

**MINUTES OF A MEETING OF THE CENTRAL COUNCIL OF THE CFMEU MINING AND
ENERGY DIVISION HELD AT NOVOTEL HOTEL WOLLONGONG
TUESDAY 24th NOVEMBER TO THURSDAY 27th NOVEMBER 2020**

Please Note that these minutes are in the same order as the meeting papers 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 (* attended meeting by Zoom):

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

Guests and Observers (in attendance):

Michael O'Connor	National Secretary – CFMEU Manufacturing (Tuesday only)
Andy Davy	South Western District Secretary (Tuesday only)
Mark Watson	Chief Financial Officer
Alex Bukarica	National Legal Director (Tuesday only)
Jackie Woods	National Communications Director (Tuesday and part Wednesday)
Peter Colley	National Research Director (Tuesday only)
Jennifer Short	Director (M&E) on Coal LSL (Wednesday only)
Jason Hill	District Union Inspector Queensland (part Wednesday only)

Please Note – other guests and staff came in via zoom and their attendance is indicated in the relevant section.

MEETING OPENED

The Chair, Tony Maher opened the meeting at 9:02am, welcomed Councillors and our guests, especially mentioning Michael O'Connor. The meeting recognised Michael's tremendous

work and commitment to the Union in his time as the National Secretary of the CFMMEU by a round of acclamation. **TM** also 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: Dan Hopkins
Seconded: Peter Compton*

MEETING REQUIREMENTS

Notice, Attendance & Apologies, Declarations & Disclosures

A table detailing the latest advised material personal interests was provided.

*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 attendance, including apologies and guests were **NOTED**.*
- b) Disclosures of Interest as tabled, including an update by Stephen Smyth and others remain consistent with previously provided declarations were **NOTED** by the meeting.*
- c) Additions, if any, to the Gifts & Hospitality Register were **NOTED**.*
- d) Disclosure of Board Fees and payments from Related Parties are as indicated in the table and were **NOTED**.*
- e) **AGREE** that Involvement by Officials and Staff in various reports where they relate to roles appointed to by the Union do not give rise to any conflicts of interests as the reports are for information purposes only, and this also includes Graeme Osborne in his role as Chair of Westfund.*
- f) 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: Mick Dobie
Seconded: Dan Hopkins*

Disclosure of Board Fees and Payments from Related Parties

The following declarations are specifically in relation to disclosure of Board fees (for those boards where fees are payable) and payments from related parties, for the following Officials and National Office Staff.

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

Officials & Staff	Board	Position	Total Fees (pa)
Tony Maher	Auscoal Superannuation Pty Ltd	Director	\$81,600
Grahame Kelly	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
Peter Jordan	Coal Services Pty Ltd (CSPL)	Chair / Director	\$73,218
	Coal Mines Insurance Pty Ltd	Chair / Director	
	NSW Mines Rescue Pty Ltd	Chair / Director	
Graeme Osborne	Coal Services Pty Ltd (CSPL)	Director	\$73,218
	Coal Mines Insurance Pty Ltd	Director	
	NSW Mines Rescue Pty Ltd	Director	
Mark Watson	Auscoal Superannuation Pty Ltd	Director	\$126,100
	Mine Super Services Pty Ltd	Director	
	Unity Bank Limited	Director	\$43,065

Appointment of Internal Auditors

*Central Council **RESOLVED** to **APPOINT** Mick Dobie and Jeff Pearce as internal auditors for the current term of Central Council. The internal audit shall take place at the AGM with the assistance of the CFO.*

*Moved: Dan Hopkins
Seconded: Ricky Gale*

MINUTES, VOTING RETURNS AND CIRCULAR RESOLUTIONS

Previous Minutes and Voting Returns

*Central Council **RESOLVED** that the minutes and voting returns of the previous Central Council meetings held on Tuesday 17 & Wednesday 18 March 2020 and Tuesday 13 October 2020 were **PRESENTED** and **ACCEPTED** as true and correct accounts of those meetings.*

*Moved: Jeff Pearce
Seconded: Ricky Gale*

Lodge Returns

The Voting Returns provided from Lodges were overwhelmingly in favour of the principle resolution **NOTING** the 2019 Audited Financial Statements.

*Central Council **RESOLVED** to **NOTE** the Lodge Returns.*

*Moved: Matt Reid
Seconded: Heath Timmins*

Circular Resolutions

There were six (6) circular resolutions sent to Central Council since the March 2020 Annual General Meeting and all Central Council Members responded to each of them in the **AFFIRMATIVE**.

FIRST (16 April 2020) was in relation to the National Convention and postponing the event until 1-4 March 2021.

***RESOLVED** to **NOTE** Central Council's unanimous support for the postponement of the National Convention until 1-4 March 2021.*

SECOND (5 August 2020) was in relation to seeking approval for assistance for Manufacturing Division by donating \$150k towards their legal expenses to show our Divisions support for their stance with Member coverage and Divisional autonomy.

