

BOARD OF MANAGEMENT MEETING

Monday 14th & Tuesday 15th December 2020

CFMEU



Mining & Energy South Western District

MEETING OPENED

The Chair, Graeme Osborne opened the meeting at 9:30am, welcomed all the Board of Management representatives to the meeting and gave an outline of the proposed agenda. Also informed the board in regard to the timing of the invited guest that have been arranged to join the meeting and present their reports.

*“The Board of Management **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”.*

CARRIED

PRESENT

Mr G. Osborne	South West District President (Chair)
Mr A. Davey	South West District Secretary
Mr R. Timbs	South West District Vice President (South)
Mr C. Carberry	South West District Vice President (West)
Mr G. Braes	South West District Vice President (Far West)
Mr S. Ockers	South West District Board Member
Mr M. Jenkins	South West District Board Member
Mr J. Sleiman	South West District Board Member
Mr P. Fyfe	South West District Board Member
Mr K. Witherspoon	South West District Board Member
Mr M. Dakers	South West District Board Member
Mr M. Gosek	South West District Board Member
Mr D. Hopkins	South West District Central Councillor

APOLOGIES	Mr D. Fuller	South West District Board Member
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IN ATTENDANCE AS GUESTS

Mr A. Maher	General President CFMEU Mining and Energy*
Mr G. Kelly	General Secretary CFMEU Mining and Energy*
Mr A. Bukarica	National Legal Director*
Mrs J. Woods	National Communications Director*
Mr S. Luck	Industry Safety and Health Representative (West)
Mr S. Barrett	Industry Safety and Health Representative (South)

*Present for part of the meeting only. A Maher, G Kelly, A Bukarica, J Woods

MATERIAL PERSONAL INTEREST, OFFICER DISCLOSURES AND CONFLICT OF INTEREST DECLARATIONS

Details of the latest material personal interests, as advised. 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) 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.

Graeme Osborne	Coal Services Pty Ltd (CSPL)	Director	\$80539.80
	Coal Mines Insurance Pty Ltd	Director	
	NSW Mines Rescue Pty Ltd	Director	

The Committee NOTED the declaration from:

- Mr Graeme Osborne is on the Board for Coal Services Pty Ltd, Coal Mines Insurance Pty Ltd and NSW Mines Rescue Pty Ltd
- Mr Joe Sleiman declared that he owns a caravan at Bushy Tail Caravan Park.
- Andy Davey is a member of the Coal Services Health and Safety Trust.

The Board of Management **RESOLVED** to **DECLARE** that:

- Proper notice for the meeting had been given, that a quorum was present in accordance with the Rules, and apologies were **NOTED**.
- Disclosures of Interest remain consistent with previously provided declarations and any made at the meeting are to be **NOTED** in the minutes;
- Any additions to the Gifts & Hospitality Register were **NOTED**; and
- Disclosure of Board Fees and payments from Related Parties made to the Union are as indicated in the table and **NOTED**; and
- 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.

“The Board **RESOLVED** to **DECLARE** that none of the above disclosures are of a nature which will warrant an Officer to absent himself or herself from the meeting unless noted otherwise”.

CARRIED

MINUTES, VOTING RETURNS AND CIRCULAR RESOLUTIONS

Previous Minutes and Voting Returns

The Board of Management **RESOLVED** that the minutes and voting returns of the previous BOM held on Thursday 2nd July 2020 were **PRESENTED** and **ACCEPTED** as true and correct accounts of those meetings.

CARRIED

SOUTH			
APPIN	4	0	Carried
DENDROBIUM	21	0	Carried
DENDROBIUM WASHERY	15	0	Carried
EXECUTIVE	6	0	Carried
HELENSBURGH	101	1	Carried
PKCT	10	0	Carried
RESCUE STATION			
TAHMOOR	39	0	Carried
TAHMOOR WASHERY			
WEST			
AIRLY	75	0	Carried
CLARENCE	151	0	Carried
MOOLARBEN U/G			
MOOLARBEN O/C			
RESCUE STATION	6	0	Carried
SPRINGVALE			
ULAN U/G	75	0	Carried
ULAN WEST			
WILPINJONG			
BROKEN HILL DISTRICT	31	0	Carried

The Voting Returns provided from Lodges were overwhelmingly in favour of the resolution.

