

Appeal to Reason

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MUA 2011 Elections "An Undemocratic Farce", say candidates

By Bob Carnegie

The recently concluded MUA elections were undemocratic. They were designed and orchestrated to make sure that the incumbents won and that candidates espousing democratic ideals and a new way forward for the union were unsuccessful. The incumbent leadership was mostly successful in this, except in the position of Assistant Secretary in Queensland, where the incumbent official was defeated convincingly.

Candidates such as myself, Jeff Hoy in Melbourne, Les Raywood, Buster Russell, Sean Ambrose and Vin Francis in Sydney, all experienced major problems with how the election was contested, how it was run, the impartiality of the returning officer and the quite likely interference in the election process by senior officials.

Vin Francis has written an article providing a good understanding of the issue many candidates had in trying to publish a paltry 100-word statement in the MWJ election issue. Whilst all candidates were affected - as opposed to the current office holders - no candidate was more affected by the unfair decision not to publish on time than comrade Buster Russell, as he was standing against a long-term federal incumbent, Mick Doleman. Not publishing in the MWJ during the election drove a stake through the heart of Buster's campaign.

In my own case, although I did a complete Queensland mail-out and hand-wrote 1800 addresses over three days with a couple of my friends, some of my mail came back "return to sender". If as a minimum I had had my candidate's position statement in the journal available to all members on the MUA via the journal, my candidacy would have been known in advance to all current members.

This sounds like a small point, but this is a major deal when you are defeated by two votes. I needed to get all my mail through, not have it bounce from some outdated addresses on some outdated electoral roll provided to me by the Sydney office. It is my strong belief that I was robbed of being elected as the Queensland branch secretary, in which I was supposedly beaten by two votes. 506 to 504 was the final tally. And that was with one hand tied behind my back.

Breaches of the Fair Work Act

The MUA elections are supposed to be run under the rules of the union. The rules of the union are registered with Fair Work Australia. The conduct of the election must not breach the FWA Act. It is my

contention that the Fair Work Australia Act was breached by several MUA officials in their desperate bid to hold on to power.

Section 190 of the Fair Work Act (FWA) makes it unlawful for any candidate to use the resources of the union to assist in their campaign. During the 2011 election, incumbent candidates (officials) continually used union time in running their campaigns. What an honest and fair dinkum incumbent candidate is supposed to do when challenged is to take leave to contest his position, not parade around the country like a wannabe big shot lagging the opposition whilst still being paid on the union meter.

Keep in mind that the opposition candidates had to be on leave, take unpaid time off from their jobs or just keep working and campaign outside work hours to get their voice heard. Not so the officials. All laid out on a silver platter for them.

All through this campaign, MUA officials flouted this important section of the Act. They used members' money (your money) to run around each state to conduct their own personal campaigns. Why did no official take annual leave as other union officials do to conduct their campaigns? Opposition candidates, including my own, had to pay out of their own pockets and run things on an oily rag. It's unfair to use the massive resources of the union to prop up the half-witted international playboys, stumbling out of the "invitation-only" Qantas Chairman's lounge! It's also unlawful and disrespectful to the entire membership.

Members voting in Branches where they are not eligible

MUA rule 7 outlines in what branch a member should vote. Fundamentally it is based on locality, that is you vote and are a member of a branch based on where you live. I was aghast when I studied the Queensland roll and discovered that 84 members of the branch did not live in Queensland. I can understand that there are about 10 wharfies who live around Tweed Heads and commute to Brisbane and under the rules they are entitled to be in the Branch.

But if someone who is in the towage industry lives in, say, Victoria, how in the world can he be a member of the Queensland branch? In fact there are members of the branch living in every Australian state who are supposedly members of the Queensland branch. In my opinion it is disgracefully inept of the administration of the union that these members were not allocated to their correct branch and the electoral roll of membership was not a true reflection of the branch membership.

It was a shock to me when I saw members living in Western Australia, South Australia, Tasmania and



Victoria voting in a Queensland election. I was waiting for someone to show up from the Toowong Cemetery and (obviously) vote for the incumbent branch secretary! When I spoke to the Returning Officer about this obvious breach of the rules, I would have got more sense talking to a brick wall.

