



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: muaql@tua.org.au

To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams No. 147 – 7 September 2018

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Intra-State Coastal Shipping Parliamentary Enquiry

AS YOUR BRANCH Secretary I am very proud to announce that the government has agreed to an Intra-State Coastal Shipping Parliamentary Committee Enquiry.

The Branch leadership, including our Legal Industrial Officer, have been working night and day on this over the last three years. This is perhaps the best opportunity in a generation to right many wrongs in this area. It is the start of our union winning back work that has been ripped away from us by operators such as Rio Tinto, RivTow, BMA and Sea Swift to name just a few.

The vexed issue of Partnerships is to be addressed and how it has been used to destroy unionism in areas of towage and seagoing vessels.

We will be putting under the microscope every flea bitten operator operating on the Queensland Coast. I have had preliminary discussions with Comrade Crumlin and Warren Smith who are both, of course, extremely excited and supportive of the very important development.

Our Legal Industrial Officer, David Greene and myself met with Transport Minister, Mark Bailey and his senior advisors yesterday and in the very near future we will be meeting with the Deputy Premier and Queensland Treasurer, Jackie Trad.

We envisage the Parliamentary Enquiry will be hearing evidence up and down the Queensland Coast and once the Terms of Reference are finally decided (they certainly look good) and dates set we all must be prepared to attend meetings and support those who will be giving evidence on our behalf.

These people will include members, retired members, the ITF, company and industry leaders and environmental leaders who can see the sense in having a properly regulated intra-state coastal shipping environment.

Should we be successful, this will unlock work opportunities, not just for seafarers but also for wharves as we will unlock the potential of waterborne transport rather than truck or rail.

It would be remiss of me not to mention the outstanding work and assistance we have received from Peter Ong, Stu Trail and all of the ETU team to help get this Enquiry off the ground. It is a testament to our close collaboration in political work in this State we do with our comrades in the ETU.

As information is forthcoming, members will be kept regularly updated through correspondence and the Branch News.

I thank members for their support over the last three tough years. If we stick like shit to a blanket, stay alert and we take good care of each other no force on this earth will defeat us.

The Right to Strike and Changing the Rules

by Bob Carnegie and Martin Thomas

The ACTU's new campaign to "Change the Rules" indicts the fact that the "rules" of working life have shifted more and more against workers over recent decades, even if you take it into account the limited moves the Rudd and Gillard federal governments made between 2007 and 2013 to undo some of what the Howard coalition government had done.

The campaign is a positive move; but by itself not sufficient. The more active unions need to supplement it by a public campaign for the right to strike.

The Australian industrial relations system is exceptional in giving great weight and spread to official arbitration procedures, and restricting workers' rights to take industrial action more, probably, than any other country which allows parliamentary elections, free activity for opposition parties, and significant media critical of the government.

This exceptional system has not served Australian workers well. Union density has fallen faster than in other countries, from 51% in the mid-70s to 15% on the latest figures, 9% in the private sector, 7% among workers aged 20-24 and 4% among workers aged 15-19. In October 2017, Vitor Gaspar, the IMF's director of fiscal affairs, reported in regards to growth of income inequality since the 1980s, Australia is up there with the

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

73 Southgate Avenue, Cannon Hill QLD 4170

leading few countries, the US, South Africa, India, China, Spain and the UK (bit.ly/imf-ineq).

Australian capitalism has done relatively well, compared to other countries, since 2007. That should have given more space for the union movement to push for improvements. But workers are still going backwards.

The items in "Change the Rules" are mostly wishes for changes in government policy, to be mediated through the arbitration-heavy system of industrial relations. They are good and desirable. All experience shows that unions' ability to win such changes on any large scale depends on the strength of union organisation and activity, and not just on the desirability of the changes. Without a regrowth of union organisation and activity, all campaigns like "Change the Rules" will be pushed into becoming increasingly plaintive pleas to the good nature of Labor politicians.

