

**DRAFT MINUTES OF A MEETING OF THE CENTRAL COUNCIL OF THE CFMEU MINING AND ENERGY DIVISION HELD AT NYMBOIDA HOUSE, 217 CLARENCE ST, SYDNEY ON TUESDAY 17<sup>th</sup> MARCH AND WEDNESDAY 18<sup>th</sup> MARCH 2020**

**Please Note** that these minutes are in the same order as the business paper and agenda, as opposed to the order in which they were dealt with by the meeting. Also, an opportunity was provided for Councillors to ask questions and/or make comments at the completion of each report or item.

**Present:**

Tony Maher	General President <b>(TM)</b>
Grahame Kelly	General Secretary <b>(GK)</b> **
Peter Jordan	Northern Mining and NSW Energy President <b>(PJ)</b>
Stephen Smyth	Queensland District President <b>(SS)</b> **
Graeme Osborne	South Western District President <b>(GO)</b>
Trevor Williams	Victorian District President <b>(TW)</b>
Greg Busson	Western Australian District Secretary <b>(GB)</b>
Ricky Gale	Tasmanian Honorary District President <b>(RG)</b>
Sharon Smoothy	Affirmative Action Councillor <b>(AA)</b> **
Luke Ludlow	Queensland District Central Councillor <b>(LL)</b>
Jeff Pearce	Queensland District Central Councillor <b>(JP)</b>
Michael Schofield	Northern Mining and NSW Energy District Central Councillor <b>(MS)</b>
Peter Compton	Northern Mining and NSW Energy District Central Councillor <b>(PC)</b>
Michael Dobie	Northern Mining and NSW Energy District Central Councillor <b>(MD)</b>
Dan Hopkins	South Western District Central Councillor <b>(DH)</b> **
Matthew Reid	Northern Mining and NSW Energy District Central Councillor <b>(MR)</b>

\*\* these people joined meeting via Video Conference

**Observers:** a number of guests attended the meeting or joined by video or telephone conference and these people are identified in the relevant section of the minutes.

**MEETING OPENED**

The Chair, Tony Maher opened the meeting at 8:45am, welcomed Councillors to the meeting and outlined the proposed agenda.

*Central Council **RESOLVED** to **NOTE** the invited guests and **APPROVE** the Agenda as tabled, understanding that the Chair is able to move matters around to achieve an effective meeting based on the timings of invited guests.*

*Moved: Greg Busson*

*Seconded: Luke Ludlow*

**MEETING REQUIREMENTS**

**Changes to Central Council Makeup**

Since the last meeting of Central Council, Brian Wise (Queensland Central Councillor) has resigned his position.

*Central Council **RESOLVED** to **NOTE** the resignation by Brian Wise, effective 27 November 2019.*

Furthermore, Central Council **RESOLVED** to pass a **VOTE OF THANKS** (which will be forwarded onto Brian) for his contribution and dedication as a Queensland Central Councillor of our Union over the preceding years.

Moved: Peter Jordan

Seconded: Trevor Williams

### **Notice, Attendance & Apologies, Declarations & Disclosures**

Details of the latest material personal interests, as advised by Central Councillors was included in the papers. In addition, the following declarations relating to disclosure of Board fees (for those boards where fees are payable) and payments from related parties are disclosed (for Officials and National Office Staff) in the table.

**Please Note** – that no Officials or Staff receives any payment from related parties and that all Board fees are paid to the Union.

<b>Officials &amp; Staff</b>	<b>Board</b>	<b>Position</b>	<b>Total Fees (pa)</b>
<b>Tony Maher</b>	Auscoal Superannuation Pty Ltd	Director	\$81,600
<b>Grahame Kelly</b>	Auscoal Superannuation Pty Ltd	Chair / Director	\$205,400
	Mine Super Services Pty Ltd	Director	
	Coal Mining Industry (Long Service Leave Funding) Corporation	Director	\$9,528
	Unity Bank Limited	Director	\$33,280
<b>Peter Jordan</b>	Coal Services Pty Ltd (CSPL)	Director	\$73,218
	Coal Mines Insurance Pty Ltd	Director	
	NSW Mines Rescue Pty Ltd	Director	
<b>Graeme Osborne</b>	Coal Services Pty Ltd (CSPL)	Director	\$73,218
	Coal Mines Insurance Pty Ltd	Director	
	NSW Mines Rescue Pty Ltd	Director	
<b>Mark Watson</b>	Auscoal Superannuation Pty Ltd	Director	\$126,100
	Mine Super Services Pty Ltd	Director	
	Unity Bank Limited	Director	\$37,632

Central Council **RESOLVED** to **DECLARE** that:

- a) Proper notice for the meeting had been given, that a quorum was present in accordance with the Rules, and apologies were **NOTED**.
- b) Updated disclosures of Interest were tabled for **GK, PJ & GO**, the others remain consistent with previously provided declarations and any made at the meeting are to be **NOTED** in the minutes;
- c) Any additions to the Gifts & Hospitality Register were **NOTED**; and
- d) Disclosure of Board Fees and payments from Related Parties made to the Union are as indicated in the table and **NOTED**; and
- e) The meeting **DECLARED** that none of the disclosures of interest, gifts or hospitality, Board fees or payments from Related Parties disclosed are of a nature that warrants an Officer or Staff Member to absent themselves from the meeting or part thereof.

