



Industrial Report

July 2021

MEMBERS' MONTHLY MEETINGS

Will be on Tuesday 27th July 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
and you will be sent a link to attend.



AMOU

Australian Maritime
Officers Union

Federal Report

Mark Davis

Executive Officer

Nationwide virtual monthly meeting

The next meeting will be held from 1300 to 1500 hours AEST on Tuesday 27th July. This month's meeting will be virtual for everyone in the country unable to attend the physical meeting at the AMOU Fremantle Office (1100 local time). All financial members are invited to express an interest in attending the meeting virtually. Please email Jarrod Moran at jarrod@amou.com.au and you will be sent a Teams conference link on Monday. The meeting will be chaired virtually by AMOU President Ken Blackband, and 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 1230 hours

WA 1100 hours

Teekay

EAs have been concluded with Teekay Marine Resources for *ADV Ocean Protector* and Teekay Shipping Australia for *MATV Sycamore* and have been unanimously approved by AMOU Members. The settlements were strategically important to Teekay to be able to demonstrate industrial stability on what we hope is the threshold of the announcement of the Defence Marine Support Service contract, for which Teekay is preferred tenderer for the Offshore service package.

[ADV Ocean Protector Settlement](#)

- Wage increases of 8.67% from 24 November 2021.
- 4-year EA term with wage indexation annually in November
- Company superannuation contributions increased to 13.5%.
- Increase in the travel grid allowances.
- Increase in meal allowances above previous indexation formula.
- Day rooms clause now provided for in the agreement.
- Safety clothing clause incorporated in the agreement.
- Employee amenities clause incorporated in the agreement.
- Increase of personal/carer's leave to 13 days per annum. Increase of paid compassionate leave to 5 days per annum.
- New Conflict zone clause.
- New Counselling clause.
- New Overcycle clause.

- New Mid-week crew change clause
- New Internet clause to address the deficient service.

[MATV Sycamore settlement](#)

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- 4-year EA term with wage indexation annually in November
- Company superannuation contributions increased to 13.5%.
- Increase in the travel grid allowances.
- Increase in meal allowances above previous indexation formula.
- Day rooms clause now provided for in the agreement.
- Safety clothing clause incorporated in the agreement.
- Employee amenities clause incorporated in the agreement.
- Increase of personal/carer's leave to thirteen days per annum.
- Increase of paid compassionate leave five days per annum.
- New Conflict zone clause.
- New Counselling clause.
- New Overcycle clause.
- New Leave in advance clause.
- New Job share clause.
- New Study Leave clause.
- New Revalidation clause.

Trident LNG & Continuity of Operations Agreement (COA)

Now that the Trident EA has been approved and is being implemented, the emphasis of the AMOU and STAPL has turned to ensuring suitable Chief Officers and Second Officers fulfil the prerequisites for promotion to the higher rank and are fully ready to be mobilised into the higher capacity should a vacancy arise. The countdown to life after the North-West Shelf Project in what is likely to be Q1-2 2024, is guaranteed to generate instability amongst sea staff and the search for alternative employment. A Master's position has become available just today creating opportunities for consequential promotions and experience for other AMOU members.

A number of longstanding disputes regarding leave and overcycle payments are being addressed by Trident, which is very pleasing. It seems there is a desire to clear the backlog to allow the company to focus on the movement of seafarers between State borders to safely and efficiently join and leave the ships and the unions and COA to focus on career options for seafarers for the future.

This week we submitted our AMOU members upskilling and retraining options paper to the COA, which will form part of a survey to go to all Trident seafarers to prepare for 2024. AMOU Vice President Brent Warhurst was responsible for preparing this paper in its entirety and it sets out an array of courses and initiatives designed to increase the marketability of the AMOU members upon departure of the tankers. Brent has costed out each of the options as well as provided details of the training providers. It is a superb piece of work compiled by an AMOU member with a passion for maintaining and enhancing standards and the delivery of training.

OTSI report – Ferry *Pemulwuy* – Loss of Control -

The Office of Transport Safety Investigations (OTSI) has published a report of its investigation into separate loss of control incidents in July and November 2020 involving the high-speed passenger ferry *Pemulwuy* on Sydney Harbour. On both occasions, the ferry experienced a loss of primary steering control and took a sudden turn to starboard.

