



# Industrial Report

May 2021

## MEMBERS' MONTHLY MEETINGS

Will be on Tuesday 25 May 2021, commencing at 1300 AEST.

It will be held physically at the AMOU Fremantle Office (1 High Street, Fremantle WA) from 1100 local time.

All full financial members are invited to express interest in attending the meeting virtually. Please email [jarrod@amou.com.au](mailto:jarrod@amou.com.au) and you will be sent a link to attend.



**AMOU**

Australian Maritime  
Officers Union

# Federal Report

**Mark Davis**  
**Executive Officer**

## Nationwide virtual/Fremantle physical meeting

The next meeting will be held from 1300 to 1500 hours AEST on Tuesday 25<sup>th</sup> May. The physical meeting will be convened in the Fremantle Office located at **1 High Street Fremantle**. All financial members are invited to express an interest in attending the meeting virtually. Please email Jarrod Moran at [jarrod@amou.com.au](mailto:jarrod@amou.com.au) and you will be sent a Teams conference link on Monday. Members wanting to attend physically should also let Jarrod know by email with cc to [glen@amou.com.au](mailto:glen@amou.com.au).

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

*Commencement at 1300 hours AEST*

*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:**

QLD, NSW, VIC & TAS	1300 hours
SA & NT	1330 hours
WA	1100 hours

## REVALIDATIONS – AMSA announcement

AMSA's Manager Seafarer Certification Service Operations, Mark Eldon-Roberts has written to me in the following terms:

### **"STCW – Promotion of early revalidation of Masters' & deck officers' certificates of competency"**

I refer to our email exchange earlier this year where AMSA was seeking the assistance of the AMOU in promoting the early revalidation of Master's and deck officers' certificates of competency due to anticipated high demand later this year.

I forward the text that we would like to appear in the AMOU news magazine and as a news item on your website encouraging Masters and deck officers to revalidate their certificate early so as not to get caught out by the anticipated high demand later this year. A certificate holder may revalidate up to 6 months prior to their certificate expiring and have this period carried forward on their revalidated certificate.

Between November 2021 and February 2022, the Australian Maritime Safety Authority (AMSA) is anticipating a very high number of revalidation applications from seafarers with Certificates of Competency (CoC), Certificates of Proficiency (CoP) and Certificates of Safety Training (CoST) issued under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).

About 4,000 certificates for masters, deck and engineer officers, integrated ratings and others will expire during this short four-month window. Most of these certificates require a combination of continued competence refresher training in sea survival and firefighting, and medical fitness certificates.

To avoid a situation where AMSA's own internal processing systems, external medical examination clinics and registered training organisations (RTOs) are overwhelmed by last-minute applications and bookings, AMSA is encouraging early revalidation applications through a concerted campaign targeting impacted seafarers.

AMSA is encouraging medical examination clinics and RTOs to prepare for a steady increase in bookings between June and December 2021 as a direct result of this concerted campaign. Medical examinations clinics and RTOs are also encouraged to reach-out through their own databases to impacted seafarers, similarly encouraging early bookings.

The key message to impacted seafarers is: Professional qualifications take time, so does the revalidation process – book your continued competence refresher training courses and medical examination in advance.

For more information, please feel free to contact

[SCSApplications@amsa.gov.au](mailto:SCSApplications@amsa.gov.au)

AMSA appreciates the support the AMOU has provided in this matter."

## Trident LNG EA

Negotiations to renew the AMOU and AIMPE collective agreements took place on 3<sup>rd</sup> & 4<sup>th</sup> & 18<sup>th</sup> May. The talks progressed very satisfactorily with the main as yet unresolved issues being the remuneration package and the wording of a Pandemic provision. A Memo will be sent out to all Trident members soon canvassing views on a proposed settlement.

## Teekay Marine Resources

AMOU and AIMPE met with Teekay on 30<sup>th</sup> April for the start of the next round of negotiations to renew the EAs for *Sycamore*, *Ocean Protector*, *Ocean Shield* and *Coral Knight*. During the last round the company's reluctance to invest financial resources short of the announcement of the DMSS contract was the stumbling block to conclusion of the *Sycamore* EA.

The Company is seeking separate EAs for each ship and when the DMSS Offshore contract is announced as Teekay's, this will mean separate EAs for each of *Stoker*, *Besant* and *Mercator* in addition to the other 4 ships. This is unwieldy and makes the EA negotiating process very time-consuming. The next negotiation will take place on 28<sup>th</sup> May.

## Poseidon Sea Pilots

Interviewing of pilot candidates commenced last month and some AMOU member interviewees have called to update me on the process. Some members have expressed their dissatisfaction with Poseidon not seeking to negotiate an EA with the AMOU and preferring individual common-law contracts. On 10<sup>th</sup> May I wrote to PSP Director Steve Pelecanos in the following terms:

"Dear Steve

At our lunch meeting I asked whether you would entertain an enterprise agreement (EA) with AMOU for PSP Pilots and you mentioned that you are sticking with the HR advice you received in favour of individual common law contracts. I explained the example of the AMOU's ordeal with Australian Reef Pilots (ARP), suggesting at the end that PSP may want to avoid this and engender the goodwill of its Pilots by starting with an EA.