Change



The very low union density rate among young people is not a product of those people being flooded with right-wing ideologies or even of them fearing that union membership will get them victimised. A survey among young people found that they "considered that unions were portrayed [in the media] as associated with strikes and causing trouble. However, interviewees suggested that the demonising of unions was typical of broadcast media operators... Overall, interviewees... (including non-members) were not unsympathetic to unions".

Why weren't they union members? The most cited reasons were that they "don't see them [unions] doing all that much", or they feel they "don't know enough" about unions, or that unions are "invisible in the workplace" (bit.ly/geny-u).

Those perceptions cannot be overcome without unions winning and being seen to win (by more than aficionados of the small print of Fair Work Commission decisions), disputes. And to win disputes, unions need to take action.

Unions should sponsor a campaign, complementary to "Change the Rules", for the right to strike to be recognised by law as an individual right as basic as the right to free speech, the right to hold meetings, and the right to protest on the streets. It is so recognised in the constitution of France.

The general demand in the "Change the Rules" material that "Workers' rights to withdraw their labour must be aligned to ILO [International Labour Organisation] standards" is not sufficient.

The ILO is an international body originally set up by the League of Nations in 1919, and then adopted by the

United Nations in 1946, run on a 2:1:1 basis by representatives of governments, employers, and unions.

The ILO's own pamphlet on the ILO and the right to strike records that "the right to strike is not set out explicitly in ILO Conventions and Recommendations" (bit.ly/ilo-rts).

Various ILO meetings have deplored various Australian government actions as not up to ILO standards, but there are no "ILO standards" to rely on.

Support for the right to strike does not mean thinking that strikes are a cure-all. It suggests intelligent and judicious use of that right. Workers' victories come most often from short, sharp, well-timed actions: long set-piece disputes are most often won by the employers, who have deep pockets. Nor does support for the right to strike mean thinking that strikes are the only form of industrial action. One of the outrageous features of the current

Australian regime is that action which would not even be "industrial action" in most countries, like work-to-rule, can be outlawed.

The more active and campaign-minded unions should be approached to sponsor a specific right-to-strike campaign complementary to the "Change the Rules" campaign, and to assemble funds sufficient to get office space and a minimal staff for it in each state.

The first task of the right-to-strike campaign should be basic public outreach - meetings, debates, petitions, street stalls, leafleting, social-media promotion.

The campaign should also seek endorsements, one by one, from Labor politicians for its demand for a right-to-strike law. The unions sponsoring the campaign should use their votes in Labor conferences to push that demand and press other unions to do the same.

As well as doing its basic public outreach work, the campaign should be set up on a sufficiently "arm's length" basis that it can organise "community assemblies" and such in support of industrial disputes while not falling foul of the law, at least as at present interpreted. It should organise support for unions and workers penalised, or threatened with penalties, for industrial action to defend their rights.

The aim is to raise the confidence of the union movement - and of workers who are not unsympathetic to unions, but don't join because they "don't know" or they perceive unions as "not doing all that much" - so that it can coordinate diverse forms of social pressure into a push sufficient to revitalise union organisation and force a new Labor government to concede the right to strike.

Bob Away on Medical Leave

I WILL BE absent next week due to being in hospital having intensive rehabilitation and pain management on my cervical (neck) and lumbar spine (lower back). As some members know, I have had major surgeries on both and my spine looks a bit like a scaffolding yard. I will be back at work on the 17th of September.

Merchant Navy Memorial Day

IT WAS TERRIFIC to see members and retired members attend the services at Coolangatta and Greenbank RSL for Merchant Navy Memorial Day.

The day honoured merchant navy seafarers and following is a poem that encapsulates the loss of over 40,000 lives.

Heroes

by Vindi Boy David Partridge

Don't speak to me of heroes until you've heard the tale
Of all those merchant seamen who sailed through storm
and gale

To keep the lifelines open in freedom's hour of need
When a tyrant cast a shadow over every nation's creed.