Moved: Jeff Pearce

Seconded: Trevor Williams

## **MINUTES, VOTING RETURNS AND CIRCULAR RESOLUTIONS**

### **Previous Minutes**

*Central Council RESOLVED that the minutes of the last Central Council meeting and held from Tuesday 17 – Friday 20 September 2019 in Sydney, were PRESENTED and ACCEPTED, as amended as true and correct accounts of the meeting.*

*Moved: Peter Jordan*

*Seconded: Jeff Pearce*

### **MATTERS ARISING**

A table containing the matters arising from the past Central Council meetings was provided.

*Central Council RESOLVED to NOTE the Matters Arising matters as outlined in the table.*

*Moved: Mick Schofield*

*Seconded: Matt Reid*

### **DIVISIONAL REPORTS**

**Please Note** that the following Divisional Reports and the Auditor’s Report fulfil the requirement of the the Rules to have an annual “...review of the position of the Division...” and the requirement to submit “...a report and have the Balance Sheet submitted to Central Council annually...” in accordance with Rules 10(ii)(a) and 10(ii)(c).

### **General President’s Report**

**TM** provided a verbal report to supplement his written report. His contribution included reports as follows:

#### **Protecting our Members Jobs**

Since the last meeting of Central Council there has been significant engagement in political advocacy for and on behalf of our members, their jobs and industries.

There have been several joint meetings with Dan Walton (AWU) to meet with various Federal Ministers to try an improve engagement between Unions and the Government. Additional meetings have been held with both Federal and State Labor MPs also arguing our case for protection our Members jobs and support of our industry, particularly with NSW Labor.

#### **CFMMEU Matters**

A comprehensive update was provided on the poaching dispute between the Manufacturing Division and C&G Victorian Division and the subsequent Court case. Also, the tabling of correspondence from:

- The Victorian C&G Division requesting the minutes of the last Central Council meeting;
- The M&E’s response, which was approved by the Central Executive advising them of this Central Council meeting and asking them under what authority they were seeking this material; and
- Victorian C&G Division’s response 8pm 16 March 2020.

**TM** also detailed:

- That the NEX had agreed to set the current year’s National sustentation fees; the budget; and for a short term (Q1) levy to keep limited staff at the National Office.
- An updated on new structures proposed by C&G;
- Future NEX meetings

**Please Note** – the following resolution was discussed and voted on by Central Council, immediately prior to the close of the meeting, to ensure that there was a full report for Council to consider once a number of relevant invited guests had concluded their reports.

*Central Council **RESOLVED** to **NOTE** the report, **SUPPORT** the actions of the Central Executive in relation to the correspondence from the Victorian C&G Division and based on their response, Central Council:*

- a) **REAFFIRMS** our opposition to any form of poaching between Divisions;
- b) **REJECTS** the Victorian C&G Division request for a copy of our minutes; and
- c) **AUTHORISES** the sending of the draft correspondence in response to the 16 March 2020 letter from the Victorian C&G Division.

*Furthermore, Central Council **AUTHORISES** the Central Executive to continue to take whatever action is necessary to protect the autonomy of the M&E Division.*

Moved: Mick Dobie

Seconded: Mick Schofield

### **Mining & Energy Project**

An update was provided relating to progress associated with the decision of the last Central Council to investigate and develop options for protecting the M&E Division into the future.

### **International Matters**

Details were provided around our Divisions solidarity and participation in global meetings and events. Our involvement, particularly with IndustriALL is based on our commitment to international solidarity and involvement in Global Networks for the major mining houses of Rio Tinto, Glencore, BHP and Anglo American.

Our Global Federation is IndustriALL and **TM** has again been nominated to a position on the IndustriALL Executive (Asia Pacific Region). We have also declared our support for Kemal Ozkan (a current Assistant Secretary of IndustriALL) to take on the General Secretary of IndustriALL role.

A number of international events were tabled in the Council papers and they had previously been endorsed by the Central Executive. With the evolving COVID-19 global pandemic, a number of these will be postponed or cancelled.

Lastly, the Central Executive agreed to formally delegate our Division's response to requests for assistance (e.g. letters of support, etc) to the General Secretary and/or General President. Where there are known sensitivities surrounding a certain request these requests will be circulated to the Central Executive members for consideration and input.

