



QUEENSLAND BRANCH NEWS

NEWSLETTER of the QLD Branch of the MARITIME UNION of AUSTRALIA

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To be truly radical is to make hope possible, rather than despair convincing - Raymond Williams

No. 86 – Friday 19 May 2017

**Forced Redundancies NSS Townsville - Legal: Medical Report Access – Gladstone Members Show
Community Support – Pensioners Coalition - Book Launch: Wharfie - Blindness: Book Review**

NSS Townsville

AFTER MORE THAN 18 months of negotiations between the MUA Queensland Branch and Northern Stevedoring Services (NSS) in Townsville, with still no outcome, the company has implemented the second round of redundancies last Friday 12th May. This means 8 permanent jobs have been lost in forced redundancies since late last year equating to 17% of the permanent workforce.



Paddy Neliman

Unfortunately, long standing delegate and MUA ATSI chair Patrick (Paddy) Neliman was selected in this round and sadly as from last Friday his 22 year service on the waterfront with NSS came to a close. Also included in the four redundancies was Alan Webber who represented the day shift

permanents on the bargaining committee and two others who have all accepted the outcome.

This action by the company came as a surprise to both delegates and Branch officials.

The sticking point in the negotiations is the workforce refusal to accept managements claim to reduce permanent annual salaries back to 1820hours (35hr week) from 1970 hours. The 1970 hour salaries include 150 of guaranteed overtime above the 35 hr week which management are claiming can't be delivered after losing contracts to a competitor in North Queensland.

Members at NSS must now elect new delegates to fill the void caused by Paddy and Alan's absence and stand strongly behind them in the face of this aggression from management towards elected delegates.

The Branch will be providing all resources necessary to support the new delegates, and the membership, to assist in organising the workforce and developing a strong and united front that can get back to the bargaining table and mitigate any more job losses. *Bob Carnegie and Bernie Farrelly*



Bernie Farrelly – National Lead Organiser has played a leading role in the negotiations with NSS

Access to Medical Reports and Pre-Employment Medicals

At various Branch monthly meetings and at a recent Branch Committee meeting various concerns about the possible discrimination members are facing at pre-employment medical has been robustly debated. Companies, particularly in the offshore, are making it harder and harder for members to pass tests and even when they pass tests use language like "oh you passed, but you were a high risk pass". It's just a load of crap trying to get rid of long term highly skilled Seafarers to be forced out of the game.

Adam, our personal injury point man at Turner Freeman, explains your rights in the following article. *Bob Carnegie*

COMMONLY SHIPPING AND stevedoring companies will require employees to attend pre-employment medicals or, in the event of injuries impacting on work

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duties, to attend independent medical examinations with medical practitioners. A common complaint from members is that employers will then not provide access to a copy of the report arising from the medical examination. Employees are entitled as of right to obtain a copy of any medical report about them. The right arises under the Commonwealth Privacy Act 2008. That legislation creates the Office of the Australian Information Commissioner (OAIC) who is charged to regulate privacy matters arising under the Act. Part of the regulations emanating from the Act are the Australian Privacy Principles (APP), which identify what both government agencies and private corporations must do when dealing with private information. The APP can be accessed [here](#).

The APP covers many aspects of personal information including storage, security, release of that information and other matters. Particularly APP 12 deals with the right of a person to access private information held by a government agency or private corporation about them. The general rule is that the entity must provide the information to the person on request. There are some limited exceptions to the general rule. One exception which may be relevant in this context is where giving access to a medical report would "reveal evaluative information generated within the entity in connection with a commercially sensitive decision-making process." The first thing to note about this exception is that doctors' reports are generated outside of the entity and not within the entity. What the employer chooses to do with the report and any notes or analysis generated as a result of that report would be within the entity and perhaps subject to the exception. The medical report itself however is not captured by the exception. A decision to employ or a decision about fitness for work is also not a "commercially sensitive" process.

The process for members to follow when seeking access to pre-employment medicals or other medical reports is to firstly make a written request to the entity via the HR manager or rehabilitation manager. If the request is ignored or denied then the request should be repeated to that organisation's privacy officer. Every entity who has operations within Australia must have an appointed privacy officer and a written privacy policy that deals with, amongst other things, access to information. The member should request a copy of the privacy policy. If the privacy officer also fails to respond or refuses to provide access then written reasons should be provided by the employer as to why access is refused. If the reasons are not provided or not justified, then a complaint can be made to the Office of the Australian Information Commissioner who will then independently investigate the complaint, contact the entity and force them to provide the documents. A link to the complaints section of the OAIC website can be accessed [here](#).

Personal information can be held in documents other than medical reports and the APP have a wide coverage.

