

MINUTES OF THE MEETINGS OF SPECIAL CONVENTION CENTRAL COUNCIL OF THE CFMEU MINING AND ENERGY DIVISION HELD IN NATIONAL CONVENTION HUBS (CESSNOCK, MACKAY AND PERTH) ON MONDAY 1ST MARCH AND WEDNESDAY 3RD MARCH 2021

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 in Mackay and ** attended meeting in Perth 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 (in attendance):

Courtney Masters	National Convention Coordinator (Monday only) *
Mark Watson	Chief Financial Officer
Alex Bukarica	National Legal Director
Jackie Woods	National Communications Director

MEETING OPENED

The Chair, Tony Maher welcomed everyone in the various Hubs at 10:06am, to this Special Central Council meeting. **TM** also outlined the proposed agenda.

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

Moved: Matt Reid

Seconded: Peter Compton

MEETING REQUIREMENTS

Notice, Attendance & Apologies, Declarations & Disclosures

The following declarations are specifically in relation to disclosure of Board fees (for those boards where fees are payable) and payments from related parties, if any. A table of material personal interests was also included in the papers.

Please Note – that no Officials or Staff receives any payment from related parties & 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

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, & attendance, including apologies and guests were **NOTED**.
- b) Disclosures of Interest as tabled, with them remaining 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) **AGREED** 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: Greg Busson

Seconded: Jeff Pearce

MATTERS RELATED TO THE NATIONAL CONVENTION

GK reported that the 2021 National Convention is very different to past events with a focus on only Mining & Energy matters, plus it is being held in separate Hubs, in NSW, Queensland and Western Australia and there is a global pandemic continuing to cause additional precautionary steps to be taken. Not to mention potential interference being inflicted on our event and at our worksites by other Divisions in the CFMMEU.

As a result, we have needed to change the way the event is structured as well as create additional safeguards in some of the more generic protocols that are used in running the National Convention and the reports tabled in the papers identify how these are proposed to be addressed. The following matters are **RECOMMENDED** by the Central Executive.

- **COVID Safety Plan** – was tabled

Central Council RESOLVED to APPROVE the COVID Safety Plan as tabled.

Moved: Sharon Smoothy

Seconded: Dan Hopkins

- **Standing Orders** – were explained and discussed, including that Central Council has a specific power to amend, rescind or alter them **[Rule 8(vi)(f)]**. The differences from previous Standing Orders were discussed. **TM** also outlined for Central Council how he would deal with interruptions in his capacity as Convention Chair, which Councillors **SUPPORTED**.

Central Council RESOLVED to APPROVE the Standing Orders as tabled and AUTHORISE the handout, if requested by a Delegate in writing in accordance with the same Standing Orders.

Moved: Stephen Smyth

Seconded: Heath Timmins

- **Agenda** – was provided on the Convention App for the various time zones.

Central Council RESOLVED to NOTE and SUPPORT the Convention Agenda as detailed on the Gopha App.

Moved: Ricky Gale

Seconded: Trevor Williams

- **Allocation of Votes** – it was proposed to use the 31 December 2020 District membership numbers to allocate the Voting Delegates to Convention (based on 100 votes, as previously endorsed by Central Council). The allocations are as follows:

Queensland	33	South West	16	Northern M&E	41
Victoria	4	Tasmania	1	Western Aust	5

Central Council RESOLVED to APPROVE the distribution of Voting Delegates as detailed in the table based on the membership numbers declared by Districts on 31 December 2020.

Moved: Dan Hopkins

Seconded: Greg Busson

- **Resolutions Committee** - is proposed to deal with matters debated at National Convention, to in part make the meeting more efficient, but to also allow debate by senior Officials from all Districts and reporting units within the Division between the various sessions and days to reach, if possible, consensus on the wording of any resolutions debated on the floor of Convention. the following persons are **RECOMMEND**:

Grahame Kelly	National Office	Glenn Power	Queensland District
Shane Thompson	Northern M&E District	Andy Davey	South West District
Greg Busson	Western Australian District	Trevor Williams	Victorian District
Ricky Gale	Tasmanian District		

*Central Council **RESOLVED** to **APPROVE** the nominations to the Resolutions Committee as detailed.*

Moved: Mick Dobie

Seconded: Dan Hopkins

- **Invitation only and Session 2** – it is proposed that National Convention be closed to the public and media and that Session 2 should be a closed session, such that only Delegates, M&E Union Staff (District and National) and the Manufacturing Delegation be able to attend and contribute, noting Manufacturing cannot contribute prior to the decision being made.