The Board of Management **RESOLVED** to **NOTE** the Lodge Voting Returns.

CARRIED

Circular Resolutions

There were NO circular resolutions sent to Board of Management members during the period between July and December 2020 meetings.

GENERAL PRESIDENT REPORT

The General President Tony Maher gave a verbal update on the internal Disputes amongst the CFMEU and touched on the communications that have gone out to our members around the set up for demerger. How the Legislation had to be changed to allow the demerger.

Explained how the March 2021 National Convention will have the vote to indorse our future and set the path forward which will need to be voted and endorsed by the membership.

“The Board of Management **RESOLVED** to **RECEIVE & NOTE** the General President Tony Maher’s report and thanked him for the report”.

CARRIED

RESOLUTION:

“That this Board of Management acknowledge and congratulate the National Executive on the work that went into getting to the position we are seeking that being to have control of the future direction of the Mining and Energy Division and its members”

CARRIED UNANIMOUSLY

GENERAL SECRETARY REPORT

The National Secretary gave a verbal report on the following matters.

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.

It was also explained to the BOM reasoning of the draft document explaining “Comprehensive Scheme of Withdrawal from the CFMEU”. The reason why it is imperative that district secretaries have all their policies and financial in order. District need to gather all records of all assets, documentation supporting all buildings, cars, bank accounts, etc.

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.

“The Board of Management RESOLVED to RECEIVE and NOTE the General Secretary Grahame Kelly’s report and thanked him for the report”.

CARRIED

NATIONAL LEGAL DIRECTOR

- Legal overview of the demerger
- Omnibus Bill overview
- New definition of a casual
- Removes the “BOOT” for agreement for 2 years
- Casual definition rolls back Skeen and Rossato Case
- Working group for casual workers

Resolved: The Board of Management RESOLVED to RECEIVE and NOTE the report”.

CARRIED

NATIONAL COMMUNICATIONS DIRECTOR

- Casual Miner Campaign
- Common Cause
- BHP Operation Services campaign
- Overview of the communication platforms being utilised
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Resolved: Board of Management RESOLVED to RECEIVE and NOTE the report”.

CARRIED

DISTRICT PRESIDENT'S REPORT

A verbal report was provided on the internal CFMMEU challenges, which included:

- The resignation of the National Secretary, Michael O'Connor, 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.
- The future of the M&E Division, our involvement in CFMMEU forums and the lack of desire to remain in National CFMMEU roles.

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. In his role as National Secretary, Michael has represented our Union tirelessly. Michael has been a great supporter and strong advocate for mining and energy workers. 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 to Michael O'Connor

RESOLVED: "Board of Management 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".

CARRIED

Centennial Coal

The outlook for the end of the 2020 year is looking bleak at the moment. The financial position on top of a lack of budget tonnes has seen the company in a continued loss position for most of the year.

There are also strong indications that Energy Australia the owner of Mt Piper Power Station has dropped their required coal supply tonnes from Centennial from 3.5m down to 2.7m, starting in January 2021.

The district is constantly dealing with issues from lodge delegates and workers from the Centennial mines of the constant threat of restructure and job losses, so the workforce is trying to deal with the consistent flow of rumours and innuendo.

Unfortunately, during August, we experienced the passing of a member while working underground at the Springvale Mine. Following the investigation and coroner's report it was finalized as a result of the worker passing due to a medical experience.

Airly

This mine continues to outperform against its budget tonnes. On a number of occasions, the mini wall has been put on hold due to the workforce reaching production targets. The drawback for this operation is the transportation of the coal which make this mine marginal or operate at a small loss.

