19 measures.



**AMOU**

Australian Maritime  
Officers Union

# Federal Report

**Mark Davis**

**Executive Officer**

## Nationwide virtual/Sydney physical meeting

It is unclear how much longer COVID-19 is going to create uncertainty in restrictions on gatherings, so it has been decided that it's timely to try a virtual & physical monthly meeting available to all full financial members to attend. All being well local members are welcome physically to attend the Sydney Office for the meeting. Masks are to be worn, hand sanitising is available and physical distancing is to be observed.

All full financial members (including Life Members) have been invited to express interest in attending the meeting virtually, which is scheduled for Tuesday 23rd February from 1300 to 1500 hours AEDT see times below. Around 15 members have responded positively so far. If you are interested and missed the memo it is not too late. Please email me at [mark@amou.com.au](mailto:mark@amou.com.au) and you will be sent a link on Monday to attend. Members attending physically should also let me know by email.

The meeting will be chaired by AMOU President Ken Blackband, who will be in Sydney and it will be attended in some form by available Executive Councillors and industrial staff. The agenda is as follows:

*Commencement at 1300 hours*

*Apologies*

1. Welcome and explanation of how the meeting will be run
2. How the AMOU is tracking in terms of membership and finances
3. Latest news – 1 main subject per industrial staff member
4. Matters arising from the Industrial Report

*Conclusion at 1500 hours*

Times:

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

## Trident LNG

Trident has been endeavouring to use the MOU to introduce Labour Agreement secondees to relieve Australian senior officers in circumstances where we believe gaps have been manufactured to maximise usage of these officers. Defending this has required considerable union resources to scramble to try to plug gaps, doing ring-arounds and email-outs to find sufficiently rested available officers of the applicable rank and trying to hold the company to account in weekly catch-up calls.

One of our Delegates in particular has taken a lot of pressure off me by shouldering much of this work and looking at lateral solutions. It has at times been a very frustrating exercise for us both with varying levels of solidarity determining the outcome in any given set of circumstances. Of course, there are times where compassionate grounds override the incursion of foreign labour.

On 26<sup>th</sup> February there is a Continuity of Operations Agreement meeting to discuss the programme of upcoming ship visits designed to consult with crews on options for life after 2024 and the departure of the 3 tankers. A preliminary Q & A document will go to crews to stimulate shipboard discussions and then firmer options reflecting the interest of the members of the three maritime unions will be itemised subsequently.

Preliminary discussions have been held between Woodside and the union to traverse options for a new or amended COA and where the company stands post-2024. It is early days and at this stage a shipping solution does not appear to be on the table.

The final issue to report is the renewal of the EA. The company is putting pressure on during the weekly calls for negotiations to recommence. Our response has been that the expenditure of resources scrambling to fill rostering gaps to minimise LA officers has usurped the EA on the list of AMOU priorities.

## Poseidon Sea Pilots (PSP)

It has now been officially announced that this company has secured the pilotage service provider contract from TMR/MSQ for the Port of Brisbane. This obviously creates a massive potential upheaval for the 30-some AMOU members currently employed by existing well-established provider Brisbane Marine Pilots.

PSP advertising has now gone beyond EOIs to applications for pilot positions with the deadline of 2<sup>nd</sup> April. Members are invited to contact me on 0437 099 886 or [mark@amou.com.au](mailto:mark@amou.com.au) if they are thinking of applying. Our advice to presently employed pilots in Brisbane and all other ports is to hold fast. Whilst we have had some preliminary exchanges with the regulator MSQ, it is apparent that pilot licensing requirements are not set-in stone, despite providers tendering on the basis of the existing regulatory regime, and amendments may well be on the horizon to accommodate a new pilotage operational configuration in Brisbane.

PSP has approached the AMOU and expressed that the company is willing to facilitate dialogue to address our questions relating to the intended working arrangements for PSP pilots. We will be making some inquiries with PSP in due course and will update members as more information becomes available.

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser

#### Captain Sam Frogley

The go-fund-me page set up to help Sam's family continues to raise money for his widow and young son. The site will close down on 28<sup>th</sup> February in order for the funds to be released to his family. Mrs Frogley is very appreciative, and humbled by the donations received from *all* mariners, regardless of their particular union loyalty. During each phone-call she repeatedly expressed gratitude for the assistance provided by the AMOU. Sam's younger brother is hurting, he is aware of all the circumstances and he wants others to be aware. Above all he wants others to seek help if they face any personal crisis. The advice I have from a compensation lawyer is the circumstances of his passing will prevent any type of workplace insurance or life insurance from being paid, and that any legal proceedings would have little, or no, chance of success. I hate to think of any mariner's family, or any other family for that matter, being left in such a perilous position, facing a long road of financial uncertainty. I have contributed, I am going back again.

The link to go-fund-me is below.

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

If you have concerns at all about your mental health, please call the AMOU's EAP Hunterlink on 24/7 Phone: [1800 554 654](tel:1800554654)

#### Vessel Inspections and ship visits

No visits to report for February 2021.