Let me just set out the (ARP) example in writing in the hope that you will give our suggestion further consideration:

ARP had 42 Pilots with 34 on individual common law contracts and around 8 contractors. Only 3 were AMOU members. Management began to make unilateral, prejudicial changes to Pilots' employment conditions. AMOU began a campaign to unionise all of the employed Pilots. When we had around 15, we approached the company to negotiate an EA. They said no. We continued organising until we had 23 Pilots. We successfully applied to the Fair Work Commission (FWC) for a Majority Support Determination; meaning that we proved we had most of the employed Pilots as AMOU members. The FWC issued the determination and ARP was compelled to bargain with us. After a number of months, the relationship between the parties matured and became mutually respectful, to the extent that a balanced EA was concluded in cordial circumstances and was duly approved by the FWC. This process probably took 12 months from inception.

Now the Pilots are satisfied that all of their pay and conditions are in the one approved, transparent, and readily enforceable document; one which also contains the standard protections that the FWC determines should apply to all workers covered by Awards and EAs.

My advice to you, for what it's worth, is that negotiating an EA with the AMOU will avoid the whole ARP scenario, which you may rest assured we would not hesitate to put PSP through. You may also find that PSP openly changing its policy to one stipulating EAs would promote the company's all-round professionalism to Pilots presently undergoing the interview process and may also attract more applicant Pilots presently covered by EAs with other pilotage service providers elsewhere in Queensland and further afield. Furthermore, it is industrial relations best practice.

Our understanding was that PSP is to engage in EA bargaining for the pilot cutter crew. If this is the case and this is our hope, it may send a poor signal to Pilots that they are not entitled to the benefits of best practice industrial relations, but the launch seafarers are. If it is not PSP's intention to have an EA for the crew, then AMOU will replicate the strategy as outlined to support them.

I'm always happy to discuss these issues with you at any time.

We are probably overdue a catch-up.

Hope all is well with the PSP team."

Brisbane Marine Pilots seem to be steadfastly sticking to the strategy of not applying for employment with PSP, which is very pleasing. There are not even rumours of this happening.

# Western Area

## Glenn Andersen

### Western Area Secretary & Organiser

#### Toll Energy

On May 3<sup>rd</sup> I attended a FWC conference, initiated by the AMOU on behalf of members who were not given the regulated 5-week notice period for a forced redundancy. If the employee is aged 45 years or older National Employment Standards dictate they are to be given a 5-week period of notice and not the 4-week notice period for under 45's. Even the erroneous 28-day notice period was wrong - it was 27 days - and the FW Deputy President had a peep at the calendar to check. Toll made an offer to settle, which we rejected. Toll made the decision to take this to Arbitration, and as we have a strong case, we are happy to oblige. As late as this morning that offer has been increased. I will consult the members.

At the start of the COVID-19 pandemic an email was sent out to most offshore companies offering to discuss workplace changes which would make forced isolations, and lockdowns easier to plan through. Some employers took up this offer. Solstad comes to mind as an employer willing to make a deal with the maritime unions, a deal which benefited both employer and employees. Toll chose to COVID-isolate employees and either: deduct accumulated leave or not pay them at all for the pleasure of a 14-day confinement in a hotel room. The AMOU is putting together a claim to reinstate accumulated leave debited from employees and compensate those who just got 14 days of four walls and a TV.

#### Vessel Inspections and ship visits

On May 20<sup>th</sup> I inspected the vessel *Normand Ranger* in Dampier, it's a large Solstad anchor-handler. Woodside is the client. The intended 10-month contract could extend. A Norwegian master and engineer will stay on for the first swing, apparently to pass on knowledge to a local deck officer. Clause 44.1 (c) The EBA states: "Farstad and the union will discuss issues relating to manning..." . This did not happen.

This is yet another industry example of one rule for some, another rule for others. Fortunately for IR's and Caterers they do not have to put up with this type of treatment. For some reason an Australian IR can step straight into a role onboard this stock-standard Norwegian anchor handler without the special knowledge being passed to them from a Norwegian IR/AB but an Australian master: yes, even though he/she may have anchor handling experience they really need the special knowledge that only a Norwegian master possesses. Let's cut through my facetiousness and get to the real story: It's an anchor handler, nothing special. If Solstad in Norway showed Australian deck officers a similar respect they show to IR's and caterers, an Australian would be master from day one. The AMOU would not oppose a Norwegian master used as a shadow master for a swing. EBA with Solstad negotiations are not far away. If negotiations get tough remember this story.