Angus Place

Currently still on a care and maintenance schedule, I have a concern with the future outlook for this operation. This mine when put on care and maintenance back in late 2014 it was promoted as the replacement mine for Springvale mine and the closure was a strategy as a continued supply of coal for the local Mt Piper Power Station.

Clarence

The mine has had a few incidents lately, had a number of members disciplined recently. The mines general workforce EA was voted up with minimal changes. It is in place for 3 years with a yearly 3% wage increase. Currently in negotiations with the company over the Deputies EA, timing is terrible and dealing with APESMA deputies and officials.

Springvale

The impact on the workforce at this mine is starting to become a concern, the impact from both financially and the reduction in tonnage to Energy Australia is a worrying position.

The only positive is that the mine seems to have recovered from their dramas with their geological drams that they experience recently. The mine and the workforce should be commended for their commitment to the mine as they are now producing some good tonnes from the mine.

ENTERPRISE AGREEMENT IN NEGOTIATIONS WITHIN THE DISTRICT

- Centennial Coal Deputies
- Falcon Mining, Mastermyne
- UGM
- CH4 Drilling
- Mastermyne
- Helensburgh EA negotiations are moving ahead slowly
- RStar Mining are seeking a variation
- Moolarben U/G
- Ulan No 3
- Minova

CURRENT DISPUTES WITHIN THE DISTRICT

- Peabody multiple unfair dismissal claims have been heard in the FWC.
- WorkPac/Pimm's unfair dismissal claims, with further witnesses to be called.
- UGM underpayment claims at S32 are underway
- Mastermyne redundancy issues are currently under review by the National legal team

Resolved: "This Board of Management resolved to receive and note the District President report".

CARRIED

UNITE RECRUITING SERVICES REPORT

In summery things have been busy with several EA talks ongoing at a few sites, this has seen as a major benefit as there are several matters to organise around. This give the opportunity to use as organising tools but moving forward there is still a lot of hard work to be undertaken on setting up a series of targeted campaign on the sites with high numbers of non-union permanent workers.

Unite Mapping Report of SW District

Western Region - 283

- **Wilpinjong**
Current Density 54%
Lodge in place
Target 164 made up of 119 Unknowns & 45 Neutrals

- **Ulan West**
Current Density 46%
No lodge in Place
Target 80 made up of 62 Unknowns & 18 Neutrals
- **Moolarben Underground**
Current Density 71%
No lodge in Place
Target 39 made up of 34 Unknowns & 5 Neutrals

Southern Region - 262

- **RStar Mining**
Current Density 37%
No Lodge in Place – employment precarious
Mapping data POOR (no manning lists secured, possible contract changes etc.)
Target up to 170 Unknowns (no current Ratings)
- **NEXUS**
Current Density 44%
No Lodge in Place – employment precarious operating various collieries
Mapping data POOR (no manning lists secured, possible contract changes etc.)
Target up to 92 Unknowns (no current Ratings)

Resolved: “This Board of Management resolved to receive and note the report”.

CARRIED

DISTRICT SECRETARY REPORT

- Membership Numbers
- Financial report (profit loss)
- Credit Card Policy (review)
- Cash & Investments Policy (review)
- Motor Vehicle Policy (review)
- 2016 Bushy Tail Business Plan (review)
- Caravan Park report

Joe Sleiman was asked to leave the room before any discussions around Bushy Tail

RESOLUTION:

That this Board of Management agrees to remove Liabilities at Bushy Tail Caravan Park and follow the process in our rules to acquire quotes to replace/repair these issues
Sending out Circular Resolution to Executives to except the best quote

CARRIED UNANIMOUSLY

RESOLUTION:

That this Board of Management agrees review the Credit Card, Cash & Investment and Motor Vehicle Policies to be acknowledged via Circular Resolution end of January 2021

CARRIED UNANIMOUSLY

Resolved: “This Board of Management resolved to receive and note the District Secretary’s report”.