This process may also be able to be used to obtain other personal information held by an employer about a member. Please contact Mr Adam Tayler, Special Counsel of Turner Freeman Lawyers on 3025 9008 or 0488 399 333 for any further explanation or advice in relation to this article.

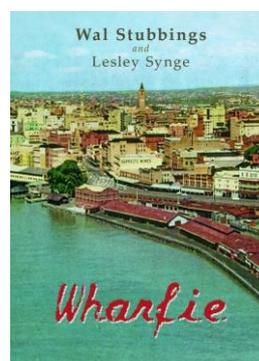
Gladstone Members Donate to Special Olympics Basketball Team

GLADSTONE MUA TUG members have proudly donated to the Gladstone Special Olympic Basketball Team helping them with their up coming games. Steve Glossop, a long time SUA/MUA on the tugs has a son who has a disability and at our last tug stoppy, expressed the hardship that goes on many families emotionally and financially. Everyone has someone they know who has a family member/friend who never ask for help but a little help goes a long way. The members couldn't donate fast enough.



Delegate Phil Hansen Presenting the Donation Cheque

The Gladstone MUA tug members are fully committed to investing back into the community and giving a little back. We are proud members with historic principles and values. We wish the Gladstone Special Olympic Basketball Team well, and look forward to them bringing home the gold. *In unity - Phil Hansen - Gladstone Tug Delegate*



Wharfie – Book Launch

BRANCH SECRETARY, BOB Carnegie will be joining Queensland Deputy Premier, Jackie Trad at Avid Reader Bookstore for the launch of Lesley Synge's biography about Wal Stubbings, *Wharfie*.

Wal Stubbings was born in Tasmania in 1913. He settled in Brisbane in the war years and

worked on the wharves. Militant workers like him were demonised and accused of wrecking the country. So what was it like to be a wharfie? Especially one who visited the USSR, was involved in street marches, was under constant surveillance by ASIO and yet survived to the ripe old age of 101? This is the story of one man's

journey through a tumultuous century. There will be discounted copies of the biography available at the launch and also at the union rooms, 73 Southgate Avenue, Cannon Hill.

National Fair Go for Pensioners Coalition

WHILE THE TURNBULL Government is claiming that this Budget is about fairness, opportunity and security, this Budget actually makes many Australian's worse off including those that rely on welfare as well as university students. At the same time, the Government plans to cut taxes for big corporations by \$50 billion remains on track as does the removal of the deficit levy tax on those earning in excess of \$180,000.

This is an absolute disgrace, and whilst we welcome the one off payment for energy bills and the downsizing provisions which allows people to make a non-concessional contribution of \$300,000 to their super from the proceeds of selling their home, where is the long term plan for an increase in pensions and welfare payments especially Newstart.

The continued vilification and demonizing of the disadvantaged is a hallmark of this Government and a pitiful attempt to shift the blame, what has happened to the fair go that our PM and Treasurer like to spruik?

No increase to the obscenely low Newstart allowance, in fact attacks on recipients of Newstart have reached an all time low, as though these people are living the life of luxury, when this Government explains what's fair with MP's receiving **\$276 per night** allowance when Parliament sits, and Newstart recipients receiving **\$267.80 per week** they will get some form of understanding from us, until then as Scott Morrison said to the banks "cry a river".

The damage done to people affected by unemployment and low incomes to repeatedly read sensational media headlines accusing them of being leaneer's as opposed to lifters, is immeasurable and lacking in empathy and understanding. The majority of people on any form of welfare are doing everything they can to survive and improve their lives under extremely stressful and difficult circumstances.

There is no mention of climate change, global warming or renewable's, no action on investor tax breaks like negative gearing or the CGT discount, and there's a \$400 million cut to direct funding for housing affordability in the 2018/19 financial year.

University fees have been hiked, with students forced to pay back their debt sooner, all to save the government \$3.8 billion and there's just \$15 million extra provided for preventative health.

Medicare: Since the Liberals introduced a freeze on GP rebates in December 2014, **Australians are paying an average of \$7.80 more out of their own pocket to see a GP.** Last week Malcolm Turnbull had an opportunity to drop his cuts once and for all in his Budget – and he failed.

Somewhere along the line this government has moved from the debt, deficit and despair narrative of the 2014 budget to embrace an expansive government of good debt and bad debt.

But don't be fooled by this pragmatic approach, the devil is in the detail, and on close inspection reveals it's once again a budget for the big end of town.