*Central Council **RESOLVED** to **APPROVE** the approach outlined that the National Convention be by invitation only (i.e. not open to the public or media), and including the approach **AGREED** for Session 2.*

Moved: Peter Compton

Seconded: Sharon Smoothy

- **Statement & Resolution for Session 2** – given the critical nature of Session 2 – Our Union’s Future – Decision on Withdrawal, it is proposed to have Central Council **ENDORSE** the Statement and Resolution that would be put to Convention for debate. A copy of the draft Statement and Resolution was tabled and discussed. It was **AGREED** that Grant Hedley (Mining Qld) and Peter Compton (Energy NSW) would move and second the resolution.

*Central Council **RESOLVED** to **ENDORSE** the draft Statement & Resolution be “put to Convention” in relation to Session 2 and **AUTHORISE** the handout in accordance with the Standing Orders.*

Moved: Grant Hedley

Seconded: Peter Compton

- **Communications Plan for Our Union’s Future and Generally** – **JW** provided an overview of our Communication Plans for “the Mining & Energy Project” and more generally for Convention.

*Central Council **RESOLVED** to **NOTE** and **APPROVE** the Communications Plans.*

Moved: Mick Dobie

Seconded: Grant Hedley

- **Process to Determine the Union’s New Name, if required** – this matter and potential name options were discussed with the outcome being that Central Council would put forward one (1) name and then open it to debate of Delegates and then make a decision.

*Central Council **RESOLVED** to **RECOMMEND** that the name of the New Union be the Mining and Energy Union.*

Moved: Peter Jordan

Seconded: Stephen Smyth

- **Protecting Our Members Jobs (a Policy Approach)** – the latest version of the policy paper was provided to Council and it was **RECOMMENDED** to seek the input and feedback of National Convention on its content and finalise a policy for the March 2021 Central Council meeting.

*Central Council **RESOLVED** to **RECOMMEND** the policy document to the National Convention for discussion, consideration and input.*

Moved: Mick Schofield

Seconded: Dan Hopkins

OTHER MATTERS

Appointment of National Returning Officer for Current Term

The Central Executive **RECOMMENDS** that that Central Council appoint Greg Betts as the National Returning Officer for this term. Council was advised that Greg has **CONFIRMED** his willingness to undertake the role again.

*Central Council **RESOLVED** to **NOTE** the recommendation by the Central Executive and **ENDORSE** that Mr Greg Betts be re-appointed as the National Returning Officer for another four (4) years commencing Monday 1 March 2021, and this meeting **CONFIRMS** that Mr Betts has, in the opinion of Central Council, the necessary skills, training and experience to understand his duties and obligations under the Rules.*

Moved: Trevor Williams

Seconded: Greg Busson

Update of preparatory work for Mining & Energy Project

A brief update on preparatory work was provided to the meeting.

Federal Court Update

A brief update was provided to Central Council by **TM** and **AB** and Councillors were able to ask questions and/or make comments.

ADJOURNMENT OF MEETING

the meeting was adjourned at 11:20am.

DAY 2: Wednesday 3 March 2021

MEETING RECOMMENCED

The Special Central Council meeting recommenced at 1:45pm at which time Central Council **NOTED** the absence of the General President due to personal circumstances and discussed appointing an acting Meeting Chair.

*Central Council **RESOLVES** to **APPOINT** Stephen Smyth to act as the meeting Chair in the absence of the General President due to personal circumstances.*

Moved: Jeff Pearce

Seconded: Dan Hopkins

Central Council **RESOLVED** to **APPROVE** a motion of Condolence for Tony Maher, the General President and his family on the untimely passing of his nephew, a coal miner who worked at the Tahmoor Mine.

Central Council wishes to pass on our condolences and those of the Delegates at 2021 National Convention, to Tony Maher and his family in these most difficult of circumstances. We wish you and your family the necessary strength to help each other and the wisdom to be able to cope and make sense of your loss.

Moved: Grant Hedley

Seconded: Trevor Williams

MATTERS AND RECOMMENDATIONS FROM THE NATIONAL CONVENTION

Details of the recommendations approved by National Convention tabled

The recommendations **ENDORSED** by National Convention in Session 2 and as provided and amended from those provided in the Resolutions Committee were tabled at Central Council. In relation to the **RECOMMENDATION** from Session 2 the Statement and Resolution are provided at **Appendix A**.

Recommendation #1 – Withdrawal from CFMMEU

Central Council considered this recommendation and **AGREED** to send the Statement and Resolution to Lodges as an Appendix to these minutes, but not request Lodges to put this to a Lodge vote, as the adoption of the recommendation by Central Council will result in a vote of all Rank & File Members. Consistent with the legal advice previously reported, Central Council is the determining authority for the making of the withdrawal application on behalf of the Division and is able to decide, which if any accepted recommendations from National Convention are sent to Lodges for Endorsement. However, copies of all accepted recommendations should be provided to Lodges.

