

AMWU
MINUTES VICTORIAN STATE COUNCIL
SEPTEMBER 9TH 2020

MINUTES OF A MEETING HELD AT 251 QUEENSBERRY STREET, CARLTON SOUTH
COMMENCING AT 9:00am, WEDNESDAY 9th September 2020

President Bro. Mick Terry presided and declared the meeting open at 9:10am

STATE COUNCILORS PRESENT:

Bro. T. Mavromatis	Bro. M. Kennedy	Bro. A. Anderson	Bro. M. Terry	Bro. T. Piccolo
Bro. D. Rozario	Bro. M. Green	Bro. P. Springer	Bro. Z. Cimborá	Bro. Mick. Bull
Bro. S. Wise	Bro. V. Pepi	Bro. A. Thomas	Sis J. James	Bro. N. Mitchell
Bro. K.Topp	Bro. M. Cannon	Bro. L. Malgeri	Bro. J. Hefford	Bro. D. Fairchild
Bro. P. Difelice	Bro. R. Kenna	Bro. S. Brooks	Bro. C. Ormsby	Sis. K O'Brien
Bro. P. Lavery	Sis. N. Nam			

STATE COUNCILORS APOLOGIES:

Sis. M. Sikk	Bro. W Morris	Bro. C. Brown	Bro. D. Andrews	Bro. R. Balantyne
Bro. L. Jones				

Brother President Mick Terry read the below words in memory of Brother Danny McNamara.

Today we remember a fellow comrade Danny McNamara - member, delegate & HSR and an AMWU official in our OHS Unit. He passed away 3 years ago today after struggling for years with depression. Given the current state of our collective mental health during a global pandemic, and on the eve of R U OK Day- 10 September, we should take this opportunity to honour him and his memory by checking in on one another and taking the time look after our friends and family during these difficult times.

One minute silence followed:

Moved and Seconded:

'The minutes of the State Council meeting of the June 10th 2020 be endorsed.

Carried

Moved and Seconded:

'The minutes of the State Admin meeting of the August 13th 2020 be endorsed.'

Carried

DECLARATION OF MATERIAL PERSONAL INTEREST

State Secretary Tony Mavromatis reminds State Council members of their obligations as "Officers" under the Fair Work (Registered Organisations) Act 2009 to disclose all material personal interests that may arise with their union role as an elected Official to representative bodies of the AMWU.

Declaration forms are available throughout these proceedings for those Officers requiring to make a new disclosure.

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'State Council notes no Declarations were made for the September 9th 2020 State Council meeting'

Carried

Jenny James State Conference Vacancy

Council notes the resignation of Sis Jenny James from the office of Rank and File Delegate to the State Conference from the Food and Confectionary Membership Area due to taking up employment with the Union on delegation from 9 June 2020.

Council notes that Rule 6A.4(f) permits a person elected to the office of Rank and File State Conference Delegate later employed by the union to continue to hold the Rank and File Office for a period of up to one year from the commencement of the term of office.

Council notes that the term of office for Rank and File Delegate to the State Conference commenced on 1 July 2019, and that Sis James' employment with the Union commenced on 9 June 2020. Council notes that in that light, Sis James was entitled to continue to hold office of Rank and File Delegate to the State Conference from the Food and Confectionary Membership Area during the period from 9 June 2020 up to and including 30 June 2020 pursuant to Rule 6A.4(f).

Council further notes that the term of the office of Rank and File Delegate to the State Conference commenced on 1 July 2019 and will expire on 30 June 2023. In that light an appointment can be made by the State Council pursuant to Rules 6A.8(b)(i) and 6A.8(c)(ii) as the balance of the term does not exceed three years.

Council therefore resolves to appoint Sis Michelle Owen to the office of Rank and File Delegate to the State Conference from the Food and Confectionary Membership Area for the remainder of the term. Council notes that Sis Michelle Owen is a member of the AMWU from the Food and Confectionary Membership Area and is therefore eligible to fill the vacant office consistent with Rule.

Jenny James National Conference Vacancy

Council notes the resignation of Sis Jenny James from the office of Rank and File Delegate to the National Conference from the Food and Confectionary Membership Area due to taking up employment with the Union on delegation from 9 June 2020.

Council notes that Rule 6A.4(f) permits a person elected to the office of Rank and File National Conference Delegate later employed by the union continue to hold the Rank and File office for a period of up to one year from the commencement of the term of office.

Council notes that the term of office of Rank and File Delegate to the National Conference commenced on 1 July 2019, and that Sis James' employment with the Union commenced on 9 June 2020. Council notes that in that light, Sis James was entitled to continue to hold the office of Rank and File Delegate to the National Conference from the Food and Confectionary Membership Area during the period from 9 June 2020 up to and including 30 June 2020 pursuant to Rule 6A.4(f).

Council further notes that the term of the office of Rank and File Delegate to the National Conference commenced on 1 July 2019 and will expire on 30 June 2023. In that light an appointment can be made by the State Council pursuant to Rules 6A.8(b)(i) and 6A.8(c)(ii) as the balance of the term does not exceed three years.

