

[2022] FWCG 54 [Note: An appeal pursuant to s.604 (C2022/6539) was lodged against this decision- refer to Full Bench Decision dated 2 December 2022 [\[\[2022\] FWCFB 222\]](#) for result of appeal.]



## DECISION

*FairWork(Registered Organisations) Act 2009*  
s.159—Alteration of other rules of organisation

### **Construction, Forestry, Maritime, Mining and Energy Union** (R2022/2)

MURRAY FURLONG

MELBOURNE, 6 SEPTEMBER 2022

Alteration of other rules of organisation.

[1] On 6 January 2022 The Maritime Union of Australia Division (MUA Division) of the Construction, Forestry, Maritime, Mining and Energy Union lodged with the Fair Work Commission a notice and declaration setting out particulars of alterations to the MUA Division rules.

[2] The particulars set out alterations to Rule 16, 18, 31, 34, 43, 45, 47 and 67. The particulars also set out the insertion of new Rules 434A, 34B and 68A.

[3] The alterations operate as a package. They create two new offices in the MUA Division:

- Divisional Assistant National Secretary –Woman; and
- Divisional Assistant National Secretary - Aboriginal and Torres Strait Islander.

[4] The alterations provide for the powers and duties of the two offices, the terms of office, the manner of their election and set out transitional provisions about when the offices commence.

[5] Each proposed office is a full-time office.<sup>1</sup>

[6] In each case, the proposed term of office is four years,<sup>2</sup> The four-year term aligns with that of similar offices in the MUA Division.<sup>3</sup> The inaugural officers will take up office on 1 July 2023.<sup>4</sup> Thereafter they assume office the 1 July in the year of the quadrennial election, along with their contemporaries.<sup>5</sup>

[7] Only a woman can nominate for the office of Divisional National Assistant Secretary – Woman.<sup>6</sup>

[8] Only an Aboriginal and Torres Strait Islander person can nominate for the office of Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander.<sup>7</sup> The expression Aboriginal and Torres Strait Islander person has been defined for the purposes of the MUA Division rules.<sup>8</sup>

[9] A person cannot nominate for more than one of the following offices:

- Divisional Assistant National Secretary – Woman;
- Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander; or
- Divisional Assistant National Secretary.<sup>9</sup>

[10] The Divisional Assistant National Secretary - Woman assists the Divisional National Secretary, as and when required and in relation to matters affecting women. They are subject to the Divisional National Secretary's supervision and direction.<sup>10</sup>

[11] The Divisional Assistant National Secretary - Aboriginal and Torres Strait Islander assists the Divisional National Secretary, as and when required and in relation to matters affecting Aboriginal and Torres Strait Islander people. They are subject to the Divisional National Secretary's supervision and direction.<sup>11</sup>

[12] In addition, either officer may be appointed to act in the place of the Divisional National Secretary, if that person and the Divisional National Deputy Secretary are absent at the same time.<sup>12</sup>

[13] Finally, the Divisional Assistant National Secretary – Woman and Divisional Assistant National Secretary - Aboriginal and Torres Strait Islander are voting members MUA Division's Divisional National Council.<sup>13</sup> That body governs, manages and exercise general supervision over the affairs of the MUA Division between General Meetings of members.<sup>14</sup>

**Are the alterations contrary to the *Fair Work (Registered Organisations) Act 2009* or otherwise contrary to law?**

[14] Alterations to the rules<sup>15</sup> of an organisation registered under the *Fair Work (Registered Organisations) Act 2009* (the Act) do not take effect<sup>16</sup> unless the Fair Work Commission's (the Commission) General Manager<sup>17</sup> certifies that the alterations, in their opinion:

- comply with, and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements; and
- are not otherwise contrary to law.<sup>18</sup>

[15] In the present matter a member's eligibility to nominate for the relevant office is determined by either their sex or their race. Three questions arise in the circumstances.

[16] First, do the alterations impose on members of the organisation conditions, obligations or restrictions that are oppressive, unreasonable or unjust when regard is had to Parliament's intention in enacting the Act and the *Fair Work Act 2009*? If the alterations do, they are contrary to s142(1)(c) of the Act. They could not be certified.

[17] Secondly, are the alterations contrary to s.142(1)(d) of the Act? Section 142(1)(d) provides that the rules if an organisation:

“must not discriminate between... or members of the organisation on the basis of race... [or] sex”.<sup>19</sup>

[18] If they are, they cannot be certified.

