



# Industrial Report

March 2021

## MEMBERS' MONTHLY MEETINGS

Please note that a nationwide virtual meeting will be held from 1300-1500 hours AEDT on Tuesday 30<sup>th</sup> March with Brisbane members able to attend physically (1200-1400 hours).



**AMOU**

Australian Maritime  
Officers Union

# Federal Report

**Mark Davis**  
Executive Officer

## Nationwide virtual/Brisbane physical meeting

We trialled a virtual & physical monthly meeting on 24<sup>th</sup> February which was made available to all full financial members to attend. Seven local members attended physically and 13 attended virtually. Feedback was positive so the Executive Council has decided to make it the formula whereby a national virtual element will accompany a port rotation of physical meetings. The next meeting which will be held from 1300 to 1500 hours AEDT (1200 to 1400 hours in Brisbane) on Tuesday 30<sup>th</sup> March and will be based in Brisbane. The physical meeting will be convened in the AMOU Brisbane Office located at **Suite 13, 'Rockton' 40 Brookes Street, Bowen Hills, QLD 4006**

All full financial members are invited to express and interest in attending the meeting virtually. Please email me at [mark@amou.com.au](mailto:mark@amou.com.au) and you will be sent a Teams conference link on Monday. Members wanting to attend physically should also let me know by email with cc to AMOU Organiser Tracey Ellis at [tracey@amou.com.au](mailto:tracey@amou.com.au)

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

*Commencement at 1300 hours AEDT (1200 hours in Brisbane)*

*Apologies*

1. *Agenda and any other business to be notified & dealt with under item 5.*
2. *Membership and finances.*
3. *Latest news – 1 main subject per industrial staff member*
4. *Matters arising from the Industrial Report.*
5. *Any other business*

*Conclusion at 1500 hours*

### Times:

NSW, VIC & TAS	1300 hours
SA	1230 hours
QLD	1200 hours
NT	1130 hours
WA	1000 hours

## Lady Rose passenger fatality

It gives us no pleasure whatsoever to reproduce the following article from the Daily Cargo News reported 3 weeks ago:

*“THE master of Sydney Harbour passenger vessel, Lady Rose, has pleaded guilty and has been convicted of one count of*

*unreasonably placing the safety of another person at risk in the Downing Centre Local Court on Monday. On behalf of the Australian Maritime Safety Authority, the Commonwealth Director of Public Prosecutions laid charges against the master, (name withheld by AMOU) for failing to comply with his general safety duties under the Marine Safety (Domestic Commercial Vessel) National Law Act 2012.*

*AMSA investigated the operation of the vessel following an incident in February 2019 involving a 39-year-old woman who was tragically found dead in a bathroom on Lady Rose during a cruise.*

*A report from the Office of Transport Safety Investigations later found it was likely the woman was overcome by hydrogen sulphide, a harmful gas found in sewage systems.*

*AMSA’s investigation identified several concerning issues with the vessel, including faulty sewage piping, ventilation mechanisms and critical fire prevention systems.*

*The master also failed to follow the vessel’s own safety management system which included completing a checklist prior to departure. The serious deficiencies identified by AMSA’s investigation should have been rectified before the fatal voyage.*

*AMSA general manager operations Allan Schwartz said this failure gave AMSA great concern.*

*“Safety management systems are designed to identify potential operational risks and provide mitigation strategies, so you don’t end up with a worst-case-scenario involving injuries to people or even loss of life,” Mr Schwartz said.*

*“Likewise, general safety duties are a critical obligation on every master of commercial vessels – like Lady Rose – whether they are permanent or casual employees, to ensure the safety of passengers and crew.*

*“Failure to follow a vessel’s safety management system or comply with general safety duties has far more serious consequences than just a court-imposed fine and a conviction.”*

*In addition to his conviction, the master was also fined \$2000. The owner of Lady Rose has since renamed the vessel My Way. The woman’s death has also been investigated by NSW Police on behalf of the NSW Coroner.” Ends.*

This is a serious cautionary tale for all Masters, particularly those in the more casualised sectors of the maritime industry where continuity and familiarity with a vessel is an unknown luxury. Realists would say the Master being lynched for this incident was a predictable outcome even though (and possibly because) deficiencies were identified in the implementation of the regulatory regime applicable to the vessel.