### **International Solidarity Support Requests**

From time to time the Union is requested by IndustriALL Global Union to send support letters or social media posts, etc to International Governments and/or Embassies in support of other affiliated Unions and their campaigns. These matters are often time sensitive.

In the past the then General Secretary (Andrew Vickers) was able to issue the requested support letter or posts, as part of his duties under the Rules and more importantly because of his involvement in global union committees he had an understanding of the issues.

The Central Executive has formally **DELEGATED** the authorisation and issuing of these support letters, social media posts, etc on behalf of the M&E Division to the General Secretary and/or General President. Such matters will be tabled at the next Central Executive meeting or if there are known sensitivities surrounding a certain request these requests will be circulated to the Central Executive members for consideration and input.

*Central Council **RESOLVED** to **ENDORSE** the General President's report and **CONFIRM** the Union's ongoing support and involvement in International Solidarity activities and events, including those detailed in the report.*

Moved: Greg Busson

Seconded: Luke Ludlow

## **Economic Brief**

Peter Colley attended and presented his economic briefs, noting that the Corona virus potentially renders all forecasts completely unreliable.

- The economic forecasts all lean towards a recession with at least 2 quarters of negative growth. This is a result of already weak growth being impacted by firstly the summer bushfires and now the Coronavirus.
- Unemployment is expected to quickly deteriorate from 5.2%, especially as casual employment drops in response to the virus.
- Interest rates have been slashed globally with Australia's official rate at 0.5% with potential to be cut to 0.25% this week.
- The Federal Government has announced a stimulus plan to try and minimise the economic impact of the virus and associated recession.
- The impacts of the virus on the coal industry are unknown at this point. There are so many factors that could affect the demand on coal. Whilst it is expected that power generation will continue as an essential service, supply chains and business generally (outside essential services) will be significantly impacted by Government enforced lockdowns.

*Central Council **RESOLVED** to **NOTE** the economic briefing.*

*Moved: Graeme Osborne*

*Seconded: Matt Reid*

Council **THANKED** Peter for his presentation.

## **General Secretary's Report**

Grahame Kelly reported on a number of matters including:

### **CFMEU M&E General Elections Update**

The General Election timetable from the National Returning Officer and a list of associated tasks required to be undertaken by Districts was tabled.

In addition, and as required by the Rules, the Central Council was asked to consider the following matters, which are all recommended by the Central Executive:

**General Vice President** [Rule 8(vi)(a)] – This Rule enables Central Council to “*determine the number of General Vice Presidents required for the effective operation of the Union.*” The Central Executive recommendation is to not seek to appoint (go to ballot) any General Vice Presidents, at this time.

**Central Councillor(s)** [Rule 8(i)(c)(1)] – Districts are entitled to additional Central Councillors when their membership numbers exceed 2,000 and a further position when the membership number exceeds 4,000, excreta. Following a review of District membership disclosures, the General Secretary advised that the Northern Mining & NSW Energy was entitled to four (4), Queensland three (3), South West one (1) and all other Districts nil (0).

**Vice Presidents** [Rule 10(i)(c) and Rule 19(b)] – A more recent change to the Rules was the determination of the three (3) Vice Presidents who are entitled to be members of the Central Executive. Under the new rule these positions are simply determined and thus allocated to the Presidents of the three (3) largest Districts, which is consistent with the above Districts that received additional Central Councillors>

*Central Council **RESOLVED** to:*

- a) **NOTE** the timetable and the update of activities underway;*
- b) **ENDORSE** that the Division not appoint any General Vice Presidents, at this time in accordance with Rule 8(vi)(a);*

- c) **CONFIRM**, as calculated by the General Secretary, that there be the following additional Central Councillors in accordance with Rule 8(i)(c)(1):
- i) Four (4) from the Northern Mining & NSW Energy District,
  - ii) Three (3) from the Queensland District; and
  - iii) One (1) from the South Western District.
- d) **CONFIRM** that the Vice Presidents, for the purposes of Central Council and the Central Executive and in accordance with Rule 19(b) will be the Presidents of:
- i) Northern Mining & NSW Energy District
  - ii) Queensland District
  - iii) South Western District

Moved: Peter Compton

Seconded: Ricky Gale

### **National Returning Officer**

A report was provided to Central Council outlining the necessary administrative support the Union provides to the National Returning Officer (NRO) during elections and with the ongoing concerns associated with COVID-19 there has been a meeting with the NRO to discuss options, including purchasing additional special ballot envelopes, paper and toner.

Also discussed the hypothetical issue whereby the NRO was unable to complete the election process through to declaration, if for example there was bans on domestic travel. It was suggested by the NRO that a backup should be put in place.

The Union approached Phil Pasfield from Slater & Gordon Lawyers as a potential replacement and it was confirmed that there appears to be no restriction on his assuming the role of NRO in the *Fair Work (Registered Organisations) Act*, if we needed his assistance.

