



*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams*      No. 71 – Friday January 13, 2017

## Hutchison Members Meet – Qld Branch Shows Support for ITF Inspector - AAT Smit Lamnalco – Patrick ERC - Legal Eagle Advice - Superman Investment Options

### Successful Hutchison Yard Meeting

A VERY SUCCESSFUL two hour meeting was held at the Wynnum Workers Club on Thursday, January 12 2017. It was exceptionally well attended with only six members out of the ENTIRE permanent and casual workforce not present. This is a huge credit to delegates and members for realising that the only way they can change things is to participate in their union!

It is also a stinging rebuke to Hutchison's management who through a whole range of nefarious methods have sought to distance the workforce from their union.

The main topic of debate at the meeting was Hutchison's reluctance to engage in a meaningful way to some fundamental principles we thought we had touched hands on.



Primary to this is a graded roster for permanent employees. Members at Hutchison have bent over backwards to try to make a success of a new A3 contract. They have seen their goodwill and hard efforts treated as no more than 'dust in the wind' by Hutchison Terminal and the HR management team.

As the Queensland Branch Secretary of the MUA I have this message from our membership at Hutchison, "You (Hutchison Management) have mistaken our hard work for weakness, we are strong, UNION STRONG and we demand justice on the job!"

The meeting also made a unanimous resolve that on winning a graded roster the casuals would do the moorings thus assisting with their earning capacity.

The meeting also resolved to fight to get at least a modicum of a guaranteed income for the casual workforce and the movement of casual to permanent positions to be pushed. This meeting was open and democratic, all members and the Committee spoke passionately about their real feelings of being led down

the garden path by Hutchison.

Paul Petersen did a terrific job (as always) in leadership and participation. Damien McGarry did a great (although verbose) job as Chair of the meeting.

Our relieving Assistant National Secretary, Garry Keane was present for part of the meeting and gave strong words of encouragement and advice to all members present.

To the Hutchison management team who will undoubtedly read this article, you have totally underestimated the fine group of union men and women who create the wealth of your organisation. This is not going to 'blow over'. Start negotiating in good faith or we, the Hutchison Workforce and their union, the MUA will be your David and just like Goliath you will be conquered.

### AAT EBA Negotiations

AAT EBA NEGOTIATIONS have begun with a strong delegates structure led by James Crookall and Mark Kinman. A Log of Claims has been put together by members and put forward by the Queensland Branch as well as National Officials, Relieving Assistant National Secretary, Garry Keane and National Training Officer, Mick Cross. Delegate, George Brangovits from Port Kembla was also in attendance for Part A and Part B negotiations.



*Officials and delegates together for AAT negotiations*

There have been some positive outcomes in the preliminary negotiations with only a few outstanding issues to be resolved.

We are working as a collective with Port Kembla and Fisherman's Island as the two major ports of AAT.

### **Smit Lamnalco**

SMIT LAMNALCO NATIONAL towage EA negotiations will commence next week with initial site visits and meetings with members in Brisbane and Townsville followed by Weipa and Mackay.

This is a critical agreement for the members and the union given the unscrupulous attacks the towage industry is now experiencing.

Job security and training will most likely feature highest on our priorities as we expect the company to use the current crisis in towage as means to hack away at our hard fought conditions.

The union is committed to protecting the current wages and conditions and ensuring the grey areas in the current port practices are fixed up.

Deputy Branch Secretary, Jason Miners will lead the negotiations and Dave McIntosh will be the Queensland Smit Lamnalco towage delegate who was elected at the Queensland towage delegates meeting held in the Branch last year.

### **Patrick Terminal**

PATRICK ERC COMMITTEE nominations have commenced and nominations will close on January 25 2017. Elections will commence from 26 to 31 of January 2017.

The committee and Deputy Branch Secretary, Jason Miners held an EBA implementation meeting on Tuesday the 10<sup>th</sup> to work through the outstanding EBA implementation matters. The meeting went relatively well with the outstanding matters being:

1. The agreed labour pool as the union tries to protect the supplementary labour from Linx Bulk and General who are short on work at present along with fending of the company's ambition to bring in additional labour in terms we say are contrary to the recently agreed EBA.
2. Back pay for B&G members who worked in the terminal.3)Replacement of the 2 vacant permeant positions.

### **Update Details**

PLEASE ENSURE IF you have changed your address, mobile number or email address to contact the staff at the Branch on 07 3395 7215.

This is important so you are kept up to date with information and communication from the Branch.

Members can also email the Branch to update their details using this email address:

[muaqld@mua.org.au](mailto:muaqld@mua.org.au)

## **Queensland Branch Supports ITF Inspector Sarah Maguire**

The Officials and Organisers of the Queensland Branch support ITF Inspector, Sarah Maguire in her endeavours to inspect the CSL Thevanard in Taiwan.