The report makes a number of recommendations to improve incident reporting and asset management of critical safety systems. You can download the report from the OTSI website -

<https://www.otsi.nsw.gov.au/ferry/investigations/ferry-pemulwuy-loss-control>

Poseidon Sea Pilots (PSP)

PSP is pushing ahead with its mobilisation plan for a pilotage service to be up and running for 1st January 2022, with what we assume to be the full support of the Queensland Government, notwithstanding having received no applications for employment from the only licensed Pilots for the Port of Brisbane – those employed by Brisbane Marine Pilots. PSP has still not responded to an AMOU email seeking to negotiate an enterprise agreement for any Pilots they do engage, and we are yet to receive a response from the Queensland Minister of Transport Mark Bailey to our letter of 8th June regarding a failure of PSP to adopt “best practice industrial relations”. This latter failure to respond follows an instant acknowledgement and then no response, a further reminder that also received an acknowledgement and then no response. All very disappointing to have a State with a Labour Government ignore a union seeking enterprise bargaining for the successful tenderer for a State-awarded pilotage service contract. The cynic might suspect that the Government is avoiding answering the hard questions whilst in the background manoeuvring to facilitate a private operation which at the time of the announcement of the successful tender, had no capacity to deliver a pilotage service under the existing licensing and training regime which formed the basis for the Invitation to Offer.

Western Area

Glenn Andersen

Western Area Secretary & Organiser

Fair Work Commission - Toll

Toll agreed to pay a number of ex-employees for not providing them a clear 35-days' notice of redundancy due to the fact they are aged over 45 years. By now they would have all received the extra 8-days salary, a worthwhile sum of money. For some reason one member was excluded from the Fair Work action, I wrote to Perth Toll management to explain the situation and request that person also be paid. Due to the fact Toll had already backed down when faced with a FWC hearing you would think payment to this person would be a formality, but no they want to contest the matter. The FWC may not be happy when this issue pops up again in their mailbox.

Toll doesn't know it yet, but I have planned more Fair Work Commission visits for them. Because of the never-ending turnover of Toll industrial relations/HR staff, I may end up facing the tea person at the Fair Work Commission. Considering how Toll treat their offshore, and inshore, maritime staff, I imagine lower-level staff depart because they are treated in a similar fashion.

Ship visits

Ship visits for July: *Normand Leader, GO Spica, Far Senator, Mermaid Strait, Deep Ocean, Maersk Mover, Normand Saracen, SIEM Thiima, King Bay tugs.*

Great to be back onboard the ships. Meeting and talking with members is the best part of this job. It's where I get to hear what members expectations are, as far as employment conditions are concerned. During one recent EBA negotiation management made a point of saying salary increases were the only item employees (therefore Deck Officers) were interested in. I can tell you that is not the case.

Isolation Overload

Repeat isolations, 5 and 6 times for some, are beginning to take a personal toll. On board ships, mariners live in a type of isolation, that is accepted as part of the job. However, place that reality on top of forced hotel isolations and something must give.

The Federal Government's woefully slow attempt at a vaccine rollout has all but guaranteed border closures. Vaccines should be available to those who want them. Less lockdowns, less border closures equals less isolations.

Contact your local Federal MP and tell him/her you have had enough of repeat 14-day isolations, they need to do what they have been elected to do – to keep you safe, and at work.

Solstad EBA

On July 23, Solstad management received the AMOU log of claims. So far the only acknowledgement is a request for an online meeting on July 29th.

There are no Covid-19 restrictions currently in place for Perth, or any parts within the borders of WA for that matter. I have asked Solstad management if they intend to undertake EBA negotiations via online meetings: no answer, as yet. Lucky for Solstad the walk from their office to the Fair Work building is a short one. The AMOU thinks this online-meeting inaction is purely a stalling tactic. The Fair Work Commission could also see it as a lack of good-faith bargaining.

GO Offshore EBA

GO Offshore emailed us a copy of their proposed EBA, that's the one written to cover three departments. In the past I described it as a one-world EBA. At best it's a gimmick designed to appeal to prospective offshore clients, at worst it will be used to weaken the industrial strength of the MUA. Any deck officer with any knowledge of the history of industrial relations in the offshore industry will know it is not in their own best interests to assist a company, and especially a company like GO Offshore, to weaken the industrial power of any maritime union.

As predicted in last month's report GO Offshore management already had an EBA prepared, stashed away in the top drawer. They sent it to us. In light of that development, I attended a meeting arranged by AIMPE. The meeting itself produced little. The proposed EBA is a carefully crafted document, which, depending on the way you enforce or interpret it, could actually lead to employees being paid less than what they would under the present EBA. We know from experience GO Offshore are very quick to leap on any ambiguity of wording, or loophole, to reduce remuneration paid to employees. The outstanding example here is Superannuation. Because of a technicality, to do with the 20% casual loading and the annual leave component, GO Offshore presently do not pay Superannuation on the accumulated leave casual employees earn. A casual employee could complete a 6-swing, 12-month stint and end up with only 6-months' worth of Superannuation.