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Council therefore resolves to appoint Sis Michelle Owen to the office of Rank and File Delegate to the National Conference from the Food and Confectionary Membership Area for the remainder of the term. Council notes that Sis Michelle Owen is a member of the AMWU from the Food and Confectionary Membership Area and is therefore eligible to fill the vacant office consistent with Rule.

Jenny James State Council Vacancy

Council notes the resignation of Sis Jenny James from the office of Rank and File State Councillor from the Food and Confectionary Membership Area due to taking up employment with the Union on delegation from 9 June 2020.

Council notes that Sis Jones ceased to hold office as a Rank and File Delegate to State Conference as at 1 July 2020 due to the operation of Rules 6A.4(e) and 6A.4(f) meaning that her eligibility to hold office as Rank and File State Councillor from the Food and Confectionary Membership Area also ceased at that time.

Council further notes that Rule 6C.25(b) states that during the transitional period the term for the of Rank and File State Councillor is from 1 July 2019 until 30 June 2023. In that light, an appointment can be made by the State Council pursuant to Rule 6C.23(a) as the balance of the term does not exceed three years.

Council therefore resolves to appoint Sis Michelle Owen to the office of State Councillor from the Food and Confectionary Membership Area.

Council notes that Sis Michelle Owen currently holds office as a Rank and File Delegate to State Conference and is therefore eligible to fill the vacant office consistent with Rule.

Brother Frank Murtagh

Brother Frank Murtagh recently retired and held a position on State Conference from Manufacturing Industry, the position will be filled at the December 2020 State Council

Moved and Seconded

Carried

STATE SECRETARY'S REPORT

• **Fred William Rooks**

State Secretary spoke about the donation from Brother Rook's estate and the thought of setting up scholarships etc.

• **2021 Meeting Dates** (Page 11)

• **Unilever refund** of overpayment of 7 members membership dues, Members were paying 'T' rate when they should have been paying 'M' rate from the period of 2/1/2017 and 8/4/2019 the refund also includes these members paying the \$2.00 food levy, the total amount of the refund for the 7 members is \$4,201.75.

Moved and Seconded:

'State Council notes the mistake of the overcharge of these 7 members and approves the total refund of \$4,201.75 to these members.'

Carried

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- **Ambulance Cover and Funeral Benefits**
- **Special National Council**—See Attached Item ‘Office of National Secretary ‘ Memo
- **National Council Resolutions June 2020**—See attachment ‘Complete resolutions National Council’
 - **Property**—Carlton Victoria
 - **Office of National Secretary**
 - **Whistleblowing procedure**
 - **Assistance for AMWU Staff Experiencing Domestic Violence**
 - **Hardship fund**
 - **Salaries**—Official and Officers
 - **Classification Structure for Officials**
 - **Covid-19**
 - **Motor Vehicle**—Fleet Procurement
 - **Union Dues**—Covid-19 Membership Rate
 - **Motor Vehicle Policy**

◆ **State Council Resolution—Attached**

Brother Mavromatis spoke about possible ‘Budget training’ from the National office for State and National Councilors when travel is permitted.

◆ **Powering Vic Co-Operative Final Report—Attached**

◆ **PV SC pre BIG’s Report 08.20—Attached**

◆ **Sexual Harassment Bullying Policy—Union Nominated Officer**

Moved and Seconded: *‘The Victorian State Council supports the Nomination of Brother Piccolo to the position of ‘Union Nominated Officer for the Victorian branch’*

Carried

◆ **Business Case for Collaboration Delivers Wellbeing in Manufacturing Project V4 Report—James Cowan**

Moved and Seconded: *‘State Council notes and endorses the State Secretaries report’*

Carried

ACCOUNTS

Moved and Seconded: *‘State Council endorses the payment for Gordon Legal for the matter of ‘Glass Expansion right of entry dispute’ with work carried out between 30/06/20 and 21/08/20 for the total amount of \$7,318.67. Bill No. 3773’*

Carried

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10:54am Suspend Standing Orders

Sister Persa Bajada joined the meeting and spoke about Ovato and how they want to Terminate their EA agreement and asked for support, Brother Piccolo supplied the below resolution.

Moved and Seconded: *The September meeting of the AMWU Victorian branch, notes the report given in relation to the attack on workers entitlements from Ovato and application to terminate their enterprise agreement.
Ovato is a large Australian corporation with the Hannan family being a significant share holder. The Hannan family are reported to be worth in excess of 600 million dollars and being the 17th richest family in Australia.*

The Victorian branch state council, condemn the actions of Ovato and the Hannan family and calls on the Hannan family to rescind their application to terminate the agreement, for negotiations to be commenced immediately to negotiate a fair agreement with its workers and their union.

Further this state council resolves to support the Ovato members in their struggle against Ovato management and wishes them well in their fight.

Carried

11:16 Resume standing Orders

DELEGATION REPORT

Item 1 Brother Toby Paterson

On August 14th 2020 Brother Toby Paterson completed his last day with the AMWU, Brother Paterson left due to personal reasons, and we all thank Brother Paterson for his contributions and wish Brother Paterson all the best for his future endeavors

Brother Paterson organiser role will be replaced.

