

Appeal to Reason

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Two important issues for MUA members to consider

This fourth issue of *Appeal to Reason* is being finalised on the day of the MUA's quadrennial conference (26/2/2012), which should be the supreme policy-making body of the Maritime Union of Australia. I say 'should', as the delegates to the conference have the power to halt the seemingly endless bureaucratisation of the union or to allow the leadership to continue on its current course in which such fundamentals as free and fair elections are not treated with any of the seriousness that they deserve.

As delegates contemplate their positions on many of the issues, we at *Appeal to Reason* ask all members to consider just a few important issues.

Firstly, the MUA elections for officials and branch committees should be handed to a statutory independent authority in the Australian Electoral Commission (AEC) to run our future elections. As most would know, I and many other members consider the recent MUA elections a shambles, run by a returning officer who was anything but independent and whose closeness to the current union made him look like a conjoined twin rather than an officer whose most important attribute must be independence.

It is only by having the AEC independently run our elections that we can guarantee an honest and fair result for all those who participate. Currently the system where sitting officials elect the returning officer who will run the elections is totally and utterly contemptuous of the democratic process. A sensible working class solution to this problem in lieu of having a fully democratic and combative union is to have elections processed by the AEC.

Here's another example of the web of problems created by unions running their own election processes. I have included in this issue a two-page letter concerning the running of a recent CFMEU Mining Division election [see pages 4 and 5 below]. Like us, the miners are one of the few unions that

still run their own elections without the assistance of the AEC. As comrades read this material they will see that the election had to be cancelled because of many irregularities. This simply sells union members short. Many of the points raised by legal counsel are similar to the ones oppositional candidates raised during the recent MUA elections.

The necessity in regularly changing auditors

MUA members pay some of the highest union dues in the country. In fact, the average MUA member pays at least \$500 a year more than a high-earning consultant medical specialist pays in his or her dues to the Australian Medical Association! I have no beef in paying high dues; however what do we get for that exorbitant cost? If we are to have high dues, this should come with the highest levels of financial probity and it is in this area the MUA leadership is failing the membership.

My old Dad (Len) often told the story of a discussion he had with the legendary Victorian Branch Secretary, Bill Bird, around the time of the contentious 1960 election when Bird stood against the Federal Secretary, Elliott V. Elliot. Len asked Bill Bird what would be the first thing he would do should he win the election. Without batting an eyelid Bird replied, "*I would change the auditors*".

Whilst we have a system where the one auditor continually does the auditing of accounts, there is always the possibility of an unhealthy relationship developing. That is why the most 'switched on' organisations and businesses change auditors on a regular basis to avoid compromising relationships from emerging. *Appeal to Reason* calls on the MUA leadership to do the same. In fact, should our union's leadership reject doing this, it should be spelt out to the membership very clearly: why has the same auditor been used since the amalgamation in 1993?

Bob Carnegie

Go Home in One Piece

I wrote this sometime ago and in hindsight should have published it, though as the saying goes better late than never. I would like to say something about OH&S on the job.

How many inductions, toolbox meetings, have you done on OH&S, they tell you shit doesn't happen, tell us not to work with faulty equipment. Then what do they say, "It will last this shift / trip or whatever". We stop the job as it is unsafe, and we are the problem for not working with faulty equipment.

In days gone by wharf delegates, went onto a ship and inspected the splicing to make sure that it was up to our standards, if it wasn't, the Painters and Dockers were called in to fix it to our standards and the ship would then be unloaded.

Let's look at some similar arrangement for all of today's equipment before a job starts.

Bottom line, we do this because it makes it possible to return home safely every day to our loved ones, and to enjoy the good standard of living that we have, and continually fight for.

Now I would like to read a quote and give a little history of our union, before I give you a cauliflower ear.

The quote is from the Common Cause magazine, a NSW coal mining union publication circa 2008.

The rights and conditions we have today are the sum total of all that has been struggled for and won in the past. It is a legacy that our generation is not only obliged to maintain, but to improve on.

A little history, the anti-union laws we have today are not new!

The laws John Howard re-introduced were first legislated by his hero Robert Menzies in 1935 when he was Attorney-General, at the behest of the ship owners group of the day, to destroy the then Seaman's Union; When a unionist was to be fined one hundred pounds, and the official's one thousand pounds plus three years gaol.

