

# QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

73 SOUTHGATE AVE., CANNON HILL 4170 - Phone: (07) 3395 7215 - Fax: (07) 3395 7688 - Email: [muaqlld@mua.org.au](mailto:muaqlld@mua.org.au)

*To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams*

No. 100 – Friday 18 August 2017

**ACTU and the Merger - Government Seeks to Sharpen Union Deregistration Axe – DP World Wharfies Unite - Ichthys Giant Arrives - Superman Advice Self Managed Super - Book Corner – At the Movies**

## ACTU Seeking to Smooth Waters for Maritime Unions as Merger Looms

Sourced from Workplace Express: <https://www.workplaceexpress.com.au>  
Thursday, August 17, 2017, 4:40pm

THE ACTU HAS sought to broker discussions with two smaller maritime unions that are objecting to the planned merger of the CFMEU with the MUA and TCFU.

A Fair Work Commission hearing today heard the peak body has written to all five unions seeking to arrange talks, but this meeting is yet to occur.

Counsel for the AIMPE and AMOU, Bryce Cross, [argued](#) the Commission should not approve the holding of merger ballots because the name of the amalgamated union would cause confusion. Cross said this would arise from the word "maritime" without reference to occupation or calling, such as a reference to integrated ratings.

He told the hearing – which took place in Sydney with a video link to Melbourne – that there was "active involvement" of the ACTU in the merger proposal. The hearing before Deputy President Val Gostencik heard that the name of the new body would be the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU).

However, counsel for the CFMEU, MUA and TCFU, Tony Slevin, said the ACTU's involvement was confined to the eligibility rules of the merged entity, rather than its name.

Slevin said the name of the merged body, the CFMMEU, would not be similar to the AIMPE and AMOU.

The AIMPE and the AMOU have previously expressed concern that the amalgamated union could make a renewed attempt to change eligibility rules and encroach on their coverage.

But the CFMEU, MUA and TCFU have said the merger does not involve changes to eligibility rules.

Two employer groups, the Australian Mines and Metals Association and the Master Builders Association, have argued the three merger partners have not made valid applications for the ballot.

But the three unions have now provided further details on the approval of a scheme of amalgamation to overcome the points raised by the employer groups.

AMMA and the MBA note that counsel for the three unions made an oral request at an earlier hearing for the Commission to approve corrections to the scheme of amalgamation.

Their counsel, Stuart Wood QC, said today that s42(1) of the Fair Work (Registered Organisations) Act required that "each alteration of the scheme" must be approved by each committee of management.

He said this [raised questions](#) as to whether the Commission [has jurisdiction to amend](#) the scheme under s586 of the Fair Work Act.

In reply, Slevin said the changes to the scheme were corrections required as a result of two decisions by the Fair Work Commission general manager on union rules. "It's not an alteration to the scheme under the Act." Slevin thanked the employer groups for being "helpful" in considering the legal issues involved, but said the three unions "look after ourselves." "This is union business."

In an [outline of submissions](#), the unions argue that the employers "have no right" to appear in the proceedings. Slevin today gave an undertaking that the committees of management could approve the corrected scheme by August 28.

Deputy President Gostencik said he was mindful of providing as much time as necessary to prepare for the ballot and that he would deliver a finding no later than August 31.

He said the AEC had advised that any ballot would open on October 10 and close on December 5. The hearing was adjourned.

The Turnbull Government this week introduced legislation to apply a public interest test on mergers, which would include consideration of past behaviour and breaches of industrial law.

[FWC home page for CFMEU/MUA/TCFU merger proposal](#)

## Government Seeks to Sharpen Union Deregistration Axe

Sourced from Workplace Express: <https://www.workplaceexpress.com.au>  
Wednesday, August 16, 2017, 4:15pm

THE TURNBULL GOVERNMENT has introduced legislation that makes it easier to deregister militant unions that regularly breach workplace and civil law. The changes are included in the [Fair Work \(Registered Organisations\) Amendment \(Ensuring Integrity\) Bill 2017](#) introduced to the House of Representatives today. The Bill includes the government's pledges to introduce a public interest test on union mergers – a hurdle aimed squarely at the planned merger between the CMFEU and the MUA – plus a fit and proper person test for union officials (see [Related Article](#)).

However, the legislation also includes major changes to the law around registration that have not been publicly foreshadowed.

The Bill's [Explanatory Memorandum](#) says it would allow the Federal court to cancel the registration of a union for corrupt conduct and other grounds, which include "repeated breaches" of industrial laws and the taking of "obstructive unprotected industrial action by a substantial number of members".

Under the changes, the Registered Organisations Commissioner would have automatic standing to make deregistration applications, while persons of "sufficient interest" would also have standing.

The Minister would retain their current power to apply for deregistration.

