



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. 120 – 1 March 2018

Branch Monthly Meeting - Vale Warren Sutton – Ruling Imminent of CFMEU-MUA-TCFU Merger Delegates - The Fight to Free Mumia - Giant Cranes HPT and APM - The Ballad of Herring Charlie

Branch Monthly Meeting

BELOW IS AN image of Simon Blackwood, Deputy Director-General of the Office of Industrial Relations. It was an honour to have him address the rank and file at the Branch Monthly Meeting. His discussion was thought provoking and highlighted workplace health and safety issues.



Vale Warren Sutton

QUEENSLAND BRANCH OFFICIALS, organiser and staff send sincere condolences to the family and friends of Warren 'done sone' Sutton. Warren was a long term and loyal member of the Queensland Branch and will be missed.

Ruling Imminent of CFMEU-MUA-TCFU Merger

Article sourced from: <https://www.workplaceexpress.com.au>

HOPEFULLY MEMBERS WILL know next week whether the merger has been approved by the Fair Work Commission. The part of the article which relates to the contempt proceedings I will not comment on except that in 2012 as a rank and file MUA member I was before the Federal Court, not on one charge of contempt but on 54 for the alleged crime of defying orders in defending the rights of 650 CFMEU members at the Queensland Children Hospital site!

The QC who led my successful defence has become a mate and a great friend of the Queensland Branch of our Union. Peter Morrissey. Peter led the successful case that is mentioned in the article when he pleaded to the High Court of Australia on behalf of the CFMEU. Peter spoke at our Branch Conference in November. A truly fine man.

Bob Carnegie

The Fair Work Commission plans to deliver its decision on Tuesday as to whether the planned amalgamation between the CFMEU, MUA and TCFU can proceed. Deputy President Val Gostencnik today reserved his decision on the merger after hearing renewed objections from two employer groups; the Australian Mines and Metals Association and the Master Builders Association. The deputy president said he hoped to deliver his ruling and reasons on Tuesday, although it was not an "absolute promise". The three unions have asked for the merger to take effect 21 days after it is approved.

The employers have previously argued that s73(2) of the Registered Organisations Act bars the merger, because the CFMEU and MUA have pecuniary penalty proceedings pending against them (see [Related Article](#)).

Under that provision, a merger can be approved only if "there are no proceedings (other than civil proceedings) pending against any of the existing organisations concerned in the amalgamation" that relate to breaches of workplace laws, modern awards, enterprise agreements or awards.

The unions contend that outstanding criminal proceedings are a barrier to approving amalgamations, while the CFMEU and the MUA only face civil penalty proceedings.

Contempt Proceedings in a Class of Their Own: Employers

In their latest objection, the employers claim that the Commission should take into account the contempt proceedings launched against the MUA in the Victorian Supreme Court over a dispute at the VICT container terminal in Melbourne (see [Related Article](#)).

Their **further submissions**, lodged last week, argue that contempt proceedings are *sui generis* – that is, in a class of their own – because they have characteristics of both criminal and civil proceedings

They argue that while contempt proceedings occur under a court's civil jurisdiction and are summary proceedings without a jury, they have to be proven beyond reasonable doubt and can result in a criminal conviction.

The barrister for the employer groups, Stuart Wood QC, told the Commission today that High Court cases in

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

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the 1980s and 1990s referred to the "quasi-criminal" nature of contempt proceedings. Wood said such proceedings could not be "divided into black and white, strictly criminal and strictly civil" and they depended very much on their context. He argued that the VICT contempt action before the Victorian Supreme Court was the "common law equivalent" of a secondary boycott brought under s45D of the Competition and Consumer Act in the Federal Court.

"It is very unlikely that the legislature decided to exclude proceedings which could result in criminal convictions," Wood said. Boral ruling the last word on criminal question, say unions. The unions argue that the 2015 High Court decision in *CFMEU v Boral Resources (Vic) Pty Ltd* made it "abundantly clear that contempt proceedings are civil proceedings".

In their further outline of submissions, the unions say the Boral decision is "additionally significant because it arose in relation to contempt of the same kind that has now been issued against the MUA, namely, for breach of an injunction in a civil proceeding for an industrial tort in the Supreme Court of Victoria".

Union barrister Herman Borenstein QC told the Commission today that the Boral decision was the "last word on this topic."

He said the Commission should consider the particulars of the contempt claim against the MUA, which alleged that officials should not come within 100 metres of the port terminal gates.

"That's the sum total of the contempt."

He said that arguments about potential secondary boycott claims or alleging coercion under s343 of the Fair Work Act were "very tenuous" and insufficient material had been presented for the commission to form a reasonable inference.