#### Solstad

Apologies this has not progressed to the delegate consultation stage. Work now completed on the DOF agreement will assist to speed-up the process.

#### Go Offshore

The Covid-19 restriction imposed for a short time in WA has delayed this meeting. We now meet for the next round of negotiations on February 25<sup>th</sup>.

#### Toll Energy

We say Toll have made an error by not giving employees over the age of 45 years, the Fair Work Act required redundancy notice period of 35 days. If proven, those aged 45 and over would be entitled to a week's pay. Two notices were received: the first a *Notice of Redeployment*, the second a *Notice of Retrenchment*. Our argument is: the second is about redundancy and requires the 35-days' notice. A redeployment notice does not mean you go out and look for a new job. The reason behind 28 and 35-day notice periods for redundancy is so you can do exactly that: go out and look for a new job. Over 45's are given an extra week's notice as it is deemed a little more difficult for them to land a new job compared to someone aged under 45.

#### INPEX

I continue to receive enquiries from members. The training scheme continues to operate, and with the renaissance of the Perth Offshore Simulator Centre, more courses will be available.

#### DOF Subsea

Completing a Log of Claims for the renewal of this *non-union* agreement (signed by an employee, not the AMOU) has taken time. The existing EBA is what we refer to as an off-the-shelf AMMA agreement, with variations. It requires a clause-by-clause examination to find the landmines, e.g. clause 25.3, Travelling: crew get a hotel room when the wait is 4 hours or more whereas for officers the check-in time is added onto the 4 hours. International check-ins can be 2-hours, or more. Whilst the rest of the crew are catching up on sleep or relaxing by the pool you will be sitting in the airport, trying to sleep after working half the previous night.

DOF cancelled the February 18<sup>th</sup> meeting because they need more time to *digest* the AMOU Log of Claims. We could be meeting on Monday 22 February.

#### The trouble with telephones

We would all be lost without our phones, mobile phones in particular. Yet companies have turned the simple phone-call into a company Human Resources tool for unaccountability, misinformation and indirect threats. Your phone number is private property, you provide it to an employer with the unwritten understanding it will be used as a form of contact, not as a conduit for conniving. In providing advice and support to members I regularly see phone calls being used by HR/Crewing – some of whom are skilled in the dark art of deception – as a way of imparting misinformation, confusion and sometimes downright lies, to our members. None of these conversations can be recorded legally without the permission of the other party. So, you have no proof. What could start off as a conversation with a seemingly friendly person could end up with you boxed into a corner, bleeding money and leave.

Take some advice from the people you pay to advise you: take notes, insist (in an email) that the matter be communicated by email, after any unsolicited phone-call send a follow-up email to confirm the content of the phone-call or just don't answer the phone. Companies know full well emails create a paper-trail. Emails provide irrefutable evidence in Fair Work Commission cases. A permanent employee has the security of permanency to follow the above advice. Casuals do not. However, if a casual finds him or herself in a position where this advice is needed, then their future with that particular employer is probably already on shaky ground. In boxing parlance – protect yourself at all times.

## Westug/Engage Towage

Employees who are employed under Westug's Sea-Crewing EBA are liable to be transferred to any Westug workplace, anywhere in Australia. And whatever the pay rate is for that workplace, is what you get. In this case Tug Masters who have been continuously employed in the Northwest of WA for periods of 6 to 10 years have been given notice they may have to FIFO from homes in Perth and Karratha all the way to Whyalla, SA. Their steady jobs in the NW are not redundant, they may well be replaced by a partnership setup.

*- A salary reduction of up to 35% is part of the relocation -*

Do I hear you say take them to the Fair Work Commission? Sorry but there is wording in the EBA which says *that both parties* must agree to binding arbitration. It's a dead end. The three unions met with the company yesterday, the other side made it clear: any employee refusing relocation risks disciplinary action in other words: the sack.

We have no choice but to tell our story to anyone who will listen. Luckily, I was able to call into the local Perth ABC morning radio program and inform the listeners of this deplorable action. The host Nadia Mitsopoulos commented the employer should have the right to transfer employees. When I asked her if she would like a phone call to say you start in Adelaide next week, Nadia's comment was – *Oh, I see what you mean.*

AMOU will contact local and federal politicians and potential Westug clients because this is the only avenue left open to us. We did put it to Westug that if we could find suitable candidates for the work in Whyalla would they consider employing those people instead. No answer as yet.

## Western Area

### Glenn Walsh

### Industrial Officer (Fremantle)

#### Southern Ports Authority Port of Albany EA

Barring any unforeseen problems, we anticipate the lodgement of this EA in the Fair Work Commission by late next week. We are in discussion with SPA management in relation to the potential expansion of the workforce in order to meet backfilling requirements.

#### Pilbara Port Authority Port Hedland General Staff EA

We have traversed most of the terms of the EA without too many contentious issues between the parties. Some of the remaining obstacles include the agreement term, the quantum of the pay increase upon the cessation of the WA State Government wages policy, and the retention of travel days for shift workers at Utah point.

