



# QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams* No. 153 – 26 October 2018

**Branch Rounds - Gladstone Change the Rules Rally – IDC History - ITF Congress – Vale Mick Clayton United Voice and NUW Set to Merge - BHP Coal to Let On-Hire Worker In - Full Court Overturns Reasonable Overtime Ruling – AGM - RIP Al Dixon - Cartoon Corner – Branch Raffle**

## Branch Rounds *by Bob Carnegie*

BRANCH SECRETARY, BOB Carnegie has been in Gladstone attending The Change the Rules Campaign and meeting members.

Deputy Branch Secretary, Jason Miners has been involved in Brisbane Ferries, Amrun discussions and is currently in Sydney staring into the abyss of DP World EBA talks.

Assistant Branch Secretary, Paul Petersen is back from IDC meetings in London and is involved in Linx and Hutchison this week amongst other works.

Assistant Branch Secretary, Paul Gallagher is on a week's leave and returns on Monday.

**David Greene, our Legal / Industrial Officer finishes with the union this week to take up a position in the public sphere. Over the last couple of years, I have come to enormously respect David's razor sharp, legal intellect and his Irish sense of humour and his fundamental human decency.**

David's work was always first class and he will be missed.

However, life offers not too many opportunities and when this came up I told David it was up to him but to grab it with both hands.

David will still be doing work which helps working class people and our union's loss is to the gain of Queensland working people and that is a good thing. The Branch wishes David all the best and not to be a stranger. Good luck mate.

## Gladstone Change the Rules Rally

ON 23 OCTOBER a lively Change the Rules Rally was held at Marina Park in Gladstone. Some 400 committed unionists from the area attended and listened to speakers berate the LNP for their anti-worker laws and the fact that Australia needs a pay rise. The following photos give an example of the terrific mood at the rally.



Steve, Chris and Graham – 3 wonderful trade unionists



MUA Members at the Gladstone Change the Rules Rally

**Change THE RULES**

**Change THE RULES**





*Stuart Snell, one of our dedicated delegates at Sea Link. Stuart plays an outstanding role with an, at times, difficult outfit. Young men like Stuart give us some hope for the future.*



*Christine, Flynn (Pooch) and Jim at Change the Rules Rally Gladstone*



*Branch Secretary Bob Carnegie with Canadian ITF inspector Karl Risser and our very own Queensland ITF Inspector Sarah Maguire.*



### **International Dockworker's Council (IDC)**

THE FOLLOWING IS a link to 14 minute video produced by the IDC and some the work it is doing around the world. It can be simply put into English subtitles, even a technological dunce like myself could do it in ten seconds. (Just go into settings and turn captions on) I hope readers of the Branch Newsletter find it of interest. *Bob Carnegie*

<https://oestivador.wordpress.com/2017/03/15/a-historia-do-international-dockworkers-council-idx/?fbclid=IwAR2urA91raiskdF7nvWSTEDQq5smwfdtxxPawOrTjeou7YPLTFU2yO-9toc>

### **International Transport Federation (ITF)**

#### **44<sup>th</sup> Congress - Singapore 14<sup>th</sup> – 20<sup>th</sup> October**

*by Paul Gallagher*

COMRADES, THE ITF creates borderless solidarity among transport workers around the world. It has 670 affiliate unions in 140 countries and represents 19.7 million workers. Congress was attended by over 2000 international delegates with the aim of growing union power, giving transport workers a strong collective voice and setting the agenda for the transport industry for the next five years.

At Congress, the Executive were re-elected, including Paddy Crumlin and an agreement was made to research the future work in every transport sector and suggest interventions to help workers improve their skills to compete for high-value jobs using Ong Teng Cheong Labour Leadership Institute (OTCI).



The OTCI is the training arm of the Singapore National Trades Union Congress. ITF General Secretary, Stephen Cotton said, "this is a unique agreement for the ITF because transport workers are facing unique challenges as the industry changes beyond all recognition. We must ensure that the future of work in transport is good jobs with good conditions for all. But at the same time transport workers must be ready for the huge changes that are coming in their sector and this means their unions must be prepared and ready to shape that change."