Central Council **RESOLVES** to **ADOPT** the recommendation of National Convention for the Mining and Energy Division to withdraw from the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU).

Furthermore, Central Council **INSTRUCTS** the Central Executive to take all steps necessary, including the preparation of all necessary documents, for an application to the Fair Work Commission to withdraw the Mining and Energy Division from the CFMMEU, and to submit the draft application and other documents to the Central Council at its meeting on 24-25 March 2021 for its determination as to whether to make the application to the Fair Work Commission.

Moved: Grant Hedley

Seconded: Trevor Williams

Recommendations #2 – #9

Central Council discussed the following amended recommendations and whether to send them to Lodges for Endorsement in accordance with **Rule 8(iv)(f)** or not.

Central Council **RESOLVES** to **AUTHORISE** the amended recommendations #2 – #9 from National Convention to be sent to Lodges for their consideration and endorsement.

Moved: Grant Hedley

Seconded: Trevor Williams

RECOMMENDATION #2 PLANNING LAWS

*Having heard the District reports detailing some of the challenges and extended time periods faced by our industry and mining infrastructure generally in navigating the regulatory approval process in most States, this National Convention **CALLS ON** all State and the Federal Governments to urgently review these regulatory processes, so as to not unnecessarily restrict the growth of our industry, particularly where such applications are for extensions to existing mines, such as Dendrobuim mine. These mines and infrastructure projects are the driver of economic growth and prosperity in the regions, the States and the Nation.*

*National Convention also **DEMANDS** that State Government Minister take back the power to ultimately decide the approval or not of these projects, as they are the elected representatives of the people.*

*Moved: Heath Timmins
Seconded: Sharon Smoothy*

RECOMMENDATION #3 SAFE TO SPEAK

*National Convention **CALLS FOR** the urgent implementation of legislative change (in consultation with the Union) in the various State jurisdictions to create a mechanism for workers, particularly those in insecure and precarious working arrangements, to be able to confidently (and as appropriately, anonymously) speak out about safety and employment issues in their workplaces, without fear of reprisal or a threat to their ongoing employment.*

*National Convention **NOTES** the risks of not allowing workers to raise safety concerns without fear of reprisal results in catastrophic events such as the Grosvenor Mine explosion where five (5) mineworkers were seriously injured, and the mine has now been closed now for nine (9) months*

*All workers in our industries will be safer as a result and National Convention **URGES** Districts to also consider all options to empower those in insecure work to know that it is "Safe to Speak" to their Union and raise safety and employment concerns.*

*Moved: Matt Reid
Seconded: Grant Hedley*

RECOMMENDATION #4 THE NEW "CASUALISATION" RORT

*Having heard the reports of the Union's landmark victories in the Courts that we hope will bring to an end the 'permanent casual' rort used by employers, particularly our success in the 'WorkPac vs Skene' and 'WorkPac vs Rosatto' cases, National Convention **RESOLVES to CALL ON** all mining companies to employ their workforces directly and permanently and not continue to manipulate the current unfair workplace laws to create a new rort of 'maximum term or fixed term' contracts. These arrangements rob workers of their long-term security and often their redundancy entitlements.*

Where such arrangements are agreed they must be restricted in the employer's ability to roll them over and/or extend their term. In all cases workers should be entitled to convert these arrangements to permanent employment.

*Moved: Trevor Williams
Seconded: Jeff Pearce*

RECOMMENDATION #5 Work Health & Safety Law Enforcement

National Convention **NOTES** that aging mining and power generating assets are under increasing pressure of closure and face increasing difficulty in securing of long-term investment. National Convention **CALLS UPON** Federal and State Governments to take an active role in ensuring compliance with health and safety laws and regulations, including but not limited to supporting HSRs, adequately resourcing inspections and taking such remedial and enforcement action as necessary to ensure the safety of workers in our industries.

Moved: Peter Jordan
Seconded: Dan Hopkins

RECOMMENDATION #6 Support for Our Industry Partners

National Convention **THANKS** all of our sponsors and industry partners for their reports over the last few days and we **REMINDE** Lodges that a number of these organisations (namely, Mine Super, Unity Bank and Westfund) have dedicated staff who are willing and able to attend Lodge meetings to discuss their Member focussed approach and the ways they can assist Lodges and/or Members with their issues.

Moved: Mick Dobie
Seconded: Greg Busson

RECOMMENDATION #7 Support for MATES in Mining & Energy

National Convention **URGES** Lodges to receive reports on the growing incidents of suicide in our communities and workplaces, and we **ENCOURAGE** Lodges to participate in the MATES in Mining & Energy suicide prevention program and seek that their Employers also **SUPPORT** the implementation of the program at all Mine and Energy sites across the country.