Central Council **RESOLVED** to:

- a) **NOTE** the report;
- b) **APPOINT** Mr Phil Pasfield as the National Returning Officer [NRO] (back up) in the event that the current National Returning Officer (Mr Greg Betts) is unable to conclude the ballot and issue a declaration in accordance with Rule 17(h); and
- c) **CONFIRMS** that Mr Pasfield has, in the opinion of Central Council, the necessary skills, training and experience to understand the duties and obligations under the Rules to be the National Returning Officer should the circumstances arise.

**For the avoidance of doubt** the change of NRO will only take place if the current NRO advises that he cannot conclude the ballot for whatever reason.

Moved: Mick Dobie

Seconded: Luke Ludlow

### **Discretionary Investment Manager Review**

A review was completed of the Union's investment services held with Morgan Stanley (MS), following the departure of a key investment advisor from MS. Presentations were made by MS and EL & C Baillieu as a comparison of service offerings. The results of the deliberation were that the two (2) firms were comparable in price; (with EL & C Baillieu being slightly cheaper); they had similar investment beliefs; and their respective back office processes were appropriate.

The Central Executive considered all presentations before deciding to remain with Morgan Stanley as our Discretionary Investment Manager.

The meeting also discussed the merits of maintaining the existing stock exclusions, whereby certain identified stocks cannot be invested in.

*Central Council RESOLVED to NOTE the report and, on the recommendation of the Central Executive, SUPPORT the retention of Morgan Stanley and the removal of the existing exclusion of certain selected stocks from the General Fund portfolio.*

*Moved: Mick Schofield*

*Seconded: Graeme Osborne*

### **Mine Super Matters**

The Central executive meeting held on the 12 February 2020 determined the following and recommends them to Central Council:

- **APPROVED** the re-nomination and re-appointment of Grahame Kelly as a Member Director on the Auscoal Superannuation Pty Ltd Board for a further term.
- **APPOINTED** Graeme Osborne as the CFMMEU (M&E) Shareholder Representative to Auscoal Superannuation Pty Ltd.

*Central Council RESOLVED to SUPPORT the decisions of the Central Executive to:*

- a) APPROVE the re-nomination and re-appointment of Grahame Kelly as a Member Director on the Auscoal Superannuation Pty Ltd Board for a further term.*
- b) APPOINT Graeme Osborne as the CFMMEU Shareholder Representative to Auscoal Superannuation Pty Ltd.*

*Moved: Ricky Gale*

*Seconded: Peter Compton*

### **National Convention 2020**

An update on the 2020 National Convention of the CFMMEU Mining & Energy Division was tabled, including execution of contracts for venue, rooms, details of a number of flights on hold and an update on new sponsorship arrangements.

Also discussed were the potential and likely COVID-19 impacts and what the National Office approach will be to the continuing organisation of the event.

*Central Council RESOLVED to NOTE the report and SUPPORT the approaches being taken in relation the 2020 National Convention and with regard to the Union's approach to COVID-19.*

*Moved: Mick Dobie*

*Seconded: Matt Reid*

### **Other projects**

The General Secretary reported on the other projects that are being worked on in the National Office:

- Outcomes of the seconded National Safety Forum and the need to run campaigns in relation to education of Members and improving access to Return to Work (RTW) duties when recovering from workplace injury if not directly employed by the mine.
- A trial online join project
- UnionWare & developing a pathway to enable standardisation of administration processes across the Districts
- National Lodge app Proposal
- Staff EA negotiations
- Officials Long Service Leave
- CFMMEU Workers Compensation Matter

*Central Council RESOLVED to ENDORSE the General Secretary's report.*

*Moved: Greg Busson*

*Seconded: Jeff Pearce*



## **Legal & Industrial Report**

Alex Bukarica presented to Council on legal matters affecting the Union and these included:

- The volume and types of cases being undertaken by the LIRT team
- **WorkPac vs Rossato** – The Rossato case is an attempt by WorkPac to appeal the Skene case (which challenged the sham casual arrangements in the mining industry), but with a more favourable fact situation for the employer. The Rossato case is being closely monitored across the political spectrum.
- **Reynard vs WorkPac (Reynard)** - is a class action launched and funded by the CFMMEU. The case is adjourned pending a result in the Rossato case. This is because the Rossato case has big implications for the success of any future cases relating to the use of “permanent casuals”.
- **One Key Settlement** – \$1m of the \$3m original agreed compensation was claimed by the liquidator of one of the One Key companies. The remaining \$2m has now been distributed to about 410 members across NSW and Queensland.
- **BHP Operations Services Production and Maintenance Agreement Appeals** – these agreements were made in late 2018 with the intention to lock in a non-union, lower pay agreement than what applies in BHP coal mining operations. The CFMEU lodged and appeal of the approval decisions which are listed for hearing on 23 March 2020.
- **Fair Work Ombudsman notice re Oaky North Dispute** – this matter has been ongoing for over two years. The Union has responded to FWO notices and has produced tens of thousands of documents. It is clear the FWO intends to initiate legal action against the CFMEU in the near future.