The bid to block the merger isn't the employers' only shot in the locker; the Turnbull Government has legislation before the Senate that would require a public interest test for such amalgamations.

Employer groups hoped the *Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill* would pass last year, but it is yet to be put to a vote.

Branch Secretary Update

Colonoscopy



Colonoscopy being performed

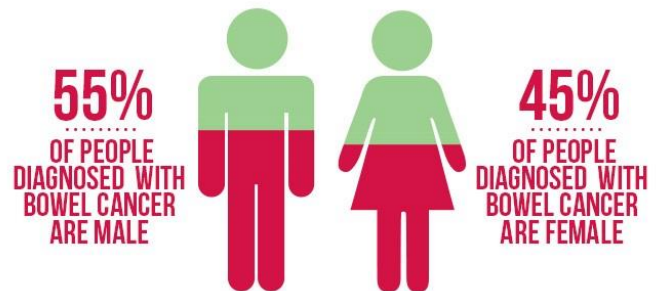
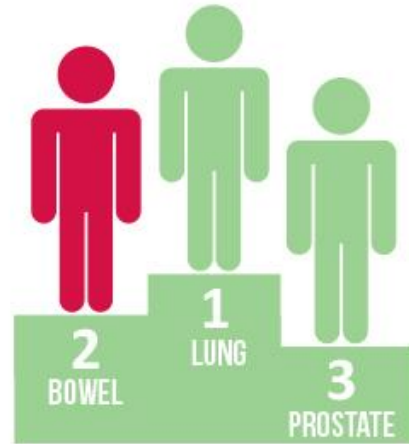
BRANCH SECRETARY, Bob Carnegie will not be available on Friday as he undergoes a five yearly colonoscopy as a preventative measure

against bowel cancer.

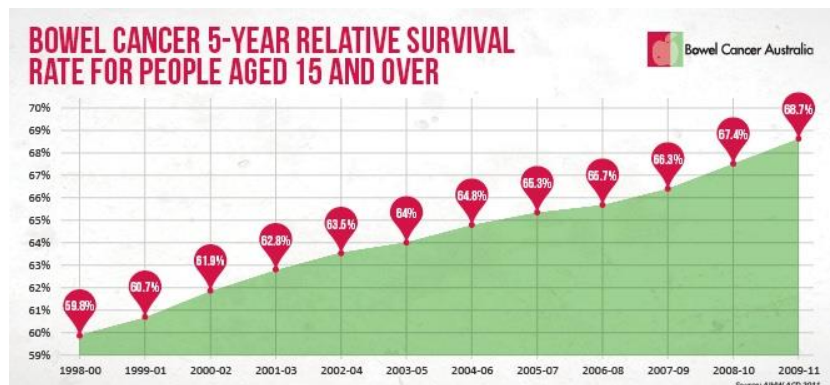
Bob will be thinking of unfair employers as he undergoes the procedure. 😞

On a serious note, bowel cancer is a major health issue in Australia – here are some statistics.

2ND BIGGEST CANCER KILLER



1 IN 12 PEOPLE WILL DEVELOP BOWEL CANCER IN THEIR LIFETIME



The Importance of Delegates

By Bob Carnegie and Martin Thomas

THE QUEENSLAND BRANCH of the MUA is unequivocal in its support of on the job delegates. Several times over the last 2½ years our collective resolve has been tested and each time the Branch has fought back in defence of our most important asset – our rank and file delegates. In this and upcoming issues of the Branch News we will be running a series of interviews that were held with our rank and file delegates with Martin Thomas.

DAN GOURLEY – Linx Gladstone

Our main issue over the last few years has been interpretation of the current Enterprise Agreement. It's funny how management can read it very differently from anyone else.

The union is working on putting everything into plain English so that we aren't constantly have disputes going to the Commission and so on. For example, we have a clause in the agreement called "subject to confirmation", which means that the company can put you on a shift "subject to confirmation" and then cancel it at short notice. The company think they can do that for all shifts, but we say it applies only to morning shifts.

Part A of our Enterprise Agreement has been wrapped up. There seems to be progress on Part B.

Over the next year? We have a yard where trucks unload. Management are pushing for the work in the yard to be put down to a logistics wage-rate rather than a stevedoring wage-rate.

Nationally, I think we face an indirect attack on us by the current government, which is trying to disbar unions.

We'll have another three and a half years of that, I guess.

Gladstone tends to go boom-and-bust. We've just been through a boom, and there's a relative lull at present.

We have nineteen permanents here, eleven PGEs ["Permanent Guarantee Employees"], and a pool of twenty to twenty-five casuals.