Obviously, the issues of automation were discussed and hotly debated which I believe is better than ignoring it and hoping it will never happen. The ITF were prepared to tackle the hard stuff and are prepared to do the heavy lifting with it by following these things closely and preparing unions for it. Automation is being looked at and introduced across nearly every transport industry there is it is a big issue, not only for dockers.

Cabotage was debated and ITF policy strengthened with the MUA on the task force to make sure national flags are protected amongst the world wide problem of Flag of Convenience shipping undermining our jobs. We have formed an alliance with the Canadian unions and are developing a solidarity plan.

ICTSI in Melbourne was voted and declared as a "port of convenience" after it was reported that a yellow bosses union was doing the bidding of an anti union employer attacking workers wages and conditions. Shamefully accepting 40% less and taking our members work. The vote supporting us got up by 97% to the discomfort of that particular union.



Officials held a meeting with the cruise ship industry task force and told them in no uncertain terms that our union was serious about taking on this industry to get our members working on those ships as the industry is growing rapidly and are not employing us on the docks or the ships. They agreed to assist us in our campaign.

ITF Towage policy was beefed up to include to tragic practice of partnership arrangements in that sector. Both women and youth held separate conferences and reported back to congress with their issues and motions to be passed by the floor.

Finally, I would like to thank the Queensland Branch Executive for enabling the delegation to participate and congratulate our Queensland Branch delegation for the way they conducted themselves during Congress. Townsville wharfie, Aaron Sperring, seafarer and women's representative Ann Gray and seafarer, Glenn

Frew. I thank all delegates for involving themselves in the debate and attending extra fringe tasks, meetings and presentations. They also excelled in the networking caper which is what makes these international solidarity events so special. It's been an education in international solidarity for us all.

*In unity - Paul Gallagher – Assistant Branch Secretary*

## **International Transport Federation (ITF)**

### **Conference Report Back** *by Glenn Frew*

COMRADES, AT THE ITF Conference in Singapore, there was a lot of discussion as to cabotage and seafarers. There are a lot of seafaring unions in much the same position as ourselves with concerns of losing their flags to Flag of Convenience (FOC) and employment to cheaper labour on their coastlines. So, the challenge is for seafaring unions to band together and find a positive way forward.

Three years ago an ITF task force on cabotage was set up to unite globally and take the challenge to the shippers to take a more moral position to nations they trade with as to employment of the seafarers of that nation. It is a long road ahead but there is a lot of work going on that I never knew.

The chair of this task force is Jim Given from the Seafarers' International Union (SIU) in Canada and after having discussions with him and other seafaring unions it is all coming together slowly but it's moving forward and some of our officials have been involved in the process.

Ian Bray is also on the task force, at present being relieved by Warren Smith. Jim Given from the SIU Canada is coming out to Australia in the coming future to talk at meetings on the Cabotage issue and where we take things from here. He is an outstanding official and will explain more to us as to how the challenge was met and won in Canada.

So comrades, I hope when he comes to Australia we all attend the meetings and question the future of this task force regarding our concerns of what has happened on our coast. I feel there are interesting times ahead so let's get involved as it is OUR coast not the shippers and force to the table to address this greed and immoral position they hold. *Glenn Frew – Queensland Branch Member*

## **Vale Mick Clayton**

THE QUEENSLAND BRANCH sends our deepest sympathy to the family and friends of Mick Clayton.

The funeral details are:

Wednesday 31 October 2018 at 12.00 noon

All Saints Anglican Church

32 Wickham Terrace

Spring Hill

## **United Voice and NUW Set to Merge**

*Source: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au)*

A PLAN TO merge United Voice and the NUW, creating Australia's fourth-biggest union, will be put to a vote of their respective memberships next year. In response to questions from *Workplace Express*, the unions issued a

joint statement that said their national councils endorsed a proposal in August to consult members about "building a new union".