RESOLVED to **AUTHORISE** a donation of \$150k in financial support to the Manufacturing Division understanding the challenges their Division has had to endure and in recognition of their standing up for Divisional Autonomy and the Union's longstanding Member coverage arrangements.

THIRD (5 August 2020) was in relation to postponing Central Council meeting planned for September to a new date of 23 – 27 November 2020, due to COVID restrictions, with hotspots and border closures.

RESOLVED to **SUPPORT** the postponing of the September 2020 Central Council meeting due to COVID-19 pandemic and **APPROVE** the new date of 23 – 27 November 2020.

FOURTH (11 August 2020) was in relation to approving the nomination of Graeme Osborne to the (NEC) National Executive Committee to replace Andy Honeysett who has retired. This was in accordance with CFMMEU Federal Rule 16(vii)(a).

RESOLVED to **APPOINT** Graeme Osborne to the vacant M&E Divisional Representative position on the National Executive Committee of the CFMMEU.

FIFTH (23 September 2020), was in relation to a report supported by the Central Executive in relation to changes and options for the Division's 2020 Quadrennial National Convention and the option of moving to a State based HUB approach for Districts and having a split three-day event.

RESOLVED to:

- a) **NOTE** the report and the recommendation of the Central Executive;
- b) **APPROVE** the holding of the 2021 National Convention as a Split Three-Day State Hub Based National Convention;
- c) **AUTHORISE** the General Secretary to finalise and the necessary arrangements, in consultation with the Central Executive; and
- d) **SUPPORT** the focussing of the agenda so as to concentrate on matters most relevant to the Mining & Energy Division and our Members.

SIXTH (21 October 2020) was in relation to an important but minor rule change identified shortly after the 13 October Central Council.

RESOLVED to:

- a) **NOTE** the additional Rules Committee report;
- b) **NOTE** the recommendation from the Rules Committee that Central Council should approve the amendments as tabled and **NOT** require specific Lodge endorsement of them, unless individual amendments are required to be sent to Lodges in accordance with Rule 15(iv) or Rule 8(iv)(f);
- c) **ENDORSE** the further amendments to the Rule 3 as detailed in the report; and
- d) **AUTHORISE** the General Secretary to take any necessary actions to have them lodged with the Fair Work Commission and have them ratified.

Acceptance of Circular Resolutions by Meeting

*Central Council **RESOLVED** to **NOTE** the Circular Resolutions and **AGREED** to include the resolutions in the minutes of this meeting in accordance with Rule 8(vii)(c).*

Moved: Mick Dobie

Seconded: Mick Schofield

Matters Arising

A table containing an update on the matters arising from the previous Central Council meetings was provided.

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

Moved: Dan Hopkins

Seconded: Heath Timmins

DIVISIONAL REPORTS

Matters from the General President

Internal CFMMEU Matters & the M&E Project

TM provided a verbal report to supplement his written report on the internal CFMMEU challenges, which included:

- The details around the resignation of the National Secretary, Michael O'Connor, including the relentless pressure being exerted on him, the lack of respect shown by some Divisions and the total disregard for the views of the M&E and Manufacturing Divisions.
- An update on the Federal Court Appeal decision on the poaching dispute which resulted in a great win for the Manufacturing Division. C&G Victoria & Tasmania Branch are now required to stop poaching, return the Members and the Union dues paid back to the Manufacturing Division.
- Discussion about the future focus of the M&E Division, our involvement in CFMMEU forums and the lack of desire to remain in National CFMMEU roles, given the approaches being taken.
- A reminder that the drive by the C&G Division to pressure smaller Divisions has been a problem for a few years now and that our Division has been attempting to address this, unfortunately without success or in manners that have proved to be unsustainable.

Michael O'Connor also provided an update to Council which he started by thanking the M&E Division for our donation towards legal costs, *"not just simply for the financial assistance but because it was a demonstration of support by M&E Division and it was very much appreciated."* Michael also outlined his concerns for the CFMEU and detailed why he ultimately stepped down as National Secretary.

TM also provided an update on the Mining & Energy Project; what our options are, given the extent of the Divisional autonomy rules; and the importance of not wasting our time with sham meetings and events of the broader Union, but instead focus on our Members and their industries. **TM** also outlined that he and **GK** had decided to resign from National Positions and requested the views of Council.

Other Members of the Central Executive also supplemented the reports detailing their views on the proposed resolutions and the need for all Council to do the same. In addition, the following points were detailed to the meeting:

- The need to stand apart from the CFMMEU at this point in time.
- The importance of M&E taking a position to our Delegates at the March 2021 National Convention to seek their input, views and direction.
- That this unravelling started, in our view, when the C&G Queensland & NT Branch started poaching Manufacturing Division Members in NSW in late 2017, which wasn't supported by other C&G Branches and that they didn't agree with the merger with TCFUA and MUA, as immediately after this decision was made by the NEX, their opposition was on the front page of the Australian.
- Our Division's history of being prepared to *"put our hand in our pocket"* to help out, such as with the Trade Union Royal Commission, supporting the defence of C&G, which they now repaid with these antics. It highlights the importance of autonomy and for us to look

after our own destiny.