At the forementioned meeting I suggested it was immoral not to pay casuals what is in fact a government legislated benefit. It fell on deaf ears – it means nothing to GO. I expect GO to put their EBA out to vote sometime this week. We will campaign hard for a no vote. By the time this report goes out the EBA voting access, for employees, may be underway. GO management made it clear at one of the first meetings: casual employees should not be allowed to vote in the EBA ballot process. The AMOU is totally against this type of workplace discrimination, casual deck officers are not second-class citizens. Vote NO to GO.

DOF Subsea EBA

DOF have been talking to GO Offshore management, as is their right, and sending us in the occasional draft proposal for different clauses. That activity has risen to a proposed EBA in the mail. To be honest I have been too busy to read it. It will be a carbon copy of the GO Offshore proposal, or close enough to one. AIMPE have arranged for us to meet on Monday, August 2nd.

Westug/Engage Towage

My trip to Karratha last week was planned to include ship visits and EBA negotiations with Westug. The ships visits went ahead but nothing eventuated with Westug. Management had planned Town-Hall type meetings for employees, with maritime unions also present. I was always sceptical as to how management could organise on-shift employees to attend and also manage iron-ore shipping arrivals and departures. It is obvious the company is unable to put this type of meeting together. We will have to go back to the normal type of EBA meetings. In the meantime, EBA employees received their planned July 1st salary uplift, a just reward for their part in record profits for Rio Tinto. I wonder if Rio Tinto passed that nice little increase onto Partnerships.

Tug Partnerships

This may be an opportune moment to recall the experiences of one tug master who wrote to me a few years ago. He once belonged to a Tug Partnership in a West Australian port. During the eight years he spent as a Partner he grew to loathe the whole concept of Partnerships. The Lead Partner was hand-picked by the company: he was God, with total control: the power to hire or fire, he enjoyed total control of the money, which he distributed, his way. Eventually it took legal action before other Partners were able to look at the books, as they suspected they were all being ripped-off. Further examination of the books showed a previous Lead Partner had funnelled Partnership money through a personal mortgage account, thereby reducing interest on his own family home. As for working conditions: No Superannuation, pay your own quarterly tax, leave cut by half, wages lower than comparable WA ports, unpaid training days whilst on time-off, pressure to accept wage cuts and exposure to lawsuits over any workplace accidents or collisions. Of course, there is no union representation and no safety reps. And to top it all off: supply your own coffee and tea.

Whilst this may not represent the reality of all Partnerships, I have heard plenty of similar stories. When one person suddenly gains power over his/her fellow workers, that power can sometimes create a tyranny in the workplace. The power imbalance which occurs naturally in the hierarchical nature of a shipboard environment can magnify swiftly into a destructive force, with pure greed as its motivation.

Western Area

Glenn Walsh

Industrial Officer (Fremantle)

Southern Ports Authority Port of Albany Pilots EA

The final draft of the agreement has gone to employees prior to balloting and lodgment for FWC approval. What initially appeared to be a straightforward round of bargaining ultimately dragged on and took many months longer than anticipated. Notwithstanding the delays, the end result is a really good outcome for the Marine Pilots. We are using many of the gains made with this agreement in negotiations for other Ports Authority agreements.

Pilbara Ports Authority (PPA) Port of Port Hedland General Staff EA

The bargaining process is complete, and the agreement is ready to go to ballot prior to lodgment for FWC approval. Employees have made many significant gains over and above the limitations of the WA State Government Wages Policy. Some of the key improvements include:

- Rent reimbursement of \$400 per fortnight for S2 L1-3 employees.
- On top of State Govt. Wages Policy increases, a 3% annual increase for Schedule 1 Employees and a 5% annual increase for Schedule 2 Employees when Gov't Wage Policy ends
- Backpay of Salary and Location Allowance to 1 January 2021.
- Improved Double-Time Overtime Arrangements for S2 L1-3 Employees.
- RDO's for S2 (estimated value for S2 L4-7 Employees is around \$5,000 per annum)
- Reduction in S2 employees Air-Conditioning Subsidy (from \$70pfn to \$32.20) equivalent to a \$1554 pay rise.
- Water reimbursement for S2 employees entitled to housing who do not use PPA housing – this aligns benefits for Employees entitled to PPA housing, estimated to be worth a pay rise of \$4.5Kpa
- Purchase of leave scheme.
- Improved LSL at half pay.
- 2 weeks of Carers' Leave (leave accruals permitting) to non-primary caregiver on birth of child. Non-primary caregiver to take primary caregiver duties for up to six weeks when the primary caregiver is unable to.
- Improved Working from home provisions (via procedure).
- Extra Cyclone/Weather Event Leave
- Family and Domestic Violence Leave added
- Work Level Descriptors, for each level.
- Extended period that TIL can be accrued prior to using from 6 months to 12 months.
- Clarity around the requirements and approval process for accessing Study Assistance.