Captains, greasers, cabin boys, mates and engineers
Heard the call to duty and cast aside their fears.
They stoked those hungry boilers and stood behind the
wheel

Whilst cooks and stewards manned the guns on coffins
made of steel.

They moved in icy convoys from Scapa to Murmansk
And crossed the western ocean, never seeking thanks.
They sailed the South Atlantic where raiders lay in wait
And kept the food lines open to Malta and the Cape.

Tracked by silent u-boats which hunted from below,
Shelled by mighty cannons and fighters flying low,
They clung to burning lifeboats where the sea had turned
to flame

And watched their shipmates disappear to everlasting
fame.

I speak not of a handful but forty thousand plus,
Some whose names we'll never know in whom we placed
our trust.

They never knew the honour of medals on their chests
Or marching bands and victory and glory and the rest.
The ocean is their resting place, their tombstone is the
wind,

The seabirds cry their last goodbye to family and friend.
Freighters, troopships, liners, and tankers by the score,
Fishing boats and coasters, three thousand ships and more
Flew their country's ensign as they sank beneath the
waves

And took those countless heroes to lonely ocean graves.

Their legacy is freedom to those who hold it dear,
To walk with clear horizons and never hide in fear.
So when you speak of heroes, remember those as sea,
And thank those merchant seamen who died to keep us
free.



Member, Charlie Gray placing the wreath at Coolangatta



Members at the Greenbank RSL Ceremony



The Wreath at Greenbank RSL

Tragedy on the Auckland Waterfront

A young New Zealand docker died after his straddle crane overturned at Ports of Auckland at 3:45am on 27th August.

The ITF family passes on its sincerest condolences to the family and friends of the worker, and joins with the Maritime Union of New Zealand (MUNZ) in mourning his tragic death.

Paddy Crumlin, ITF Dockers' Section Chair and National Secretary of the Maritime Union of Australia, said today: "This is a tragedy. Every worker deserves to return home safely at the end of their shift. Our thoughts are with the family of this young man, his workmates, friends and our comrades at MUNZ."

"Another dock worker, has been killed at work. This is fast becoming a global epidemic. We know that ports are among the most dangerous workplaces in the world but every workplace death is preventable."



“The death of this young worker again reinforces our determination to hold governments, employers and regulators to account and to continue calling on them to work with unions to eliminate health and safety risks.”

This latest death comes after calls from MUNZ to the Director of Maritime New Zealand, Keith Manch, for enforceable regulations and improved safety standards on the New Zealand waterfront, following three deaths in New Zealand in 2017. The ITF Dockers’ Section supports this drive for greater safety and is working with unions globally to raise standards on the docks.

Only last week, MUNZ warned that reform was a matter of life and death to the Minister for Workplace Relations and Safety, the Hon Iain Lees-Galloway, and early last month to the Minister of Transport, the Hon Phil Twyford.

Joe Fleetwood, General Secretary of MUNZ said today: "This tragic death indicates again the urgent need for enforceable regulations together with mandatory standards of work practices across the New Zealand waterfront. If the government, port companies and stevedoring employers are serious about preventing deaths on the waterfront they must commit to reform the current lack of enforceable regulations.”

“We need to put an end to the toxic culture on the New Zealand waterfront where productivity and profit prevails over safety. We again call on the government, together with the Ports of Auckland and other employers, to get moving on it immediately before we witness another preventable death.”

'Unlawful': Vessel Charged Workers to Join Ship

Sourced from: www.gladstoneobserver.com.au by Tegan Annett

REVELATIONS AN INTERNATIONAL vessel forced crew members to pay \$1500 to receive employment has increased concerns over "unlawful" practices within the international seafarer industry.

The Chinese-owned Mandarin Fortune, which docked at Gladstone's Auckland Point Wharf this week, is accused of "gross misconduct" by the Maritime Union of Australia.