Our records show that not one unionist or official was fined or went to gaol under those laws.

What Howard did on the re-introduction of those laws was to encompass all workers. So nothing has changed, we are still under attack from the same forces since the inception of our union.

We the rank and file we are the union. We are not just the union, we are the front line. Whether elected as delegates or officials, we are the rank and file.

Some have to be reminded that they are rank and file, but a good verbal kick in the arse, usually brings them back to earth.

It is our job to become involved in every possible way within our union and its structure, not just on the job. Whether it is political, which like it or not unions are political.

But! And a big but;

On saying that, there is not one political party to be trusted, be it Labour, Liberal or whatever colour it comes in.

I have yet to see a politician honour a promise. Union officials elected to government go off course do a sharp turn right once they are in government. Throw their former ideology out the window.

Hello John Robinson and privatisation! Even some officials when they are elected to office do the same.

Our union is not a bureaucracy and to keep them strong and on course we must continually maintain the democratic structure of our union, by being vigilant, on the job, at meetings, doesn't matter where, if something is wrong it is wrong.

It is up to us to bring it to the attention of those responsible and fix it.

If you don't like the way our officials are heading, regardless of the situation, oppose it, get up at a meeting be it on the job or the monthly meeting, voice your opinion, let people know what you think.

We the rank and file are the union.

It doesn't matter if your views are not the same, they're your views, you believe in them, so state them.

That's why we have monthly meetings to get out there and state what we think, not in the pub with a few under our belt where we can take on world, but at the meeting, where we can make a difference.

It can be intimidating, some blokes can talk underwater, so they can talk it doesn't mean that they're right.

Get up and tell them, what you think, be it bosses, officials, whoever, shit is shit no matter how well it's served.

You have an opinion so express it, because it is your opinion and you're entitled to it, so stick with it. You might be defeated at a vote, so what, if you believe in it; keep fighting for it.

That is what makes us a union in every sense of the word. We as a union lead and

should always lead. You are our future. On the job, we see what is wrong and what is right with the job. If the job is unsafe we fix it, if it's safe, it's because we have fixed it.

Simple isn't it?

We improve conditions for ourselves and all the workers that follow in our footsteps, for generations to come. As our predecessors, did before us. By doing that it becomes another very important step in looking after our families.

Once again, I repeat, we are not a bureaucracy in anyway shape or form, we are a union, where we tell the officials / organisers what is wrong, they are our appointed arbitrators.

Decisions that concern us should always be made in consultation with us the rank and file.

It is a union's job, to stand up to bosses, whichever political party is in power, with us in mind, without any bias, to protect our rights. To keep fighting to improve conditions and to maintain the ones we have.

To change laws that discriminate against workers and society itself as we are continually being attacked by the employers, governments, even sometimes from within.

Remember, we the rank and file are the union.

Vin Francis

Point on frequent flyers

It is a known fact that our parliamentarians are among the highest paid of all Western democracies and yet what they earn in salary with entitlements is apparently not enough.

Evidently Christmas has never been more affordable for our parliamentarians taking into consideration the frequent flyer points they accrue while they are travelling abroad courtesy of the Australian taxpayer

Points accrued with government-funded travel by the individual should be retained and used explicitly to reduce the burgeoning cost of travel for the government, or more precisely, travel expenses that are borne by the Australian taxpayer.

We are not scrutinising a few hundred points that can be exchanged for toasters and kettles but points that are in excess of hundreds of thousands in dollar value.

These points ensure that parliamentarians never have to put their hand in their own pockets.

Also worth scrutiny is that frequent flyer points exchanged for goods or services do not attract tax. An allotment of points can also be transferred once a year to a family member, although there is no scrutiny to prove who is a family member.

If frequent flyer points are to be retained by the individual they should be recognised as currency. They should be calculated as part of salary and taxed or used explicitly by government to reduce the cost of travel for the Australian taxpayer.

Sean Ambrose

[Letter published in *The Australian*, December 30, 2011].