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

Despite endeavouring to complete the final editing of the EAs three (3) weeks prior to the latest bargaining meeting as agreed, MWPA only managed to present the latest versions of these agreements just days in advance of the meetings. These delays unfortunately prevented the parties from advancing negotiations in any significant way. The deadline for in principle agreement-related commencement bonuses has been re-extended until 6 August 2021. Despite the delays, we anticipate the balloting process should commence mid-August with the lodgment for FWC approval expected in late August.

Mid-West Ports Authority Marine Pilots Enterprise Agreement

The second meeting was noticeably less productive with the parties unable to reach agreement on the TIL entitlements linked with the current roster arrangements. We have provided MWPA management with a relatively conservative log of claims which aim to achieve parity with other Pilotage enterprise agreements, while improving the work/life balance for employees. We believe that the forecast economic uplift will require the employment of additional marine pilots to meet the increased shipping numbers and the proper management of employee fatigue.

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

The clock is ticking, and we believe an announcement of the successful towing service provider is imminent. It is an understatement to suggest that we want to see the back of McKenzie Marine in Bunbury, and hopefully in Esperance too. We have everything crossed!

Fremantle Ports Authority Administration Staff Enterprise Agreement

Despite the mountain of work undertaken by our delegate Meaghan MacFarlane, the FPA Admin employees voted overwhelmingly to roll over the previous EA. It is astounding how any workforce can vote to retain such a terrible enterprise agreement, and to delay any prospects of improving their working conditions and entitlements until late 2022.

MODEC Pyrenees Venture EA

The recent plague of Eastern states covid related lockdowns has again delayed the bargaining process. The next meeting is scheduled for early August, assuming that WA is not also subjected to another lockdown.

Southern Ports Authority Esperance Shift Superintendents EA

The first two bargaining meetings were brief but productive. The parties have ventilated their respective logs of claims and have agreed to provide responses to these claims prior to the next bargaining meeting in August.

Pilbara Port Authority - Port of Dampier General Staff Enterprise Agreement

We are currently determining the level of employee support for the establishment of an enterprise agreement for the administration staff in the Port of Dampier, who are currently employed under common law contracts. Despite mirroring the administration staff structures in the port of Port Hedland, PPA staff in Dampier have been left floundering on employment contracts which contain terms and conditions based upon the Perth metropolitan cost of living rates. We hope to gain at least 25 new Union members as a result of this process.

Southern Area

Chris Neiberding Senior Industrial Officer (Melbourne)

ASP

the AMOU and AIMPE have been chasing up ASP for some time now to get EBA negotiations back on track or even get them started. The AMOU called the company again today and organised a TEAMS meeting planning session.

APS have informed the unions that they are working on drafts for the *Investigator* and the 4 x bauxite boats, and they should have something to us in the coming weeks. Once we have the draft, we can get feedback from members and present it to ASP at meetings arranged for the bauxite boats on the 3rd and *Investigator* on the 10th.

We have resigned ourselves to the fact that all upcoming meetings will be via videoconference, and we will need members to join the meetings from on board the ship or from home. It will simply be too hard to try and organise something in person while the situation with COVID is going the way it is.

Svitzer Enterprise Agreement

I don't want to speak too soon but it seems we are continuing to have productive bargaining sessions with Svitzer and progress the EBA further still.

After our last bargaining session Svitzer have dropped a further 5 claims including; changes to the dispute resolution, any changes to clause 13 Reduction, Cessation or Growth in Business, any changes to the way the POPS are incorporated into the EBA (Svitzer maintain there may be issues in getting this through the FWC but we believe there won't be any issues, or any issues that cannot be overcome with correct wording), POPS review within 3 months will be dropped and the claim for a critical change review has been removed. We have suggested a number of these can and should be handled in the NAB, if there is a critical need to change the POPS then the parties should be able to have a high-level discussion about it and look at implementing changes. However, the wording has not yet been resolved.

The AMOU is yet to hear back from Svitzer regarding our critical claims and we are scheduled to have a meeting with them on Thursday 29th and with the larger group on Friday the 30th.

We are also planning for a NAB meeting hopefully the week of 2nd Aug.

Svitzer PABO

After the straw poll taken of members about a PABO the AMOU know that should we need to go ahead with a PABO we are more than confident that it would be voted up. We continue to keep this in mind in our discussions in the AMOU state delegate group and with the AMOU Executive Council. That said it was recognized by both groups that over the last month Svitzer have dropped a 10 claims, and therefore we are not looking to file a PABO at this time.