#### DOF Subsea

We met this week and the real negotiating got underway. Both sides made concessions and progress was made. We are still not happy with the frequency and the length of meetings. We are due to meet again towards the end of this month.

#### Westug

This month the combined unions met with Westug at our Fremantle office. The discussions could be described as positive. The result is Westug has invited us to attend townhall-type meetings in Karratha and hopefully Cape Lambert. The plan being management will address EBA employees, in the presence of all three unions' paid officials. Westug management will take questions from the floor. Westug management will then depart the room, allowing a private discussion between the union officials, and their members.

#### Severance Pay for Casuals

Severance Pay has been around for years. Google *Severance Pay* you will see it described as a termination payment. Redundancy and Severance are both termination payments, but there is a difference. Redundancy occurs when the once permanent role or job is no longer required by the employer. With severance pay the role, or job, has a more or less predictable start and end date. In the USA a severance payment can provide bridging payments for health insurance premiums until the worker finds a new job. In that country losing your job basically means losing health insurance. In the land of the free you are also free to sell your home to pay for a hip replacement or cancer treatment.

Current EBA negotiations include an AMOU claim to incrementally increase casual loading rates up to 25%. The MUA came up with the severance claim idea. As a result of a joint meeting both unions have included both claims in negotiations. In two very recent agreements the MUA has been successful in securing the severance claim. It now appears severance will become an industry standard. It would be difficult to win both in the one agreement. My recommendation is we pursue severance over casual loading increases as it is a good idea and has less financial impact for employers. It may also tip the balance when employers think about making new employees permanent or casual.

Severance Pay for casuals is on top of the 20% casual loading. The current agreed MUA Severance payment is 0.5%. It will rise to 1% in mid-2022.

## Superannuation and Income Protection

As far as I can remember the history of the top 1.5% of your Superannuation income is meant for, and was negotiated for, income protection. Those who maintain they can find cheaper income protection out in the market-place need to remember your union is a team sport: all for one and one for all. The benefit of having the one income protection provider is the union has real leverage over proceedings. You find your own cheaper provider then you face the prospect of fighting them on your own if things go bad. And remember, if things do go bad you may be physically, and mentally challenged at the time, purely as a result of your injury or illness. In this job I see the peace of mind when members receive up to 2 years of income protection. I have also seen the disaster of no income protection, no form of injury compensation, sickness compensation or total disability payment for an off-site accident. In the later instance the member would be forced to line up at Centrelink for a government sickness benefit. He also lost his job.

The plan is this: The Income protection part of superannuation - 1.5% - will come under its own clause. Employees will vote for a single provider. At a time to be negotiated (months) the remaining superannuation will then increase by 0.5%. Where a majority of Permanent Employees do not vote for a single provider the two amounts will be included in the one superannuation payment.

For those who feel they could be behind in this option, keep an eye out for government mandated increases to superannuation, possible under a present government and almost definite with a change of government.

## Non-Members

As always, those who refuse to contribute financially will gain from the above conditions, and for that matter all conditions. We will gain salary increases in EBA negotiations this year when many Australian workers will not. If you work for Go Offshore you may get the opportunity to vote in lower wages and conditions, non-members should complain directly to Go Marine management for that possibility.

As always members please: restrict union reports to fellow members and discuss with members only. If you are a delegate, you are quite entitled to ask the membership status of a fellow deck officer. Unfortunately, it is not uncommon for some non-members to masquerade as either members or financial members, when they are neither. Personally, I place that small group in the same category as the individuals who go around impersonating police officers!

Our policy is to release details on who is a member to delegates only but there are other ways of finding out that I am happy to discuss with anyone interested.

## Current and Emerging Disputes

The INPEX agreement has a strong focus on local labour, for us that means Australian deck officers and not foreign visa holders. *The Normand Frontier* will employ local 2/Officers only. The issue of manning on the *Normand Ranger* is already dealt with in my report. Both these cases could be placed in dispute.

## EBA Negotiations

We are currently negotiating with Go Offshore, DOF and Westug. Solstad, AOS and Atlas are imminent starters. I am endeavouring to keep up with negotiation reports. Those reports normally get sent out to all financial AMOU members employed in Offshore Oil and Gas. The reports do not go to bridge email addresses, only to members private email addresses. If you are not receiving any of these reports, email me and I will put you on the mailout list.

# Western Area

**Glenn Walsh**

**Industrial Officer (Fremantle)**

## Leave

Glenn Walsh has been on leave. Glenn Andersen has been covering his portfolio so please refer to his report for more information.

# Southern Area

## Chris Neiberding

### Senior Industrial Officer (Melbourne)

#### Svitzer National EA

As I write this the 3 Maritime unions are preparing to caucus (on the 20th of May) before the next bargaining meeting which will be a face-to-face meeting scheduled from the 8th to the 10th of June. The unions have been calling for a face-to-face meeting since the relaxation of the State's lockdown laws and open borders. Delegates feel the face-to-face will be much more productive than Zoom meetings where there can be up to 40 people on one call and hard to get people's point across in a timely manner.