CARRIED

VICE PRESIDENTS REPORT – SOUTH

- Helensburgh shut down for 2 months
- CH4 EA talks (brownfield)
- CH4 underpayments
- Mastermyne EA talks (District EA)
- UGM update
- WorkPac update
- Tahmoor South Project
- Russell Vale Approval (cutting to start May)
- Wongawilli (modification to existing plan, Secured Avon & Avondale Lease)
- Hume Coal (10 years on \$200million spent)

Resolved: “This Board of Management resolved to receive and note the report”

CARRIED

VICE PRESIDENT REPORT - WEST

Ulan West

The strategy to uses right of entries to access to our members has proved beneficial with the company now allowing to access the membership on their training days during the crib break on the surface.

We have a dispute on the go that the mine at the moment dealing with 10hr break between shifts and this site will be another focus point of our campaign. Density sits at 45%.

Ulan U/G No 3

Will start EA negotiations before the end of November

Moolarben U/G

Have continued to carry out carried out a stack of right of entries underground. The district has started bargaining with a very short first meeting outlining bargaining protocols. The workforce is now 71% unionised and continuing to grow, we don't have a lodge ready yet, but we are still working on it with members a bit fearful of getting a target on their backs but with some encouragement and working through their reservations we will get there.

Moolarben CHPP

Have undertaken a few more right of entries to show support and congratulate the crews on forming their lodge. Moolarben CHPP is cruising along with no major issues and being a newly formed lodge, they have a good handle on their job, currently sitting at a union density of 78%.

Wilpinjong

Wilpinjong EA is still on going with the company about to put a document out to vote, we believe the workforce will vote the offer down. The offer of 2% per year x 3 years and a number of beneficial changes for the members. Membership has grown slightly but this site will be a major focus of our campaign moving forward. Currently we have a concentration of 55%.

Moolarben O/C

The opencut has settled down since signing their EA and everyone seems to be enjoying getting sick leave paid as if worked now with company complaining about absenteeism. Still got some work to do with setting up the lodge structure. Current density sits at 76%.

Resolved: “This Board of Management resolved to receive and note the report”.

CARRIED

VICE PRESIDENTS REPORT - FAR WEST

Perilya

Still progressing with the push for the Northern operations underground decline it's down to around the 20 level needs to get down to the 36 level. Some ore is being mined as they go down which helps with the cost also some issues with power upgrades as well as ventilation problems. The operation is still looking pretty good as this is the future for Perilya mines can push the mine life out to the 2030's.

EBA Talks start early 2021, Northern Operations Portal Decline down to the 21 level needs to get to the 36 level. Some ore being mined as they go down this helps with cost. Some issues with Ventilation and power upgrades. Southern Operations finding it harder because of all remnant mining now also grades are a concern.

Being holding meetings on site over upcoming EA as well as trouble with employees not working to site produces and policy's also working towards new membership.

We have a member with the support of Adam Walkaden in conciliation with Fair Work over being forced to use A / Leave because of Covid-19. Conciliation session held will be going to hearing next year.

Essential Water

- Membership stable
- EBA talks to start in 2021
- Holding meetings over EA

Essential Energy

- Membership stable
- EBA talks to start in 2021
- Holding meetings over EA

Cavpower

- Membership stable
- EBA talks to start in 2021
- Holding meetings over EA

Other Matters

- Broken Hill Cobalt Blue Project
- Jobs in the area
- Life of the mine

CBH Rasp Mine

Since the restructure and the loss of 80 jobs the mine is slowly getting back on track. Been holding several mine site meetings with members over upcoming EBA as well as using these site visit as a recruitment process to work towards possible new membership.

Upcoming EA'S 2021

- Perilya
- Essential Energy
- Essential Water
- Cavpower

Resolved: “This Board of Management resolved to receive and note the report”.