Given the fact that other recently approved PPA agreements managed to reach consensus on similar terms and conditions, it beggars belief that we are still apart on this agreement.

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

Progress has all but halted in EA negotiations. The MWPA bargaining team's constant need to seek MWPA Board approval is causing meetings to move at a snail's pace. The meeting scheduled for 26 February 2021 is postponed until 4 March in order to allow the MWPA bargaining team more time to revisit their respective claims and bargaining position.

Both maritime Unions are steadfastly holding the line on a range of common concerns and issues for our members. It is worth noting that the previous bargaining round for this agreement resulted in the parties being supervised by the FWC under the IBB process. We sincerely hope that the current negotiations will not degenerate to the point where external intervention is required again.

#### AMG Dampier Pilots - General Protections Claim

Parties are scheduled to attend mediation in the Federal Circuit Court on Friday 26 February 2021. If the parties are unable to reach agreement, then the matter will be listed for arbitration. Given the historically antagonistic attitude and recalcitrant behaviour by their representatives, we are somewhat sceptical that we will see any improvement during our next encounter.

#### Fremantle Ports General Staff EA

We anticipate the commencement of EA negotiations. within the next fortnight. Once FPA management have determined their bargaining parameters we will provide our log of claims. Wherever appropriate we are seeking to negotiate similar terms and conditions to other port authority agreements throughout Western Australia.

#### Shell *Prelude* bargaining/eligibility dispute

We have referred this matter to our lawyers at Hall Payne, with Rachel Cosentino SC acting as counsel should the matter need to be escalated to arbitration. We believe that AMOU rules relevantly allow us to represent a range of occupational groups employed on *Prelude*. The company's view is that *Prelude* is not a vessel and therefore members serving aboard operate beyond the scope of coverage provided by our rules. Our view is that if something looks like a duck and quacks like a duck, then it is a duck. In this case, *Prelude* looks like a Mercantile Marine vessel, it is registered as a vessel, therefore it is in all probability a vessel. Hopefully common sense will prevail and we will be able to participate in EA negotiations which commenced on 17 February 2021.

*Prelude* photo below.



# Southern Area

## Chris Neiberding Senior Industrial Officer (Melbourne)

### Svitzer National EA

In the last EBA meeting held on 12<sup>th</sup> Feb the parties went through a page turn of a draft EBA presented by Svitzer. We went through every change and edit, and all three unions gave their comments and indicated if they could agree and accept the change, whether they could not accept the change or if further explanation and discussion on certain clauses were needed. Most of the changes that were agreed to were either tidy ups of existing clauses, changes that were agreed to in the February 2020 draft version or where Svitzer had agreed to accept a claim made by the unions and insert it into the EBA.

As slow and painful as this was it was the first time a page turn had happened and where all the parties could debate the clauses and work through the document methodically... something all the unions had been calling for since the start, the reason being it's simple and it has been proven to work. In the past Svitzer tended to overcomplicate the process. I hesitate to say this but there was some progress and hopefully if we continue the progress as such we will land on finished document, however we could not give members a timeframe just yet.

The outstanding items are as you would guess are the big ticket items for both the unions and Svitzer including but not limited to the dispute settlement procedure, order of pick, minimum engagement for casuals, manning for outside work, emergency maintenance allowance and recalls.

Svitzer have also dropped/withdrawn 12 of their recent 30 claims including but not limited to, removal of delegates rights to be paid to participate in forums and meetings, revalidation of certificates of competency, hiring to be done in accordance with Svitzer recruitment policy, aligning the trainee remuneration to industry standards, changes to employee duties, the removal of the PPT review clause, removal of port specific allowances.

Currently there is no date for a further meeting as the focus will be on Whyalla for the short term.

At time of writing this, Svitzer have now informed the unions that they will be filing a section 240 with the Fair Work Commission, that will mean the parties will engage the help of a commissioner with the bargaining process, the AMOU is not entirely opposed to the idea however for the moment we believe it may be too soon as previously stated in this report we believe we are making some progress.

### Svitzer Whyalla

Discussion continues between the 3 maritime unions and Svitzer to land on an agreed position for the tender process in Whyalla. The discussions by their nature are commercial in confidence and there will not be any detail provided in this report. We understand that Svitzer will be in the running with Westug/Engage Marine, Riverside and possibly others.

### Port Lincoln Tugs (PLT) – EA proposal to achieve consistency of rates

During the negotiation of the last Port Lincoln EBA it was agreed that the parties would look at achieving consistency between rates of pay in the various ports including Port Lincoln, Thevenard, Ardrossan/Gillies/Wallaroo and Whyalla. Recently the company has written to employees and the AMOU and proposed a 'One Rate System' which would include productivity payments. However not all ships will rise with the tide. The company is quite clear in their proposal that to achieve the 'One Rate System' some employees pay would decrease and others would rise. PLT have offered those employees impacted by a pay reduction, a grandfathering clause that would see their pay remain the same for the 1<sup>st</sup> year this comes into place.