It would be fair to say all parties are hoping for a breakthrough moment during these meetings in June. Ideally, we can get some sort of stability and certainty for members which would also allow the company to focus on winning contracts and creating business.

#### Svitzer/Engage Marine - Bowen

The AMOU has spoken to local management in Bowen about the process with redundancies and what the handover to Engage will look like. It seems North Queensland Bulk Ports has not delivered any further time frames and instructions, and everyone still seems to be somewhat in the dark. We have also reached out to Engage Marine to ask how they see the transition happening and what their ideas and plans are regarding crewing. They have been consistent with their media release saying they are looking to commit to local employment. The current crew will be able to apply for the jobs and have priority with no reduction in crewing. We will be seeking a meeting with the other maritime unions and Engage in the next few weeks.

We also know there are a lot of wharf talk going around that has caused concern amongst members, mainly that AMOU is not going to be part of the conversations/EBA negotiations with Engage. That is unfounded and untrue, the AMOU has been in contact with Engage as recently as this week and we are all looking at dates that suit the unions and the company for our first meeting.

#### Svitzer Whyalla – CSL contract

So far there is still no news on the Whyalla CSL contract. We understand not long ago CSL were still in touch with Svitzer going over the details in Svitzer's tender however, there has not been a great deal of contact in the last few weeks. This is open to anyone's interpretation.

#### TasPorts drug and alcohol

During a regular TasPorts Towage workplace consultative committee meeting, TasPorts referred to a new Drug and Alcohol policy they are looking to implement, which had come to some surprise to everyone in the room. TasPorts has said they had made some reference to the policy last year in November but nothing apart from that. Nobody from the unions can recall anything or any detail. However, now that TasPorts has tabled the new policy there will need to start a process of consultation and review by the unions and members. The new policy means all crew will have to have a zero reading. This is currently the policy for masters and for whatever historic reason was never applied to the deckhands and engineers. We will still be seeking feedback from members.

#### ASP EAs - Investigator, Larcom, RTM

So far it seems negotiations have stagnated. We understand this is due to ASP losing its HR specialist. We have continued to reach out to ASP to get some meeting dates but so far without success. The AMOU knows this is frustrating for all members and considering some agreements only came into play a year ago and they are already up for renegotiation puts more emphasis on getting these started.

#### Victorian Rivers and Channels Authority (VRCA)

Until the formation of 'Ports Victoria' the VRCA has been told that the government will not be looking at any further negotiations for a VRCA EBA. We feel this is somewhat inconsistent while they are looking to implement roll over EBAs in other areas. After some negotiations the VRCA have offered to resume talks regarding some of the employment conditions and rosters but stops short of entertaining an EBA for the members. This is not ideal, and we have considered our positions and will proceed on a try before you buy scenario where we will have the discussions and see if we can achieve a satisfactory outcome. Failing that we are reviewing other options which seem limited at this stage.

#### Individual Matters

There have been several individual member issues I have been dealing with, including.

- Return to work
- Reinstatement of leave
- Redundancies
- Disciplinary

# Southern Area

## Jarrold Moran

### Senior Industrial Officer (Melbourne)

#### Toll Shipping

As reported last month Japan Post and Allegro Funds have agreed on terms for the transfer of ownership of Toll's Global Express unit (including Toll Shipping in Bass Strait). The deal is to be finalised by 30 June 2021.

The new EA covering our members in Toll Shipping was approved late last month and matters to do with the transfer of casual employees to permanent roles is now occurring.

The new EA will protect members terms and conditions of employment as the ownership moves.

#### Spirit of Tasmania - ASP

We have a joint EA for Officers on the Spirits with the AIMPE. The nominal expiry date of the EA is 31 July 2021. Members have prepared a Log of Claims which has been served on ASP. We are waiting on an ASP response and suggestions for negotiation meetings dates.

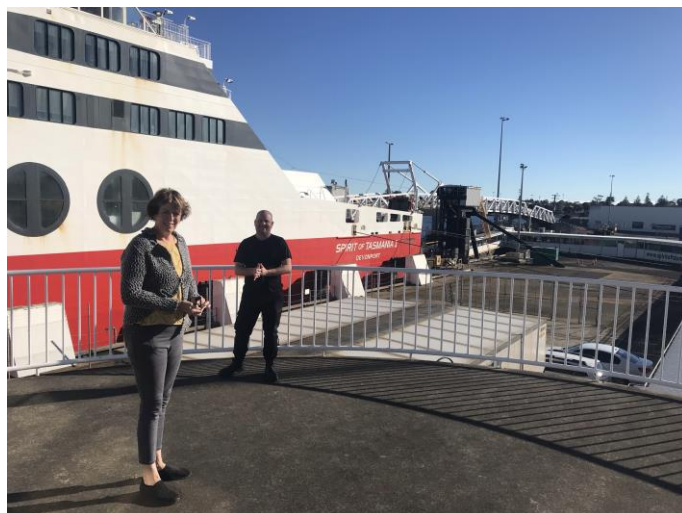
#### TT-Line (Shipwrights and Pursers)

The current EA for the TT-Line Shipwrights and Pursers expired on 30 June 2020. We have had 3 meetings with TT-Line regarding a replacement document. We have worked through most matters and are generally comfortable with outcomes.