[19] Finally, do the alterations contravene Commonwealth anti-discrimination legislation? If the alterations do, they are contrary to law within the meaning of section 159(1)(c) of the Act. They could not be certified.

[20] Alterations like those currently before me reserve an office—or offices—for members who share a common attribute. Examples include offices which can only be held by women or indigenous people.

[21] In *Re: The Association of Professional Engineers, Scientists and Managers, Australia*<sup>20</sup> (*Re: APESMA*), I considered the questions posed in paragraphs [16] to [19] above.

[22] The relevant alteration in *Re: APESMA* created a new office. The office was styled “Diversity National Assembly Member”. The office was reserved for a female financial member. APESMA’s National Assembly is charged with directing the union’s policy and governing, managing and conducting its affairs.<sup>21</sup> There are parallels between the relevant alteration in *Re: APESMA* and what is currently sought by the MUA Division.

[23] I adopt and rely on my reasons in *Re: APESMA* in the present matter. It is not necessary to recite those reasons here. However, the following conclusions are apposite:

- In connection with s.142(1)(c): By reserving an office for a female financial member the alteration imposed conditions, obligations or restrictions on members of the organisation. Those conditions or restrictions were imposed to encourage women to nominate for office, thereby increasing the level of member participation—particularly female member participation—in the organisation’s affairs. The alteration was also intended to ensure that the organisation was representative of its female members. Finally, the alteration was intended to increase the diversity of persons on bodies which have policy determination and/or management functions. In each instance the alteration was consistent with and not contrary to Parliament’s intentions in enacting the Act. Consequently, the conditions, obligations or restrictions were not oppressive, unreasonable or unjust contrary to s.142(1)(c).
- In connection with s.142(1)(d): The Act provides little guidance as to what constitutes discrimination contrary to s.142(1)(d). Adopting the approach taken by Gaudron J in *Street v Queensland Bar Association*,<sup>22</sup> I concluded that the different treatment at issue was not sufficient to render the rule discriminatory. The differential treatment was relevant and appropriate to the object to be attained.
- In terms of being contrary to law: The alteration was not otherwise contrary to law. In particular, it did not contravene the *Sex Discrimination Act 1984* (Cth) (SDA) because it constituted a special measure taken “for the purpose of achieving substantive equality” in accordance with that Act.

[24] It is apt to make three further observations.

[25] First, in relation to s.142(1)(c) of the Act I note the following comments of Justice Ryan in *Pillar v Building Workers Industrial Union of Australia*<sup>23</sup> (*Pillar*):

“In my view, the reservation of places on a committee of management for particular categories of members does not, of itself, infringe, or discourage the democratic control of a committee of management. That is particularly true, where, as here, all members of the body are entitled to vote to fill the office for which there is a restricted candidature. Of course, there may be extreme cases where the number of offices for which candidature is restricted is out of all proportion to the numbers of persons entitled to the benefit of the restriction, or where a significant section of the membership is precluded from candidature altogether...”

[26] Secondly, the current alterations to the MUA Division rules are not limited to creating an office that is reserved for a woman. Another office has been created which is reserved for an Aboriginal and Torres Strait Islander person.

[27] *Re: APESMA*’s discussion and conclusions about s.142(1)(c) also apply—on the face of it—to rule alterations which create an office reserved for an Aboriginal and Torres Strait Islander person. Justice Ryan’s comments in *Pillar* are also—on the face of it—relevant.

[28] Given the language of s.142(1)(d) of Act, the approach taken by Gaudron J in *Street v Queensland Bar Association* would also apply when deciding whether a rule alteration discriminates against a member of a registered organisation on the basis of race.

[29] Part II of the *Racial Discrimination Act 1975* (Cth) (RDA) renders unlawful any act involving a distinction, exclusion, restriction or preference based on race.<sup>24</sup> However, Part II of the RDA does not apply to special measures.<sup>25</sup> The rule alterations associated with the creation of the office of Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander are not contrary to law s.159(1)(b) of the Act, if they are a special measure for the purposes of the RDA.