Not surprisingly the employees affected are unhappy with the proposal and some members estimate the 'One Rate System' would see their pay cut by upwards of \$13,000 a year. The 3 Maritime unions met with the company and relayed the disappointment and anger of the crews. We are currently seeking more information on shipping numbers and how productivity payments would be disbursed. The offer as it stands has not been accepted and the unions are looking at alternative arrangements that would see members far better off than the current 'One Rate System' offers them now. Members are also proposing ideas and different ways of structuring the system to achieve the same outcome. PLT has said it is willing to work with the unions and get a proposal that has agreement.

### Victorian Regional Channels Authority

Members' biggest concerns remain their liabilities when acting without a harbour master present or making the call when nobody else is there to do so. VRCA claims that the position of Marine Controller is sufficiently covered with the normal indemnities required by law, however, members are concerned that the significant responsibilities and risks should come with the same indemnities that come with being an Assistant Harbour Master when those duties come into play. Further points of discussion include professional development, revalidations, hours of work and rostering. The AMOU has issued the VRCA with our log of claims and we're currently waiting for their log which we expect shortly. We have also had some conversations about the discussion items but nothing in writing as yet.

# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### Victoria International Container Terminal

We were successful in our Protected Action Ballot and can now notify VICT of action we may wish to take. The MUA got permission to take action a few weeks before us and have notified VICT of a series of actions between 19 and 22 February, including a 12-hour stoppage from 1800 on the 19<sup>th</sup> and a 36 hour stoppage from 0600 the 21<sup>st</sup>.

The Union Single Bargaining Unit (AMOU, MUA and ETU) have had 13 meetings with VICT on a new EA since the company's 2 failed attempts to get its employees to vote in favour of the company's EA. We have made little progress on our main claims which are wages, manning and rest/fatigue issues.

At the time of writing VICT via their lawyers have applied to the FWC to have the action over 19-22 February suspended or terminated.

#### Serco - DMS

It's our view that SERCO are not applying the new EA correctly when paying members for work that is both *inshore* and *offshore*. The EA defines Offshore Activity as

*'Any period where a crew is required work or live aboard a Crewed Vessel that is proceeding on a voyage outside defined Port Limits overnight for more than 24 hours.'*

It seems SERCO is applying this as if a vessel goes outside of port limits at any time on a voyage of more than 24 hours then offshore rates apply. Inshore work is 8 hours per day with overtime applied to hours after 8 hours and outside span of hours (0600-1800). Offshore work is 7.6 hours at base rate, 4.4 hours of time in lieu and a 25% sea going allowance.

The problem seems to be that the local managers were not in the protracted EA negotiations we had over 2018-2020 and are applying these provisions as they would like them to operate not what was agreed. Members are discussing options here which are: to accept the SERCO position, seek help to interpret from the FWC or make a side deal on how to apply it.

#### DP World

A group of members employed by DPW as Superintendents and Production Coordination Staff are EA free. We have recently finalised a new EA for supervisors and will now seek to put an EA in place for these members. A meeting with Brisbane-based members took place on 18 February to start our process and a meeting with Superintendents will happen in coming weeks.

#### VICPORTS

The Vicports EA (VTS and other port workers) expires in August 2021. A first up meeting of members to start a discussion on a log of claims for a new EA will take place on 1 March.

#### TT-Line – Shipwrights & Pursers

The current EA for the TT-Line Shipwrights and Pursers expired on 30 June 2020. We have been well prepared to commence discussions with TT-Line for some time but a convergence of unavailability of management a new HR team has made it difficult to get dates to meet. We have requested meeting times and dates a number of times with no response from TT-Line. I'm seeking instructions from members on how we move next.

#### INCO Ships

INCO was operating 3 bunker vessels in Australia *ICS Reliance*, *ICS Integrity* and *ICS Allegiance*. The COVID-19 downturn in cruise ships has severely impacted INCO and as such the *ICS Reliance* is laid up until at least the end of 2021, the *ICS Integrity* is on the market and the *ICS Allegiance* which is currently dry-docking in China will replace the *ICS Integrity* in mid-April.

INCO is negotiating a 5-year contract with VIVA in Geelong to service the Ports of Melbourne and Geelong. VIVA require INCO to reduce costs and INCO have proposed to crews that they take a 10% wage cut.

Discussion with INCO on a replacement EA to cover our members went well in late 2019 but were on hiatus in 2020. We have picked up the 2019 draft EA and had 2 meetings with INCO this month and are close to finalising a document.

Members may be willing to accept the 10% wage cut but it will be a trade-off for other improvements in conditions such a 1:1 leave, a 'me too' clause to apply to superior conditions the MUA may get and annual wage increases. Our EA is a joint EA with the AIMPE.