Svitzer Sydney

Over the last few days, the AMOU and Sydney delegates along with other maritime unions have raised concerns about Svitzer continuing to instruct crews to come in to work while the Sydney lockdown was happening.

The AMOU has never objected to crews continuing with towage, however it seems an unnecessary risk to have AMOU members hanging around doing noncritical maintenance when there is a state lockdown in place due to the highly contagious covid Delta variant in the community. The AMOU had several discussions with Svitzer about the serious nature of this situation and tug workers should not be treated any differently to workers in the office or anywhere else. We also identified that the measures Svitzer had put in place for the first lockdown were not suited to the situation we are faced with today and the way the new Delta variant is transmitted.

We are pleased that we were able to find common ground with Svitzer on this matter and the Masters will be liaising closely with management to reduce any unnecessary time on the tug and get crews home as soon as possible. Crews will still be available for towage and emergencies and maintain the tug fit for service.

Svitzer Newcastle

Recently Svitzer released a new leave policy which does not allow members to cancel their accrued leave and have made it a lot harder for members to control when and how they access their accrued leave. The AMOU logged a dispute in Newcastle and local management there could not point to any instance where members accessing, cancelling, or changing their accrued leave was an issue. Once again, the company was pushing a blanket approach which punishes ports like Newcastle where there are no issues. It seemed that in the case of Newcastle that the current system worked well and any issues that came up were soon worked out between local management and the delegates. So why can't this happen elsewhere? The dispute will now be taken up to a national level.

It was also interesting and perhaps more important to note that should the AMOU try to trigger the status quo provision in the EBA that Svitzer maintain that the new policy is the status quo. It is absurd to think that the unions will need to put a policy in dispute before it is even released. The AMOU will be challenging this as well.

Individual issues

There continues to be a number of individual issues that I have been working on and trying to resolve. The issues are varied but will be able to draw some lessons from them in my next report.

Southern Area

Jarrold Moran

Senior Industrial Officer (Melbourne)

Tim Smart - DP World Melbourne

It is with deep regret that I write that the recent restructure at DP World in Melbourne has seen Tim Smart made redundant.

Tim has been the AMOU go-to person at DPW since before 2010 and was instrumental in unionising the supervisor group nationally and getting up the first DPW EA. Tim has been a great source of help to me on stevedoring matters since I started at the AMOU in 2014.

Redundancy situations are never easy when they are forced on a workforce. In Melbourne DPW reduced the pool of 9 supervisors to 5. To fight for your job could mean that you push your pain on to one of your mates. Removing an activist or delegate is a red rag to a bull for unions. Despite my views Tim does not want to pursue this matter.

I wish Tim all the best and hope he is not lost to our industry.

Spirit of Tasmania - ASP

We have a joint EA for Officers on the Spirits with AIMPE. The nominal expiry date of the EA is 31 July 2021. We have served ASP with a joint Log of Claims and had arranged to meet with them on 15 July 2021.

The AIMPE and ASP are in dispute on an unrelated matter and they called off our meeting the night before we were due to meet. We are waiting on ASP to schedule a new meeting.

SeaRoad

SeaRoad's sailing schedule was changed around 13 June 2021. Members were initially concerned that the new schedule would have effects on fatigue and hours of rest. Members have been trialling watchkeeping arrangements and it would seem that some adverse effects from the new schedule have flowed on. Members are strictly monitoring hours. An all-members meeting will happen in a couple of weeks to review the outcomes and plan a way forward.

VICT

The new EA has been voted up by members of the 3 unions that make up the single bargaining unit (AMOU, MUA and ETU). All paperwork is in the FWC for approval. For members the new arrangements will include pay increases of 14.5% over the 4-year term.

Ports Victoria

Ports Victoria is a result of the merger of Vicports and the Victorian Regional Channel Authority on 1 July 2021. The old Vicports EA is due to expire in August 2021. The new entity has offered a 2-year roll over with 2% annual wage increases.

TT-Line (Shipwrights and Pursers)

There has been no progress with TT-Line this month on replacing the EA that expired on 30 June 2020. We provided TT-Line with our position on outstanding matters, including alternate acceptable wording on 5 July 2021. We have had no response on our document.

Major outstanding claims of TT-Line are the application of personal leave, the role of Chief Purser into the future, changes to the currently limited circumstances that redundancies can apply, changes to pursers swing lengths and annual wage increases.

The parties have divergent views on how personal leave is used.