[30] Finally, it should not be presumed that rule alterations which introduce an affirmative action provision(s) will be certified as a matter of course. Nor, in seeking certification of an alteration, is it enough to point to the inclusion of similar provisions in the rules another organisation, or another of the applicant organisation’s branches/divisions. Regard must be had to the contemporary circumstances of the organisation, branch or division whose rule alterations fall for consideration. As the Full Court of the Federal Court pointed out in *McLeish v Faure and Ors*:<sup>26</sup>

“What may be a valid rule in one organization does not of necessity mean that such rule would be valid for another. Such validity may depend on different circumstances and conditions which may vary not only from organization to organization but within the same organization at different times.”<sup>27</sup>

[31] On 2 March 2022 the MUA Division was invited to lodge written submissions about whether the alterations complied with and were not contrary to the Act and whether they were otherwise contrary to law.

[32] The MUA lodged written submissions about those matters on 29 April 2022.

[33] The MUA Division provided the following background:

“2. The MUA represents members across a number of industries including stevedoring, shipping, port services, offshore oil and gas, ferries, and diving. Membership in these industries has historically been predominately male. The union currently has 11,606 members with 831 being women and 1166 being first nations people, representing 7% and 10% of total membership, respectively.

3. The union is governed by the members of the union in Annual General Meetings of members and Special Meetings of members. Between these meetings the union is governed by National Council whose role it is to govern, manage and exercise general supervision over the affairs of the union.

4. The composition of National Council is set out in rule 16 and relevantly provides for twenty-two elected positions. There are currently twenty-three elected Officers by virtue of there being two Assistant National Secretaries in accordance with rule 31(b).

...

6. Of the 23 Officers that make up the composition of National Council, there is one woman who holds the office of National Women’s Representative. However, eligibility for this office is open to all members of the union. Whilst the office of National Women’s Representative is elected to represent the interests of all women members at meetings of National Council, the office does not have any powers and duties commensurate with other Officers of the union. Furthermore, all other Officers of the union have industrial responsibility in relation to members at either a National or Branch level.

7. The MUA has a long history of activism in support of first nations peoples and gender equality and has employed a first nations person in the role of Aboriginal and Torres Strait Islander Coordinator and a woman in the role of National Woman’s Liaison Officer. However, these positions are not involved in the governance of the union under the union’s rules.”<sup>28</sup> (Footnotes omitted)

[34] Against this background, the MUA Division submits:

“35. The inclusion of first nations people and women in trade union leadership positions challenges the oversaturation of male representation in the maritime industry and encourages members to participate in the affairs of the MUA Division, particularly if those individuals identify as female or first nation. This approach to diversifying employee representation echoes the sentiment of s5(3)(b) of the Act and further promotes the intentions of parliament in enacting the RO Act.”<sup>29</sup>

[35] Turning to the question of whether the alterations were contrary to law, the MUA Division submitted:

12 The *Sex Discrimination Act 1984* (Cth) (SDA) and the *Racial Discrimination Act 1975* (Cth) (RDA) prohibit discrimination on the basis of sex and race, respectively. It is the union’s submission that the inclusion of the two elected leadership positions within the MUA Division does not discriminate against any person on the basis of sex and/or race,

but rather, seeks to achieve substantive equality for women and advancement of first nations people as members and leaders of the union.

13 The two Assistant National Secretary positions would be newly created positions and would be in addition to the current elected positions accounted for in the Divisional Rules. There will be no detriment or unfairness caused to the membership of the MUA by creating these additional positions, as all current elected positions of the MUA remain and would be open to all eligible members of the union. The inclusion of the two additional Assistant National Secretary positions is the result of the union's commitment to achieving equality for women, under section 7D of the SDA, and for the advancement of first nations people, under s8 of the RDA..

31 ...these additional roles only add to the support and representation of the membership and governance of the union by providing improved diversity in the union's awareness of membership issues and experiences.<sup>30</sup>

**[36]** The MUA Division argues that creating the office of Divisional Assistant National Secretary – Woman is a special measure under s7D of the SDA. In the MUA Division's submission:

“18 ... Providing the opportunity for a female specific Assistant National Secretary would provide female identifying members of the union to be appropriately and proportionally represented within the leadership structure of the MUA Division. The introduction of the Assistant National Secretary – Woman position seeks to achieve increased representation of women in elected positions within the MUA Division, which would otherwise be unlikely to take place absent the rule change. In *Jacomb v Australian Municipal Administrative Clerical and Services Union* [2004] FCA 1250, Crennan, J., considers the purpose of ‘special measures’ as follows:

‘... s 7D [of the SDA] will shield [the rules] from the effect of s 19 if the purpose of the rules is substantive equality between, in this case, men and women. The answer to that question lies in a determination of whether an election by the constituents of the branches constituted under the rules will, in the absence of the preferential treatment of women there to be found, achieve substantive equality. I am not satisfied that the result would be one of substantive equality in the absence of the rule.’