#### SeaRoad

The temporary replacement vessel for the *SeaRoad Tamar*, the *MV Liekut* is on track to start operations in late March. We understand the *SeaRoad Tamar* has been sold. We are seeking a Works Council meeting with SeaRoad to discuss a number of matters members have raised such as manning on the *Liekut*, shift lengths and allocations. It is expected that SeaRoad will operate the *MV Liekut* until a purpose-built vessel can be constructed. Members on the *SeaRoad Tamar* this week went into the duck keel and wrote their names under the boiler makers and made a note stating that she was the last ship built at Carrington Slipways, Tomago NSW (near Newcastle) and that they were the last Australian crew. It's rumoured she has been sold to Greek buyers.

## Toll Shipping

Members will be aware that Toll Shipping, along with other parts of the Toll Group are currently for sale. As previously reported our EA with Toll expired in April 2020. Members are keen to get a replacement EA in place before any sale is finalised.

We have had exchanges with Toll management over the past few weeks and appear to be at a position where Toll's offer is a new deal from 1 April 2020 to 30 June 2022 with a 3.5% wage increase in Year 1 and a second 3.5% wage increase on 1 April 2021. Toll have also proposed that the current annual bonus is only applicable in year one of the new EA. Other matters to do with entitlements available to Engineers that we are seeking parity with, will be dealt with via a 'Me Too/ No Extra Claims' clause.

Toll would prefer a roll-over of the current EA with our additional clause, current additional manning and a couple of consequential changes dealt with via a separate Deed.

Toll is having difficulty settling with all 3 maritime unions and we are working closely with the AIMPE to ensure that we are not being sold short in eagerness to get an EA before any potential sale. The AIMPE have applied for a protected action ballot to progress their claims (which are similar to ours) which will be finalised in coming days.

AMOU members will meet on 22 February 2021 to discuss the offer from Toll and how we will progress.

## Labor's Pandemic Recovery Jobs and Industry Taskforce

The Taskforce will travel around the country - particularly to outer-metropolitan, regional and rural areas - to hear from employees, employers, unions, industry bodies, academics and experts about what is needed to best respond to the recession. The Taskforce - which is a Committee of the Labor Caucus - will be chaired by the Member for Bendigo Lisa Chesters. The Member for Oxley Milton Dick and Senator Nita Green will be the Deputy Chair and Secretary respectively

The text below and text box at the bottom of this page represent our short and sweet maritime contribution to the abovenamed Taskforce.

## MARITIME JOBS

**The COVID-19 pandemic has highlighted that Australia needs security of access to fuel, medicines and personal protective equipment in times of crisis.**

**The COVID-19 recession requires Australia to create jobs and increase wages.**

**Bushfire emergencies highlighted the value of quick-response local ships with Australian crews to assist and evacuate stranded Australians.**

**Shipping carries 98% of Australia's total trade by weight.**

**Coastal shipping carries 15% of Australia's domestic freight.**

**Australia's domestic freight task is expected to grow 80% by 2030**

**70% of Australia's domestic freight delivered via coastal shipping is carried via foreign ships with foreign crews.**

**There are only 16 Australian flagged vessels operating in our coastal shipping sector.**

**Australia imports the vast majority of oil/fuel (90+%) we use. Australia does not have any domestic oil tankers. All oil/fuel imported into Australia is via foreign flagged vessels with foreign crews.**

**Foreign workers continue to take Australian jobs in our offshore oil and gas industry, aquaculture industry and dredging industry on Temporary Skill Shortage (TSS) visas (subclass 482), Temporary Work (Short Stay Specialist) visas (subclass 400), and/or Maritime Crew visas (subclass 988). These workers are usually repatriated to their home country following their 6 or 8 week swing.**

**There are currently hundreds of jobs on Australia's coast that should be filled by Australians.**

### 4 ideas to again get Australians working in our local maritime industry:

- **The Australian Government must give priority to Australian workers for local maritime jobs.**
- **The Australian Government must give Australian flagged ships priority access to our ports and berths.**
- **The Australian Government must commit to an Australian strategic fleet**
- **The Australian Government must convene a corresponding stakeholder group to advise the Government on the establishment of the Australian strategic fleet.**



# Eastern Area

## Marty McEvilly Industrial Officer (Sydney)

### Transdev Sydney Ferries

The key talking point at the ferries in recent weeks has been the trials of the new river vessels. TDSF took the MUA to the Fair Work Commission to resolve a dispute with regards to GPH manning during the on-water trials of the *Esme Timbery*. Despite objections from the company, the AMOU and AIMPE were given approval by the Commission to attend as interested parties. TDSF made it clear that they were of the view that only one GPH would be required for the trials and indicated that this would be the case once the vessels entered service. However, the outcome was a win for the Unions as TDSF backed down and acknowledged that they would trial with two GPH's for an initial week, before conducting trials with a single GPH. In response to the AMOU dispute raised on 22 January regarding lack of consultation, TDSF also acknowledged that consultation on the ongoing manning requirements of the vessel class would take place following the successful completion of the trials. At the time of writing, trials are ongoing, and the vessel should be undertaking weighted testing and a heat assessment should have been completed to address concerns regarding the lack of air conditioning on the class. The main issue of significance that has been identified is glare in the wheelhouse at night caused by city lights, which will need to be rectified as a matter of priority. Once trials are finalized, consultation on manning will then take place.