## COVID-19 Vaccinations

AMOU and AIMPE jointly wrote to the Prime Minister cc State Premiers on 21<sup>st</sup> January seeking clarification as to whether vaccinated persons would be exempt from domestic quarantine requirements and advocating that maritime personnel should be vaccinated as a matter of priority. Victoria Premier Daniel Andrews responded on 3<sup>rd</sup> March stating that he has asked the Department of Premier and Cabinet to refer our correspondence to the Department of Health for consideration as a priority. As a follow-up we decided it was more productive to write to the State contact persons for the COVID response. These are the terms of the joint letter dated 19<sup>th</sup> March under Nautilus Federation Australia letterhead:

*"... NFA understands that some of the maritime personnel with the most direct interface have already been included in the first phase of the vaccination roll-out - priority 1a. These include Marine Pilots, AMSA Surveyors and ABF Marine Crews. There are other occupational groups which have direct interaction with crews on overseas ships after they arrive into Australian ports. These include Classification Society Surveyors, Ships Agents, Ship Repair contractors, Stevedoring personnel and others. It is not clear yet whether these will be included in 1a or 1b.*

*We have members serving on domestic and internationally trading ships, both Australian and foreign flagged, that must also be accorded a high priority. Trading to various countries, ports and with other nationality seafarers make these a particularly at-risk cohort.*

*It is also extremely unclear whether the remainder of the broadly defined group of Australian maritime personnel will be offered access to vaccination in any position other than in accordance with their individual age cohort as the process enters subsequent phases of the roll-out. There is one jurisdiction which has extended the offer of access more broadly – WA has offered access in the 1a phase to a broader range of maritime personnel. This has been co-ordinated via the local port authorities liaising with maritime employers within their port area. Groups offered access have include tugboat crews, pilot boats crew and others.*

*Maritime personnel have indirect contact with international shipping crews on a routine basis. Tug crews exchange ropes with foreign ship crews. Surveyors and repair staff may work on a foreign ship one day and then visit an Australian vessel the same day or the next day.*

*To better protect Australia's international interface and our officers serving aboard ships of whatever nationality and trade, there needs to be a conscious decision to extend the offer of access to vaccination to the broadest range of Australian maritime personnel.*

*It would be greatly appreciated if you would update us as a matter of priority on where your State is positioned regarding the vaccination roll-out prioritisation for maritime personnel." Ends*

WA responded on 24<sup>th</sup> March recognising the criticality of protecting frontline maritime workers and stating the intention to continue vaccinating them. There was also a handwritten postscript stating: *"Thank you for taking the time to write & also to your colleagues whose professionalism is so critical to keeping everyone safe".*

## Poseidon Sea Pilots

This company has been selected as the preferred pilotage service provider 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 has been seeking applications for pilot positions for more than a month 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.

AMOU has written to MSQ and received some clarification as to licensing and training requirements and employment arrangements, the regulator stating that:

*"The Invitation to Offer (ITO) specifications included the current training and licensing requirements. However, licensing requirements are constantly under review as changes to the port facilities, channels and swing basins, ship dimensions and shipping volumes dictate...*

*... Employment arrangements are a matter for Poseidon Sea Pilots (PSP).*

*The ITO included the following mandatory requirements:*

- *The Supplier must comply with the Ethical Supplier Threshold*
- *Best Practice Industrial Relations.*

The letter also stated that the transition of BMP pilots to the new provider and the total number of pilots to be engaged was said to be a matter for PSP.

AMOU has exchanged emails with PSP, and it is likely an informal meeting will take place in the next few weeks.

## Sea Swift

This company is seeking expressions of interest for delivery crew for a number of consecutive international voyages between Australia and Batam. The first voyage is to depart Darwin in early to mid-April. AMOU positions sought are:

Master <3000GT or higher  
Chief Mate Master<3000GT  
2nd Mate Deck Watchkeeper or higher

Here is the link to apply for the positions:  
<https://www.seek.com.au/job/51848390?cid=ios-share>

## Trident LNG

### Ship visit programme

The COA decided that there should be another programme of ship visits, this time for the purpose of being updated on the ship sale and bareboat charter process and to start exploring options for training and upskilling in the lead-up to the departure of the vessels, which is currently projected for March 2024. The COA delegation involves representation of AMOU, AIMPE, MUA, the COA Arbitrator & Secretary, NWSSC, STAPL and Trident.

The first visit was undertaken on 7th March aboard *Northwest Sandpiper*. The Arbitrator convened the meeting with some introductory comments about its purpose and Paul Oliver from NWS then led off asserting that any ship sales that happen between now and 2024 would not disrupt shipboard business as usual as the only thing that would change is the owner. The ships would be bareboat chartered back and Shell would continue to run the ships with Trident supplying crew as usual. Each of the unions then said their piece. My emphasis was on explaining the process from this point forward and that once all visits have taken place a set of Q & A would be finalised embodying feedback from the visits and surveys would accompany this, likely tailored to each of the three union's members to determine what training/upskilling options should be costed out and then put to the NWS shipping partners for approval. I ran through the draft list of options which currently looks like this:

1. Higher Certificates of Competency
2. COC refresher at finish of the project - so all members have 5 years validity on COC's.
3. Accelerated promotion.