*Central Council RESOLVED to NOTE the Legal and Industrial Officer’s Report*

*Moved: Jeff Pearce*

*Seconded: Mick Dobie*

Council **THANKED** Alex for his presentation.

## **Communications Report**

Jackie Woods provided an overview of the activities in the communications area and these included:

- **Communications Platforms** – Common Cause, media, Facebook, and Podcast opportunities. Common Cause continues to perform well.
- **BHP Campaign** – the Union has to date produced and aired TV, print and digital ads, launched the Think Fair BHP website, focussed media coverage, and attended the BHP AGM. Next steps will focus on recruiting OS workers.
- **McKell Report**– the report titled “*Wage-cutting strategies in the mining industries – the cost to workers and communities*” has been finalised and launched at an event in Mackay. The key finding of the report is that the direct and indirect economic cost to mining communities of companies using wage-cutting strategies including casual labour hire and BHP Operations Services is substantial. It was also reported that Anthony Albanese spoke about our issues and the need for “*same work same pay*”.

*Central Council RESOLVED to NOTE the Communications report.*

*Moved: Mat Reid*

*Seconded: Ricky Gale*

Council **THANKED** Jackie for her presentation.



## **Protecting our Members Jobs (Automation) Presentation**

Peter Colley provided a presentation to Council on automation in the mining industry that included:

- Automation in the mining context is remote operations, digitisation, artificial intelligence and robotics;
- The potential and concerns of job losses as well as opportunities in other areas;
- The type and location of jobs are changing (e.g. there is an increasing proportion of site jobs that are IT and related technical automation);
- Experiences of others (e.g. MUA experience at the automation of Port Botany) were detailed; and
- Details of what possible Union responses could include ranging from policies surrounding no introduction of automation without agreement from the Union, to no forced redundancies, that any remote operation jobs must be retained at site or nearby town, agreements on staffing/manning ratios, seek improvements in rosters, seek that the companies pay higher taxes/royalties, implement plans to ensure training and transition of affected employees during all stages of the automation process and consider broadening our constitutional coverage rules.

*Central Council **RESOLVED** to **THANK** Peter Colley for his presentation “Automation in the Mining Industry” and for his discussion paper of the same name and **SUPPORT** the approach outlined by the Central Executive.*

*Moved: Greg Busson*

*Seconded: Mick Dobie*

## **Unite Organising & Training Report**

Michael Weise provided a written report of the activities in the Organising and Training areas and these included:

- Unite organising activities – updates for each State.
- An update on the Western Mine Workers Alliance
- National Training Update, including the modularisation project

*Central Council **RESOLVED** to **NOTE** the Unite Organising & Training report as tabled.*

*Moved: Grahame Kelly*

*Seconded: Peter Compton*

Council **THANKED** Michael for his written report.

## **Central Executive Matters**

The following is a list of relevant decisions made by the Central Executive since the last Central Council Meeting, that are not included in other reports:

**APPROVED** Sponsorship for a race day at the Clermont Races on 26 November 2019 at a cost of \$2,600 (GST inclusive).

**APPROVED** Attendance of two Delegates (Mitch Hughes and Russell Herdman) to attend the IndustriALL Anglo-American Global Network Meeting in Johannesburg.

**AUTHORISED** Financial Assistance of \$10K for the “Global Cut the Dust Conference” to assist with some of the costs associated with travel of International Unions.

**APPROVED** Renewal of the 2019/20 McKell Institute membership of \$27,500.

- APPROVED** Reply letter to BHP on 15 November 2019 regarding the BHP AGM and Computershare issue with gaining access to the AGM.
- ENDORSED** The nomination of Andy Davey to fill the vacancy created by the resignation of Bob Timbs from the Coal Services Health & Safety Trust.
- APPROVED** **TM** to attend IndustriALL Asia-Pacific Executive Committee meeting 16-17 January 2020 in Malaysia.
- APPROVED** Recruit replacement for organiser leaving in the WMWA role
- APPROVED** \$20k sponsorship of the Labour Day Races in Ipswich to complete our previous commitment to do for three (3) further years.
- APPROVED** \$1K to assist the “*Ride for Rocket*” organised by the Clermont Lodge in Queensland.
- APPROVED** Engagement of Heather Thomas for fourteen (14) weeks as part of her Practical Legal Training.
- APPROVED** Staff Matter in relation to Superannuation as detailed.

*Central Council **RESOLVED** to **NOTE** the report detailing the other decision of the Central Executive that have been taken since the last meeting of the Central Council.*

*Moved: Peter Compton*

*Seconded: Greg Busson*

### **Finance, Compliance and Auditor Reports**

Mark Watson reported on a number of matters including:

- The quarterly compliance report that detailed;
  - Recent compliance activities.
  - Regulatory matters.
  - Elections.
- Financial results for the Union and controlled entities; and
- ROC reporting requirements including Officer Remuneration and Related Party Disclosures, and Loans, Grants and Donations Statement.