MUA Queensland Branch Secretary Bob Carnegie said crew were forced to pay \$1500 to work on the vessel for nine months, with a monthly salary of \$300. He said their suspicions for unlawful behaviour on board were raised when the captain refused entry to an International

Transport Federation inspector in Gladstone. "It's unlawful," Mr Carnegie said.

"We will not stand idly by and allow companies to deny ITF inspectors their rightful place to walk up a gangway of a foreign vessel to see if crews are being paid as per their certified agreement states.



Mandarin Fortune Photograph: Tegan Annett

In a statement to The Observer an AMSA spokesperson said one of its inspectors boarded the Singapore-flagged bulk carrier on Monday for a routine check. They found while payment of wages was compliant, the crew had not received statements. They also found two crew members paid a fee to a manning agent to join the ship.

The spokesperson said the claim was investigated and the fees were repaid to the crew members. AMSA will conduct another inspection of the ship before it departs to confirm the crew received their statements.

Mr Carnegie said it highlighted a broader problem plaguing the international seafarer industry, of low wages and poor conditions making it impossible for Aussie ships to compete on costs.

"Workers are getting paid less than \$3 per hour on these ships," he said.

"They come in, take goods out of this country and give us nothing except leaving a pile of exploitation in its wake."

AMSA has intervened with at least two international bulk carriers in Gladstone so far this year.

In July AMSA banned the Hong Kong-flagged bulk carrier MV Shandong Hai Wang for 12 months after it was discovered crew had been deliberately underpaid by \$56,000.

In February chemical tanker Timtomara was detained due to allegations of underpayment and poor working conditions. Its chief was later removed from the vessel.

The Observer reached out to the owner of Mandarin Fortune for comment but did not receive a response by deadline.

Two Sailors Dead After Inhaling Toxic Fumes

Sourced from: <https://worldmaritimeneews.com/archives/259971/two-sailors-dead-after-inhaling-toxic-fumes/>

TWO CREW MEMBERS of a Maltese-flagged chemical tanker have died following inhalation of toxic fumes while working in one of the ship's tanks.

The Norwegian police said that the two sailors were airlifted from the vessel on September 1 and taken to a

hospital in Alesund after being found unconscious in one of the ship's tanks.



Once admitted for medical treatment, one of the crew members was declared dead while the other sailor was in critical condition, the police said.

Local media reported that the injured seafarer succumbed to his injuries and died on the following evening.

The two seafarers are believed to have died due to exposure to hydrogen sulphide, however, an investigation into the incident is yet to confirm the suspicions.

The ship in question has been identified as MT Key Fighter, which was instructed to dock at Maloy, Norway, so the crew could be questioned.

The chemical tanker, built in 1989, is registered as part of Sea Tank Chartering's fleet. The company is yet to provide World Maritime News with a statement on the matter.

Superman: Why Is Super So Important?



Super is your money and your income in retirement

ACCORDING TO THE ABS, 14.8 million Australians have a super account - making our super system the third-largest in the world (after the USA and UK). It's one of the biggest investments you'll probably ever have.

In fact, for many of us, after the family home it's our second-largest asset!

We've all heard the experts talk about how important super is, but have you ever given any thought to why it's so important?

In a nutshell, super provides you with the means to maintain a comfortable standard of living in retirement. Contributions made to super while you're working accumulate over time and can be accessed when you retire.

For many Australians though, employer contributions alone probably won't be enough to provide financial independence in retirement. When you factor in that a comfortable retirement is not achievable on the Age Pension alone, you'll start to see why super is so

important. Super provides the opportunity to build a secure financial future.

What's more, super is a great way to save for the future for a number of reasons:

It's tax-effective

Super receives concessional tax treatment, and it's one of the most tax-effective investments you can have. The money put into super and its investment earnings are usually only taxed at 15% (limits do apply), which is lower than the tax most of us pay on our income and other investments.

