



Offshore Update – 6th May 2020

Offshore Members,

There have been further developments take place over the last few days in respect to the border closures and general industry issues. This report will hopefully capture most of your questions and queries.

Border Closure Update

Tasmanian isolation restrictions for Mariners have been lifted

Late yesterday afternoon the Tasmanian government announced that their restrictions on Mariners entering the state would no longer be required as of midnight last night. Of course, there are always provisions attached:

Maritime crew members who:

- *are normally resident in Tasmania;*
- *have disembarked from commercial or government vessels (apart from cruise ships) at an interstate port;*
- *and provided that:*
 - *they have transited promptly from port of arrival to port of departure without delay;*
 - *the vessel they were on completed 14 days at sea, subsequent to the last crew member joining the vessel or last international port of call (whichever is later); and*
 - *no crew are unwell during this period.*

If your employer is unable to demonstrate or guarantee that you were sent directly home (the State Controller must be satisfied), then Tassie crew members may still be subjected to quarantine.

It's yet to be tested but we believe if any crew member joins a vessel and 10 days later a Tasmanian resident pays off that vessel, then the Tassie resident would still need to isolate for 4 days before being released. This hasn't been confirmed, however, we are looking at what options we have.

For more details, visit this website <https://coronavirus.tas.gov.au/travellers-and-visitors/maritime-crew>

WA Border Closure Update

In WA, it appears that the McGowan government currently has no intention to lift the interstate border closures, but there are suggestions that FIFO workers entering the state may be subjected to testing upon arrival.

Given that WA has reported no new cases of the coronavirus in the past 7 days, we are all hopeful that these current restrictions are lifted so we can get back to some normality.

Federal Court Outcome on Maersk Steward Dispute

As you all know, we ran a successful case up in the FWC which was appealed to the Full Bench of the FWC where we won again.

Maersk didn't like the outcome of the Full Bench and decided to seek a review of the decision in the Federal court. Their argument in the Federal Court is that the FWC didn't have the jurisdiction to hear the matter at first instance because:

1. Maersk claimed that we agreed to settle all manning disputes when they decided to rip an IR off the back deck of these vessels. The members would recall that we visited the Maersk Office on St George's Terrace over that dispute.
2. Maersk also claimed that the first step in the dispute resolution procedure was never taken because the issue was never raised directly with the Captains of the Vessels. To this end, we note the EBA specifically states that other people may be appointed to represent them through a dispute and that the dispute can be raised with the office whilst off the vessel, Maersk is grasping at straws.

We sought to have the Maersk application struck out by the Federal Court which they have declined to do (decision attached) which means we have to go through the process of having the Maersk Application heard by the Court. This will be vigorously defended of course.

On a side note, the membership must continue to raise disputes onboard their vessels before bringing the matter to the Union.

TOLL Offshore Update

Time pay the Toll!

Toll Offshore is currently the only Employer in our industry that has not yet agreed to pay dead days to their workers which are forced into isolation upon arrival into WA.

Late this afternoon, the Senior Manager, Employee and Industrial Relations Guru wrote to us advising us that it was their view that, "there is no dispute as all of their employees have agreed to use rec leave to self-isolate". In other words, he claims that everyone has agreed to use their accrued leave through this period. We have called bullshit as we wouldn't know about the dispute if that were the case.

This Genius seems to think that we just sit around making issues up as we have nothing better to do.

Whilst the rest of the industry does the right thing, Toll seems to think that they have their own set of rules. We will see how good they go.

Toll Cyber Attack

Last week Toll was hit by another cyber-attack. As a result of the attack Toll was forced to shut down Toll electronic systems, including emails and alike. Given the previous history and Tolls records, we suspect that they will somehow screw up their employees pays, leave, or other financial benefits with the view of blaming this cyberattack.

With that in mind, all Members working across the Toll Group (or even with other Employers) should maintain a log of the hours/ days that they work.

In Unity,

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"Australian Democracy was built on Civil Disobedience"

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