Major outstanding matters are the application of personal leave, the role of Chief Purser into the future and annual wage increases. The parties have divergent views on how personal leave is used. It is becoming clear external help in interpreting what we think is the clear intent of the EA.

TT-line wish to move the Chief Purser role to a deck officer position retaining some current duties while also having watch responsibilities and general crew safety matters. Employment for this new role would be transferred to ASP. This matter requires much more discussion.

Currently TT-Line is offering annual wage increases of 1.5%. Our view is that 1.5% is on the low side of a rolled over EA. An EA with significant changes, such as those proposed by TT-Line would attract higher annual wage rises.



TT-Line Delegates Sue Saggars and Kim Langmaid

#### SeaRoad

SeaRoad have announced a change to the shipping schedule. The proposed changes to sailing times is due to commence during June.

Despite a requirement to discuss changes with members and the AMOU via a Works Council or more generally under the Workplace Change Consultation provisions of the SeaRoad EA limited discussions have occurred with us.

The proposed new schedule could have a significant effect on the Third Mates' daily hours.

#### TasPorts Pilots

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.

We've had an initial discussion with TasPorts on how negotiations will occur but nothing yet that would be considered EA talks. The Southern Region pilots have encountered unavoidable gaps in their roster that available pilots have been covering, sometimes with periods of single pilot availability.

Discussions with TasPorts have resulted in an outcome where an additional pilot will be employed to fill out the roster.

## Flinders Ports Pilots

The Flinders Ports Pilots EA expires in March 2022. Pilots have started the process of developing a Log of Claims with a view to starting negotiations in the second half of 2021.

The Chief Pilot is in the process of transitioning to retirement and an unavoidable absence has also created a gap in the regional roster.

These matters and rostering generally were discussed with Flinders Ports and Pilots were pleased with the discussion and the outcome.



**Flinders Ports Pilot Delegates Ray Partington and Ben Miers with AMOU supporter Phoebe the dog.**

## Ports Australia

Ports Australia released a Coastal Shipping Factsheet in early May.

The Factsheet is available at:

<https://www.portsaustralia.com.au/blog/ports-australia-releases-coastal-shipping-factsheet>

Ports Australia supports a sustainable coastal shipping sector which will not replace but support Australia's growing freight task.

# Eastern Area

## Marty McEvilly Industrial Officer (Sydney)

### NSW Proposed Health Orders for Maritime Workers

The most recent Maritime Industry and NSW Health Forum was held on 20 May 2020. The main talking point was that NSW Health outlined their plans to introduce mandatory asymptomatic COVID-19 surveillance testing for maritime workers in the three main NSW ports. Mandatory testing has been in place for quarantine hotel and airport workers, but Health is now looking to introduce something similar for maritime workers as an additional line of defence and early detection practice. In those areas, daily saliva testing is undertaken. Due to the complexities of the maritime and portside environment, they have accepted that this is not practicable.

The proposal would require maritime workers who have either boarded an international vessel or been in contact with crew or passengers from an international vessel in the previous fourteen days, to have obtained a nose and throat swab test within the last seven days. In short, maritime workers will need to undertake a COVID-19 test every seven days in order to be able to attend work.

There are still questions, and the proposal has not yet been included in the health orders, but it appears likely that a weekly testing regime as outlined will be introduced. NSW Health had planned on updating the orders in early to mid-June, but it is clear that more consultation with the industry as a whole is required. We will report more as we receive further information.

### Transdev Sydney Ferries

The main industrial issue in the last month has continued to be the ongoing trials and preparation for service of the new river vessels. At the time of writing, the main outstanding issue remains wheelhouse glare at night, which has seen multiple unsuccessful efforts made to rectify. These included fitting non-reflective glass which was subsequently found to not be NSCV compliant.

Of course, the vessels will not be operational until all of the outstanding safety issues have been addressed, however management have continued to refuse to engage in proper consultation with regards to manning or other MO504 discussions. They have continued to try to look at the trials as a separate process from other consultation requirements and have also denied our river HSR's from attending the trials. In our view that is inefficient and will continue to further delay what has been a frankly ridiculous process since the decision was made to acquire these vessels.

Hopefully things go more smoothly with the Gen 2 Emeralds, which are due to arrive in Sydney in early June.

Roster changes have also been proposed, and the roster committee is in the process of being established. We have concerns with the efficacy of such a process given the uncertainty about the future of the Freshwater class of vessels, of which we've received no official correspondence and are reliant on ministerial announcements for updates, along with ambiguity about how and where the new river class vessels will operate.