- The Federal CFMMEU is dysfunctional and looks like becoming a bigger problem and it will be difficult to find a way to work with them.
- That when our Division didn't turn up at the NEX meetings, they didn't care. They just went ahead with their pre-caucused and agreed resolutions. They didn't listen to any debate; they just crunched their numbers. Also advised that we have been requested to provide our voting quota.
- The manner in which they strangled the National Office by not meeting their financial obligations, where it became difficult to pay the Staff employed there.

Central Councillors were provided with an opportunity to ask questions and make comment on the reports, which each of them took up that opportunity, detailing their views on:

- The role Michael O'Connor played in his time as National Secretary of the CFMMEU.
- The direction being advocated by the C&G Division, with support from the MUA Division for a future structure of the CFMMEU; that ignores the established power sharing consensus approach, which will not be able to represent our combined membership and their industries and is not based on a collectively agreed shared vision.
- The approach of Divisions and the dysfunctionality of the CFMMEU currently that is resulting in the proposed resignations by **TM & GK** from National positions and M&E not attending CFMMEU meetings, forums or events and remaining independent within the CFMMEU structures by strictly following the Divisional autonomy rules.
- What else the M&E Division should consider in response to all of the above and their level of confidence that the approach being taken is in our Members best interests.

All Central Councillors passed on their thanks to Michael O'Connor during their contributions and then the following resolution, which had been **ENDORSED** by a recent meeting of all the senior Officials of each of the M&E Districts and was put to them formally for consideration:

Vote of Thanks to Michael O'Connor

*Central Council **RESOLVED** to pass a **VOTE OF THANKS** to Michael O'Connor for his invaluable contribution during his time as the National Secretary of our Union, **OFFER HIM** and **HIS DIVISION** our ongoing and full support and **WISH HIM** great success as he concentrates on leading the Manufacturing Division.*

Michael O'Connor has been the best National Secretary of the CFMMEU since its formation in 1993. Under his leadership, the Divisions have worked as a coherent and impactful National Union for the first time.

Michael has always taken a transparent and consultative approach to running the National Office, including the finances of the Union and had built the CFMMEU into a campaigning force that could make a real difference on issues that matter to our Members.

In his role as National Secretary, Michael has represented our Union tirelessly – within the broader trade union movement, in his capacity as a super fund director and in state and federal parliaments, where he has made sure our Members' issues are front and centre in the minds of parliamentarians. Michael has been a great supporter and strong advocate for mining and energy workers. We appreciate his attendance and participation in many events held by our Division.

We understand and respect Michael's decision to step down as National Secretary and concentrate on leading the Manufacturing Division. Nevertheless, his departure is an enormous loss for our Union.

Vote of Thanks Michael O'Connor

Central Council **RESOLVED** to **ENDORSE** the vote of thanks to Michael O'Connor by the All-Districts meeting.

Moved: Graeme Osborne

Seconded: Jeff Pearce

CARRIED UNANIMOUSLY

Crisis in the CFMMEU

Central Council **RESOLVED** to:

- a) **NOTE** with **DISAPPOINTMENT** the resignation of Michael O'Connor as the National Secretary of the CFMMEU on Thursday 5 November 2020.
- b) **NOTE** our **DISDAIN** for those parts of our Union who have blatantly attacked the smaller Branches and torn down Michael's leadership; this is not the CFMMEU we signed up for and as a result we **SUPPORT** the **DECISION** of the General President and General Secretary to **RESIGN** from their positions of National President and National Vice President respectively of the CFMMEU.
- c) **NOTE** that since the Union was formed in 1993, the Mining and Energy Division has worked alongside the leaders of the other Divisions to build a strong and cohesive National Union that represented the Union's combined membership. Together, the Union has withstood enormous challenges and achieved great things. However, the current state of the CFMMEU does not reflect the spirit of solidarity, consensus and shared vision that has been cultivated over the past decade. Rather, the CFMMEU has become impossibly divided and dysfunctional with no repair in sight.
- d) **ADVISE** all Mining and Energy Delegates and Representatives that we are **DISCONTINUING OUR PARTICIPATION IN CFMMEU FORUMS**, unless specifically authorised by a resolution of the Central Executive or Central Council, as we navigate a path forward that puts the interests of our Mining and Energy Members, front and centre.
- e) **ADVISE** all Members that the Mining and Energy Division will operate as an autonomous and independent Federal Union within the CFMMEU, until such time as our Quadrennial National Convention in March 2021 can determine our next steps.