#### Training for other maritime sectors

4. Dynamic positioning training
5. Ship- training
6. Helicopter Underwater Escape Training (HUET)
7. OPITO (Tropical) Basic Offshore Safety Induction and Emergency Training ((T-)BOSIET) course

#### Redeployments & deployments

8. Shell international fleet jobs – to be worth pursuing these are dependent on law changes to provide international seafarers with income tax exemptions.
9. Prelude positions: e.g., communications officer, radio operator, ballast control operator
10. Coastal/sub-regional LNG tanker positions
11. LNG Terminal positions
12. Loading Master positions
13. Floating Storage & Regasification Unit positions

#### Labour Agreement Officers

It looks like we are now on the other side of the recent batch of LA officer placements. It was a frustrating process playing whack-a-mole plugging gaps with members only for LA officers to potentially raise their heads elsewhere in the fleet. The institution of weekly Thursday meetings between the companies and me to plan better in advance has gone a long way to preventing further LA usage.

#### Trident AMOU Enterprise Agreement

This has been on the backburner whilst we were dealing with LA officer issues and continues as such due to the ship visits. Whenever there is space, we will get into it again with a clear objective to restore any lost relationships.

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser

#### Captain Sam Frogley

For those members who have followed this tragic story it now appears Toll (the employer) has refused to cover the costs associated with the repatriation of Sam's body from Darwin to the Gold Coast. Many Seafarers very generously donated to the go-fund-me page set up to help with funeral expenses. I find it hard to believe a company the size of Toll would not at least take care of the repatriation costs of close to \$5,000.

I have a copy of the funeral directors' account. Mrs Frogley has paid the account. In terms of disrespect to the memory of a seafarer, and ship's captain to boot, it doesn't get much worse than this. The AMOU will write to Toll and ask them to show some compassion, and respect. In all honesty I do not believe the other offshore companies would have acted in a similar fashion to the way Toll has.

I am one of the many who have been greatly affected by this sadness. At times I have wondered if it's the right thing to report it to members. Sam's brother Tim Frogley thinks it may help others in some way if we do talk about it.

**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)**

#### Toll Energy

Toll Energy has refused our demands for compensatory payments to a number of members who were not given the required 35-days' notice of retrenchment. This will be heading to the Fair Work Commission.

#### Vessel Inspections and ship visits

*Skandi Atlantic, Skandi Feistein*: This was the second AMOU visit to Barry Beach in just over 12 months. A long way to travel, but certainly worthwhile. This coming Monday I will accompany Jarrod Moran to inspect SeaRoad Shipping's brand-new replacement tonnage *MV Liekut*. My old job the *SeaRoad Tamar* is being retired. The *Tamar* happens to be the last ship ever to be built in Newcastle. Built like a brick out-house its reliable operation has been a testament to the skills of local shipbuilders.

#### DOF Subsea

The first joint AIMPE/AMOU EBA negotiations took place on March 5th. Little progress was achieved. The meeting consisted of further examination of our log of claims with practically every union claim being declined or met with negativity by their representatives, not that we were expecting much of anything else. Next meeting with DOF set down for April 7th. Following that meeting I am hoping to arrange weekly meetings in order to get this negotiation moving along.

#### The 'Boot' test & other things

Last week the Federal Government failed to pass their radical Industrial Relations Legislation through the parliament. The part which provided the most danger to members was the intention to remove the current procedure known as the 'Boot' test: this stands for Better Off Over-all Test. Many of you are aware of the differences between a national award and an enterprise bargaining agreement, or EBA, basically the EBA is a superior version of a national award. The Fair Work Commission compares a proposed EBA with the relevant national award. In order for the proposed EBA to pass the Boot Test the Fair Work Commission must be satisfied that each worker, and any prospective future employee is better off *overall* than what they would be under a national award.

A comparison between the Maritime Offshore Oil and Gas Award 2020 and your average Offshore EBA will show the 2/O remuneration totals are \$96,154 and \$156,837 respectively. Without a 'Boot' test, salaries would not be the only condition under threat e.g. a permanent employee accumulates 1.153 days leave for each day worked... that could go. You might say we have just dodged a bullet, and you would be right. However, I would rather compare the situation to the slaying of a zombie: it will be back, we just don't know when.

#### Go Offshore

We are waiting for the company to contact us with future meeting dates.

#### MMA (Mermaid)

News has got back to us regarding a change of mind concerning the highly intrusive ESSO questionnaire, as reported in the February AMOU Industrial Report. Not sure if all of the objectionable content has been removed. We still need to include a clause in our EBA's to stop companies from this very inappropriate gathering of private information. The thinly veiled threats of non-employment, which can sometimes accompany these requests, are an aggressive and aggravating part of this practice.