Sometimes you get conflicts between the different branches of the union. I'd like to see more unity across the whole of Australia.

The Fight to Free Mumia



MILITANT, RETIRED LONGSHOREMAN, Jack Heyman, has been in the forefront of trying to somehow right this horrific injustice. The MUA Queensland Branch proudly

stands with Comrade Heyman and all those fighting to free Mumia. *Bob Carnegie*

Dear Comrades

This is today's article by Rachel Wolkenstein, Mumia's legal advisor, in Counterpunch on his class struggle fight for freedom. It's the latest legal update and the struggle to free him.....after 37 years in prison. Check out the link

on the 1999 longshore union action in the text. Thanks to all of you for lending your muscle to Mumia's campaign, once again. We are re-igniting an enthusiastic labor momentum internationally.

<https://www.counterpunch.org/2018/02/28/new-legal-action-is-a-path-to-mumia-abu-jamals-freedom-but-a-re-ignited-international-mobilization-is-critical-for-victory/>

In solidarity to free Mumia,

Jack

Giant STS Cranes Arrive at APM Terminals MedPort Tangier

Article sourced from: <https://worldmaritimeneews.com/archives/245764/video-giant-sts-cranes-arrive-at-apm-terminals-medport-tangier/>

APM TERMINALS MEDPORT Tangier in Morocco has welcomed three remotely controlled ship-to-shore (STS) cranes, designed to handle 22,000 TEU vessels.

According to the terminal operator, the three cranes represent the world's largest double trolley STS cranes which weigh 2,500 metric tons, have a height of 144 meters when boomed up, an outreach of 72 meters with twin-lift/tandem lift capability.

"These cranes use digital technology to ensure the most efficiency during their movements. This will help us to deliver increased productivity throughout the process from lifting a container box off the ship, until it is delivered to its stack in the yard, and vice-versa," Dennis Olesen, Managing Director, APM Terminals MedPort Tangier, said.



Image Courtesy: APM Terminals

The terminal operator ordered the twelve cranes as well as thirty-two Automated Rail-Mounted Gantry Cranes (ARMGs) for the MedPort Tangier facility in 2016.

Set to open in 2019, the terminal, which will serve as a transshipment hub for Maersk Line and its alliance partners, is expected to help improve global supply chain performance by attracting more vessel calls and creating more routing options.

"Maersk Line commissioned APM Terminals to build and operate APM Terminals MedPort Tangier so we are designing it around the customer by integrating operational excellence, the most modern cargo handling equipment and an ideal location for connecting global supply chains. This creates the necessary port capacity

for the future. Equally important, this port creates another wave of future investment momentum in Morocco as a business and trade center,” Keith Svendsen, Chief Operating Officer of APM Terminals, commented.

Spotted: HPT Welcomes Giant Cranes with Remote Control System

Sourced from: <https://worldmaritimeneews.com/archives/241391/spotted-hpt-welcomes-giant-cranes-with-remote-control-system/>

CONTAINER TERMINAL OPERATOR Hutchison Ports Thailand (HPT) has received three super post-panamax quay cranes and eight electric rubber tyred gantry cranes from Shanghai Zhenhua Heavy Industry (ZPMC).



Image Courtesy: Hutchison Ports Thailand

The arrival of the new cranes comes as the terminal operator is expanding its handling capacity with the development of Terminal D in Laem Chabang Port. Both types of cranes are equipped with remote control technology.

“All Terminal D quay and yard cranes will be operated by remote control technology, making it the first terminal of its type in the world to fully install this technology,” according to HPT. The three super post-panamax quay cranes have an outreach of 24 rows and are capable of handling some of the largest mega-vessels currently in operation, the terminal operator said.

As informed, the cranes are an integral part of the Terminal D development as well as the Eastern Economic Corridor (EEC) project under Thailand 4.0 scheme. Following the completion of Terminal D’s construction, Hutchison Ports Thailand will be able to increase its handling capacity by 3.5 million TEUs to more than 6 million TEUs.

The Ballad of Herring Charlie

The author is Karl-Erik Paasonen. In his younger years he worked in the Icelandic fishing industry, including on boats. This song puts together a set of experiences into one song. He is now a teacher and AEU delegate in Canberra. Bob Carnegie

The Ballad of Herring Charlie

I’ll sing you a song about a man I knew when I was young
He’d travelled wide, he’d travelled deep, and he travelled long
Not so tall, eyes of blue, hair still blond and curly
And the name that he went by was...

Herring Charlie.