The Role of the Returning Officer

The Returning Officer should be a fiercely independent position. In my opinion the current returning officer does not and did not conduct the elections as a clearly independent person. The RO can not be impartial in the current MUA set-up as he is both appointed by the National Council, who are of course sitting union officials. He oversees any appeals about the election process, including complaints against himself. Effectively, he acts as judge, jury and executioner. Or should I say the National Council's judge, jury and executioner

A person who will carry out the will of the National Council is making sure the National Council stays as is. It would not be in the interests of the National Council to appoint a free thinking, critically minded member to the position of the Returning Officer, so they will always make sure it is a compliant individual. A critically minded Returning Officer might start digging up the skeletons of elections past. And of course we could not have that.

In my discussions with the Returning Officer I got the distinct impression I was dealing with a person who was very protective of current officials, lacked a basic understanding of the relevance sections of the FWA and who only had a very tenuous grip on the importance of the democratic process.

As an example, during the election count - held in the National Office board room incidentally - the national office staff were openly barracking for all present incumbents. It shows bias that the Returning Officer (RO) did not intervene and was entirely mute. It took one of my scrutineers to protest against this behaviour before it was stopped.

Further, the ballot papers were not returned to a secure, off-site location at the conclusion of each day's count. Votes were simply stored in a locked cupboard of the RO's office in the National Office. This is not how an election is supposed to be run. At least in Queensland, it's remarkable how there is a supposed "last minute seafarers' surge" of votes on the last day of every count for the past 16 years, always to Mick Carr in the Queensland vote.

An interesting aside is that the Returning Officer was 68 years of age, but under rule 45j the once you have reached the age of 65 you can not stand for office. This rule is one of many in our rule book that if challenged would be ordered to be removed or rewritten as it clearly breaches the Anti-Discrimination Act.

The Moral Dimension

For myself and other candidates the most important issue in the election was the democratic process. For the incumbent it was all about holding onto their positions and the trappings of power which go along with it.

It was simply disgraceful at the Sydney May Day march to witness a senior national office abuse a

good dedicated working class activist in Sean Ambrose. Buster Russell and Vin Francis should be permanently in oil skins such is the amount of shit that has been heaped on them all emanating from the offices of Sussex Street. Comrade Jeff Hoy, a militant Melbourne delegate of 20-plus years, all of a sudden becomes a "splitter". Classic Stalinist shit talk. Les Raywood is called "loco".

As for me, the Queensland branch hierarchy did their best in trying to destroy my reputation. They ran a negative campaign and set the most loud mouth lackeys on the attack. The one thing that was true was that - as ever - there are still quite a few "poison tongues" in our outfit. It's disappointing that some people still listen to them.

It's interesting that some of those spreading the vilest lies were people I had helped and for whom I have gone the extra mile when I was either a paid or unpaid worker's representative. This type of mentality is sadly not just a disease of the MUA. It was the same mentality of many Germans during the Nazi era. Some gleefully involved themselves in informing on their Jewish neighbours so they might get their flat or their possessions. In Stalin's Russia workmates would inform on a worker they did not like just to take his or her job in a time of scarcity. In our case it is simply that these spineless members do it to curry favour with the powers that be.

It might mean a "good" job or an overseas booze trip on the next delegation. It does not cost thirty pieces of silver any more to sell your soul. It's much cheaper than that during the MUA elections!

Despite all the negative campaigning myself and other comrades mentioned kept pushing a proper political line of a better future for our union.

The Cure

These are only a few of many irregularities which occurred during the MUA elections. I am just a working class person without vast resources to take on those in well-resourced positions of power for 20-plus years. Despite that, I and my support base have been able to achieve almost 50% of the vote in an unfair election - doesn't that make you wonder what we could have achieved if these elections had been run fairly and we had a fraction of their misused resources?

For the MUA elections in the future to have any semblance of fairness they must, as nearly every other union has, be handed over to the Australian Electoral Commission to be run on an impartial basis. The AEC is a statutory, independent body not answerable to any government of the day. The AEC will run our elections for no cost also, saving the union \$200K every four years.

The AEC runs our strike ballots for protected action and I think members have seen they are effective at what they do. What we now must do is keep fighting. We also must make sure that this is the last election run by the MUA hierarchy. Like virtually every other union in the country, we need to have our elections run for no cost and, most importantly, impartially by the AEC.

The struggle for a truly democratic union will go on and those of us who care deeply about the soul of our union and we will keep fighting and arguing that our union can do much, much better.

In response to Paddy Crumlin

By Vin Francis

In response to Paddy Crumlin's editorial and the RTO's report in the journal regarding the election.

Our comrade points to the conduct of the election in a matter that is conducive to building unity and not undermining it. With respect and maturity being the key elements to that differentiation.