Moved: Peter Jordan

Seconded: Stephen Smyth

CARRIED UNANIMOUSLY

District Engagement with State Registered Unions

Central Council **RESOLVED** to:

- a) **NOTE** the various levels of engagement that currently exist within the Division with the various State CFMEU Registered Unions; and
- b) **CONFIRM** that it remains a matter for each District as to whether or not the District should remain engaged with their respective State Registered Union in dealing with State Branches, on matters relating only to the State Branch.

Moved: Graeme Osborne

Seconded: Stephen Smyth

CARRIED UNANIMOUSLY

Member Update

Central Council **RESOLVED** to **APPROVE** the draft Member Update, **ENDORSE** its distribution to all M&E Members and **AUTHORISE** the General President to provide appropriate media comment on any of the CFMMEU related matters affecting the Mining and Energy Division.

Moved: Graeme Osborne

Seconded: Stephen Smyth

CARRIED UNANIMOUSLY

Information for National Convention

Central Council **RESOLVED** to **AUTHORISE** the General Secretary to coordinate and gather the necessary information from the Districts to enable the preparation of a report to the upcoming National Convention about the future state of the Mining and Energy Division. Central Council also **REQUESTS** that Districts provide the necessary assistance and support to facilitate this project.

Moved: Peter Jordan
Seconded: Stephen Smyth

CARRIED UNANIMOUSLY

International Matters

An update was provided to Council on the international events that have been held electronically over 2020. Travel to these important events has been impossible during the COVID-19 pandemic, but the Union has managed to have representation through electronic means as required. A number of international letters of solidarity have also been issued to global Unions covering a range of matters and in some cases donations made.

Central Council **RESOLVED** to **NOTE** the update on international activities and **SUPPORT** the actions taken by the Central Executive.

Moved: Heath Timmins
Seconded: Jeff Pearce

Protecting our Members Jobs

Activities have continued, including attendance at Federal ALP and NSW State ALP forums to give presentations on the importance of good jobs, coal and gas. There have also been numerous activities by the Districts in each State, which were detailed in their District reports.

Economic Brief

Peter Colley presented a report which addressed the current economic trends with the key points being as follows:

- Despite the COVID related downturn mining continues to do well. Prices are worse in coal than some other minerals, but output and employment has remained relatively stable.
- The Australian economy is performing better than expected.
- International impacts, such as the China coal ban and net zero emissions announcements by 2050/2060 for Japan, South Korea and China increases the probability that Australian coal production will begin to decline. Together these countries account for 250Mt out of the 396Mt we exported in 2019.
- Unemployment continues to remain high at 7%, with some forecasts expecting a peak of around 10%.

Council was advised that the Central Executive continues to have robust discussions as it continues to develop policies and approaches for the National Convention. We are the Union for Coal Miners and Energy Workers and charting our path forward has its challenges, which are sometimes made more difficult by Unions that aren't often seen at the Coalface, wanting to speak for workers in our industries.

Council **THANKED** Peter for his report.

Central Council **RESOLVED** to **NOTE** the Economic Brief.

Moved: Graeme Osborne
Seconded: Heath Timmins

Legal & Industrial Report

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

- **WorkPac Class Action** – the legal admin staff have collated thousands of documents to finalise the WorkPac class action database.
- **WorkPac High Court Appeal and Casuals Working Group** – WorkPac have sought special leave to appeal the Rossato judgement to the High Court (*which was granted before Council rose*). There are also several working groups looking at industrial relations reform, one of which concerned casual and fixed employment.
- **BHP Operations Services (BHP OS)**– there are a number of activities underway relating to BHP OS, including a decision quashing the approval of two OS agreements. Districts are discussing options and other matters such as relating to public holidays have been lodged in the Federal Court. The Union is also investigating commencing legal action over Award and NES breaches by BHP.
- **Other updated matters:**
 - Coverage of BIS Industries employees under Black Coal Mining Industry Award.
 - Goonyella Riverside coverage of Field Officers and Controllers.
 - Appeal of Kal-Tire coverage decision and the legal strategy to deal with this matter.
 - Omnibus Industrial Relations bill.
 - Professor David Peetz research paper on casual employment and casual loading.

Council **THANKED** Alex for his presentation.

Central Council **RESOLVED** to:

- a) **NOTE** the Legal and Industrial Report.
- b) **ENDORSE** the approach to progress the WorkPac Class action as outlined.
- c) **ENDORSE** the legal strategy in the Kal-Tire matter.
- d) **APPROVE** the award variation project in relation to pursuing an “exclusion clause”.

Moved: Stephen Smyth
Seconded: Heath Timmins

National Organising & Training Report

Michael Weise provided an overview of the activities in the Organising and Training areas and these included:

- **Staff updates** – Jason Lipscombe and Ross Kumeroa resigned in 2020, with Adam Lain, Nic Dickson and Nick Price employed in 2020, and Jason Miller commencing in early 2021.
- **Unite organising activities** – updates across the Districts:
 - **Queensland Growth Campaign** – Operations Services remains the primary focus in 2020 with approximately 3,500 people employed by OS nationally. Organisers

continue to be out on site each week engaging with OS workers.