In addition, the Division’s Auditor Stephen Milgate presented the Union’s 2019 Financial Statements, results of its operations and the audit report.

### **Committee of Management Statement**

Central Council was presented with the financial statements of the Union for the 2019 financial year. The Auditors noted that they will be issuing an “*unqualified and unmodified audit opinion.*”

Central Council declares that the financial statements comply with statutory requirements and give a true and fair view of the position of the Union.

The Committee of Management **DECLARES** that in its opinion:

- (a) the financial statements and notes comply with the Australian Accounting Standards;
- (b) the financial statements and notes comply with any other requirements imposed by the Reporting Guidelines or Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 (the RO Act);
- (c) the financial statements and notes give a true and fair view of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- (d) there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they become due and payable; and
- (e) during the financial year to which the General Purpose Financial Report relates and since the end of that year:
  - (i) meetings of the committee of management were held in accordance with the rules of the organisation including the rules of a branch concerned; and
  - (ii) the financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of a branch concerned; and
  - (iii) the financial records of the reporting unit have been kept and maintained in accordance with the RO Act; and
  - (iv) where the organisation consists of two or more reporting units, the financial records of the reporting unit have been kept, as far as practicable, in a consistent manner with each of the other reporting units of the organisation; and
  - (v) where information has been sought in any request by a member of the reporting unit or Commissioner duly made under section 272 of the RO Act has been provided to the member or Commissioner; and
  - (vi) where any order for inspection of financial records has been made by the Registered Organisations Commission under section 273 of the RO Act, there has been compliance.

Moved: Matthew Reid

Seconded: Mick Dobie

### Financial Statements 2019

Following presentation of the Financial Statements, and sign off by the Committee and Auditors, Central Council formally adopted the signed audited financial statements and notes their provision to Members (via the website) and outlines the legislative process that is required to be conducted by Lodges in presenting to meetings of Members.

Central Council **RESOLVED** to **FORMALLY ADOPT** the 2019 signed audited financial statements as tabled. These statements will be signed by General President, Tony Maher & General Secretary, Grahame Kelly and distributed to Lodge & District Secretaries. A copy will also be available for review via the CFMEU website. ([www.cfmeu.com.au](http://www.cfmeu.com.au)).

As required under legislation, the financial statements will be provided to Members at least twenty-one (21) days prior to the commencement of a series of meetings of Members.

Following the completion of these Member meetings, the signed financial statements will be lodged with Registered Organisations Commission within fourteen (14) days of the final meeting.

Moved: Graeme Osborne

Seconded: Jeff Pearce

### Letters of Representation – CFMMEU M&E

A copy of the letter of representation for the 2019 Divisional audit.

*Central Council **RESOLVED** to **AUTHORISE** that the General Secretary, Grahame Kelly and General President, Tony Maher, sign the letter of representation to the Union’s auditors in relation to the 2019 financial year audit. The representations made are reasonable and there are no significant matters contained within the letter that warrant further comment or action.*

*Moved: Greg Busson  
Seconded: Luke Ludlow*

### Appointment of Union Auditors for 2020

After the Auditors had left the meeting, Central Council considered the appointment of the Division’s Auditors for 2020.

*Central Council **RESOLVED** to **APPOINT** Daley Audit as the Union’s approved audit firm for the 2020 Financial Year, subject to their ongoing registration as a Registered Organisation Commission approved auditor and **THANK** them for their ongoing efforts and assistance.*

*Moved: Peter Compton  
Seconded: Trevor Williams*

### Appointment of Internal Auditors

**Please Note** – this resolution was dealt with earlier in the meeting to enable the audit to take place

*Central Council **RESOLVED** to **APPOINT** Luke Ludlow and Mick Dobie as the Union’s internal auditors, and requests that they undertake a review of the credit card expenses, travel claims and expense reimbursements for the 2019 financial year, and report on their findings before Central Council.*

*Moved: Jeff Pearce  
Seconded: Trevor Williams*

### Statement of Loans, Grants & Donations

Central Council was presented with the completed Statement of Loans, Grants and Donations as required under section 237 of the Fair Work Act for their consideration.

*Central Council **RESOLVED** to **REAFFIRM** its approval of the Loans, Grants and Donations made by the Union during the 2019 Financial Year. As outlined these reportable donations totalled \$15,516. Central Council **DIRECTS** the General Secretary to lodge the requisite form with the Registered Organisation Commission prior to 31 March 2020.*

*Moved: Matt Reid  
Seconded: Mick Dobie*

### Officer & Related Party Disclosure Statement

The Union is required to disclose the remuneration of the top five (5) earners (elected Officials) within the reporting unit. This disclosure is to be made to Members and the Registered Organisations Commission (ROC). The completed Officer and Related Party Disclosure Statement was presented to Central Council. In addition, the standard disclosure to our Members was tabled and this included the Director Fees received by the Union.