The AMOU would also like to take the opportunity to congratulate former head delegate Chris Cowper on his upcoming retirement, along with current head delegate Terry Schydlo on his recent nuptials.

### NRMA – Fantasea and Manly Fast Ferry

Fantasea have contacted us regarding the future of the water taxi part of the business and have confirmed that two of the water taxis have been transferred to MFF for use in other non-taxi purposes. These water taxis have been advertised by the Minister for Transport as the first electric ferries in NSW. Despite this, it is another blow for Fantasea after initially receiving news of a reduction in whale watching services. As outlined last month, after discussions the number of services has increased but it is reflective of the fact that marine tourism is going through a difficult time.

In positive news for Fantasea, management are finally fulfilling a promise made during the last EA negotiations to convert casual employees; Masters and GPH's, to permanent roles. These are for the regular Palm Beach ferry service. We understand that this process is currently underway and will be expected to be completed in the coming weeks.

### Transport for New South Wales / RMS

TFNSW has written to the AMOU regarding the *Roads and Maritime Services Consolidated Salaried Award 2019* which is due to expire on 30 June 2021. The Transport Secretary is prepared to offer an increase to wage and wage related allowances of 1.5% (1.04% increase to rates of pay and a 0.5% increase for superannuation purposes) for one year from the first full pay period on or after 1 July 2021 for employees covered by the *Transport for New South Wales and Sydney Metro Salaries and Conditions of Employment Award 2019*. This offer is made on the basis that the AMOU consents to the making of a new one-year award, with the inclusion of a no extra claims clause for that period.

We are awaiting feedback from Unions NSW regarding the process and what the appropriate next steps should be. We will write to members to discuss this as soon as we hear more.

## Port Authority of NSW - Newcastle

We have yet to receive any updates with regards to VTS transition. However, our Pilots are in the final stages of finalising an MOU for call in roster relief. I will be in Newcastle to visit our pilots on Friday 04 June and hope to see as many of you as possible to discuss the CIRP as well as the multiple other issues that are ongoing.

## Port Authority of NSW - Sydney

Negotiations for a replacement for the Port Authority of New South Wales Sydney Enterprise Agreement 2017-2021 are underway. PANSW want us to choose between a 12 month roll over agreement with minimal changes to the existing agreement, or a 3-year agreement in which claims may be pursued, however salary increases for year 2 and 3 will depend upon what the NSW state policy is at the time. Year 1 can only have a maximum salary increase of 1.5%, which must also absorb the upcoming Super Guarantee increase of 0.5% from 01 July 2021.

However, despite their claims that they would prefer a roll over agreement, they have not been up front and are attempting to reduce the scope of the agreement. Currently only executives and senior managers are excluded from the EA. However, PANSW have not issued an NERR to a much broader scope of excluded employees, now extending to managers, senior managers, general managers, heads, executive or equivalent. They also revealed a number of their claims should we look to pursue a longer-term agreement, which include forced redundancies, changing of termination notice periods, fitness for work clauses and increased ability to force leave.

They also wrote to us and dismissed every single claim made by the AMOU and gave MUA claims similar treatment.

In all, we are very concerned with the approach of PANSW in entering this negotiation and expect that after the next meeting on 25 May 2021 we will know more. As explained to members in a virtual meeting on 20 May 2021, I expect that PANSW will simply put an agreement out to vote without union support so we may need to engage the FWC for support. I will be in contact with members as things progress.

## Port Authority of NSW – Port Kembla

Our second EA negotiation meeting took place on 13 May 2020 and things are progressing very well. After discussions with members, we have agreed in principle to a 12 month roll over agreement. PANSW are restricted in the salary they can offer, which is limited at 1.5% p.a. and must also incorporate the legislated 0.5% Superannuation Guarantee increase from 01 July 2021. The previously agreed salary increase for VTS officers now that the VTS has been certified has also been included in the agreement.

The big stumbling block for a longer-term agreement was that PANSW could not offer any guaranteed salary increase for subsequent years as it would depend upon the NSW government policy at the time.

Despite this not being ideal, members agreed that in the circumstances it was best to accept the 12-month deal and begin bargaining early in 2022 for a longer-term agreement when there will be more certainty. We expect to see a draft version of the agreement shortly and members should be asked to vote on it before the end of the month or in early June.

## NSW Marine Pilotage Code Review

Another monthly meeting was held with the Marine Pilotage Code Review Workgroup on 03 May 2021. The next meeting is scheduled for 01 June 2021 and will be a face-to-face meeting to discuss and finalise some of the changes. To date, the pilot representatives have done an excellent job of not allowing Port Authority to undermine a lot of the protections and benefits that are present in the pilotage code. We are also soon to begin a review of Volume Two of the code, which deals with Standard for Health Assessment of Marine Pilots in NSW.