- **Northern NSW and NSW Energy** – Mount Arthur OS has been a major focus in 2020 with mapping and networks being established. Maules Creek has also had a renewed focus where we have been demonstrating a solid Union presence on site.
- **South Western** – key efforts in the District centred around Moolarben complex, Ulan West and Wilpinjong. Also undertaking some preliminary scoping work across the District to try and recruit non-Union contractors that are within the District.
- **WA Alliance** – COVID-19 has had a large impact on the Union’s ability to work within WA. There have been a series of high-level consultations with Rio Tinto and BHP which led to the Unions securing some fairly major changes for our members.
- **Training Program Modularisation** – COVID-19 has limited the amount of training that can be delivered. The first round of the re-write of the training modules is complete, but there is still an amount of work to go. Hopefully conditions in 2021 improve and allow greater training to be completed.

Council **THANKED** Michael for his presentation.

*Central Council **RESOLVED** to **NOTE** the National Organising and Training report.*

Moved: Ricky Gale

Seconded: Grant Hedley

Communications Report

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

- **Protect Casual Miners Campaign** –good progress was made against the key objectives of pressuring key regional MP’s to oppose government efforts to legislate away our Skene win, raising awareness in regional communities, and engaging members in the campaign and ensuring blame rests with the Federal Government if the win is reversed. It is intended to put the campaign on pause to see what the Government proposes in terms of legislation regarding the definition of casuals. If legislation proposals are not satisfactory, we will develop a phase 2 plan.
- **BHP Operations Services** – a coordinated media and communications strategy is working to support the industrial strategy being undertaken by the legal team.
- **Common Cause** – the Common Cause email is continuing to perform well. A proposal to produce a 24 page “*Year in Review*” magazine with a collection of our best stories throughout the year was presented. This magazine is proposed to include a limited number of printed copies for distribution to Districts, RMAs or if specifically requested mailed to a Member.
- **Digital** – the sixth edition of the CFMEU Mining and Energy Podcast has been released. As of mid-November, we had nearly 7,000 streams which is pleasing as this was slightly above our target. The proposal is to continue with the podcasts on a modified basis.
- **Facebook** – continues to get good levels of engagement with 14,937 followers.

Councillors commented that the level of assistance provided was first class and came with a

high level of professionalism. **JW** made the point that we need to speak more for our industries and get the positive message about our achievements into the public domain. Lastly the idea of converting some of the books on our history to audio was proposed. **GK** advised to look at when MWT has a regular income source.

Council **THANKED** Jackie for her presentation.

Central Council RESOLVED to:

- a) **NOTE** the Communications report;
- b) **APPROVE** the “Year in Review Common Cause edition” at a cost of \$10k;
- c) **SUPPORT** the modified podcast series style and quarterly review process at \$6,500/month.

Moved: Peter Jordan

Seconded: Dan Hopkins

Finance, Administration and Compliance Reports

Mark Watson reported on several matters including:

- Comprehensive year to date finance update, including investments, income and expenditure in line with expectations and the impact that our ownership of a small part of the United Wambo Joint Venture will have on our audit and therefore our accounts.
- The proposed administration processes review continues, with further interaction with the District Secretaries to occur.
- A Compliance report and activities update.

Council **THANKED** Mark for his presentation.

Central Council RESOLVED to:

- a) **NOTE** the Finance and Administration report, including the decisions of the Central Executive;
- b) **NOTE** the Compliance Report.

Moved: Grant Hedley

Seconded: Peter Compton

Matters from the General Secretary

National Convention 2021

Convention planning is progressing well. Refunds from The Star Gold Coast have now been received and arrangements for the Hub based Convention as approved are well under way. A detailed report was provided to Council.

Central Council RESOLVED to:

- a) **NOTE** the Report;
- b) **APPROVE** the following matters in connection with the National Convention:
 - (i) The National Office will pay Delegates:
 - 1. Wages (\$410/day x 3 days); and
 - 2. Travel overnight allowance \$85/night x 2 days).

- (ii) *Travel to the State Hub will be at no cost to the National Office, other than flights in a few specific cases and with the approval of the General Secretary;*
- (iii) *Observer costs for NSW & Qld will be \$800/Observer (excluding wages and travel overnight allowance which is payable by the District/Lodge) for National Convention with payment expected when registration is confirmed by the National Office;*
- (iv) *Observer costs in other States will be based on the applicable costs for that venue; and*

c) **NOTE** *the sponsorship tailored packages arrangements.*

Moved: Graeme Osborne

Seconded: Jeff Pearce

Divisional Office Policy Reviews

The number of updated Divisional Office policies were presented to Council, which have been recommended by the Central Executive. The updates reflect contemporary practices, outline additional governance requirements as well as a process for review (at least once per term). The policies have been provided to Districts for their review and implementation, as necessary.