*Central Council **RESOLVED** to **NOTE** the completed Officer and Related Party Disclosure Statement for the 2019 Financial Year. Central Council **DIRECTS** the General Secretary to lodge the requisite form with the Registered Organisation Commission prior to 30 June 2020 and provide to Members in accordance with legislative and Union Rules requirements.*

*Moved: Luke Ludlow  
Seconded: Mick Schofield*

### Internal Auditors Report

Central Council was presented with a verbal report from the Union Internal Auditors Mick Dobie and Luke Ludlow. There were no material items to raise regarding the Internal Audit, and a signed audit report was provided to Central Council noting that proper controls and sufficient supporting documentation has been maintained.

*Central Council **RESOLVED** to **NOTE** and **ACCEPT** the report and findings of the Internal Auditors for the 2019 financial year. Central Council thanked Mick and Luke for their report.*

*Moved: Peter Jordan*

*Seconded: Trevor Williams*

### National Officials' Conditions of Employment

Central Council discussed the Conditions of Employment for National Officials as tabled and recommended by the Central Executive.

**Please note** – that Peter Jordan took the Chair and the General President and General Secretary absented from the meeting while this matter was dealt with.

*Central Council **RESOLVED** to **APPROVE**, on the recommendation of the Central Executive, the amendments to the National Officials Conditions of Employment Agreement such that an increase of 2% be made to the applicable Salary rate, with effect from 1 July 2020.*

*Moved: Mick Schofield*

*Seconded: Matt Reid*

*Central Council **RESOLVED** to **NOTE** the Finance and Compliance reports.*

*Moved: Greg Busson*

*Seconded: Ricky Gale*

Council **THANKED** Mark for his presentations.

### Protecting Our Members Jobs (Coal, Power and Climate) Presentation

Peter Colley tabled a presentation that build upon the issues discussed at recent Central Council meetings as they relate to protecting our members jobs and in relation to coal mining, coal power and climate.

*Central Council **RESOLVED** to **NOTE** the presentation as tabled.*

*Moved: Graeme Osborne*

*Seconded: Matt Reid*

### Report acceptance

*Central Council **RESOLVED** to **RECEIVE** and **ENDORSE** the Divisional Reports from the General President and General Secretary and the professional staff.*

*Moved: Luke Ludlow*

*Seconded: Greg Busson*

## **DISTRICT REPORTS**

### **Queensland District Report**

*District President Stephen Smyth, and Queensland Central Councillors Luke Ludlow and Jeff Pearce provided a report to Council.*

The report covered topics such as:

- Safety matters
- EA Negotiations
- New mining projects
- Automation
- Legal matters
- Cut the Dust Conference

*Central Council **RESOLVED** to **RECEIVE** and **NOTE** the District's report.*

*Moved: Greg Busson*

*Seconded: Peter Compton*

### **South Western District**

*District President Graeme Osborne, and Councillor Dan Hopkins provided a report to Council covering matters affecting the District.*

The report covered topics such as:

- Safety matter
- EA Negotiations
- Recruitment update

*Central Council **RESOLVED** to **RECEIVE** and **NOTE** the District's report.*

*Moved: Ricky Gale*

*Seconded: Mick Scofield*

### **Northern Mining & NSW Energy District**

*District President, Peter Jordan and District Councillors Michael Dobie, Michael Schofield, Matthew Reid and Peter Compton provided a report on the District.*

The report covered topics such as:

- Training and organising activities
- Mine activities and closures
- Safety matters
- Legal matters

*Central Council **RESOLVED** to **RECEIVE** and **NOTE** the District's report.*

*Moved: Graeme Osborne*

*Seconded: Greg Busson*

## **Western Australian District**

*District Secretary Greg Busson provided Council with a report is on WA District matters.*

A summary of the report is as follows:

- Just Transition
- EA Negotiations
- Safety matters

*Central Council **RESOLVED to RECEIVE and NOTE** the District's report.*

*Moved: Trevor Williams*

*Seconded: Peter Jordan*

## **Victorian District**

*District President Trevor Williams provided a report to Council on matters affecting the Victorian District.*

A summary of the report is as follows:

- EA Negotiations
- Safety matters
- Victorian Parliaments enquiry into nuclear prohibition
- Coal to Hydrogen
- Need to consider constitutional coverage

*Central Council **RESOLVED to RECEIVE and NOTE** the District's report and **AUTHORISE** the General President to obtain legal advice on the request to broaden the Union's and Division's constitutional coverage.*

*Moved: Greg Busson*

*Seconded: Jeff Pearce*

## **Tasmanian District**

*Honorary District President, Ricky Gale provided a report to Council on matters affecting the Tasmanian District.*

A summary of the report is as follows:

- EA Negotiations
- Safety matters
- Check inspector visit

*Central Council **RESOLVED to RECEIVE and NOTE** the District's report.*

*Moved: Luke Ludlow*

*Seconded: Matt Reid*

## **OTHER ENTITY BOARDS AND COMMITTEES**

### **National Assistance Fund**

The Directors of the National Assistance Fund (NAF) Trustee provided an update to Council on the review undertaken of the NAF Structure and administration arrangements and recommended by CE.