Clause 17.3 of the EA is in the following terms: *For the avoidance of doubt, Permanent and Permanent Part Time employees can only utilise accrued Personal Leave entitlements during a period they are on leave or when they are ill or injured at the time they are due to return to duty.*

The position of TT-Line is that Clause 17.3 has a typo and should read: *For the avoidance of doubt, Permanent and Permanent Part Time employees can only utilise accrued Personal Leave entitlements during a period they are on leave **and** when they are ill or injured at the time they are due to return to duty.*

Since late 2018 TT-Line have been applying the EA in the way they want clause 17.3 to read. I thought we could resolve this through negotiations but TT-Line have dug in and want their words put in. Members are clear that there is no typo and they want to stick with the words that are part of the document they voted up in 2016.

We had a conciliation conference at the Fair Work Commission on 13 July 2021, where TT-Line provided a settlement offer on this matter only. The settlement was rejected by members on the basis that the personal leave matter is one of a number of matters to be resolved in the new EA and couldn't be settled in isolation.

We have requested that the FWC arbitrate the issue on when personal leave is available to members and have a directions hearing on 6 August 2021.

TT-Line have foreshadowed that they will make an application to the Commission under Section 217 of the Fair Work Act to vary the EA to *remove an ambiguity or uncertainty*. It is unclear to members what is ambiguous or uncertain in the current 17.3 clause.

TasPorts Pilots

A number of factors have led to TasPorts offering the pilot group a 12 month roll over of the current EA with a 2.7% wage increase. Members are happy with this proposal but want discussions on a replacement to commence in 6 months as well as a commitment from TasPorts that supports the ongoing role of pilots in the TasPorts structure.

Eastern Area

Marty McEvilly Industrial Officer (Sydney)

Transdev Sydney Ferries

Since our last report, the Covid outbreak in Sydney has since escalated and has become the predominant issue facing members at the ferries as well as this official. Announcements made by government in daily press conferences that have been made prior to consultation with industry have resulted in uncertainty for many. We have been heavily involved in discussions with Transport for NSW (TfNSW) and Transdev management to try to address concerns in recent weeks.

As a result of the situation, Transdev have been operating a reduced schedule since 19 July 2021, based primarily around the Saturday timetable. This is currently scheduled to last for as long as the current health order restrictions on movement for the purposes of work, 30 July 2021, but we expect this to be extended. TfNSW will be paying Transdev in full during the current period of reduced operations provided they are able to operate this timetable. This was a positive outcome as it ensures that TDSF can confirm that all staff available for work will be paid as per their roster. This includes those in the three affected LGAs where workers are under instruction not to leave for work, although NSW Health did make an allowance for transport workers enabling them to leave their area. Despite being able to leave, employees in the three affected LGAs have been instructed to remain at home but may be required to attend for duty as a last resort. WAD requirements are being reviewed on a day-by-day basis and members should attend for duty as per their current roster unless advised otherwise.

Our delegates have been terrific in identifying issues or questions and ensuring that they have been swiftly addressed and then issuing information out to the membership. I thank them for their tireless efforts. I also thank all members for continuing to look out for each other at this difficult time. We are in uncertain territory and must ensure we stick together.

There are other issues including the ongoing saga that is the 24m river vessels which remain out of operation. The night-time glare issue in the wheelhouse has been unable to be rectified and it appears likely that an engineering solution will be required to correct the angles of the wheelhouse windows. This will be expensive, and we expect it to be the subject of contractual and/or legal disputes. Our position is that no Master should take those vessels out at night-time until the glare is fully corrected. However, we expect to see further trials and training taking place on the vessels at daytime in the coming weeks now that the majority of other issues have been resolved. This training will take place with 2 deckhands in the interest of safety, though TDSF still intend on reducing this to one if given the opportunity. TDSF are also under pressure to get the vessels into limited passenger service. Given the litany of issues the vessels have faced, this is clearly much too soon and the AMOU will ensure that these vessels will only see passengers once they have successfully demonstrated that they can operate safely and without incident.

Transport for New South Wales / RMS

There have been several discussions between Unions NSW and TfNSW to discuss the renewal of the *Roads and Maritime Services Consolidated Salaried Award 2019* in the last month. The State budget announcement to increase the public sector wages policy guidelines to a maximum of 2.5% delayed the process and caused a significant amount of confusion. However, TfNSW were able to increase their previous proposal and offered a salary increase of 2.04% plus Super increase of 0.5% for a 12-month agreement. There have been some obstacles, particularly administratively with TfNSW applying to the NSW industrial Relations Commission for approval prior to receiving Union consent. After further Union feedback was provided and considered, Unions NSW are now near being in a position to provide that consent. AMOU members approved the terms of the varied Award provided there was no reduction in entitlements, all of which have been retained. We expect the approval process to be completed in the coming weeks.