The Bill expressly provides for the Federal court to appoint an administrator to all or part of a registered organisation or part of it under a "remedial scheme" that stops short of deregistration.

It broadens the grounds for a remedial scheme to be approved by the Federal Court, including the appointment of an administrator, when officers of an organisation or branch are "no longer serving members' interests".

The grounds for applying for deregistration include criminal or corrupt conduct, but also include civil breaches of orders and injunctions, the Registered Organisations Act, the Fair Work Act, the Fair Work (Building Industry) Act, the Competition and Consumer Act 2010 and OHS laws.

The Explanatory Memorandum says the ground for deregistration can only be established by conduct that occurs after commencement of the legislation. With merged organisations, however, the Federal Court will be able to consider the "prior conduct of any deregistered organisation or its officers".

The Bill also seeks to expedite applications for deregistration by allowing previous findings of fact to be admissible as prima facie evidence.

As required in all federal legislation, the EM discusses the human rights' impact of the changes, including the ILO conventions on freedom of association.

The EM argues the Bill does not limit the ability of members to form and join trade unions, and that international labour rights recognise that organisations and officials should respect the law of the land.

"Where the provisions of the Bill engage the right to freedom of association, any limitations on the right are permissible as they pursue a legitimate objective, are prescribed by law and are reasonable, necessary and proportionate.

"They have the sole objective of protecting the interests of members and guaranteeing the democratic functioning of organisations."

The EM says the Bill responds to [recommendations](#) 36, 37 and 38 of the Heydon Royal Commission.

[Fair Work \(Registered Organisations\) Amendment \(Ensuring Integrity\) Bill 2017 Explanatory Memorandum](#)

## Ichthys Giant Arrives

Sourced from: <https://www.facebook.com/AusGasJobs/>

IN LNG NEWS, the Ichthys Venturer has finally arrived in Australia this week. It will be permanently moored in the Browse Basin, about 220 kilometres off the Western



Australian coast. The Ichthys Venturer (FPSO) joins the Ichthys Explorer LNG Project's Central Processing

Facility (CPF) (the rig) at the Ichthys field. The FPSO can hold 1.12 million barrels of condensate and operate for 40 years in a cyclonic environment. The Ichthys Explorer CPF is already on site and is the world's largest semisubmersible platform.



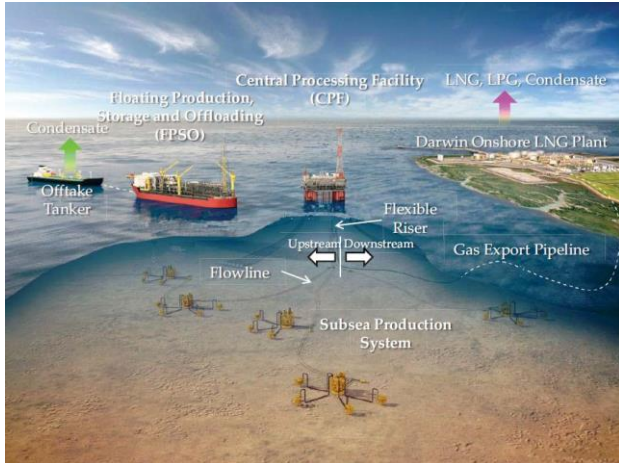
If you are confused at the setup at the Ichthys field, here's how it will work:

1. The subsea system collects gas and condensate from the wells on the sea floor to the CPF.
2. The CPF (Explorer) is the central hub. The gas is separated from the liquids and sent through an 890km subsea pipeline to the \$US37 billion project's onshore LNG facility near Darwin for processing.
3. The valuable liquid condensate (LPG) is sent across to the FPSO (Venturer).
4. The Venturer processes, stabilises and stores the





condensate from the Explorer before periodically offloading it to tankers for export.



The Ichthys LNG Project is expected to produce up to 8.9 million tonnes of LNG per annum and 1.65 million tonnes of LPG per annum, along with approximately 100,000 barrels of condensate per day at peak.

Think of the condensate as the cream on the milk. It's got good value and the project wouldn't have gone ahead without it. Time to hook it up.

## RIGHT THE WAGE WRONG AT DP WORLD! ALL WHARFIES UNITE!

Currently the Union is arguing the leave payments for VSE's, the Queensland branch of the MUA consider this to be very clearly written sections of the current EBA.

The following clauses in contention are as below:

### THE EBA LEAVE CLAUSES ARE CRYSTAL CLEAR



#### Annual Leave

**Clause 16.2.3** From 1 July 2017 VSE's shall be paid in accordance with the VSE Minimum Salary within this Agreement plus a loading of 27.5%. For the avoidance of doubt that will be 1/52 of the VSE Minimum Salary for one week of leave.

