

MINUTES

SPECIAL MEETING OF NATIONAL COUNCIL OF THE MARITIME UNION OF AUSTRALIA

11 AND 12 APRIL 2017

CHAIR:

National Presiding Officer Christopher Cain

ATTENDEES:

National Secretary Padraig Crumlin

Deputy National Secretary Will Tracey

Assistant National Secretary Warren Smith

Assistant National Secretary Ian Bray

National Women's Representative Honorary Mich-Elle Myers

Sydney Branch Secretary/
National Vice-Presiding Officer Paul McAleer

Sydney Deputy Branch Secretary Paul Keating

Northern NSW Branch Secretary Glen Williams

Northern NSW Honorary Deputy Branch Secretary Dennis Outram

Southern NSW Branch Secretary/
Deputy National Presiding Officer Garry Keane

Southern NSW Honorary Deputy Branch Secretary James Paterson

Victoria Branch Secretary Joseph Italia

Victoria Deputy Branch Secretary Mark Jones

Queensland Branch Secretary Robert Carnegie

Queensland Deputy Branch Secretary Jason Miners

South Australia Branch Secretary Jamie Newlyn

Western Australia Branch Secretary/
National Presiding Officer Christopher Cain

Western Australia Deputy Branch Secretary

Adrian Evans

Tasmania Branch Secretary/
National Vice-Presiding Officer

Jason Campbell

Tasmania Honorary Deputy Branch Secretary

Alisha Bull

Northern Territory Branch Secretary

Thomas Mayor

APOLOGIES:

Honorary Northern Territory Deputy Branch Secretary

Andrew Burford

Honorary South Australia Deputy Branch Secretary

Clem Clothier

OBSERVERS:

Dean Summers
Michael Cross
Fred Krausert
Bernie Farrelly
Adam Jacka
Aaron Neal

GUESTS

Michael O'Connor CFMEU

Tony Maher CFMEU

Phil Pasfield Slater and Gordon

11 APRIL 2017

Meeting commenced at 9am.

Moved National Secretary Paddy Crumlin;
Seconded Deputy National Secretary Will Tracey;
That the meeting move into closed session.

CARRIED UNANIMOUSLY
NATIONAL COUNCIL
THE MARITIME UNION OF AUSTRALIA
11 APRIL 2017

Meeting closed at 4.45pm.

12 APRIL 2017

Meeting commenced at 8.45am.

Moved National Secretary Paddy Crumlin;
Seconded Deputy National Secretary Will Tracey;
That the meeting move into open session at 8.50am.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

AMALGAMATION

The following motions were then moved and carried:

Moved Paul McAleer, Sydney Branch Secretary;
Seconded Adrian Evans, Western Australia Deputy Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves that The MUA seek for the divisions of the Construction, Forestry, Maritime, Mining and Energy Union at the first National Conference of the new Union to determine a new name that reflects the future of the Union. The National Conference will occur within twelve months of the amalgamation commencement date.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Deputy National Secretary Paddy Crumlin;
Seconded Paul McAleer, Sydney Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union to AUTHORISE the National Secretary to prepare campaign material in support of the yes vote outside of the formal AEC process.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Paul Keating, Sydney Deputy Branch Secretary Paul Keating;
Seconded Alisha Bull, Tasmania Honorary Deputy Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO APPROVE the Scheme for Amalgamation of the proposed amalgamation between the Construction, Forestry, Mining and Energy Union, the Union and the Textile, Clothing and Footwear Union of Australia as circulated, including the proposed alternative amalgamation between the Construction, Forestry, Mining and

Energy Union and the Union (Scheme), as well as the relevant Rule alterations contained in the Annexures of the Scheme.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved James Patterson, Southern New South Wales Deputy Branch Secretary;
Seconded Ian Bray, National Assistant Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO APPROVE the Written Outline of the Scheme for Amalgamation as circulated.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Thomas Mayor, Northern Territory Branch Secretary;
Seconded Garry Keane, Southern New South Wales Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO APPROVE a "Yes" case as circulated.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Jamie Newlyn, South Australia Branch Secretary;
Seconded Jason Campbell, Tasmania Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO AUTHORISE the lodgment of a joint application with the Construction, Forestry, Mining and Energy Union and the Textile, Clothing and Footwear Union of Australia to the Fair Work Commission for approval for submission to amalgamation ballot of the proposed amalgamation pursuant to the provisions of the *Fair Work (Registered Organisations) Act 2009*.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Thomas Mayor, Northern Territory Branch Secretary;

Seconded Dennis Outram, Newcastle Deputy Branch Secretary;

The National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO AUTHORISE the Construction, Forestry, Mining and Energy Union to receive, on behalf of the Union, service of documents relating to the application or the proposed amalgamation and each proposed alternative amalgamation.