CARRIED

MINES SUPER UPDATE

Damien Keating gave a verbal overview of year in review

Resolved: “This Board of Management resolved to receive and note the report”.

CARRIED

CENTRAL COUNCIL REPORT

Daniel Hopkins Central Councillor complemented the National reports and tabled the folder from the recent Central Council meeting.

Resolved: “This Board of Management resolves to receive and note the report”.

CARRIED

SAFETY REPORT SOUTHERN REGION

For the calendar year to date there have been 353 incident notification to the Regulator and ISHR for the southern region.

Legislation

The WHS mines and petroleum sites legislation review has been completed and has been tabled in Parliament. It is my understanding that there will be further consultation early next year followed by amendments to the legislation.

Mental Health

The office is still being contacted over mental health stress related illness due to the workplace. It is strongly recommended that when seeking medical help that a safe work certificate is issued if the illness is due to the workplace.

Covid-19

With the easing of COVID restrictions by the state government mine sites are reviewing their procedures and relaxing several of the controls that were established.

Tasmania

We have been assisting Tasmania and Ricky Gale with the ongoing issues they face at the Blackwood and Railton sites.

Geotechnical Engineers from NSW were recently at Blackwood and have conducted an assessment and provided recommendations. Since their visit there have been several other strata issues arise. WE have a good working relationship with the Tasmanian Regulator and will continue to assist where possible to improve mine safety.

Dust exceedance

There has been an increase in exceedances, many of these are contributed to the lowering of the national exposure limits. However, of concern is the exceedance in respirable quartz. Mines should assess the risk when mining conditions change.

Safety Investigation.

Many workers are being investigated for safety breaches with the outcomes being members placed on final warnings and dismissed. Any failing of a control measure requires a review of the control and the PCBU must consult with workers and safety representatives. South32 appear to have difficulty in conducting investigation with the aim in providing a safer workplace. It is the intention going into 2021 to assist them with the consultation arrangements and safety investigations.

Resolved: “This Board of Management resolves to receive and adopt the ISHR report”.

CARRIED

SAFETY REPORT WESTERN REGION

Calendar year to date there have been 328 notifications to the Department and ISHR, and 72 Department notices issued.

COVID-19

Some sites are currently reviewing their COVID-19 procedures.

General

Inspections across all sites has been positive, standards regarding safety initiatives put forward to the working groups by some mines has been well received and feedback from the workforce has been good. Inspections have been focused on contract workers risk management and hazard identification of their work areas.

Some mines, conditions underground appear to be dictating standards and these standards are being accepted as normal. An increase in worker injuries. Hand, finger injuries prevalent.

Stakeholder meeting Resource Regulator

A number of topics were discussed and issues raised.

Standing Dust Committee

Dust exceedances 16, the new exposure standards have been put in place from the 1st July 2020. Mines and Petroleum sites will need to report exceedances of the new exposure standard to the Resource Regulator. Assessment and investigation of the control measures adopted regarding the exceedance will determine the actions taken by the Resource Regulator.

Moolarben Mines Rescue Working Group

Workshop to co-design the future state of the Mines Rescue operating model.

Resolved: “This Board of Management resolves to receive and adopt ISHR report”.

CARRIED

GENERAL BUSINESS

- Asked for a review on the district mortality amount paid to Beneficiary’s
- 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:

MEETING CLOSED

The Chair closed the meeting, thanked all BOM members and guests for their input and participation, and wished everybody a safe journey home and a good Christmas and New Year.

Board of Management**BOM July 2020****Voting Returns**

Name of Lodge

Name of Secretary

Signature of Secretary

Lodge Seal

Present at Meeting

Full Members

Other members

Total Members Present at Meeting

Resolution – AGM July 2020 Minutes	For	Against
Adoption of the 2020 South Western Board of Management December Minutes		

The voting by your lodge **must** be on this form and be sent to Southern District Office with your Lodge Seal, to admin@umw.com.au

ON or BEFORE FRIDAY 5th MARCH 2021