He also cites the injudicious use of Facebook and other social sites to air grievances.

Paddy also states that our election is under the scrutiny and regulation of the Australian Electoral Commission.

To my knowledge every candidate that protested, sought advice from the AEC. Each candidate was advised by the AEC that they could not interfere as the, "MUA had control of their own election". The AEC advised each candidate to seek legal advice.

From the first complaint/protest to the returning officer by the candidates, it was more than obvious that the election was farcical and undemocratically run.

While candidates still went through the system, knowing that any protest would be dismissed out of hand, the candidates decided to let the rank and file know what obstacles they had been confronted with.

The candidates vented their grievances in an open and unbiased media.

The returning officer lost any credibility of independence or fairness, as he was the sole judge and jury of any complaint made from the candidates.

(The vast majority of people, excepting cave dwellers, cretins or troglodytes would expect a totally independent officer.)

The RTO in his report, states that it was evident that many candidates were not familiar with the MUA Rules.

There is a 2011 rulebook printed, and when asked for at the office in NSW more than one candidate was informed that it had not yet been printed.

Yet, on further enquiries, the Queensland office gave one to the candidates that ran in the Queensland Election. (NSW is the home of the National Office, yet it does not have the latest copy of the rules!)

It also states in the 2006 MUA Rule book that if a candidate turns 65 by the end of July on the year that the election is held, he will be ineligible.

That rule would not even make it to the children's court if challenged, let alone the Federal Court!

The returning officer is well in excess of 65: should have he been in charge of the election?

Not one candidate questioned that on the grounds of common sense

(sadly lacking in this election). There is no mandatory retiring age within Australian law, yet our union denies a person of 65 to run for office.

The law they did question was the hard copy of the members' roll available to candidates. It was obtained, and address labels printed out, at a cost of \$2000.00 from the hard copy, in comparison to \$150.00 quoted to an electronic copy, if it had been obtained.

In this day and age, like the retiring age, this is indefensible. An electronic copy should have been made available to all candidates on request.

Yet, once again the RTO cited the rules and privacy of the members as the reason that an electronic copy was not available to candidates. In the name of common sense, where or what is the difference on privacy? The short amount of time candidates had to send out their election material. i.e. four days.

It is a nonsensical argument that shows bias, totally lacks judgement, fairness and above all common sense.

During the election on a protest to the national secretary, the state secretary and the returning officer, both secretaries answered, "The election was totally in the control of the returning officer, it has nothing to do with me".

My complaint to the national secretary Paddy Crumlin was the cancellation of the journal.

His answer, "I cancelled the journal, there are around six thousand members that have e-mails, that equates to about one in two members, so there was really no disadvantage to anyone".

Anyway, at election time there is always a shit fight! I have nothing to do with it and leave it to the returning officer to run the elections.

Questions that arise from these points.

Paddy has cancelled the journal; he has nothing to do with the elections.

Why did you cancel the journal comrade?

The returning officer is not responsible for the publication of the journal. Rather the NRO's responsibility is to make a written contribution to the journal that informs membership of candidates and the positions they are contesting and which includes photos and statements of the candidates?

(This statement was in reply to one of my protests from the returning officer. Dated 15/7/11)

The NRO states the web site. I remind him that one in two members have e-mail, therefore the other 50% are unlikely to be connected to the Internet, or have that access on their mobile phones.

The 100 word statement was sent six days after the ballot, with some members not receiving their copy until a week before the election finished.

The NRO's excuses are incompetent or limp at the best. (Especially when in the journal announcing the upcoming election he gave a time line for statements and photos of candidates to be entered into the journal, or they would miss the opportunity to put their views to the rank and file.)

Did the NRO pursue who cancelled the journal and why?

Did he not think it unusual, being an "experienced" officer?

Did he not think that it might put the candidates at a disadvantage, not wait until the votes came in and make a decision?

If not? Why not?

Was it an oversight? Incompetence? Some unknown reason?

Unfortunately the person or "persons" who ran the election gave the impression that it is an offence to stand against any union official, especially a federal one.

Not encouraging in any way members of the rank and file to stand for office. A move that would certainly build unity; show that the MUA is a fair and

democratic union.

Not the bureaucracy it has become with the self-serving attitude of some officials, that has prevailed over the last 10+ years.

With the many unprecedented and irregular occurrences before, during and after. Please check the percentages in NSW that show 17+% for candidates. That shows less than the 20% for a protest vote. In actual fact, they should have been 34% regardless of the margins in count, similarly in Vic.