Our dispute regarding Master V positions remains open. We have been in discussion with the other Unions regarding an alternative method of securing a career pathway following the rejection by members of the trial Internship conducted on the charter vessels. A provisional proposal was discussed between the Unions and put to management that both offers a career pathway to Master IV and may also address some of our concerns regarding the casualisation of Master positions through acting ups as well as providing more permanent positions. We are waiting to hear back from TDSF but remain hopeful that we may be able to agree to something that suits all parties and protects our membership leading into the next EA negotiations.

An MCC was held on 05 February 2021, though minutes have yet to be issued. Expect an update from that meeting in the coming days. For other matters, as always, please contact your Delegates who continue to do a great job of looking after members interests.

### Transport for New South Wales / RMS

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

### NRMA – Fantasea and Manly Fast Ferry

There has been little to report since the last industrial report for either of the NRMA-owned maritime operations on Sydney Harbour in these difficult times.

### Port Authority of NSW - Newcastle

The next Consultative Committee is scheduled for mid-March. If members have matters they would like discussed, please raise it with delegates. Of particular interest will be the transition to VTS. Now that Port Kembla has been certified and the new Harbour Master has settled in, we expect that progress should be happening. Discussions are also ongoing between management and pilot representatives on topics including long term sick leave, a call-in roster relief system and the night rules implemented during COVID-19. Delegates continue to be informed by members as to how we approach these issues. Please accept my apologies that I wasn't able to attend the last pilot meeting in late January due to a last-minute Commission hearing in Sydney.

### Port Authority of NSW – Port Kembla

Port Kembla has been certified as a VTS port however in light of the pandemic, the pay adjustment that was promised to VTOs has remained outstanding. PANSW have been attempting to find a way to provide this within the limitations of wages policy taskforce, but to date have been unsuccessful. Management believe they may have identified a solution and we are waiting on final details. We remain willing to consider our options as members have shown significant patience. As is the case in Sydney, the Port Kembla EA is due to expire in June and we will need to begin negotiations shortly. I ask all members to share claims with delegates.

### NSW Marine Pilotage Code Review

Meetings to discuss the review of the Marine Pilotage Code (MPC) continue. The full group met on 01 February 2020 with each of the four sub-groups providing updates, although little had been done due to the festive period. Since then, the smaller working groups have met again, and progress is being made on some proposed updates. At this stage, it appears most parties are looking to make only minor adjustments, but we are still paying particular attention to ensuring that the protections and certainty in key areas that the code provides are maintained. Meetings are scheduled to occur monthly at this stage.

### Port of Newcastle

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

## Port Authority of NSW - Sydney

The fleet review and fire tug replacement process continues, despite concerns from both Unions that there has been a failure to engage in genuine consultation. The most recent development has been for PANSW to share another version of a confidentiality agreement that they require myself and Paul Garrett of the MUA to sign before they are willing to discuss further details with us. We had previously rejected this approach and had given verbal undertakings not to share any commercial in confidence information we were provided, despite the fact the company was unable to disclose exactly what information they considered to be confidential. PANSW has an obligation to consult and communicate with its employees – Union officials are there to be the voice of those employees and to share their views. It is simply impossible for us to do our job if we are not permitted to share information with members and get their point of view. If we were to do so we would then open ourselves and the AMOU to liability. This is a ridiculous position for PANSW to take and highlights the disdain they have for the employees we are trying to represent, as well as their genuine consultation obligations.

In other issues, we have been advised that PANSW are conducting an admin audit. Members are advised to seek advice should they have any concerns for their positions as we believe that this may be the first step before conducting another cost cutting restructure exercise. We are awaiting a meeting with management to discuss gangway operations at OTP regarding several unresolved issues since they were installed. The last meeting fell through due to scheduling conflicts and we will attempt to ensure discussions happen soon. Finally, replacement EA negotiations will need to begin in the next few months. All members are asked to put claims to delegates as soon as possible.

## Captain Cook Cruises

At the time of reading, marine employees of Captain Cook will be in the process of voting for a second draft of the *Captain Cook Cruises Enterprise Agreement 2020*. The first version was put out for a vote in November 2020 and was comprehensively rejected by 76% of those who responded. The newest version is substantially identical with only minor changes, much to the disappointment of all the bargaining representatives. The company have been unwilling to move on almost all their positions. Their take on why the last version was rejected is that employees didn't understand it and are planning to do a much stronger campaign to convince everyone that voting yes is in their interests. Captain Cook are being very dismissive of the voice of their employees who have already said no to this sub-par agreement. On this basis, we are once again advocating a No vote. We will be in touch with members once we know the outcome and will decide on the best next steps.