Moved: Ricky Gale
Seconded: Sharon Smoothy

RECOMMENDATION #8 District & National Reports to Convention

National Convention **RESOLVES** to **NOTE** the reports from the Districts and National Office that, in the opinion of National Convention, only further **REINFORCES** our decision to be a standalone Union because our Districts are strong, they can continue to effectively represent our Members in their Districts and they have developed positive plans for the future.

Moved: Mick Schofield
Seconded: Peter Compton

RECOMMENDATION #9 M&E Union's Primary Function

National Convention **RECOGNISES** that Mining and Energy workers are proud of their history and the struggles they have fought and endured to achieve the high standards that ALL in our industries today enjoy.

Our Union **UNDERSTANDS** the great price that has been paid by Members and their families over the years in struggles to improve health and safety standards in the coal and other industries.

Our Districts are **ABSOLUTELY COMMITTED** to our Membership and their families. Our primary function is to protect the lives and advance the well-being of our Members at work and in their communities.

Moved: Peter Jordan
Seconded: Graeme Osborne

OTHER MATTERS

Federal Court Case Update was provided by **AB** and Central Councillors where provided with an opportunity to ask questions and/or make comment.

GENERAL BUSINESS

National Convention Central Councillors all spoke highly of the event and the assistance provided by the National Office and District Staff to make it a success.

*Central Council **RESOLVED** to pass a **VOTE OF THANKS** to the National Office and District Staff whose efforts made the National Convention a great success.*

Moved: Graeme Osborne

Seconded: Trevor Williams

Meeting Closed at 2:23pm

Appendix A

Statement and Resolution of the 2021 Mining and Energy Division National Convention, regarding the making of an Application for a Withdrawal Ballot by the Mining and Energy Division.

Statement

This National Convention is the biggest gathering of Representatives of Mining and Energy workers in Australia.

We come together every four (4) years to represent the views and interests of tens of thousands of our fellow Members working in the mines, power stations, coal ports of Australia.

We are a Union with a proud history and many achievements. Generations of Unionists who have come before us have left a precious legacy that we are determined to defend.

Our Union has no time for self-indulgence, or internal disputation. The challenges before us are simply too great.

We have no interest in the petty political fights happening in distant capital cities.

And we deplore and condemn those who would use the Union to settle personal vendettas.

That is why we need to focus on a path forward in the best long-term interests of Mining and Energy workers. We need to ensure that our Union is the best Union it can be.

The structure of the amalgamated Union once served us well, but that ceased to be the case some time ago. The ruthless use of raw numbers against the smaller Divisions; the disrespect and disregard shown to the views of Mining and Energy workers; and the public undermining of our former National Secretary to settle a personal score, is simply intolerable.

It is clear that there is no longer a place of equality and dignity for the Mining and Energy Division within the amalgamated Union.

Moreover, when we consider the case for staying in the amalgamated Union it is extremely weak. There is nothing of substance that the broader amalgamated Union can offer us.

Once it could offer serious political influence and a campaigning capacity that was used to benefit the position of all Australian workers, including Mining and Energy workers.

Now there is just macho posturing and chest beating. It is a sad observation, but the amalgamated Union has never been less respected. It has never been more isolated within the Union movement and broader community.

We are better off striking our own path. We have the resources, capacity and most importantly, the support of our Members to do so. We have the opportunity to grow our Union and cement its reputation as an organisation that puts the interests of its Members first and foremost, always.

Resolution

Given the context set out in the foregoing statement, and having heard the reports and discussion, this National Convention **RESOLVES** as follows:

1. We **RECOMMEND** to Central Council, in the strongest terms, that it resolve to take immediate steps to permit Members of the Mining and Energy Division to vote on whether the Division should leave the CFMMEU and form our own registered Union.
2. Further, Central Council should authorise and take all necessary steps to secure this withdrawal on the basis as far as possible that all the existing membership, assets, coverage and legal benefits that currently attach to the Mining and Energy Division go across to the new Union.
3. We urge the CFMMEU to respect the will of Members of the Mining and Energy Division. The CFMMEU should allow and not obstruct a democratic ballot of Members of the Mining and Energy Division as permitted by law. The CFMMEU should not waste its members money in legal tactics designed to frustrate the will of Mining and Energy workers.
4. Finally, Central Council should pursue the objective of an independent Mining and Energy Union despite any objection from the CFMMEU, or any other party. Central Council should be prepared to vary or amend its approach to achieve this end, without compromising on the objective of attaining an independent Union for Mining and Energy workers.

Moved Grant Hedley (Grasstree Lodge, Queensland District)

Seconded Peter Compton (Mt Piper Lodge, Northern Mining & NSW Energy District)

CARRIED UNANIMOUSLY