The opinion being the election was farcical, undemocratic and considered only the incumbents.

For the betterment and democratisation of the MUA.

Greece: down with the bankers' government

By Theodora Polenta

On 10 November, Greece's two main parliamentary parties, Pasok (roughly similar to Labour) and ND (equivalent of the Tories), agreed after marathon negotiations to appoint Lucas Papademos as prime minister.

LAOS, the ultra-right populist party, and DHSY, a split from ND, enthusiastically supported him. The Green Party and DHMAR (a centre-left split from the Eurocommunists) discreetly supported him.

All the above parties form a "black coalition" to meet the demands of the EU-ECB-IMF Troika, the financial speculators, and the asset strippers, and make the majority of the Greek population pay for the crisis.

The fact that the new prime minister is a former central banker who has never been elected to anything is cited by all media pundits as an advantage. He is not electorally responsive to the people, so he cannot break any electoral promises. On the contrary, he is appointed to keep the promises to the Troika.

The workers' movement cannot afford to restrict itself to lukewarm actions or to place itself to a defensive waiting state. It is imperative to organise general meetings, coordinate the struggle of different sections of the workers' movement, link with the community movement, and occupy every public sector organisation that threatens to place even one worker in "reserve" and every private company that makes even one worker redundant.

It is the duty of the revolutionary left to speed up the process by not only participating and observing the struggles but organising and being the vanguard.

The hell that the working people of Greece are currently experiencing is due to the rotten, decaying, and disastrous capitalist system.

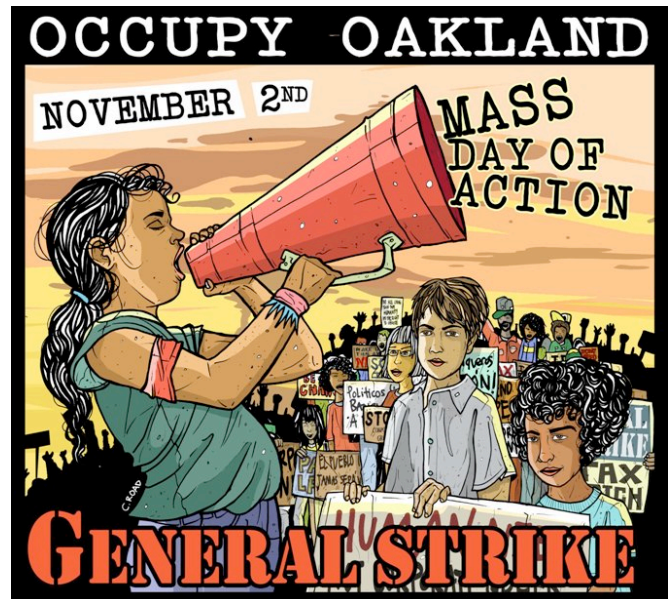
That is why the slogan of exit from the eurozone and the European Union cannot offer an exit from the crisis as long as the capitalist system remains intact.

Greek workers should aim at a continuous general strike alongside the poor peasants, the ruined small shop-owners, the pensioners, the unemployed, the school and university students and the neighbourhood community movements who are resisting the degradation of services and quality of life in their communities. It is important for the workers to form,

in every workplace, workers' committees to organise and direct their struggle from below. It is important for the rank and file movement to be in control of their struggles.

A central organ that supports, organises, coordinates and promotes committees of self-defence for every struggle should be formed.

The solution lies in the power of workers' struggles. As the struggles evolve and escalate the workers are looking for solutions, to defend their lives and rights, outside the "whole system" and its laws and structures.



California wharfies strike in solidarity with "Occupy" movement

By Isaac Steiner

On 2 November, tens of thousands of people responded to a call for a "general strike" from the General Assembly of Occupy Oakland in California, one of the hundreds of "Occupy" movements which have emerged across the world in solidarity with "Occupy Wall Street".

Tens of thousands of protesters marched on the city's port, forming flying pickets which were respected by members of the International Longshore Workers' Union (ILWU), some using a contractual loophole that allows them to refuse to cross picket lines and others using health and safety loopholes to refuse to work.

By 5pm on the day, the Port of Oakland, the fifth largest port in the USA, was shut down completely, after demonstrators entered the port.

The general strike and national solidarity actions, built in under a week and with the severe deficit of practical knowledge in the tactic that's to be expected after a drought of over sixty years, has to be judged a success.

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