**Construction, Forestry,
Mining & Energy Union**
Mining and Energy Division
Queensland District Branch
ABN 75 089 711 903

Brisbane
P.O. BOX 508, Spring Hill Qld 4004
Level 2, 61 Bowen Street, Spring Hill
4000
P 07 3839 8588 F 07 3839 8404

23 December 2011

All Members

RE: EXECUTIVE VICE PRESIDENT ELECTION

I believe it is of the upmost importance to outline issues with the recent election process. That explanation is provided below on what occurred.

Members are aware that an election was recently conducted for Executive Vice President. As a result of this election, there has been a numerous number of irregularities identified with the recent election process.

These include the following but not limited to:

- Ballot papers going missing during the course of the election and no proper explanation for the missing ballot papers has been given.
- Extensions were given at 2 lodges where the rules do not provide for an extension to be given.
- The ballot was counted prior to its being closed and the candidates (at least) were aware of the results of the count while voting continued.
- There were issues about the use of union resources (a breach of the Act).
- The lodge that used the extended period to ballot, putting to one side that the rules do not provide for extension, failed in any event to comply with the District Returning Officer's written directions to return their ballots by the closing date of 16th December.
- Ballot papers were returned to the District Returning Officer other than in the manner provided by the rules, which is a real, and not just a technical issue, with security.
- It appears that the ballot may not have been conducted in all places as a secret ballot.
- The election was not conducted in accordance with the rules, which it must be.
- There was an avalanche of complaints as to his conduct of the ballot process from lodges across the district.

After these matters had been brought to the attention of me and others in consultation with the District Secretary and the Divisional Secretary, a special meeting of the Board was called and held in Emerald on 21 December 2011, to determine how the District should move forward and address the matters raised.

Whilst there was lots of discussion at the Board, about rules and technicalities, at the end of the day what had occurred was not democratic. Whichever of the candidates got up would be the subject of a potential challenge from the other candidate.

Blackwater
45 Arthur Street
Blackwater Qld 4717
P 07 4982 5131
F 07 4982 6325

Dalby
PO Box 280
Dalby Qld 4405
P 0419 472 325

Mackay
QCU Building
41 Brisbane Street
Mackay Qld 4740
P 07 4957 2644
F 07 4951 3241

Moranbah
Cnr Mills Avenue &
Bacon Street
Moranbah Qld 4744
P 07 4941 7004
F 07 4941 5269

Rockhampton
QCU Building, Office 8
110 Campbell Street
Rockhampton Qld 4700
P 07 4922 7100
F 07 4922 7105

It was then proposed, and accepted:

“ the ballot and its result would be deemed as invalid due to a number of irregularities within the election process and it was more appropriate to leave the position unfilled until the general election to be held in 2012”

Given what has happened I do not believe any other result would have been credible, and would not have maintained the integrity of the union I believe any other result would make the District a laughing stock.

Furthermore the District's lawyers advised the following:

The election has been poorly conducted, and its conduct was so rife with irregularity that there would be more than reasonable prospects, in our view, of an application to have the election declared invalid being successful.

Given that the returning officer has resigned prior to declaring the election we consider the following alternatives exist:

- a) that a replacement returning officer be appointed and directed to complete the election in accordance with the rules;***
- b) that the election is abandoned and a fresh election be held;***
- c) that no election be held given the short period of time for which office would be held prior to the next general elections for the Division.***

In our view, given the rights that both candidates have to seek to have a result not in their favour overturned, it would be pointless to complete the election.

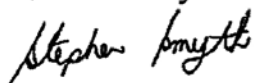
Further we have significant concern as to how any determination to complete the election would be viewed by the members once the members fully understand the issues that have arisen in relation to the conduct of the election and what appears to be a significant departure from the rules. The Board should uphold the rules of the District and not permit any conduct to occur that is contrary to rule.

In our view, and from the writer's extensive experience in conducting and disputing elections, it would be unseemly for this election to be completed. That may be unfortunate from the perspective of the candidates but is the appropriate stance, in our view, for the District to adopt.

Whilst I know Shane and Glenn are both disappointed, I believe the decision is the right one for the District as it upholds the rules and the values of fair play for which this Union stands.

I am more than happy to discuss this matter with any lodge or its members and to explain in greater detail what occurred.

Yours in Unity



**Stephen Smyth
District President**