The statement said union members would "consider what we could achieve for workers around Australia in the face of growing inequality, wage theft, exploitation, and job insecurity by building a new union".

"The plan endorsed by both national councils involves putting together a firm proposal for a new union to go to a ballot of members in 2019." United Voice national secretary Jo Schofield said: "I said earlier this year that the current industrial relations system has failed workers. "In this light it is exciting for members to consider a proposal that would allow workers across the country to build power and through their actions win big, long-lasting gains."

NUW national secretary Tim Kennedy said: "We can unleash the collective power of workers to transform their lives and their communities and put the voice of workers at the heart of our economic and political system." At the end of 2017, United Voice said it had 105,054 members while NUW reported 68,834 members, including 26,262 in its stronghold of Victoria.

If the merger is approved, it would create Australia's fourth biggest union with 173,834 members behind the top-ranked ANMF (238,144 members), SDA (213,127) and AEU (183,910).

The merged United Voice/NUW would have a strong presence in the food and grocery industry – stretching from horticulture to food processing and warehousing.

The two unions first confirmed they were in merger talks in August last year, but they have not commented publicly since then (see [Related Article](#)).

Their respective national executives last year signed an MOU to explore a "new union model".

The planned United Voice/NUW merger follows an amalgamation of the CFMEU, the MUA and TCFU, despite opposition from employers (see [Related Article](#)) and the Turnbull Government, which sought to introduce a public interest test for such nuptials (see [Related Article](#)).

According to membership figures lodged to decide delegate numbers at this year's ACTU Congress, the CFMMEU has 126,079 members.

Other blue-collar unions with diminished membership – such as the AMWU (with 73,931 members), the TWU (68,985) and the AWU (about 70,000 members) – are looking to new occupational niches and rebuilding density in their existing coverage rather than mergers.

## DP World on Track to Meet Market Expectations

Source: <https://worldmaritimenews.com/archives/263148/dp-world-on-track-to-meet-market-expectations/>

PORT AND TERMINAL operator DP World witnessed a rise in volumes, as gross container numbers grew by 2.6% in the first nine months of 2018.

During the period, the group handled 53.6 million TEU across its global portfolio of container terminals. At a

consolidated level, DP World's terminals handled 27.7 million TEU during the first nine months of 2018, a 1.6% improvement in performance.

"We have seen our volume growth decelerate due to the strong prior year performance and general caution in the market given the current uncertainty in global trade," Ahmed Bin Sulayem, Group Chairman and Chief Executive Officer, said.

"On our wider portfolio, we have made good progress in strengthening our product offering to play a greater role in the global supply chain as a trade enabler," Bin Sulayem said, adding that despite the softer volumes, DP World is on track to meet market expectations.



Image Courtesy: DP World

Volumes declined by 0.5% in the third quarter of 2018 due to the tougher year-on-year comparables and softer volumes in the UAE.

The UAE handled 11.3 million TEU in the nine-month period, down 2.1% year-on-year, with third quarter volumes dropping by 6.7% due to the challenging macro environment and loss of lower-margin cargo. DP World informed that growth in Europe remained robust with strong growth in UK's London Gateway and Rotterdam, the Netherlands.

## Court Tells BHP Coal to Let On-Hire Worker In; FWC Responds

*This is a very important ruling by the Federal Court in support of a coal miner working for a labour hire company.* Bob Carnegie

Source: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au)

IN AN IMPORTANT interlocutory ruling, the Federal Court has today [restrained](#) mining giant BHP Coal from stopping a reinstated labour hire mineworker returning to the job at its Bowen Basin coal mine.

The [court decision](#), by Justice Berna Collier, has in turn sparked a [new order](#) from FWC member Ingrid Asbury, who has directed labour supplier Workpac to reinstate mineworker Kim Star to her pre-dismissal position at BHP Coal's Goonyella Riverside open cut coking coal mine from October 30.

After Deputy President Asbury found Star had been unfairly dismissed by Workpac, the mineworker won an



order for the labour hire company to reinstate her to her previous position (see [Related Article](#)).