#### Westug/Engage Towage

On Friday 5<sup>th</sup> March the three maritime unions met with Westug management at the MUA office in Fremantle. As the Sea Crewing EBA nears its expiry date the parties are searching for common ground on what a replacement agreement may look like.

A range of options were put to Westug on just how a new EA could fulfil their expectations as well as accommodate some changes our side see as essential to future working conditions of all three unions' members. Westug have agreed to write up a draft copy of what they think a new agreement could, or should, look like.

I would not place this in the category of a light at the end of a tunnel, but both sides are reaching out for the switch. The next meeting is being organised for April 1<sup>st</sup>.

# Western Area

## Glenn Walsh

### Industrial Officer (Fremantle)

#### Southern Ports Authority Port of Albany EA

Due to some late amendments, the final editing of the EA has been further delayed. Importantly, the parties have reached in principle agreement on all outstanding matters. Again, we hope to have this lodged in the coming month.

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

We anticipate that the parties should be able to resolve the outstanding concerns at the next meeting scheduled for 1 April 2021. Aside from the hotly anticipated April Fool's jokes, we expect to reach in principle agreement without the need for additional meetings.

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

Much like the lyrics in the 1988 Paula Abdul song, we regularly take 1 step forward and they (MWPA) take 2 steps back. At the meeting before last, the parties secured agreement on the quantum of the pay increase, the sign on bonus and a range of other key clauses. Unfortunately, and without much notice, MWPA retreated on a number of fronts which caused us to withdraw in principle agreement on a number of related claims.

Some members of the MWPA bargaining team are conflating their warped personal ideologies with industry best practice, and at the expense of achieving mutually beneficial outcomes. The presence of some MWPA staff who have scant knowledge about crucial operational matters such as moorings, has led to numerous revolving doors resulting in many pointless and repetitive discussions.

#### Southern Ports Authority - Port of Bunbury Tender for Harbour Towing Services

The release of the tender for harbour towing services in the Port of Bunbury is imminent, along with the expectation that capable and experienced towing industry providers will be expressing keen interest in taking over the contract from the embattled Mackenzie Marine and Towing, who are currently providing harbour towing services in the ports of Bunbury and Esperance. Maritime Unions have repeatedly expressed serious concerns about the levels of safety and service provided by Mackenzie Marine and Towing over the past four years. We expect SPA management to carefully consider the risks associated with allowing certain towing companies to undertake the crucial and inherently difficult task of providing harbour towing services. We look forward to working closely and cooperatively with the next service provider.

#### AMG Dampier Pilots - General Protections Claim

Subsequent to the questionable dumping of our highly skilled and experienced Marine Pilots in the Port of Dampier, AMG managing director and part time/relief Pilot Kim Lyons was involved in an incident resulting in a couple of sizeable holes in a bulk carrier. Some have suggested that the replacement of highly skilled and experienced Marine Pilots with less competent relief Pilots was always going to end in tears.

General cargo ship *MCP Graz* was detained in late February after it collided with a jetty as it departed the Port of Dampier under the pilotage of Kim Lyons. The vessel was on a [new, regular freight service between Singapore and Dampier launched](#) by Rio Tinto and Toll Group.

*MCP Graz* arrived at Dampier from Singapore on 19 February delivering supplies for Rio Tinto's operations in the Pilbara, and sustained damage consisting of two tears to the hull and a hole to the starboard aft peak tank after it made contact with the jetty.

We expect that Rio Tinto and Toll Group will be closely scrutinising the provision of pilotage services in Dampier in order to avoid the repetition.

#### Fremantle Ports General Staff EA

We are awaiting a response from FPA management re the commencement of bargaining. It has been more than 3 months since the NERR was issued to FPA staff.

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

We have referred this matter to our lawyers at Hall Payne, with Rachel Cosentino SC acting as counsel as the matter has been 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.

# Southern Area

## Chris Neiberding

### Senior Industrial Officer (Melbourne)

#### Svitzer National EA

The FWC conference for a bargaining dispute listed by Svitzer was held on 16<sup>th</sup> March and ran until the late evening. In short it was not surprising that nothing significant was gained from the experience. It was encouraging that Deputy President Bull agreed with the AMOU submissions that there was still opportunity for the parties to negotiate before coming to the FWC. He also stated that Svitzer had an unrealistic expectation of what the FWC could do in these circumstances.

After stating everyone's position and some robust debate it was his recommendation that the parties continue to meet and work on the outstanding items in each party's log of claims and should the meetings come to a standstill then the FWC may become involved. This is a win for the unions as it was never our intention to go to the FWC when we had just started some movement. Yes, it was only on a number of smaller items, but this is a lot more than we have done in the past 6 months.