*Central Council **RESOLVED** to **NOTE** the report and **APPROVE** the Divisional Office Policies as presented:*

- a) Union Expenditure Policy;*
- b) Credit Card Policy;*
- c) Travel Policy;*
- d) Motor Vehicle Policy;*
- e) Cash and Investments Policy;*
- f) Staff Wellbeing Policy;*
- g) Gift and Hospitality Policy;*
- h) Privacy Policy;*

Moved: Mick Dobie

Seconded: Matt Reid

Other Central Executive Matters

In accordance with the Rules, the following is a list of the matters determined by the Central Executive since the last Central Council meeting and that are not included in other reports.

- | | |
|-----------------|---|
| ENDORSED | Actions taken in relation to COVID and AUTHORISED the General President and General Secretary to continue to make decisions in relation to Staff and the operation of the National Office. |
| NOTED | Report in relation to discussions with the AEC Returning Officer to ensure the M&E elections in Qld and Vic Districts were conducted to ensure the ongoing operation of the Districts. |
| AGREED | Support a joint statement of the CFMEU M&E, AWU and MCA in relation to COVID-19 pandemic. |
| APPROVED | Advertisements in regional newspapers that were set to close, namely the Barrier Daily Truth (Broken Hill) and the Mackay Mercury. |
| AGREED | To updates of the NAF Guidelines to remove time reference for National Convention. |

DONATE	\$25k with our global solidarity letter supporting members of the USW involved in an eight month protracted dispute and picket line with Grupo Mexico-Asarco.
SUPPORTED	The transfer of our sponsorship paid for the 2020 Labour Day family fun day to the 2021 Labour Day family fun day at the Ipswich Turf Club. This will be our last sponsorship of this event.
APPROVED	Signing of the Update WMWA MOU to cover BHP sites.
APPROVED	Lease terms for Level 9 to CFMEU Manufacturing Division.
ENDORSED	Additional \$20k for further development of Training modules.
ACCEPTED	General Election reports were provided by our National Returning Officer and the AEC Returning Officer, which declared the various successful candidates. The reports also highlighted no issues requiring immediate rectification, but did identify some areas for improvement.
ENDORSED	A donation to AustLII's fundraising appeal of \$22k in total over 2020 and 2021.
ENDORSE	Request from Queensland District for the National Office legal team to pick up any shortfalls in Rowan Anderson's legal work while participating in the Grosvenor Mine Investigation.
SUPPORTED	A cut-off date of 1 July 2020 for the amendments to applications in the WorkPac Class Action case.
SUPPORTED	Appointment of Legal Director our Alex Bukarica to critical role as Advisor to the Federal Government's IR Working Group reviewing casuals and fixed term arrangements.
APPROVED	Building upgrade of Nymboida House Fire Pump and Panel \$14k.
ENDORSED	Appointment of Tony Maher and Elisa Sarlos to various ACTU reference groups.
DELEGATE	General Secretary and CFO authorised to respond to Morgan Stanley requests for the Annual DMS review.
ENDORSED	M&E response to ROC correspondence in relation to their specific questions about a trip to USA in July 2015.
SUPPORTED	Several resolutions relating to the recruitment process and finalised of replacement Unite Organiser in Queensland, the secondment due to COVID of Adam Lain into Queensland and his replacement at WMWA and the decision to not appoint a Lead Organiser in Qld at this time.
APPROVED	Various decisions in relation to the National Convention.
APPROVED	Employment Agreements for National Office Staff, Unite Organising Staff and MW and MWE as provided and with a 2% annual increase.
ENDORSED	Engagement of ACTU Communications Staff to continue supporting our campaign projects after disbanding of the CFMMEU National Office.
AUTHORISED	Initial budget of \$200k for the <i>"Stand for Casuals – defending our Skene win"</i> .
APPROVED	Podcast episodes at cost of \$26k with suitable measures to ensure its value for money.

APPOINT	Melanie Mitchell as the M&E Privacy Officer.
APPROVED	M&E Division to pay our affiliation fees to the ACTU direct, given the Union was behind due to non-payment of capitation fees by some Divisions.
APPROVED	Fund the research project by Professor David Peetz into the way the use of Casuals has changed up to \$10k in ABS reports.
APPROVED	The updated Officer Disclosure form and the rollout across M&E Districts.
APPROVED	Sponsorship purchased for race day at the Clermont Races on 21 November 2020 at a cost of \$2,600 (GST inclusive).
APPROVED	Renewal of the 2020/21 McKell Institute membership of \$25,000.
AUTHORISED	Staff Service letters to be provided to all National Office staff and Unite team.