Moved and Seconded: 'State Council notes the resignation of Brother Paterson and that in future his role will be replaced'

Item 2 New Appointments

Brother Tim Sezai and Brother Nathan Tuddenham have started as Organisers on delegation on 31/08/2020 with a six month probation, paid at level 4 of the Organisers rate and paid from the Protect budget

Moved and Seconded: 'State Council notes the appointment of Brother Sezai and Brother Tuddenham and paid from the Protect budget'

Item 3 Sister Sarah Ross

Sister Sarah Ross to be moved from OHs funding onto 'on Budget' from 14th September 2020

Moved and Seconded: 'State Council notes and endorses the movement of Sister Sarah Ross onto 'on Budget' from 14th September 2020.

Item 4 Brother Zeljko Cimbor re-grade

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Brother Zeljko Cimborra has been appointed as Team Lead of Construction, within the Manufacturing Industry, due to Brother Cimborra having this extra responsibility and accepted the Team Lead role, as per the entitlement, Brother Cimborra is to receive grade Level 6 and backdated to August 17th 2020

Moved and Seconded: 'State Council notes and approves Brother Cimborra's higher pay grade from Level 5 to Level 6 due to his new appointment as a Team lead, and backdated to August 17th 2020'

Item 5 Brother Shawn White

Brother Shawn White's delegation finishes on 30th September 2020, Brother White's delegation has been extended to ongoing and paid under the 'Incolink funding'

Moved and Seconded: 'State Council notes the extension of Brother White's delegation to ongoing and paid from Incolink funding'

Item 6 Brother James Cowan

Brother James Cowan was appointed on 6th July 2020, in the position of Mental Health and Wellbeing Project Officer, Brother Cowan's appointment coincides with a Government grant that the AMWU had sought, Brother Cowan is on a 12 month fixed term with a six month probation and paid by the WorkSafe grant.

Moved and Seconded: 'State Council notes the appointment of Brother James Cowan as a level 4'

All Carried

Donations

The Victorian Branch has been approached to make a donation toward Father McGuire for the good work that is being carried out in looking after the homeless especially during the Covid-19.

Moved and Seconded: 'State Council invites Father McGuire to State Council when Covid-19 restrictions are lifted to share the good work he is doing for the homeless'

Carried

Member Benefit funding from Victoria

Shardveen Ragoobee

A member working at Stairform where the employer pays the dues from payroll deduction had failed to pay on time. Whilst this time the member unfortunately needed Emergency transport, the employer has paid the dues and the member is financial therefore the branch uses it's discretion for compassion and to pay the Invoice of \$1,265.00 from the Victorian Promotional fund.

Samm Williams

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Member owed monies in 2014 and entered into an agreement to pay addition \$30.00 a week in dues to pay the monies owed. The arrangement concluded in 2016 when the balance was paid off, somehow the membership system did not record all the options and it appeared the member was unfinancial.

When we looked into the issue it appeared the member was not at fault and therefore the Invoice of \$1,866.00 is to be paid from the Victorian promotional fund.

Jacob Clarke-Smith

This member has been unemployed and did not suspend his dues, but agreed to pay \$30.00 per week extra until he was financial. During this time the member needed emergency transport, the member is now financial until December and will continue to stay on direct debit.

Therefore the Victorian branch uses it's discretion for compassion and the invoice of \$1,265.00 to be paid from the Victorian Promotional Fund.

Moved and Seconded: *'State Council notes the Member benefit funding from Victoria report and endorses the payment for Brother Ragoobeer, Brother Williams and Brother Clarke-Smith'*

Carried

GIFT REGISTER 2020

No gift declarations were given for this meeting

Moved and Seconded: *'State Council notes there were no Gift Declarations made for September 9th State Council.'*

Carried

DIVISIONAL REPORTS

Moved and Seconded: *'State Council notes the divisional reports and that Brother James Cowan tabled his 'Welbeign Report'*

Carried

VTHC Agenda Items

- ◆ Women Onsite — Attached
- ◆ Fair Jobs Code — Attached

Moved and Seconded: *'State Council notes the VTHC reports'*

Carried

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SUPPLIMENTRY ITEMS

New Victorian Membership Policy

AMWU VICTORIAN POLICY & PROCESS TO SUSPEND MEMBERS CLEAN SEPT 9th 2020 (See Attachment)

Moved and Seconded:

‘State Council notes and approves the new membership Policy ‘AMWU Victorian Policy to Suspend members clean Sept 9th 2020’

GENERAL BUSINESS

Freemantle Pier

Rank and File State Councilors brought up their concerns about the Freemantle Pier, they noticed on Facebook, The Government wants to shutdown the pier, the last public owned pier with 1000 unionised jobs, and rebuild a new pier that is automated, risking the jobs of 1000 unionised workers.

Rank and File State Councilors asked what is the Union position and said we should not be supporting the Government position and to save the 1000 strong Unionised jobs.

Moved and Seconded:

‘State Council asked the Victorian State Secretary to raise this matter at the September National Council on their behalf’

Carried

Next State Council

11th December 2020

Meeting Close 2:52pm