*Central Council **RESOLVED to NOTE** the update of the NAF and **SUPPORT** the amended NAF Guidelines.*

*Moved: Mick Dobie*

*Seconded: Ricky Gale*



## **Mineworkers' Trust**

The Trustees of the Mineworkers Trust provided an update to Central Council on the activities of the Trust since September 2019, which included donation requests, 2020 scholarships, and a review of the Trust scope and processes.

*Central Council **RESOLVED** to **NOTE** the report on behalf of the Mineworkers Trust.*

*Moved: Peter Compton*

*Seconded: Luke Ludlow*

## **MATES in Mining**

An update on the activities of the charity was provided by the General Secretary, including the new CEO and the proposed increase in industry people on the steering committee.

*Central Council **RESOLVED** to **NOTE** the **MATES in Mining** update and **REQUEST** that the Central Executive retain oversight of the advisory committee and if warranted in the future consider adding to our number.*

*Moved: Mick Schofield*

*Seconded: Matt Reid*

## **United Collieries**

An update was provided to Central Council on the progress of the Wambo United joint Venture.

*Central Council **RESOLVED** to **NOTE** the **United Collieries** update.*

*Moved: Matt Reid*

*Seconded: Mick Schofield*

## **GUESTS REPORTS**

**Please note** – that with the escalating challenges associated with COVID-19 a number of guests were unable to attend in person, so used video and/or telephone, or were late apologies.

## **Coal LSL**

*Darlene Perks (CEO) and Phillip Berner (COO), Grahame Kelly (CFMEU Director) and Alex Bukarica (involvement in AiG discussions)*

Darlene addressed Central Council on a number of matters including:

- LSL corporate structure and recent changes to Board composition
- Looking at options to automate calculations of employees LSL Hours so there is no discrepancy between employers records and employees entitlements. It will also reduce the amount of manual calculations and room for error.
- Senate estimates on casuals in the industry. The LSL Corp holds records for over 120,000 employees, of which 53,000 are active employees. Of this 10,513 are casuals. 86% of these casuals work for 10 employers. This is where the main focus for the LSL Corp is to ensure their reporting of casual hours is correct.
- The casual matter is an ongoing issue that Coal LSL is dealing with through a number of means.
- Financial performance of the fund
- Update on Ai Group's application to change the scope of the BCMIA, its potential impacts on the Coal LSL scheme and an update on discussions to find a remedy.

Council **THANKED** Darlene and Phillip for their presentation.

## **Mine Super**

*Harry Mitchell (CEO), Sarah Acocks (Executive Manager), Grahame Kelly, Tony Maher and Mark Watson (Member Directors)*

Harry made a presentation to Central Council on a number of superannuation matters including the current performance of key metrics, investment performance and activities underway to improve the offering to fund members. The current volatility in the investment markets as a result of COVID-19 was also discussed.

Council **THANKED** Harry and Sarah for their presentation.

## **CFMMEU National Panel**

*Michael O'Connor (CFMMEU National Secretary + Manufacturing), Leo Skourdoumbis (Assistant Secretary Manufacturing Division) and Paddy Crumlin (CFMMEU International President + MUA Division)*

Michael, Leo and Paddy outlined a number of key matters affecting the broader CFMMEU and these included:

- Internal Union matters and the ongoing tensions between some Divisions of the Union and the impact this having on our standing within the broader Union movement and the political arm.
- Any difficulties that we may be facing need to be resolved so that we can focus on organising workers and get back to being, the strong militant Union that everyone knows and who are defending workers' rights.

Also discussed by the Central Councillors was the approach that we should take if C&G are going to continue on their apparent agenda of *"taking control of the Union"*. The three (3) Divisions could, for example work more closely, particularly given the long history that exists between the Miners and MUA, and this could include considering things like sharing resources (e.g. online support, etc).

Regardless of C&G this approach is important because, in the case of MUA and M&E, our industries are facing transition and automation and we have a responsibility to work together, wherever we can and demonstrate what being a Union member is all about.

Council **THANKED** Michael, Leo and Paddy for contributions.

## **GENERAL BUSINESS**

Nil raised

## **MEETING CLOSED**

The Chair closed the meeting on Wednesday 18 March at 1:10pm, thanked Central Councillors for their input and participation, invited everyone to stay for the dinner and wished them all a safe journey home.