*Central Council **RESOLVED** to **NOTE** the report detailing the other decisions of the Central Executive that have been made but not otherwise reported to Central Council.*

Moved: Heath Timmins

Seconded: Matt Reid

Acceptance of Divisional Reports

*Central Council **RESOLVED** to **RECEIVE** and **ENDORSE** the Divisional Report presented on behalf of the General President (Tony Maher) and General Secretary (Grahame Kelly) and the Professional Staff.*

Moved: Peter Compton

Seconded: Graeme Osborne

DISTRICT REPORTS

South Western District

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

A summary of the report is as follows:

- Each part of the District has different challenges at present, with some areas doing well and others coming up against issues.
- The Southern region has seen a slight decrease in membership due to the restructure at Tahmoor, the downsizing of the Peabody Helensburgh mine, and the ongoing drama at South32 Appin mine.
- The Western region outlook is mixed with some operators struggling while others perform well.
- An update on the various EA negotiations around the District was provided to Council.
- The Unite Organising team is active in a both the Western and Southern regions to assess opportunities for recruitment.
- Concerningly there have been an increase in workplace injuries. The District has been in consultation with the Resource Regulators and raising a number of concerns.

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

*Moved: Peter Compton
Seconded: Mick Schofield*

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.

A summary of the report is as follows:

- Overview of the District membership and current trends.
- The District's Growth, Density, Recruitment and Capability training is continuing to be rolled out. This training is focussed on having Lodge and Delegates be more efficient and effective in recruitment and dealing with issues confronting Members.
- Lodge and Worksite Health Checks – these are a fundamental part of building our District's density at each site and also assist District Officials to identify areas of weakness or areas for improvement.
- Detailed updates on the various local and State bodies that the District has made contributions to on matters such as safety (where Glencore and the NSW Minerals Council are seeking to change the powers of District Check Inspectors), on jobs, and other events affecting the region.
- The District President has also taken up an appointment on the Liddell Closure Advisory Committee set up by Muswellbrook Council.
- Outlined the political challenges occurring in the District and broader afield, such as Joel Fitzgibbon's recent resignation from shadow cabinet and some other Unions and environmental groups attempting to speak for workers and opposing our Coal industry.
- A detailed update on the District safety matters was provided.
- A detailed update on the cases being run by the District's industrial and legal officers.

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

*Moved: Heath Timmins
Seconded: Mick Dobie*

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:

- 2020 continues to be a challenging year with COVID and the large number of FIFO workers in the Pilbara. Efforts are being made to increase Member engagement even in the difficult times.
- Just Transition – Synergy workers at the Muja Power Station have been given options to retrain or accept voluntary redundancy. No major projects to replace jobs in the coal/power industry have been announced by Government, although there are some in the planning stage.
- Premier Coal will have a 3 week shutdown in December as a result of reductions in coal usage forecasts by Synergy.
- EA negotiations for Griffin Coal EA commence on 9 December. Griffin is facing a number

of issues as they are likely to be unable to fulfil contractual arrangements in the short term because of a lack of uncovered coal.

- A number of other EA's within the District have been completed and implemented.

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

Moved: Jeff Pearce

Seconded: Stephen Smyth

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:

- District membership update, with a slight increase recently.
- Enterprise agreements outcomes across the District.
- Future opportunities with coal to hydrogen and coal to urea. The District continues to meet and maintain contact with a number of lobby groups to explore opportunities for transition for our Mining and Energy Members.
- An update on the tragic workplace death of Graeme Edwards. In a very disappointing set of circumstance, WorkSafe Victoria has decided not to prosecute Energy Australia over the death, however the matter has been referred to the DPP for review.

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

Moved: Grant Hedley

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:

- Membership overview.
- Railton continues to trade well despite COVID. A site visit was held recently as another Union has been actively trying to recruit CFMEU Members on site.
- Temco has now been sold which has secured the employment of its 250 – 300 workforce, which is a great outcome.
- Railton, Temco and Cornwall Coal all have EA's coming up in 2021.

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

Moved: Matt Reid

Seconded: Dan Hopkins

Queensland District Report

District President Stephen Smyth, ISHR Jason Hill and Queensland Central Councillors Grant Hedley, Jeff Pearce, and Heath Timmins provided the report to Council.

A summary of the report is as follows:

- Overview of the Queensland State Election results and election commitments. The District has met with the new Minister for Resources.

- Update on recent agreements made across the District.
- Workers Compensation update – MDLD Return to Work guidelines.
- District Legal Matters update with 113 cases opened since January 2020.
- Financial update with the 2020 results show a strong surplus of \$1.2m and a 7% increase in membership during the year.
- Safety update including COVID-19 responses, mine safety incidents such as the Grosvenor mine explosion, and coal mines lung dust disease cases.

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

Moved: Matt Reid

Seconded: Dan Hopkins

OTHER ENTITY BOARDS AND COMMITTEES

Grahame Kelly and Mark Watson reported on behalf of the following organisations.

National Assistance Fund (NAF)

The Directors of the NAF Trustee provided an update on the financial status of the Fund, the updating of the share register, along with the current activities including the Boggabri loan recovery activities.