The 3 maritime unions pressed for a meeting with all the delegates at the table in Sydney as we see this as the only way any real negotiations will be able to take place effectively. DP Bull did agree that face-to-face meetings were always more effective than any video conference could be, however was not in a position to force the company to do so. Instead, the company has offered the unions another ZOOM call with dates to be worked out. We continue to lobby the company for face-to-face meetings.

One other bit of information that slipped out from the company is that they will be hiring a private company to continue the negotiations. We are unsure when this will take place but no doubt this will frustrate the process again as they will now need to get up to speed.

It has to be said that if the offer of a rollover EBA was accepted by Svitzer we would not have wasted the last year of everyone's time and money.

Svitzer has offered a meeting date of 31<sup>st</sup> March and again on 7<sup>th</sup> April. Svitzer has stated that "If significant progress is made at these two bargaining meetings, then we will consider holding the next bargaining meeting in person."

The AMOU is meeting State delegates on Tuesday to go over our position and our options.

#### Svitzer Whyalla

The 3 maritime unions will be meeting to discuss Svitzer issuing a POPs with 28 days' notice. Svitzer claim that the POPs addresses CSL requirements, safety requirements and is competitive. The members still have issues with a number of these claims and did not agree to them before the tender for the CSL towage contract was issued. We have no doubt a dispute will be issued.

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

Members at PLT have received another pay offer that would mean their pay is grandfathered until the other ports catch up. This offer has removed the "sunset clause" which the AMOU wanted removed. The renewed offer will also mean an increase in base pay and a lower productivity payment. Members are currently considering the new proposal.

#### Victorian Regional Channels Authority

Since the announcement of Ports Victoria, the VRCA has requested that the EBA stay on hold for the time being. Members still have some concerns that need to be addressed and have let the AMOU know that the matters cannot wait a year or 2 until that are addressed. We have written to the VRCA to press the matters and continue to meet. We believe there is still opportunity to resolve employment issues through an EBA or otherwise.

#### ASP

The AMOU and AIMPE have issued ASP with a joint log of claims and are currently looking at dates to meet on board the *Investigator* for the first negotiation meeting after Easter.

#### Individual issues

There have been a number of individual issues that have also required my attention in the last month.



# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### Victoria International Container Terminal

Industrial action at VICT was suspended by the FWC (and after agreement by the employer and unions). The break in action has allowed some concentrated discussion and matters are progressing. A small sub-committee of the single bargaining unit has started work on drafting a new EA. Matters to do with breaks for AMOU members have been the subject of separate meetings between VICT and members and some significant work has been done on getting this sorted out. We continue to meet with VICT each Friday.

#### Serco - DMS

A dispute about the application of the SERCO EA when members are working offshore was heard in the FWC on 24 March 2021. 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.'*

SERCO is applying this where 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. Our dispute mainly affects 2 vessels in WA, *Stoker* and *Besant*. The *Mercator* in NSW has similar issues which we are dealing with in a parallel dispute.

The Navy contract that SERCO services is up for renewal and SERCO may or may not continue to be the Navy's contractor. The 3 maritime unions think cutting a deal with SERCO on our issues may fix the problem today, but a new operator may take a different view. We think it is best to seek an interpretation decision from the FWC so that any employer that may inherit this EA will have a clear understanding of how to apply it. We are seeking the endorsement of the members to follow this course in the FWC.

#### VICPORTS

The VicPorts EA (VTS and other port workers) expires in August 2021. Members had been developing a Log of Claims. The Victoria Government announced in late February the creation of Ports Victoria – initially a merger of VicPorts and the Victorian Regional Channels Authority. The new entity Ports Victoria will be operational from 1 July 2021 and will be based in Geelong. Discussions on a new EA have been put on hold until the structure of Ports Victoria is announced. We are meeting regularly with the senior managers of VicPorts and the VRCA to discuss members' queries during the merger phase.

#### TT-Line – Shipwrights & Pursers

The current EA for the TT-Line Shipwrights and Pursers expired on 30 June 2020. We have been seeking meetings with TT-Line on a replacement EA with little response. HR keep telling us they are seeking instructions from above. We have a modest Log of Claims as well as some EA interpretation issues (personal leave) that we want to discuss in negotiations.

Additionally, we have a clear definition of the qualifications required to be a TT-Line shipwright in the Agreement. Recently the Company have recruited 2 shipwrights that do not have these minimum qualifications and we have told them that we consider this a clear breach of the EA.

This is a matter we would normally want to resolve during negotiations. In the absence of EA discussions, the shipwrights have instructed us to raise a dispute in the FWC and seek a guarantee that TT-Line will comply with their EA obligations.

#### INCO Ships

INCO was operating 3 bunker vessels in Australia *ICS Reliance*, *ICS Integrity* and *ICS Allegiance*. The COVID 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. Discussions 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.

A draft EA has been considered by members as acceptable and in return for agreeing to a pay cut, some other conditions (leave, accommodation) have been improved. The voting process will commence shortly. Our EA is a joint EA with AIMPE.