It's invested for the long term

Although we'd all love to be able to get our hands on our super, there are advantages to being unable to touch it for many years. Because you need to retire or meet a 'condition of release' to access it, super is like a form of 'forced savings' for retirement.

Super is a long-term investment - and the longer it's invested, the more time it has to take advantage of compound returns. Even a small contribution to your super can make a big difference in the long run.

Learn more about super

Maritime Super has a stack of resources available for you to learn more about super:

- read the fact sheet about contributing to super available from our website
- watch the 'Retirement planning' video on our website;
- get a financial planner to help you put a retirement strategy in place – call 1800 757 607 to make an appointment with a financial planner.

Asylum Seeker On 91 Hour Week Given Go-Ahead to Challenge Sacking

Sourced from: www.workplaceexpress.com

AN ASYLUM SEEKER allegedly sacked after complaining about his pay for 91-hour weeks as a Woolworths trolley collector has been allowed to file a late adverse action claim, the FWC finding his application had "considerable merit".

The trolley collector alleges Jamil S.J.S. Pty Ltd dismissed him in May, the day after he sought advice from Legal Aid about his remuneration as a full-time trolley collector at Woolworths in Broome.

He claims that after working from 8am to 7.30pm seven days a week at the store from December last year, Jamil required him from March this year to work from 8am to 9pm when Woolworths extended its opening hours.

The trolley collector alleges he complained about working the extra hours without an increase in pay and repeatedly asked to see his payslips.

He further claims that after Jamil provided him with four payslips containing incorrect information, he sought advice from Legal Aid about possible underpayments, but was summarily dismissed when his employer found out.

The trolley collector, who is on a Safe Haven Visa

enabling asylum seekers who arrive by boat to work in regional areas, argued his need for a Somali-speaking interpreter contributed to him lodging his application two days late.

Language barriers, his unfamiliarity with Australian employment laws and his regional location with "limited access to services and resources" also made it difficult for him to understand his rights, he argued. This was further exacerbated, the trolley collector alleged, when his employer evicted him from his accommodation immediately following his dismissal. The trolley collector says he now lives in a caravan in Broome, with no access to a computer. Commissioner Tim Lee this week noted further submissions by the trolley collector that Jamil had "engaged in a pattern of exploitative behaviour, which relied on his difficulty in enforcing his rights to avoid liability for its actions".

Commissioner Lee said he was not at this stage "in a position, nor is it appropriate to embark on detailed consideration of the substantive case", noting also that Jamil was yet to take any action to dispute the dismissal.

"However, on the material before me going to the merits of the [trolley collector's] general protections application, I am satisfied that the application has considerable merit," the commissioner said.

Granting the trolley collector an extension to June 1, Commissioner Lee said he was satisfied that he "faced a number of significant barriers in lodging the application within time which, in combination, I consider to be an acceptable reason for the delay".

Abdurahman Mohamed Ali v Jamil Jimée; Jamil S.J.S. Pty Ltd [2018] FWC 5501 (3 September 2018)

Cartoon Corner

THE ROAD TO HOME.

The road to home is lined with lovely eucalypts and wattles
 And plastic bags and paper cups and empty cans and bottles:
 An avenue of honor for the little Aussie dumper,
 Who ought to have it gathered up and shoved right up his jumper.





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Branch Officials Contact Details
 QLD Branch Secretary Bob Carnegie
 Mob: 0439 478 996
 Email: bob.carnegie@mua.org.au
 QLD Deputy Branch Secretary Jason Miners
 Mob: 0401 211 866
 Email: jason.miners@mua.org.au
 QLD Assistant Branch Secretary Paul Gallagher
 Mob: 0408 494 168
 Email: paul.gallagher@mua.org.au
 QLD Assistant Branch Secretary Paul Petersen
 Mob: 0404 453 869
 Email: paul.petersen@mua.org.au

Authorised by Bob Carnegie, Maritime Union of Australia (MUA) Queensland Branch Secretary
73 Southgate Avenue, Cannon Hill QLD 4170