## Keolis Downer Hunter – Newcastle Ferries

Keolis Downer remain committed to making changes to the rosters for ferry Masters and GPH's, a plan they first advised us of in June 2020. To date, we have been very frustrated with their approach which has been a steadfast position of simply removing fatigue breaks in most shifts to allow for increased runs during lunch periods. We have resisted this based on fatigue concerns and lack of genuine consultation. After the

exchange of some strong correspondence from both sides in late 2020, we fully expected to be in front of the Fair Work Commission discussing this matter as a dispute. However, in a surprising and pleasing change of approach, Keolis Downer met with Unions on 16 February 2021 and appear willing to consider alternatives that will allow them to increase runnings at key times, while also taking Master and GPH fatigue and other feedback into consideration. They have not yet shared the full details of an alternative proposal, but we committed to considering what they share and coming back with our views in due course.

## ASP – Rio Tinto fleet

The Notice of Employee Representative Rights (NERR) was issued to Deck Officers and Engineers in early February which initiates bargaining for a replacement to the *ASP Ship Management/RTM Officers Enterprise Agreement 2017*. Less than 12 months ago we won a significant appeal to the full bench of the Fair Work Commission against the removal of the compensation for failure to medically revalidate certificate clause, before the agreement was finally approved in March 2020. The current agreement took almost 3 years from the NERR to be issued to final approval. ASP have already expressed their desire that we do not see a repeat of that situation, which is most certainly echoed by the AMOU. The company wish to lock in dates to start negotiations from early March 2021 to get the ball rolling. I ask all members to prepare claims as soon as possible. With ASP being Melbourne based, Senior Industrial Officer Chris Neiberding ([chris@amou.com.au](mailto:chris@amou.com.au)) is going to manage the renegotiations on behalf of the AMOU. No doubt a claim from Masters and Chief Officers will be to limit the restrictions on the top two swinging in the same port, which was dismissed last time around but given the softening of limitations that Covid-19 has brought, we do not believe that policy has merit any longer. The Unions wrote to ASP about this and are still awaiting a response.

## ASP - RV Investigator

As with the remainder of the ASP managed vessels, the NERR was issued on 11 February 2021, kick starting the EA renegotiation process. I ask that members get their claims to Senior Industrial Officer Chris Neiberding ([chris@amou.com.au](mailto:chris@amou.com.au)) as soon as possible. He will be looking after the negotiations. We are awaiting a response to the issues raised regarding meal allowances ashore and taxation of same. We do not have a final answer and ASP have continued to advise us that they are still seeking advice, it appears clear to us that they have not been doing so. It will undoubtedly be a talking point during the upcoming negotiations.

# Eastern Area

**Tracey Ellis**

**Organiser (Brisbane)**

## Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020- the IR Omnibus Bill

You may have heard that the Government is trying to change the Fair Work Act to make it easier to approve enterprise agreements that allow workers to go backwards financially. After lobbying from the Australian Council of Trade Unions (ACTU) and others, the Government has removed the clause in the Omnibus Bill that allowed agreements to be approved when they do not pass the Better Off Overall Test (BOOT). There are still plenty of things wrong with the draft and it will leave employees worse off, including cuts to take home pay and more casualisation. If passed, the amendment will override wage theft legislation and allow unions to be excluded from the bargaining process. It will also introduce JobKeeper-style 'flexible work directions' without the need to satisfy the decline in turnover test and it will prevent employees from being able to go the Fair Work Commission for arbitration to prevent their employer from issuing unreasonable directions. The Bill also intends to strip the rights of FIFO workers on new projects by making changes to Greenfields Agreements. Use the link below to access the ACTU submission on the Bill:

<https://www.actu.org.au/media/1449375/d1-actu-omnibus-bill-submission.pdf>

To help defeat the Bill, we need members to individually contact the key cross benchers on social media or via email and ask them to vote the legislation down. The senators to contact are Jacqui Lambie, Stirling Griff, Pauline Hanson, Malcolm Roberts and Rex Patrick. They are more likely to take notice of your correspondence if it explains how the Bill will affect you personally.

## Chris Peck's 50<sup>th</sup> AMOU anniversary

This month we celebrated tug master Chris Peck's 50-year anniversary of MSG/AMOU membership at Gladstone Yacht Club. On the night, we heard tributes from Smit Lamnalco masters who said that Pecky was instrumental in setting up the tug operations in Gladstone and has been a great mentor to many tug masters in the industry. I also received this email from the former Gladstone Port Pilot Manager congratulating Pecky on his illustrious career:

*I sailed with Chris back when he was a Deck Cadet with ANL and more recently we worked closely during all of the project expansions within the Port of Gladstone over the past ten years or so.*

*During his seagoing career Chris has been a stalwart member of the Merchant Service Guild of Australia and thence the AMOU and always conducted himself in an exemplary and thoroughly professional manner.*

- Peter Domigan

## FNQ tourism industry

The tourism industry is still struggling through the COVID-19 crisis. This has been made worse by the operators losing the discounts they were getting to berth their vessels while there has been a downturn in patronage and the Government preparing to take away the JobKeeper allowance. Unfortunately, Quicksilver was forced to make approximately 130 employees redundant this month. There are still marine tourism businesses operating at a limited capacity so if you're able to take a holiday, consider taking it somewhere like Cairn or Port Douglas and squeeze in a trip to the reef or to the islands to help rebuild the industry.