#### SeaRoad

The temporary replacement vessel for the *SeaRoad Tamar*, the *MV Liekut* arrived in Melbourne on 26 March and is undergoing the necessary work to make it ready to trade. SeaRoad have floated changing rosters/duties with the start of operations and while members are excited to by this new phase in SeaRoad operations they want to be involved in implementing any new ways of working as contemplated in the current SeaRoad EA which we finalised only last year. It is expected that SeaRoad will operate the *MV Liekut* until a new purposive-built vessel can be constructed. We understand the *SeaRoad Tamar* has been sold.

## **Toll Shipping**

We expect an announcement on the new owners of the Toll Shipping business in the coming days.

Over the past week Members have voted to accept a new EA. The deal provides a term 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. We have been able to secure other current entitlements that are not reflected in the EA via a side Deed. This includes a guarantee that Deck Officers will not be disadvantaged if other crew settle matters with more favourable outcomes. We have also guaranteed the ongoing employment of the additional 3<sup>rd</sup> mate for at least the term of the EA. This overall is a good outcome and members should be congratulated on this achievement.

## **TasPorts**

The TasPorts pilots EA expires in July 2021. We are required under the EA to meet with TasPorts 90 days before the expiry to commence discussion on a new document.

Members thoughts on a Log of Claims are current sought.

# Eastern Area

## Marty McEvilly Industrial Officer (Sydney)

### Transdev Sydney Ferries

New vessels remain a key issue. The new build committee and officials of each Union were invited up to the Birdon shipyard in Port Macquarie in the first week of March to inspect the progress of the Chinese built Emerald class vessels. Although Birdon were still working on the vessels, a list of over 80 defects and improvements were identified by the committee. The timeline for handover of these vessels to TDSF remains unclear, with it already having been pushed back from a mid-February delivery date to late March/early April. We do not know if the recent flooding has had a further impact. I understand that members were concerned by images of the vessels undergoing trials at Port Macquarie being undertaken on behalf of Birdon by fellow non-TDSF AMOU members. Please refer to Mark Davis's report for clarification of our policy in this regard.

The trials of the new river class ferries are ongoing and the subject of heightened scrutiny following comments made by NSW Transport Minister Andrew Constance in mid-March. Outstanding issues include those related to electronics and wheelhouse glare that are being worked through. The company is clearly becoming more and more frustrated that they aren't able to progress these vessels to service, but safety comes first and they are in need of being repeatedly reminded of this. Manning discussions remain on hold until after the trials have been successfully completed on at least one vessel.

Our dispute regarding Master V positions remains open though we have had no formal response from TDSF since we met with the other unions and attempted to formulate the contents of an alternative proposal that provides for both Master job security as well as an appropriate career progression option. With the new river vessels likely to enter service in the coming months, this issue does need to be resolved.

The next MCC is due to be held on 08 April 2021. We will be raising issues including uniforms, which we know is continuing to cause consternation for members. We are also looking for further clarification on the future of the Freshwater class, with the only updates we receive coming from the media and comments from the Minister.

### Transport for New South Wales / RMS

The Maritime branch restructure that was discussed at the end of 2020 has still not been initiated, with the top line changes initiated in early 2021. We had expected to hear more by now. I will keep members informed as we hear more. Beyond this, we continue with regular meetings with the new acting Secretary regarding Covid-19 and the vaccine roll out to relevant employees.

### Port Authority of NSW - Newcastle

On 17 March the Consultative Committee took place only days after the Head of Operations had been terminated or made redundant if we accept the line used by PANSW. Members were rightly concerned about the way in which she had been treated. It sends a clear message to everyone at PANSW about the way senior management view their people. Union membership is even more important at times like this to protect all against similar treatment. As a result of Emma Fensom's sudden departure, there has been a restructure with the company currently advertising for a Deputy Harbour Master and in the interim, VTS reporting to the HM with Peter Ernst taking over the Operations management role until a replacement is found. VTS transition remains stalled but we expect progress in coming months once a new Deputy HM is installed. Our pilots continue to work with management on issues including retaining the benefits that some COVID management measures brought.

### Port Authority of NSW – Port Kembla

EA negotiations are also due to begin for a replacement for the Port Kembla EA. As with Sydney, a NERR has not been issued and negotiations have not yet begun due to a delay in PANSW receiving their bargaining parameters. Delegates are in the process of gathering claims, considering there are going to be restrictions on financial improvements due to government policy. A preliminary meeting is scheduled for 01 April 2021 to discuss the way in which negotiations will be held and we will know more from this about PANSW's expectations for the discussions. The increased compensation for VTSOs because of the increased responsibility they now hold after the transition to VTS is likely to be incorporated into EA negotiations.