For each week of leave DP World still owes you \$365.

#### Personal/Carers Leave

**Clause 18.3.3** From 1 July 2017 VSE's shall be paid one-fifth (1/5) of the weekly VSE Minimum Salary for each day of leave.

For each day of personal/carers leave DP World still owes you \$45

#### Long Service Leave

**Clause 24.2.3** From 1 July 2017 VSE's shall be paid LSL at the weekly VSE Minimum Salary plus a loading of 27.5%.

For each week of leave DP World still owes you in excess \$365.

Additionally, in a very sinister play DP World are claiming your old leave prior to 1/7/2017 will stay at the old rate, this means conditions such as L.S.L. will be seriously eroded with the march of time.

For members, the long waited L.S.L. holiday with loved ones won't happen because you won't be able to afford it.

#### Further

#### Maintenance employees

The Union considers that there are major discrepancies in how cashed out sick leave is calculated.

DP World continue to tie up members sick leave entitlements with a long running Federal Court Case where they have been clearly shown to be in breach of the National Employment Standards.

## FELLOW WORKERS DO NOT LET THIS CONTINUE TO HAPPEN

1. Demand DP World management sit down in good faith and
2. Pay what they owe their employees under the EBA
3. Stop allowing lawyers to reinterpret the EBA which was signed off and voted on in expectation that it would be honoured
4. Calling DP World Management to knock the low level psychological war they have declared on the work force to stop immediately

### THINGS YOU SHOULD DO

1. Talk to your delegate
2. Work safely at all times
3. Get on the blower and have a yarn with Bob Carnegie 0439 478 996, Paul Petersen 0404 453 869 or Damien McGarry 0410 318 078
4. Attend the meeting on the Thursday 31<sup>st</sup> August at the Seafarers Centre Fisherman's Island at 12 noon

## MAKE THE FAT CATS PAY YOU WHAT YOU ARE OWED!



## SMSF (DIY Super), Can Mean a Paperwork Mountain and Increasing Numbers are Shutting Theirs Down – An article by Superman

ALTHOUGH IT MAY seem as if every man and his dog have their own self-managed super fund, the reality is quite different. The Australian Taxation Office's figures show the number of people opening an SMSF is declining, while the number of trustees winding up their fund is rising. Expect this trend to continue with trustees that breach SMSF rules subject to fines of \$10,000 or more.

It's not just the threat of fines that leads people to close their SMSF. Although it may seem glamorous to own your own fund the reality can be a paperwork mountain. There are many reasons why people close their DIY fund. Common reasons people decide to close their fund is if it has been generating poor returns or if one member dies

and the remaining member doesn't want the hassle of having to run the fund themselves.

But if there's money left in the fund, where do people put it after its wound up? It's worth pointing out that winding up a SMSF takes time and costs money. The fund also has to complete a final tax return and have final financial statements audited. If the fund held investments in property, shares or other complex investments, there will be additional costs involved in disposing of those investments or winding up other structures.

***If a member has \$150,000 in an SMSF, they'd be looking at fees of \$2500 a year to run it.***

This is often the case with funds with a balance of \$250,000 or less. For these funds, the cost to run them can outweigh the return on investment. Plus, fees for industry super are very competitive so it simply doesn't make financial sense to run your own fund unless you have a big balance. If someone has \$150,000 in an SMSF, they'd be looking at fees of \$2500 a year to run it. This compares to annual fees of approximately \$1500 if you have your money in Maritime Super.

There can however be one significant drawback to closing an SMSF and parking your money in an industry fund: insurance. It might not be possible to take out insurance in the new fund if the client's health has changed since the SMSF was started and insurance was placed inside it.

The message to investors is this: Do you research to work out if it makes financial sense to run your own fund, and be honest with yourself about whether you have the time and the skills to run an SMSF. If you don't it might be a better idea to stick with an industry fund such as Maritime Super.

### **How to shut down your fund**

There are five steps trustees need to take to close down their fund:

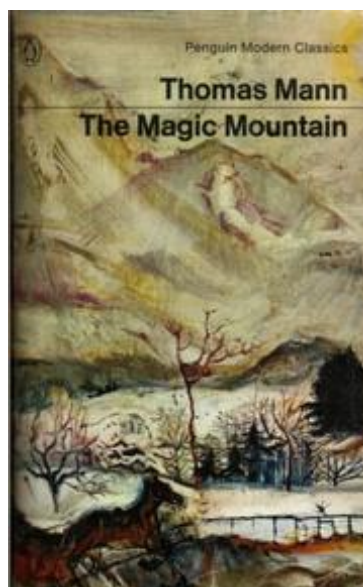
- Ensure all your prior year SMSF accounts are completed and up to date.
- Inform your SMSF administrator that you wish to close your SMSF.
- Get an estimate of any windup expenses, such as tax and accounting costs, and retain this amount in the SMSF cash account.
- Start removing the other assets from the fund, usually by rollover to another super fund, or paid out as pension payments.
- Prepare final SMSF accounts and audit, pay outstanding liabilities and notify the ATO of the wind-up.