We have also received advice that TfNSW intend to introduce daily Covid saliva testing for all staff at their 'critical control centres' from 26 July 2021. These are over and above the testing requirements in the health orders. The only control centres that may impact upon members are those based at the State Maritime Incident Coordination Centre. If any members are potentially affected and concerned, please contact me directly for a discussion. At this stage, there are no plans to roll out a testing regime to any employees outside of these critical control centres.

NSW Marine Pilotage Code Review

The reviewed Marine Pilotage Code Volume 1 has been submitted to Transport for approval before it is passed on to Minister Constance for signature. TfNSW have proposed an effective date for the new Code as 28 August 2021, though there may be delays in the approval process. There has been some concern from the fact that pilot representatives were not aware that the review process had been considered final and submitted for review. This was disappointing, however as noted previously, the protections afforded by the code have not been eroded away which was a key concern throughout the review process. The review of Volume 2 and the Standard for Health Assessments is ongoing.

Port Authority of NSW - Newcastle

PANSW have submitted a raft of policies for consultation which our pilots are currently reviewing. The contentious policies are likely to be those related to voice recordings. We have still received no notice of consultation regarding a transition to VTS but trust that this is caused by the appointment of a new deputy harbour master and the ongoing health crisis.

Port Authority of NSW - Sydney

Negotiations for a replacement for the *Port Authority of New South Wales Sydney Enterprise Agreement 2017-2021* have stalled. At the time of writing, we have not held a meeting for over two weeks, with the last one held on 14 July 2021. That meeting ended with a request from the Unions to have a meeting with the decision makers at PANSW in an effort to reach an outcome. The bargaining team for PANSW have done nothing to attempt to meet the employee representatives anywhere in the middle during the frustrating process to date. This request has not been responded to, though PANSW have notified us that they intend to reissue a log of claims and restart negotiations at the end of July. This is after 8 meetings over the last two months.

In our view this is a blatant act of disrespect to employees and demonstrates their willingness to play games rather than attempt to reach an amicable and appropriate outcome to these negotiations. The current EA has now passed its nominal expiry date and despite the NSW government announcing a 2.5% salary related increase for all public sector workers, PANSW are attempting to further delay a pay increase to its employees. This is beyond disappointing considering all of the efforts every single employee has made over the course of the last year.

We will continue to attempt to meet with the decision makers to move this progress forward, but given the attitude and games of PANSW we expect to require the intervention of the Fair Work Commission before too long to ensure that members are not further disadvantaged.

Although the EA negotiations are clearly front of mind, we are also attending a Consultative committee on 28 July 2021. Members are asked to let myself or the delegates know if they have any agenda items they would like discussed.

Port Authority of NSW – Port Kembla

As was reported last month, the approval process for the initial version of the new EA was withdrawn during voting due to changes in the NSW government wages policy that were announced in the state budget. Since that time, PANSW have obtained updated bargaining instructions and put an amended EA out to vote. It had an increased pay offering of 2.04% plus 0.5% superannuation, and retained all of the other terms previously agreed, including a 12-month term. As expected, it returned a comprehensive Yes vote. At the time of writing, I have signed the EA on behalf of AMOU members and PANSW will initiate the approval process with the Fair Work Commission in the coming days. We are uncertain how long the approval process is likely to take in the Commission in the current environment but PANSW have agreed to increase pay from the date of agreement.

NRMA – Fantasea and Manly Fast Ferry

I have little to report industrially. Of course, the Covid situation has had an impact and MFF have reduced services but from my understanding members have not been disadvantaged.

Captain Cook Cruises

There has been no update from the company regarding the EA after several months of inactivity. In late June, with the announcement of the initial stay at home orders for NSW, Captain Cook relied on provisions of the Fair Work Act to stand down employees. This was based on the direct impact the health orders had on their ability to offer tourism services. This continues, though they have endeavoured to find alternative work for many employees affected during this trying time.

Port of Newcastle

I have little to report industrially since the last meeting. The recent Federal Court decision against PON will have come as a blow to the company and plans to build a container terminal in Newcastle, but this shouldn't impact existing employees beyond the lost opportunity that a container terminal may have brought.

Keolis Downer Hunter – Newcastle Ferries

We have met with KD management again to discuss the ongoing dispute regarding their proposed roster changes. They remain committed to their proposal that allows for a dual cert, qualified GPH to cover Masters' AM fatigue breaks. We are still concerned with the sustainability of such a proposal as it requires there to be an appropriate, qualified and trained pool of GPH's which KD may now have, but may not necessarily have in the future. The company have proposed a trial period where new timetables will not be published but operated. We have requested that if this was to take place, the trial could only continue into regular operations with approval by all parties, which the company have said they must consider. As previously outlined, it seems evident that KD are trying to achieve an outcome of increased trips without incurring additional cost and failing to see all of the reasonable obstacles that we have needed to highlight for them. Unfortunately, it seems that they cannot have their cake and eat it too if safety is on the line.