### NSW Marine Pilotage Code Review

Meetings to discuss the review of the Marine Pilotage Code (MPC) continue, with each of the four sub-groups discussing issues before reporting them back to the larger working group. I am most involved with the subgroup reviewing Training and Technologies. The primary stumbling block we are encountering relates to initial training requirements for a pilotage licence, with PANSW looking to move towards a system-based approach regarding the number of pilotage jobs required to obtain a licence, with the outcome determined by competence rather than a specific number of jobs. Our preference is to retain a prescriptive approach, with the minimum number of jobs required (currently 70) to be included in the code. The risk we see is that PANSW will increasingly use simulator training to replace on-water pilotage jobs if the door is left open to do so. We will continue to provide updates and each port has a pilot on the working group should they have any specific questions or issues they may wish to raise on a local level. The next meeting is scheduled for 07 April 2021.

## NRMA – Fantasea and Manly Fast Ferry

The MFF Consultative committee meeting that was scheduled for 25 March 2021 was deferred at late notice due to the unavailability of several attendees. It is likely to be rescheduled in the coming weeks. We have heard little with regards to Fantasea though understand there has been opportunities to provide coverage for Sydney ferry runs which is keeping the employees in work while waiting for the tourism sector to recover. It is clearly a difficult time with job keeper soon to end. Whale watching season will be starting in the coming months which should help. How NRMA divide the opportunities between MFF and Fantasea remains to be seen.

## Port of Newcastle

We have been informed that PON are attempting to terminate a member's Individual Flexibility Arrangement (IFA) without reasonable justification. IFA's are an important and valuable entitlement for employees that allow them to better manage their work-life balance. We will ensure that we do all we can to fight against the company unjustly trying to remove the agreement that they previously made. If any other members are dealing with similar issues, please contact the Union. There was an outstanding item from the last Consultative Committee regarding the final batch of People and Culture policies that PON would like to change. I ask that all members provide their delegates or myself with feedback before 30 March 2021.

## Port Authority of NSW - Sydney

I would like to begin by thanking outgoing delegate PJ Daras for all of his work on behalf of the AMOU and his colleagues in recent years. He has made the decision to step down from his delegate role due to other commitments. I personally will miss his involvement and input but know that he will still only be a phone call away should I need his assistance. We are in the process of looking for a replacement delegate and I ask all members to consider stepping into the role or nominating someone they believe would be a good delegate. It is an incredibly important time with EA negotiations about to begin and a fresh face and perspective will certainly help our existing delegates going into bargaining. The EA requires negotiations to begin a minimum of three months before the existing agreement nominally expires on 30 June 2021. We had wanted to start at least six months out. This has not yet happened, however. PANSW are still waiting on receiving their bargaining parameters from government. Once they receive these, we will be able to begin the discussions. We expect this to be in the coming weeks. If you have not yet provided claims to your delegates, please do so as soon as possible.

## Captain Cook Cruises

The second draft of the *Captain Cook Cruises Enterprise Agreement 2020* was rejected by a vote of employees in the last week of February 2021. The first version had been rejected in November 2020 and the second was substantively the same document. We advocated for a rejection and were pleased that this happened. We are now at a stalemate and whereby usually a no vote causes a party to return to the table to reconsider their position, it is clear that this is unlikely to be the approach that CCC take. We are awaiting further updates on where the

company intend to take it from here, though it is likely that there will be FWC assistance sought to resolve the deadlock.

## Keolis Downer Hunter – Newcastle Ferries

It has been over 9 months since Keolis Downer told us that they wanted to remove ferry employees' lunch and fatigue breaks to run a continuous service. Consultation has been a farce. We believed there may have been some progress made in the last meeting on 16 February. KD put a proposal to us that still allowed for breaks to be taken, however proposed that a GPH with Masters qualification cover those times. After review by both Unions, we gave feedback that there were too many uncertainties and potential difficulties with this plan but advised we remained committed to coming up with a suitable alternative proposal. However, KD wrote to the Unions on 19 March 2021 to simply advise that they now considered the matter to be in dispute and would be seeking the intervention of the Fair Work Commission to resolve the matter. To date we have not been advised of an application being made to the Commission and status quo remains. In a display of further contempt for consultation obligations or even a basic appreciation of how the maritime industry operates, KD also offered casual master contracts of employment to three GPHs to allow them to be used as Masters when needed, but with the intention of primarily remaining as GPHs. Two of these employees were permanent GPH's and their Union has rightly told them not to sign any agreement that removes their permanent status. One casual GPH signed it under pressure from management on the day it was given to him, which is being disputed. The matter of lack of consultation on this as well as clear difficulties with the operation of the EAs has been raised and we expect to be having discussions on this matter with KD management in the coming weeks.