### **The Legal Eagle**

#### **Don't Be Conned Out of Cash**

I HAD A client who booked a wedding venue two years out from the big day. The client paid a small deposit, and signed a booking form which had standard terms and conditions. The client agreed to pay the full booking fee by monthly instalments, with the stipulation that the full amount be paid 90 days before the wedding.

In the months after booking the venue, the client paid several thousand dollars in instalment payments towards the booking fee. However, about 9 months before the wedding, the relationship came to an end and the wedding was cancelled. The client accepted the initial deposit was forfeited, and sought a refund of the other monies paid to the wedding venue (the instalment payments).

The standard terms and conditions contained a clause which said 'All amounts paid towards the event are non-refundable', and the venue refused to refund any of the monies paid by my client based on that clause.

We attacked the venue's position because the offending clause was a penalty clause and was therefore void, and also because the clause was an unfair term of a consumer contract and was therefore unenforceable. Parties to a contract obviously have an interest in keeping the other side to the bargain. However, any clause (a penalty clause) which penalises a party for breaching the contract, by requiring that party to pay a specified sum that is extravagant and unconscionable in amount compared with the greatest loss that could conceivably flow from any breach (for example it is not a genuine pre-estimate of the damage suffered by the other party), is void and of no effect.

A term in a consumer contract is 'unfair' if it causes a significant imbalance in the parties' rights and obligations arising under the contract, it is not reasonably necessary to protect the legitimate interests of the business, and it would cause financial or non-financial

detriment to the consumer. An unfair term of a consumer contract is unenforceable against the consumer.

There are many places where these clauses crop up from time to time. Be aware of your rights, and don't be conned out of cash when a business is trying to rely on an unfair clause or a penalty clause.

David Greene – National Legal Officer



## **SUPERMAN ARTICLE**

### **Choosing an Investment Option**

AS PART OF your retirement savings plan, it is important you understand how your superannuation money is invested by your super fund.

No two people's financial situation and investment requirements are the same. To cater for these different needs, funds such as Maritime Super offer you a choice about how your superannuation money is invested. Funds offer a range of different investment portfolios that you can choose from. You can also choose to spread your super money over multiple investment portfolios.

One advantage of investment earnings in super is that they are taxed differently to your other income.

The maximum tax rate on superannuation investment earnings is currently 15 per cent, compared to the marginal tax rate that is applied to your investment earnings and income outside superannuation, which could be up to 47 per cent.

#### **The different investment options**

Most superannuation funds will offer a range of investment options for you to choose from. These will vary in their level of risk and the kinds of assets held within them.

You may see terms such as Australian Shares, International Shares, Growth, Balanced, Conservative, Moderate and Cash.

Further information about the options available, the assets held within them and the likely risks and returns are available on your fund's website or can be discussed with your fund adviser.

#### **Why should I care how my super is invested?**

You're probably thinking it's not your job to worry about how your super is invested, but it pays to take an interest.

Investment choice can have a big impact on the final lump sum that you receive when you retire, due to the impact of compound interest. Over a working lifetime, the same amount of money invested in different investment options can produce different results at the end. Therefore it's important to take the time to understand the different options available to you and the potential impact it could have on your investment earning.

#### **How do I choose?**

Your age is very important when it comes to making an investment choice.

When you join your fund you are asked if you would like to choose a specific investment option on the form. If you don't choose an investment option you are placed in

what is commonly called the default option, typically a Moderate option.

If you didn't choose a specific investment option when you joined the fund this doesn't mean you can't select one later.

When it comes to choosing which investment option is most suitable for your superannuation savings, there are a couple of basic questions that you need to ask yourself before making a decision:

- How much risk do I feel comfortable taking?
- What type of return am I seeking for my money?
- How long will I be investing for?

The answers to these questions will help guide you in choosing the right investment option or mix of options for your superannuation savings.

Your age is very important when it comes to making an investment choice. How long you expect your money to remain invested (or your investment timeframe), will have a significant impact on the investment mix that is most appropriate for you.

If you are young and have a long time until you will need to access your money, the short term ups and downs that can occur when investing in higher risk options such as shares may not be so important. History has shown that over the long term, short term fluctuations tend to be outweighed by the higher returns from these 'riskier' types of assets. This has been borne out since the GFC for example.

If you will need to access your money soon, it may be more appropriate to protect it by investing in assets that are considered lower risk, even though this may result in lower returns over the medium to long term. On the other hand people entering retirement may still have 20-30 years to plan for. Depending on your appetite for risk, it may still be appropriate to invest some or even most of your savings in 'growth' products for the longer term. Your fund adviser can explain the different investment options and help you choose one that is suitable for your personal circumstances.

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