He knew the roar and clash of North Atlantic flocs
He knew where wages come from and where the profit goes
He knew the hardship of a seaman’s life
He knew the sea and class struggle were similar kinds of strife
Herring Charlie

He’d stand in the winter North Atlantic thigh-deep in the brine
As the weight of the net dragged the gunwale down below the waterline
And the killer whales would circle, hoping someone would fall in
Still he’d stand and freeze for hours to make sure that catch was in

Herring Charlie.

And when the hold was full and the boat limped back to port
He’d slave for 15 hours straight to get the herring out
Then he’d stay and hose the blood and guts out of the hold
Cos “The working day’s not finished till all the catch is cold”
Said Herring Charlie.

He could shift 20 tonnes of cod by hand in a day
From the floor to the boards where their guts were cut away
And hardly a drop of gore would splash into the eyes
Of the women who’d do the cutting the whole of their lives
Herring Charlie.

He liked his fermented shark and boiled puddings of blood and fat

And sausages made from pretty ponies, but on the boats we didn’t get that
So he’d shoot dolphins - for fresh meat, not for fun
Though when I was there I didn’t let him, I stuck my finger in the end of his gun

Herring Charlie

And at night he’d read the sagas that meant so much to him
And his favourite was that of Egill son of Skallagrím
And when some young guys ribbed him for such traditional ideas

He chucked his fish-spike at them like a Viking spear
Herring Charlie.

But he was one of those who’d been out there on the ness
To oppose the NATO fleet that was coming from the west
It was his idea to curse the fleet with a horse’s head
Like Egill – whereupon a gale drove the NATO fleet to Norway instead

Herring Charlie.

He’d ridden Icelandic seas from Snæfellsness to Húsavík
But it was gutting shed wall at Höfn brought out his artistic streak
He painted a massive peace sign all the harbour could see
Cos he was a syndicalist and he was gonna get them to agree
Herring Charlie

Herring Charlie was an old-style syndicalist
Kept his hatred simmering, bit too fond of getting pissed
But he’d stand and take a blow for you and he’d watch your back
And the bike he rode to work on was painted red and black
Herring Charlie.

One day as we were boxing haddock for the UK
The fish were old and yellow, it should have been chucked away
I said “I’ve got kin in England who are seamen too

Why send them this shite that might make their children spew?"

This is what he said, liberally translated:

"Fuck the English, they don't know what fresh fish tastes like
Fifty years they stole our fish, so now they can have this shite
I was on the gunboat that rammed their destroyer
So fuck the English, fuck their queen, and fuck their empire"
Said Herring Charlie.

And come the fish workers' strike of 1982
We brought the economy to a halt, as our labour we withdrew
He slammed his gutting knife into a block of wood
And said 'Here it stays until these rich bastards make good'
Herring Charlie.

Herring Charlie would have died in poverty
Cos he said 'A worker needs a workers' state to die with dignity'
He'd have wanted to die standing, facing the gale and snow
With the killer whales a-waiting in the icy waves below
Herring Charlie.

Herring Charlie was a man I knew when I was young
A better man than me, but I'll bet no one else has sung
His praises – he was just a bloke; but a bloke I raise my drink to
And he's the man I try to be, when I think to.
Herring Charlie.

Unity Bank News



All existing members and any new members can now have their family join Unity Bank. As well as the usual suite of banking products we are able to offer a full range of insurances. We also offer travel needs such as foreign cash and travel cards. **For further details visit us or call our office (M-F 8.30-3.30) on 38994755 or 38994500 or simply check out our website www.unitybank.com.au** where you can find the complete range of products & services on offer.

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Notice about Application for Rule Changes – SUAQ

SUAQ Members (The Seamen's Union of Australasia, Queensland Branch Union of Employees) are notified that a meeting of members will be held to consider making an application to amend the SUAQ's Rules. As a result of the upcoming amalgamation of the MUA with other federal unions to create The Maritime Union of Australia Division of the CFMMEU, the Rules of the SUAQ will have to be amended to ensure they remain consistent with the rules of the federal union. The proposed changes would create a second Assistant Secretary position (to match the second Queensland Branch Assistant Secretary position in the federal rules), would update references in the Rules that need to refer to the new name of the federal union, and make other similar technical changes arising from the amalgamation. The meeting will be held at 09:30 AEST on Monday, 12 March 2018 at the MUA Branch office, 73 Southgate Ave, Cannon Hill.

20th Anniversary of
Patrick's Lockout
Come and celebrate a
workers' victory!

M.U.A. HERE TO STAY!

In attendance Paddy Crumlin and Dave Noonan
QCU Secretary Ros McLennan
Friday 6th April, 2018 from 4pm
M.U.A. Rooms 73 Southgate Avenue Cannon Hill
Entertainment – Bands, drinks, good food and good times!