For advice on Maritime Super see Jim Atley who is permanently based at our Cannon Hill office.

### **Book Corner**

#### ***The Magic Mountain* by Thomas Mann, 1924**

WITH WORLD WAR I looming, the left-wing journalist John Reed was asked what the war was about. "Profits!" he replied. This novel by Thomas Mann is supposed to be



about the same question – but don't ask me what his answer is!

What we do learn about is the psychological state of the European upper classes before the war. As the rationalist character, Setembrini, points out, European society carried a lot of intellectual baggage. The upper classes of Europe thought with reference to age-old myths about race, blood and religion.

Mann observed a sample of such people

when he visited a tuberculosis sanatorium on a Swiss mountain top, a visit which resulted in this novel. Why is it called 'The Magic Mountain'? There is an old fairy tale about being lured underground by elves for a night of drinking but emerging the next day to find years have passed. So too, in this mountain sanatorium, the patients also lose track of time.

Europe's apparent death-wish, as it geared up for war, is mirrored in the fascination with death that the patients inevitably develop. The chances of dying of tuberculosis within a few years was very high (and still is where antibiotics are unavailable). (It occurs to me that a ship's crew is in a similar position – collected together in an isolated space with a watery fate always a possibility.)

The real magic for the reader is to have your sense of time distorted by Mann's technique. You seem to experience the same dreamy state that Hans Castorp, the young hero, falls into. You also feel well-fed! Mann constantly returns us to the dining room where the patients eat sumptuous and frequent meals as part of their convalescence.

*Allan Gardiner*

### **At the Movies - Dunkirk**



**DUNKIRK** GRABS THE viewer in the opening scene and doesn't let you go for the next two hours.



Christopher Nolan's latest film (*Interstellar; Inception; The Dark Knight; Memento*) is based on the evacuation of over 300,000 British soldiers from the French beach as the Nazis completed their blitzkrieg of western Europe and readied for an invasion of Britain.

The soldiers stranded on the long flat sand were completely exposed to waves of German aircraft as the British government held back much of the RAF and Navy so they could later defend the island.

The situation for those waiting to be rescued was dire and their prospects of survival very low. In the opening scenes we are introduced to Tommy as he escapes from the town and finds himself among a huge waiting line of other foot soldiers on the sand. His is the first of three stories that each start at different times – beginning one week out from the culmination with the soldiers on the beach; one day out as the flotilla of small boats set out from the English coast; and one hour as a small group of British Spitfires fly out to provide cover and take on the German Messerschmitts.

The story moves back and forth as gradually the stories and the times converge from Tommy on the beach; to Mr Dawson the captain of a small pleasure boat; and Farrier the pilot of a Spitfire. A fourth character Commander Bolton stands impotently on the Pier looking out towards England explaining why it is unlikely that help will arrive.

This is not a conventional war film, there are no politicians, no heroic speeches, and no Nazis are seen on screen. Nolan's aim is to immerse the viewer, to make you feel you are there on the beach, in the boat's cabin, or in cockpit. It is tense and very noisy. A group of Dunkirk survivors, now in their nineties, attending the premiere in London said the film was louder than the actual bombardment.

At the time Dunkirk was seen as a moral victory, 'survival is victory'. And today? Why make a film about this event? Is it an ode to British resilience? Is the retreat from the European mainland to security on the British island a code for today's Brexit times?

*Tony Brown*

### Branch Officials Details

QLD Branch Secretary Bob Carnegie

Mob: 0439 478 996

Email: [bob.carnegie@mua.org.au](mailto:bob.carnegie@mua.org.au)

QLD Assistant Branch Secretary Paul Gallagher

Mob: 0408 494 168

Email: [paul.gallagher@mua.org.au](mailto:paul.gallagher@mua.org.au)

QLD Organiser Paul Petersen

Mob: 0404 453 869

Email: [paul.petersen@mua.org.au](mailto:paul.petersen@mua.org.au)

QLD Relief Official Damien McGarry

Mob: 0410 318 078

Email: [damien.mcgarry@mua.org.au](mailto:damien.mcgarry@mua.org.au)



### Harley Raffle

DON'T MISS OUT on getting your tickets to win a brand new Harley Davidson Breakout valued at \$35,000.00 with a 2<sup>nd</sup> prize of a \$5000.00 holiday to the Maldives for two people.

Only 1000 tickets to be sold in total to proudly support melanoma research. Tickets \$50.00 each – please contact the Branch.