Our dispute regarding Master superannuation contributions also remains ongoing.

Eastern Area

Tracey Ellis Organiser (Brisbane)

RiverCity Ferries

The hearing to determine whether RCF should pay overtime to part time employees who work an extra shift outside of their ordinary rostered hours was held on 21 July 2021 and went as well as could be expected. Deputy President Asbury heard submissions from the AMOU, MUA and RiverCity Ferries and will release her decision in due course.

Australian Reef Pilots/Auriga Group - Launches

Australian Reef Pilots have officially had a name change and are now called Auriga. The AMOU and the MUA have been working well with the company over the last couple of months to create an EBA that replaces the individual contracts that the Launch Crews were on. So far, the new EA has removed the 5 unpaid training days that were in some of the individual contracts, made some movement towards cultural recognition for First Nations peoples and the waters in which Auriga operate, added a Master's indemnity clause and removed the restrictions preventing launch crews from working elsewhere. The next meeting is scheduled for 28 July.

Auriga lost the Launch Crew contracts in Bowen and Mackay. The AMOU has been working with Smit Lamnalco in Mackay, and it has agreed to negotiate an enterprise agreement for the Launch Masters. The winner of the Bowen contract hasn't officially been announced yet, but we have been in discussions with the rumoured winner who has also agreed to negotiate an EA if they win the contract.

Maritime Safety Queensland- VTSO Review

The VTS Review Committee is meeting on Friday to discuss the feedback collected for the revised Role Description for the Vessel Traffic Service Operator position. We will also be discussing recruitment protocols, rostering practices including single operator shifts, fatigue, overtime and workload.

Maritime Safety Queensland - Marine Enforcement Team

After some last-minute changes, the Site-Specific Agreement has finally been agreed, signed and voted up. The agreement locks in the Marine Enforcement Team's pay and conditions and allows them to work enough weekends to be effective in their enforcement activities.

Darwin Ports - Pilots

The AMOU and DPP finally reached agreement on the outstanding wording issues in the proposed enterprise agreement, and it is currently out to ballot. The package includes a 4-year agreement at 2.25% per year. An extra 0.5% Superannuation, relativities for the Trainee Pilot classification and revalidation expenses for their Master Unlimited Certificate of Competency up to the value of \$11,200.

Bay Island Transit - SeaLink

EA negotiations are still underway. In the meantime, SeaLink confirmed that they have paid everyone a 2.5% pay increase from 1 July in line with the Award. They will also be paying 10 minutes at double time for anyone who is on a COVID shift that only gets a 20-minute break instead of the full 30 minutes. This will be back paid from when the COVID runs started. There are still many outstanding items including the roster, overtime, training and dual ticket allowances.

Smit Lamnalco - Gladstone

Enterprise agreement negotiations have deteriorated to the point where the AMOU Masters have voted in favour of applying for protected action.

The main issues for Masters are that they do not want to be ordinarily scheduled to work for more than 12 hours in any 24 hour period (the current agreement allows Masters to work 17 hours, have a 7 hour break and work another 17 hours) and that they'd like to be able to take a meal break after 5 hours of work, if they request it. Masters also want any work done on the tugs by contractors to be in consultation with and supervised by the Engineers. We were hoping that conciliation in the Fair Work Commission would resolve those issues and 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. Conciliation was unsuccessful and it is likely that these disputes will go to hearing in the near future to be decided by the Fair Work Commission.

Smit Lamnalco- National

EA negotiations started with a quick informal meeting where meeting dates were decided and the company insisted on only one delegate per department from Weipa will be paid to attend, despite there being 3 separate operations in Weipa. This is yet to be resolved. The first official meeting will be held on Monday 26 July 2021 where the parties will exchange a log of claims.

Sea Swift

There has been no movement on the EA negotiations this month. We are still waiting for Sea Swift to come back to us with a response to our revised log of claims and figures. The company has also issued letters passing on the Fringe Benefits Tax obligations for travel onto the employees. The three unions are currently looking into this.

Engage Marine

The three maritime unions will meet with Engage Marine in Bowen in early August to resume discussion about the greenfields agreement for the Bowen tug operations since it has been confirmed that they will take over the contract from Svitzer. The three unions have formally notified Engage that we do not agree with their intention to reduce the crew numbers from 6 to 5 because it won't work operationally, and it will increase fatigue. We have not received a response from Engage Marine.