Workpac had dismissed her immediately after BHP "demobilised" her without providing a reason (see [Related Article](#)).

The mining giant told the FWC that it would not consider reinstating Star. It repeated that position before the court, with Justice Collier saying the only inference she could draw from the material before her was that, "for unknown reasons, [the mine's production manager, Brent Gee] does not want Ms Star to return to work at the mine".

His "apparent, unexplained preference" contrasted with the "personal detriment" to which she had attested. The judge accepted that Star had established a serious issue to be tried that BHP Coal had taken unlawful adverse action against her. The balance of convenience also favoured the mineworker, she found.

CFMMEU mining and energy division Queensland district vice president Mitch Hughes told *Workplace Express* the court decision "is a shot across the bows of the big mining and labour hire companies", signalling that "they can't continue to exploit casual workers the way they have been".

The general protections case will now go to trial, but hearings are yet to be scheduled.

[Construction, Forestry, Maritime, Mining and Energy Union v BM Alliance Coal Operations Pty Ltd \[2018\] FCA 1590 \(22 October 2018\)](#)

## Annual General Meeting

**THE MARITIME UNION OF AUSTRALIA DIVISION**  
A Division of the Construction, Forestry, Maritime, Mining and Energy Union

**NOTICE TO ALL MEMBERS of the  
QUEENSLAND DIVISIONAL BRANCH**

**ANNUAL GENERAL MEETING and  
SPECIAL MEETING OF MEMBERS**  
QUEENSLAND DIVISIONAL BRANCH


Annual General Meeting to be held:  
7 am Thursday 29 November, 2018  
Cannon Hill Bowls Club  
Cnr Lang and Princess Streets  
Cannon Hill

The Annual General Meeting of Members of the Division is being held to consider:

- (i) The General Yearly Report of the Divisional National Council;
- (ii) The Annual Financial Statement of the Division;
- (iii) Motions by members notice of which has been given in writing to the Divisional National Secretary by close of business 11 November 2018.

All available members are required to attend.

A Special Meeting of Members will be held immediately following the AGM to consider and if thought appropriate endorse proposed changes to the Rules of The Maritime Union of Australia Division.

In Unity,  
  
Bob Carnegie  
QUEENSLAND DIVISIONAL BRANCH SECRETARY

Any queries should be directed to Queensland Branch (07) 3395-7215

## Full Court Overturns Reasonable Overtime

**Ruling** Source: [www.workplaceexpress.com.au](http://www.workplaceexpress.com.au)

*Comrades, this is a very important decision of the full bench of the Federal Court which goes to the heart of what constitutes 'reasonable overtime'. It will have a definitive impact on industries we cover. The Qld branch congratulates the mining division of our union for pursuing this legal argument for all Australian Workers. Bob Carnegie*

A FULL FEDERAL Court has overruled a finding that a reasonable overtime hours clause in a coal loader's enterprise agreement gave it the power to increase extra weekly time from two hours to almost nine.

Justices John Reeves, Mordy Bromberg and David O'Callaghan overturned Justice Berna Collier's [decision](#) in March this year that the reasonable overtime provision at [clause 34.1](#), which said Hay Point Services Pty Ltd "may require" extra hours, could not be contravened under [s50](#) of the Fair Work Act. The full court said she made that ruling because she "found that cl. 34.1 did not impose any obligation on HPS". The Hay Point Services Pty Ltd Enterprise Agreement provides for a 35-hour week, averaged over a five-week period. The deal defines reasonable overtime as about 104 hours a year.

The full court said it accepted Justice Collier's point that "the word 'may'" in the clause "is permissive". It also agreed with her that the reasonable overtime clause "provides HPS with an entitlement and that it is a clause which is beneficial to it". "However, we respectfully disagree with the primary judge's conclusion that cl 34.1 is bereft of any obligation or restriction that HPS is incapable of contravening." Judge failed to understand clause protects employees.