## Port of Newcastle

A Consultative Committee meeting was held on 04 May in which PON discussed feedback provided by the AMOU on several HR policy changes that they had proposed. Fortunately, they were very receptive of the feedback and made appropriate changes. I'd like to thank all of the members who contacted me. The next Consultative Committee is scheduled for 15 June 2020, so if members have any issues they would like addressed or raised in that forum, please let me know.

## Captain Cook Cruises

Despite requests for clarity on next steps following the second rejection by employees of Captain Cook Cruises Enterprise Agreement 2020 in February 2021, management have said they are focused on trying to get through the current period after losing the support of JobKeeper before returning their attention to restarting negotiations.

## Keolis Downer Hunter – Newcastle Ferries

The dispute regarding roster changes is ongoing, marking 10 months since they first wrote to us with their proposal to change the roster. KD have not escalated this to the Fair Work Commission as they had threatened, however they have put further proposals for consideration and feedback.

We are in the process of trying to find a date for a discussion regarding the proposal and we are awaiting a full review by members. However, on first impression it still appears that KD's primary intention is to try to increase the number of services they can offer so they can charge the state government more, rather than to improve the service offerings as they have so often stated was their intention. With the EA nominally expiring in December 2021, we will soon need to start considering our claims and have no doubt that rosters will be an area of contention.

# Eastern Area

## Tracey Ellis Organiser (Brisbane)

### Darwin Port Pilotage

We met with Darwin Ports for EA negotiations from 27-30 April where we reached agreement on most of the outstanding items, including the term of the Agreement. The Pilots have agreed to a 4-year agreement at 2.25% per year. The package includes an extra 0.5% Superannuation, relativities for the Trainee Pilot classification and revalidation of their Master Unlimited Certificate of Competency up to the value of \$11,200. There are not many claims outstanding so hopefully we will be in a position to finalise the Agreement shortly.

### Bay Island Transit - SeaLink

The AMOU and MUA met with SeaLink for EA discussions on 10 May 2021. The company tabled their latest draft EA which included grandfathering clauses for the current casuals. They will be able to remain on their current 7 day on 7 day off roster and will still receive the \$50 callout payment. These conditions will not be afforded to any new casuals under the Agreement. New employees will be considered true casuals and will be used to cover shifts at short notice.

The draft Agreement provided pay rates for the Ambulance Masters and included a Master's indemnity clause. Some of the outstanding issues include training, dual ticket, early/late and accommodation allowances, having a third crew member on the vessels, meal breaks to be taken at Russell Island where there are appropriate facilities, OT to be paid after 12 hours and 80 hours and adding in a minimum wage guarantee to offset any losses from future timetable changes.

SeaLink said that they still want to reduce Super to only be paid on ordinary hours as per their minimum legal obligations. They said paying Super on Gross income as it is currently paid was a mistake they now need to rectify. The unions asked for the Super to increase to 12% to help offset the loss. The company will provide a response to this claim.

Both unions told the company that we need to see the roster before anything can be agreed. SeaLink said they intend to have roster discussions with a small group of crews on the 26 May and 2 June. The next EA meeting is scheduled for 7<sup>th</sup> June.

SeaLink also said that construction of 4 new pontoons will start at the end of the year.

### Australian Reef Pilots - Launch crews

After agreeing to bargain for an enterprise agreement with the Launch Crews, and promising to provide a draft EA, ARP has provided the AMOU with a draft common law contract for individual employees. I challenged the contracts, and it seems like we are back on track with the EA process and will convert the individual contracts into a collective enterprise agreement. The AMOU has almost all of the Launch Masters as members so if ARP do not willingly negotiate a collective Agreement with us then I will file in the Fair Work Commission for a Majority Support Determination which will force the company to negotiate with us.

### Ports North

The Fair Work Commission has asked PN to provide undertakings that Administrative & Technical and Operations & Maintenance agreements both pass the Better Off Overall Test. Ports North has to make undertakings to ensure the shift worker, personal and parental leave, part-time clauses and the aggregate salary arrangement meet the NES standards. They have also added in wording that allows an employee to be represented by a union as part of the dispute resolution procedure. The AMOU will confirm that we agree with the undertakings and the Agreements will continue through the Fair Work Commission approval process.

### Gladstone Pilots and Launch Masters

The Cabinet Budget Review Committee still hasn't given approval to begin bargaining for the Pilot and Launch Master enterprise agreements, but we were able to have another informal meeting with each classification to discuss some of the items on their log of claims. GPC agreed to change the current travel meal policy of reimbursement upon receipts to an allowance of approximately \$187 per day. They also agreed to write the Government redundancy policy entitlement into the Agreement. It is currently 3 weeks' pay per year of service, capped at 52 weeks. The Pilot Launch Crews are still considering whether they would like to pursue their claim to pay out sick leave and GPC is still considering the Launch Crews' claim to spread the actual cost of the medical gap reimbursement scheme across all Launch Crews instead of the few who have top cover. The next meeting will be held once GPC have CBRC approval.