*Central Council **RESOLVED** to **NOTE** the update on the National Assistance Fund*

Moved: Mick Dobie

Seconded: Ricky Gale

Mineworkers' Trust (MWT)

The MWT Trustees provided an update on the financial status of the Trust, including a planned review of the scope of the Trust and the processes involved in approving and paying donations in light of the approval of the United Wambo Joint Venture. The royalty payable to the MWT will commence once the first coal sales occurs.

*Central Council **RESOLVED** to **NOTE** the update on the Mineworkers Trust*

Moved: Heath Timmins

Seconded: Grant Hedley

GUESTS REPORTS

Coal LSL

Darlene Perks (CEO), Phillip Berner (COO), and Jennifer Short (CFMEU Director) attended the meeting.

Darlene presented to Central Council on matters affecting Coal LSL, including:

- The Fund's engagement activities, including the Employee Stakeholder Manager pilot program.
- An update on employee and employer statistics.
- The Fund continues to grow with approximately \$1.8b in funds under management.
- Additionally, the Central Executive advised that they had **ENDORSED** the **RE-APPOINT**

Jennifer Short to Coal LSL Board for another term following her current terms expiration in June 2021.

*Central Council **RESOLVED to THANK** our guests for their presentation and **SUPPORT** the decision of the Central Executive to re-appoint Jennifer Short to the Coal LSL Board.*

*Moved: Dan Hopkins
Seconded: Greg Busson*

Unity Bank

Danny Pavisic (CEO), Mark Watson and Grahame Kelly (Directors)

Danny presented to Council on matters affecting the bank, including:

- 2020 has been a difficult year with the bushfires and COVID. Approximately 12% of loans received COVID relief at the height of the pandemic. Most members have since reverted to making payments again. Whilst not an ideal situation it does show again the support that the Bank will continue provide to assistance to members in need.
- There has been a huge push to digital banking methods, which has resulted in a change to the way the Bank delivers services to members, which has seen some branches close or have their hours reduced. *Disappointment at the Lithgow branch closure was raised.*
- The bank has established a business banking division due to an increase in requests for this type of service.
- Regulation continues to increase which adds layers of costs to the bank.

*Central Council **RESOLVED to THANK** our guests for their presentation.*

*Moved: Stephen Smyth
Seconded: Mick Schofield*

Westfund Health Fund

Mark Genovese (CEO) and Graeme Osborne (Chair)

Mark outlined a number of key matters relating to Westfund Health Fund and these included:

- Background on the history of the Fund, which was started by coal miners.
- The business model and its connection and commitment to the members of the Mining & Energy Division of the CFMEU. Graeme Osborne is the current Chair of the Fund.
- Geographically Westfund has a great presence in regional mining communities, and continues to put a great deal of effort into servicing these areas.
- As a mutual, member-owned, not for profit health fund, Westfund shares the same values as the Union in benefiting members in everything they do.
- The Fund is hoping to undertake more member engagement with the COVID restrictions being lifted around the country.

*Central Council **RESOLVED to THANK** our guests for their presentation*

*Moved: Ricky Gale
Seconded: Matt Reid*

Mine Super

Harry Mitchell (CEO), Grahame Kelly (Chair), Tony Maher and Mark Watson (Member Directors)

Harry made a presentation to Council on a number of superannuation matters including:

- Performance improvements within the Fund.
- Regulatory headwinds the Fund is dealing with including a number of recent reforms announced in the 2020 Federal Budget.
- Merger with Maritime Super viability update.
- Future strategic improvements.

*Central Council **RESOLVED** to **THANK** our guests for their presentation.*

Moved: Mick Dobie

Seconded: Matt Reid

Mates in Mining and Energy

Suzanne Desailly (General Manager) and Grahame Kelly (M&E Steering Committee Member)

Suzanne made a presentation to Council on a number of items affecting MATES including:

- Overview of MATES operations, including a new funding model.
- Fundamentally the organisation is there to try and prevent suicide in the mining industry by building capacity within the workforce on the ethos of “*Mates looking out for Mates*”.
- COVID-19 has added another layer of challenges for the mining industry and workers.
- The organisation teaches workers how to respond to early signs of concern.
- Outlined that Shane Thompson and Glenn Power were going onto the Steering Committee to provide a closer connection with Lodges and Members and hopefully assist in the programs further rollout across the industry.

*Central Council **RESOLVED** to **THANK** our guests for their presentation and **SUPPORTED** the decision of the Central Executive to have Shane Thompson and Glenn Power become members of the MATES in Mining Steering Committee.*

Moved: Matt Reid

Seconded: Mick Schofield

GENERAL BUSINESS

Dan Hopkins raised the issue of mining companies sealing mines with large reserves being left behind and what may be possibly done about this to have them, such as legislation that:

- Requires them to put the mine on care and maintenance;
- Pay the government a royalty based on the amount of coal was left behind; or
- A requirement that they are forced to sell.

MEETING CLOSED

The Chair closed the meeting at 1pm, thanked Councillors for their input and participation, and wished them all a safe journey home and a good Christmas and New Year.