The full court said the judge's reading of the provision failed to appreciate that the clause "does not solely provide for an entitlement to HPS, but is also protective of the interests of employees". "The limitation in the clause which qualifies its permissive character is provided by the word 'reasonable'." "That restriction is not beneficial to HPS. "It imposes a negative or restrictive stipulation that only reasonable overtime may be required by HPS. "A failure by HPS to comply with that stipulation will constitute a contravention of cl 34.1 and, in turn, a contravention of s50 of the FW Act," the full court found. Clause has to be considered in its industrial context. The full court emphasised that the clause had to be "construed in context" and particularly that of other agreement provisions dealing with working hours the company can require of employees.

It turned to the NES provisions governing reasonable additional hours (at [s62](#)) to stress that the construction favoured by HPS would enable it to make an hours requirement prohibited by the national standards.

The full court added that it "ought to be ought also be presumed that cl 34.1 was intended to be effective and produce a sensible industrial outcome", which would extend to "protecting employees from being compelled to perform unreasonable overtime".

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**Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary**

**73 Southgate Avenue, Cannon Hill QLD 4170**

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"If it was the case that the limitation or restriction in cl 34.1 only conditioned the obligation on the employee to perform work, HPS would have no obligation to make an assessment about the reasonableness of its requirement for additional work and the effectiveness of the clause would be largely dependent upon the willingness of employees to refuse to comply with unreasonable requirements made by the employer.

"Construing cl 34.1 as imposing no burden upon HPS and imposing the burden of refusing unreasonable requirements to perform additional work on the employee does not produce a sensible industrial outcome, especially in circumstances where such a refusal may be perceived by the employee as jeopardising or likely to prejudicially affect the employee's employment," the full court concluded.

[Construction, Forestry, Maritime, Mining and Energy Union v Hay Point Services Pty Ltd \[2018\] FCAFC 182 \(23 October 2018\)](#)

## RIP Al Dixon

*At our inaugural Branch Conference in 2015, Dave Smith, a wonderful British trade unionist and a leader of the Blacklist Support Group spoke on the horrors of blacklisting. Having experienced this firsthand, I understood very much where Dave was coming from. This beautiful little article pays tribute to a British rank and file militant who paid an enormous price for being a militant unionist.* Bob Carnegie



Al Dixon R.I.P.

Message from Wilf Dixon from the Orgreave campaign

"Dear friends and comrades,

I enclose a donation from the little left by my brother Al. (Full name Albert Alan Dixon) who passed away recently. He was an active trade unionist and rep when he worked at United Biscuits in Grimsby in the 1970's. As a communist he worked to bring a spirit of anti-capitalism to his workmates as well as leading on pay and conditions. When the factory closed (I think around 1978) he found it impossible to find permanent work, getting only the odd temporary job. During his long years of unemployment he became principal carer for our parents and, after their passing, managed to get work as a carer in a Grimsby Care Home. A job at which he won great respect and which he held until he retired.

This is only one of the many untold stories of trade-unionists and political activists being black-listed and this going on to shape their whole lives.

Good luck in your campaigning,

Comradely regards"

## Cartoon Corner

By First Dog on the Moon



## Queensland Branch Raffle

DON'T MISS OUT ON YOUR CHANCE AT \$15,000.

HELP SUPPORT MUA LEAD HUTCHISON DELEGATE JOE JOHNSTON AND HIS FAMILY AND THE CAMPAIGN TO SAVE AND EXPAND AUSTRALIA'S MERCHANT FLEET.

1<sup>st</sup> Prize: \$15,000  
 2<sup>nd</sup> Prize: \$2,000 travel voucher  
 3<sup>rd</sup> Prize: \$1,000 travel voucher

Tickets \$20 each, 2400 to be sold.  
 Drawn at AGM 29th November 2018

0385

Support Hutchison Delegate, Joe Johnston and his family and also the Campaign to save and expand Australia's Merchant Fleet. Would be a great win just before Christmas!

Contact the administration staff at the Branch on 07 3395 7215.

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