### Curtis Island Ferries

The enterprise agreement was voted up despite the company watering down the indemnity clause. That was likely because employees are concerned about delaying the agreement process ahead of a tender process in June 2021. The Agreement is a 4-year agreement which increases by 2%, or WPI whichever is higher, per year. SeaLink agreed to add a casual conversion clause that says you can ask to be converted to Permanent after 12 months and a clause that says they will try to schedule revalidation training when crews are on shift. They agreed to show personal leave balances on payslips and changed the redundancy clause to ensure the first on, last off process starts from date of employment instead of from the date the person started in that classification.

### Maritime Safety Queensland - VTSO Review

The VTS Review Committee are revising the Role Description for the Vessel Traffic Service Operator position. MSQ has provided the current Role Description and asked VTSOs for feedback. Once the Role Description is finalised, they will look at the Job Evaluation Management Systems to ensure that we are at the correct classification level and pay scale. The AMOU delegate put forward a request for casual VTSOs to be incorporated with the personal development days as per the EBA so we will see if this gets traction.

## Maritime Safety Queensland-Marine Enforcement Team

MSQ has hired their new MET officers and we have nearly finalised the agreement provisions for the roles. The AMOU has raised concerns about the ability for MET officers to work to their full capacity on weekends and public holidays because the proposed SSA Agreement only provides payments for days instead of hours. We have put a proposal to MSQ for consideration.

## Smit-Lamnalco Gladstone

Deputy President Asbury now has carriage of the EA conciliation and has listed it in Gladstone on 3-4 June and in Brisbane 28-30 June. We are hoping the EA discussions resolve some of the other separate disputes we currently have in the Commission, including paying the telephone allowance to casual employees, masters not being paid overtime when working more than 12 hours in 24 hours, casuals not being paid a twofer when going over shift, permanent part timer's ability to bank leave and their entitlements after going over shift and at the end of their agreed shifts. If these can't be resolved through the EA, then we will have them decided at hearing.

Smit proposed a Monday to Friday shore-based maintenance crew for consideration after listening to the concerns the Masters and Engineers had around maintenance contractors needing supervision and sea trials being conducted before vessels go back into service after maintenance/repairs. First impressions suggest that the rates are too low, even taking into consideration that it is not a shift work or equal time position. Members are currently considering the proposal and will provide Smit a response in due course.

## Sea Swift

The three maritime unions met with Sea Swift and the shore side employees on 12 May 2021 for EA negotiations. The company tabled a new draft enterprise agreement and most of the meeting was spent talking about the shoreside log of claims. On the Marine side, Sea Swift agreed to put in a clause that says those in NT will not be reduced below their current contracted rates and those rates will increase in line with the rest of the EA. They have also agreed to write in a guarantee of the 4/4 equal time swing and will provide us some wording for consideration next week. The food allowance on the East coast will increase from \$20 to \$25.

We haven't reached agreement on the Cargo Handling allowance yet. Sea Swift maintain it will be paid on top of the minimum rates in the EA, so some people won't see a pay rise because they are above the Award (mostly NT crews). The unions disagreed and said that it should be paid on top of everyone's current pay. We also told the company that the tugs are doing cargo handling but are not being remunerated. Sea Swift insists that the tug crews are paid above the Towage Award and that they can't be considered for the Cargo Handling Allowance because they don't fall under the Seagoing Award. The company will get back to us with who they expect will see an actual pay rise out of the Cargo Handling Allowance.

Sea Swift are going to provide us with some draft clauses to consider next week and have scheduled the next meeting for 8 June which will hopefully be the last.

## RiverCity Ferries

The AMOU and MUA have filed their replies to the company's 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 and are waiting for the matter to be listed for hearing.

The Company have begun the consultation process for the new rosters. After lobbying from the AMOU and MUA they have agreed to allow the delegates into the process as per the EA. The proposed rosters are a temporary fill-in until the new pontoons open at Christmas time.

We are waiting on the results of RCF's risk assessment for single operator ferries. They have been successful in lobbying the authorities to allow the sea time on the KittyKats to count towards a Master <35 qualification.

## Queensland Ministerial Freight Council - COVID-19

I attended Minister Bailey's Queensland Ministerial Freight Council meeting on 20 May 2021 and brought up the AMOU's concerns about the decimation of the Tourism industry due to COVID-19. Minister Bailey said the Government has just announced a funding package to help get workers back to regional tourist areas. I raised that tourism operators have other concerns which include getting local tourists to visit the area, but also getting them to do the tourist activities like diving and trips to the reef.

Minister Bailey pledged \$21 million to help invigorate local shipping and increase maritime jobs in Queensland and \$200 million in maritime training courses. MSQ General Manager, Angus Mitchell, promised to get the officers unions involved in the consultation process on both of these initiatives.