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NATIONAL COUNCIL
THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Paul McAleer, Sydney Branch Secretary;
Seconded Bob Carnegie, Queensland Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO AUTHORISE the use of the Union's financial and other resources in support of the proposed amalgamation and the proposed alternative amalgamation relevant to the Union, and to give reasonable notice of this resolution to the members of the Union.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Jason Campbell, Tasmania Branch Secretary;
Carried Will Tracey, Deputy National Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union TO AUTHORISE the National Secretary to:

- a. Execute on behalf of the Union all necessary documents for the purposes of approval of the Amalgamation and the Scheme for Amalgamation of the proposed amalgamation between the Construction, Forestry, Mining and Energy Union, the Union and the Textile, Clothing, Footwear Union of Australia as circulated, including the proposed alternative amalgamation between the Construction, Forestry, Mining and Energy Union and the Union as well as the relevant Rule alterations contained in the Annexures of the Scheme (Scheme);
- b. Take all necessary steps on behalf of the Union to progress the Amalgamation and the Scheme; and
- c. To approve the amendment (if any) to the Scheme (and Annexures) as are necessary to ensure compliance with the requirements of the *Fair Work (Registered Organisations) Act 2009* and the Fair Work Regulations 2009.

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NATIONAL COUNCIL
THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Moved Will Tracey, Deputy National Secretary;
Seconded Paddy Crumlin, National Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rule 15(c) of the Rules of the Union and as a consequence of the foregoing resolutions TO WITHDRAW the application made to the Fair Work Commission in matter D2016/84 *Application/Notification by The Maritime Union of Australia* (182V). The National Secretary is authorised to take all necessary steps on behalf of the Union TO WITHDRAW the application.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

GENERAL BUSINESS

Moved Bob Carnegie, Queensland Branch Secretary;
Seconded Paddy Crumlin, National Secretary;

That National Council stood in recognition of Dennis Bailey standing and commitment to the trade union and progressive movement.

Moved Paddy Crumlin, National Secretary;
Seconded Paul McAleer, Sydney Branch Secretary;

That National Council recognizes George Gostsis and his enormous contribution to our union, Mayday and international labour progressive and trade union solidarity and activism. We relay our absolute respect support and best wishes to him and his family at this worrying time of his illness

A Minute's silence was then held for Cam McCulloch's son Sam McCulloch.

ADDITIONAL QUEENSLAND ASSISTANT BRANCH SECRETARY

Discussion regarding the need for an additional Assistant Branch Secretary in the Queensland Branch of the Union and the ability to amend the proposed Scheme for Amalgamation to provide for the creation of such office upon amalgamation, to be filled as soon as possible thereafter by way of an election conducted by the National Returning Officer in accordance with the Rules of the Union.

Moved Will Tracey, Deputy National Secretary;
Seconded Bob Carnegie, Queensland Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves having regard to Rules 4(o) and 15(c) of the Rules of the Union to APPROVE the alteration of the Scheme for Amalgamation of the proposed amalgamation between the Construction, Forestry, Mining and Energy Union, the Union, and the Textile, Clothing and Footwear Union of Australia, as approved earlier at this meeting of the National Council, including the proposed alternative amalgamation between the Construction, Forestry, Mining and Energy Union and the Union (Scheme), as well as the relevant rule alterations contained in the Annexures of the Scheme, as approved earlier at this meeting of the National Council by altering the proposed Rules of the MUA Division found at Annexures E and M3 of the Scheme to make provision in Transitional Rule 68 as follows:

Provided that on and from the amalgamation date, there shall be an additional office of Queensland Divisional Assistant Branch Secretary. As soon as possible after the amalgamation date, the Divisional National Returning Officer shall take all necessary steps to cause an election to be conducted for the additional office of Queensland Divisional Assistant Branch Secretary as far as practicable in accordance with the Divisional Rules and Divisional Rule 42(d). The term of office for the additional office of Queensland Divisional Assistant Branch Secretary the subject of the election shall be until 30 June 2019.

and to approve a consequential alteration to the Scheme to reflect the above and a consequential alteration to the Written Outline of the Scheme for Amalgamation as approved earlier at this meeting of the National Council as follows by adding to clause 19.5:

In addition, on and from the amalgamation date, there shall be an additional office created of Divisional Assistant Branch Secretary in the Queensland Divisional Branch of the MUA Division.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Mr Richard Lunt and Mr Torren McMaster

Report from Legal Team and opinion from Claire Howell of counsel regarding the litigation regarding the Lunt and McMaster litigation tabled.

Discussion regarding correspondence from Mr Bob Carnegie, Queensland, dated 16 January 2017 and addressed to all National Councilors calling for an inquiry into the handling of the Lunt and McMaster litigation by the Union.

Discussion regarding the history of the Lunt and McMaster litigation including the steps taken by the Union on behalf of Mr Richard Lunt and Mr Torren McMaster.

Queensland Branch Secretary Bob Carnegie withdrew his request for an inquiry into the handling of the Lunt and McMaster litigation by the Union.

Moved Paddy Crumlin, National Secretary;
Seconded Bob Carnegie, Queensland Branch Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves to make a statement consistent with the report circulated to National Council and tabled and to unanimously support the actions of the Union regarding the litigation relating to Mr Lunt and Mr McMaster to be circulated and provided to Mr Lunt and Mr McMaster.

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Shipping Campaign

Comprehensive Shipping Campaign Report distributed and discussed.

Moved Ian Bray, Assistant National Secretary;
Seconded Warren Smith, Assistant National Secretary;

National Council of The Maritime Union of Australia (Union) hereby resolves to:

- i. Endorse the Shipping Campaign Report
- ii. Recognise the successful Blue Water Shipping Conference (BSC) and endorse ongoing work in this space
- iii. Note the Industrial matters as reported
- iv. Continue with the Policy and Lobbying work as recommended in the report and expand this work into other policy areas that essential support the need for Australian Shipping
- v. Continue work to engage ALCOA, BP, Caltex, etc to keep direct pressure on them to support a domestic shipping policy and to engage Australian seafarers on the Australian coast
- vi. Broaden out the union's policy work to include other policy areas that either support directly, or indirectly Australian Shipping policy
- vii. Continue to work with the ITF and affiliates on the Cabotage Taskforce and in particular seek research into the recent Canadian legal Settlement between the SIU Canada and the Canadian Government. The research will look at similarities between the Canadian legal settlement and Australian law to see if there is anything that can be taken from the settlement and applied in Australia.
- viii. Endorse the National Secretary to use whatever resources necessary to defend the union and the nine members sacked by ALCOA, from aggressive legal litigation by the FWO.
- ix. Endorse a political campaign that supports the crew of the MV Portland legal defence and raises awareness of the politicisation of a government

- office by the Turnbull Government, including the making of a short DVD that tells the MV Portland Crew members story.
- x. Endorse the reformation of the Jobs Embassy in Canberra during budget week and expanding the role of the embassy to engage with the Union movement via the ACTU
 - xi. Endorse the continuous campaigning strategy as outlined at this and previous National Councils to ensure we remain focused on retention a domestic shipping fleet and expansion into the future
 - xii. Endorse engagement with Australian Navy to explore possible employment opportunities for Australian seafarers and report back to next National Council

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THE MARITIME UNION OF AUSTRALIA
12 APRIL 2017

Vale comrade John Benson

The national secretary reported that news was just received that John Benson, long term secretary of the Sydney Branch of the Seamen's Union of Australia had passed away. He was also Presiding Officer of the Union. He was a great internationalist and a senior leader of the World Peace Council during the nuclear crisis of the cold war. His industrial achievements were numerous including the consolidation of wages into an aggregate wage for NSW port authority workers, a template for aggregate salaries for all port workers and stevedoring workers nationally. The National Council extended their deepest sympathies to his wife Wilma and son Shan and their family and observed a minute's silence.

Meeting closed at 2PM

ENDS