## Maritime Safety Queensland - Marine Enforcement Team

MSQ has started the recruitment process for the new Marine Enforcement Team but is yet to finalise the agreement provisions for the roles. The AMOU, AIMPE and Together Queensland have met with management to discuss how the new Marine Enforcement Team will fit into the current Agreement and pay structures, noting that MET Officers are required to work more weekends than other roles. The AMOU initially suggested a variation to the Marine Agreement however MSQ refused because the process would take too long. MSQ has provided the Unions a suggested resolution, but we are waiting for another meeting to be scheduled to discuss the details.

## Curtis Island Ferries

The Curtis Island Enterprise Agreement was voted down after SeaLink put the document out to ballot, despite the Unions telling them there are unresolved issues with the draft. Those issues include the watering down of indemnity provisions, lower percentage increases per year and the overpayment clause that was inserted without being discussed by the parties. The unions will meet with the company on 23 February to discuss the outstanding issues.

## RiverCity Ferries

Both the unions and the company have filed their submissions in the Fair Work Commission for the dispute about RiverCity Ferries refusing to pay overtime to part time employees who work an extra shift outside of their ordinary rostered hours. We are waiting for the matter to be listed for hearing which should be within the next couple of weeks.

RiverCity Ferries met with the union delegates to discuss the proposed roster and the internal recruitment policy. It appears that the company want to make changes to the internal recruitment document that was agreed by the members so it is likely the matter will escalate to the Union Official level in the coming days.

## Smit Lamnalco Gladstone

We had a meeting with Smit Lamnalco on 8-9 February to try and resolve the outstanding enterprise agreement issues. We went through the EA clause by clause providing the company with more information about our claims and had a master specific meeting to address issues such as training and fatigue. Whilst the meetings appeared productive, it was clear that there is still an impasse on the rostering and fatigue provisions so we will undertake conciliation in the Fair Work Commission with Commissioner Booth to try and resolve the issues. The first mention of the matter in the Commission will hopefully be during the week of 22 February.

The hearing to determine whether Smit Lamnalco can change the Rosters without agreement from the crews has been postponed pending the outcome of EA negotiations. Management says they believe their proposed enterprise agreement provisions will mean that particular roster change argument will not come up in the next agreement.

It has just been confirmed that Deputy President Asbury will have carriage of the disputes we've filed in the Commission about masters not being paid overtime when they work more than 12 hours in a 24-hour period, single day banked leave when on 36 hour standby, casuals expected to be available for 24 hours and not a specific shift, overtime pay instead of twofer pay for casual and PPT Masters, telephone allowance to casual employees and the ability to bank leave. Hopefully, these issues can be resolved quickly so that we can clarify the provisions in the enterprise agreement during the negotiations.

## Sea Swift

The three maritime unions met with Sea Swift on 4-5 February to discuss the outstanding EA issues including a maritime only agreement and how the Cargo Handling Allowance should be paid. Sea Swift provided their estimated cargo handling hours and offered \$5000 per year to most crews on board. According to the unions' calculations, the figure is not high enough. We have been canvassing the views of members on the vessels as to how accurate the cargo handling hours are to take back to the company. I'll be on Horn Island on Sunday 21 February to speak to the officers onboard the vessels that are in.

## Pro Dive

The *Pro Dive Cairns Enterprise Agreement 2020* has finally been approved by the Fair Work Commission. The Agreement ensures that masters will get paid an extra 317 hours of overtime per year. Previously, masters were only getting paid overtime after 12 hours in a day. Now they will also get paid overtime rates for any hours above 38 in the week, averaged over 12 months.

## Ports North

The Pilot, Administrative and Technical, and the Operations and Maintenance enterprise agreements have nearly passed the Government review process and will be going to ballot shortly. I'll let members know more as it comes to hand.

## Bay Island Transit - SeaLink

SeaLink provided the bargaining reps with a draft EA to make it easier for us to go through the issues clause by clause. SeaLink stressed that the document was only a draft and it has mistakes in it that need to be looked at by the bargaining reps so the company can make any necessary changes before distributing to the crews. Unfortunately, the draft was somehow leaked to the crews before it was finalised and has resulted in employees thinking that the company wanted to strip away their conditions, including taking away all overtime, which isn't necessarily the case. The AMOU has provided an initial response to the draft EA that includes adding a clause to maintain the current 7 day on 7 day off roster as well as other suggested edits. So far, the AMOU has been successful in getting a Masters' Indemnity clause inserted and the company has agreed to allowing the Masters on the ambulance vessel to be on call from home provided they can be back on the vessel in the required call out time. The company want the Agreement to provide job security and will be providing us with a package to consider that converts the casuals to full time. The next meeting is set for 25 February and we hope to get the figures for both a permanent employment and an ambulance boat package plus the details of the new timetable then.