# Eastern Area

## Tracey Ellis

### Organiser (Brisbane)

#### Bay Island Transit- SeaLink

The last meeting with the company was meant to be a full day to sit down and nut out all of the remaining issues. Instead, the IR Omnibus Bill was passed by the Government and SeaLink decided that the WorkPac v Rossato case changed the level of financial risk the company was willing to take on by letting people remain casual (they would have had to consider you permanent and pay out permanent entitlements upon termination of employment if you worked a regular pattern of shifts). The company say that the legislation change now means that they have to offer you a permanent position, but you don't have to take it. That has taken the pressure off and everyone can choose which way they'd like to go after seeing both options.

The company have decided not to offer a rolled-up rate linked to the roster because it would be too hard to unpick the rate if the roster changes. They are going to make changes to the draft EA this week to reflect their intentions, which is to have a casual option and a permanent option. The unions told them that the casual conditions that were removed need to go back into the document, for example the \$50 call-in allowance, super on gross pay and the overtime penalty paid on the loaded rate. The company have agreed to consider this.

SeaLink has confirmed that they still want to keep the 7 day on 7 day off roster but unfortunately, they still want to reduce the length of the days to around 12 hours. The roster they are working on is for 12.5 hour shifts with 2 x 30 min unpaid break. That is a total of 11.5 hours per day and 80.5 hours per fortnight. The roster and the timetable still have to go to TransLink for approval. We've asked for SeaLink to allow crews to look at the draft timetable before it goes to TransLink. Heather said she would be happy for crews to have a look at it to confirm there are no mistakes and will double check with TransLink to make sure that's ok first.

We should have the next draft of the EBA before the next meeting which is scheduled for 12 April.

#### River City 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. The AMOU and MUA now have to file their reply to the company's submission and the matter will be listed for hearing.

The AMOU and MUA officials met with TransLink and Brisbane City Council with our concerns about the Masters operating the new KittyKats and old CityFerries by themselves. We raised the issues of timetable pressures, past incidents, the potential for future incidents and that the risk assessments are not sufficient.

Council said that they have just signed off on the 30-minute interim timetable which will remain in place until the Howard Smith Wharf ferry terminal is built. Whilst that is a positive step, the AMOU does not think that there is enough time added to the timetable and the ferries and KittyKats need a deckhand. Council said they will get back to us with their response. Interestingly, they said that it is up to RCF to put on an extra crew member. The two unions will be holding a rally at Riverside to draw attention to the need for an extra crew member on 26 March 2020.

#### 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 of the Marine Agreement however MSQ refused because the process would take too long. MSQ has provided the Unions a suggested resolution, but we are awaiting 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 met with the company on 23 February to discuss the outstanding issues and were told that the company will reconsider its position and provide another draft EA. This has not happened yet.

#### Sea Swift

The three maritime unions visited the vessels in Darwin, Cairns and Horn Island to canvass the views of members to determine whether the cargo handling hours Sea Swift used to calculate the Cargo Handling Allowance of \$5000 per year were correct. The resounding response received from officers was that the hours were too low. The unions will be meeting with Sea Swift on 29 March to try and address this shortfall.

#### Gladstone Pilots and Launch Masters

The Port would like to get ahead of a possible change to the Government Wages Policy at the next budget in June/July and has begun working on an EA framework for approval. In the meantime, the AMOU and delegates will be meeting with the Port to resolve non-EA issues before the official negotiations begin.

## Smit Lamnalco Gladstone

The Unions and Smit Lamnalco participated in the New Approaches conciliation with Commissioner Booth on 22 March 2021. With her help, the company moved significantly in our favour. There is more work to do but we see this as a positive step.

During conciliation, the Unions made it clear that we would not accept the proposed roster because it had too many conditions attached to it. The company agreed to remove all conditions attached to the roster. Their new proposal is:

- The proposed roster with 2-hour split starts
- 3-day LNG standby at the base, rostered on the last three days of secondaries
- Minimum breaks increased to 8 hours, 8 hours, 12 hours. Total of 84 hours of rest over 7 days (based on 12 hours work x 7 days)

The next conciliation with Commissioner Booth is scheduled for 15-16 April.

We also tried to resolve some outstanding disputes in the FWC with Deputy President Asbury. These disputes included paying the telephone allowance to casual employees, masters not being paid overtime when working more than 12 hours in 24 hours, casuals to be paid a twofer when going over shift and permanent part timer's ability to bank leave and their entitlements after going over shift and at the end of their agreed shifts. Neither party moved from their position and the AMOU is currently considering whether to progress each matter to hearing.

## Darwin Port - Pilots

The Pilots' enterprise agreement negotiations are about to kick off with multi-day meetings scheduled for the week of 5<sup>th</sup> and 26<sup>th</sup> April. The Pilots are currently working on their log of claims.