By Col Davies – National Chair

Fair Go for Pensioner's works with Federal & State Government's to advocate justice for pensioners, welfare and low income recipients. It's members include:
Australian Pensioners Voice - Australian Council on The Aging - Combined Pensioners and Superannuants Associations - Federation of Ethnic Communities Councils of Australia - Ethnic Community radio 3ZZZ (Vic), Federation of Greek Elderly Citizens Clubs, Unitarian Peace Memorial Church (East Melbourne.) - Australian Pensioners and Superannuants League (Qld) - Ethnic Communities (Qld) - Australian Manufacturing Workers Union (Retired Members Division) - Maritime Union of Australia (Veteran's) - Electrical Trades Union Honorary Members (QLD) - Rail Tram & Bus Union Retired Member (Qld) - United Voice Retired Members (Qld) - Transport Workers Union retired Members (Qld) - Combined Forestry Mining & Energy Union (Qld) - Retired Miners Collinsville Lodge (Qld)

Book Review

THIS BOOK REVIEW has been done by a wonderful friend and a great socialist in Allan Gardener. Allan is one of those exceptionally talented people who the working class movement would be lost without.

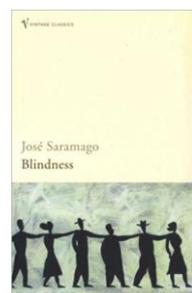
Allan hides his light behind a very dense bush and has a PhD in English Literature.

Craig Buckley, from the AMIEU (Meatworkers Union) is one of the most gifted and hard working lawyer/industrial officers in the union movement. He has helped out our union and its rank and file on countless occasions. I'm a lucky man to have two such great mates as is our branch to have supporters like Allan and Craig.

I hope some members pick up a copy of this exceptional book. It really is extraordinary. *Bob Carnegie*

Blindness by José Saramago 1995.

English translation 1997



IMAGINE YOU SUDDENLY become blind. At least you will be helped by other people. But what if a contagious blindness was sweeping the whole country? Social breakdown is inevitable and swift. What must you do?

"These people are not organising!" laments the woman who is the only

person immune from this white blindness.

The government's idea of organising is to throw sufferers into concentration camps designed to make them die or else kill each other as quickly as possible.

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Inside the camp where the sighted woman follows her husband, the blinded criminals organise quickly to steal food and rape. Only the sighted woman manages to organise a little group of internees around her to meet some basic necessities and try to act like human beings.

As the blindness becomes complete, even dominating others through violence becomes impossible. This is a world where people crawl through shit in search of scraps. One day, the surviving internees stumble out past gates and guns and loudspeakers that are now impotent.

This 'thought experiment' is explored in this novel by the Portuguese Nobel laureate, Jose Saramago. He describes the imagined events in physical and psychological detail and he even invents a way of writing that makes the reader feel part of the unfolding ordeal. But despite its realism, the story invites us to see it as some sort of allegory for social life. "Blindness" and "seeing" are words that we use to mean ignorance and wisdom.

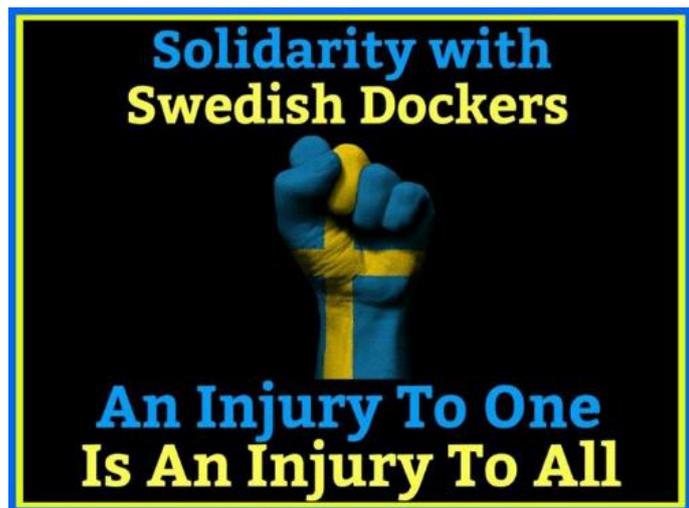
I read this book on the recommendation of Craig Buckley from the AMIEU. So I put it to him: What does the story mean?

Craig suggested that a Portuguese reader might think of the events of 1974 when the fascist regime that had ruled unchallenged since 1926 seemed to vanish almost overnight. In this so-called "Carnation Revolution", the regime fell without a shot being fired, almost as if it had been holding power only because people thought it did!

Maybe the blindness in Saramago's novel, which seemed to spread like a mass hallucination, can come to an end when some sort of lesson has been learned - a lesson about what is real. *Allan Gardiner*

Cartoon Corner

This is why I believe society should be based on Human Need not Human Greed. *Bob Carnegie*



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