19 As a result of the high proportion of male membership in the MUA Division, the union is unlikely to achieve substantive equality between men and women in the union unless there are special measures taken to provide for increased participation of women in the governance of the union. The Assistant National Secretary – Woman position aims to address the systemic discrimination present in the MUA and the maritime industry more broadly, by including women in the decision-making processes and governance of the union by way of an elected leadership position on both National Council and National Executive. This affirmative action of the MUA to benefit female members to achieve substantive equality does not give rise to discrimination under s5 or s19 of the SDA.”<sup>31</sup>  
(Footnotes omitted)

**[37]** Turning to the Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander, the MUA Division submits:

“23 ... of the 31 (thirty-one) elected positions within the MUA, there are no offices occupied by a first nations person. Yet 10% of first nations people make up the membership of the union. The advancement of first nations people in the MUA is unlikely to occur unless there are special measures taken to provide for increased participation of first nations people in the governance of the union. The introduction of the Assistant National Secretary – Aboriginal and Torres Strait Islander role, creates meaningful recognition of Indigenous people as leaders of the MUA and aims to advance the advancement of first nations people within the union.

24 ... Crennan, J. in *Jacomb* relevantly considers the characterisation of “special measures” in relation to race and ethnicity, clarifying that to qualify for exemption under s8 of the RDA, a “special measure” is required to have as its sole purpose the securing of adequate advancement of certain racial or ethnic groups.

25. It has been recognised that formal equality before the law is not necessarily sufficient to eliminate all forms of racial discrimination.<sup>8</sup> As a result, special measures may be needed to achieve effective and genuine equality. Crennan, J in *Jacomb* explains:

‘it is the intention and purpose of the person taking a special measure, which governs the characterisation of such a measure as non-discriminatory, not the necessary effect of the measure in disadvantaging any group.’

26 In the case of the Assistant National Secretary – Aboriginal and Torres Strait Islander position, the advancement of first nation members is the reason for the introduction of the position and serves as a mechanism for first nations people to take part in the decision-making processes and governance of the union by way of an elected leadership position. This affirmative action of the MUA Division to introduce the new Assistant National Secretary position seeks to benefit first nation members and secure the advancement of first nations members of the MUA Division. Furthermore, the creation of the role of Assistant National Secretary – Aboriginal and Torres Strait Islander, would provide proportional representation of first nations members within the leadership structure of the MUA Division and foster greater awareness for first nations issues within the union and maritime industry more broadly.” (Footnotes omitted)

[38] I am persuaded by the submissions of the MUA Division.

[39] One in 10 MUA Division members is an Aboriginal and Torres Strait Island person. About one in 14 is a woman. Taken separately or together, the two cohorts make up a significant minority of the MUA Division’s membership. Despite the MUA Division’s “long history of activism in support of first nations peoples and gender equality”<sup>32</sup> the current rules do not seem to provide an effective pathway for women and Aboriginal and Torres Strait Island people to join its National Council.

[40] In the circumstances I accept the MUA Division’s submission that:

“the advancement of these two marginalised groups into leadership positions within the union would be unlikely to occur in the absence of the rule change. The creation of the two Assistant National Secretary positions would advance individuals who identify as a female or a first nations person, into a leadership position of the union.”<sup>33</sup>

[41] Further, women and Aboriginal and Torres Strait Island people do not have access to a senior officer who is responsible for protecting and advancing their particular industrial interests. This contrasts with the other membership cohorts in the MUA Division.<sup>34</sup>

[42] Taken together the alterations encourage women and Aboriginal and Torres Strait Island people to nominate for office. Member participation—particularly women and Aboriginal and Torres Strait Islander member participation—in the MUA Division’s affairs will be enhanced as a result.

[43] The alterations are designed to increase the diversity of representation on bodies which have policy determination and/or management functions. Doing so means the MUA Division will be more representative of its members as a whole. Doing so also “improve[s] diversity in the union’s awareness of membership issues and experiences”.<sup>35</sup> The MUA Division’s capacity to operate effectively is likely to be enhanced as a result.

[44] The alterations are consistent with and not contrary to Parliament’s intentions in enacting the Act. The alterations impose conditions, obligations or restrictions on members. However, they do not so in a way that is contrary to s.142(1)(c) of the Act.

[45] Turning to section 142(1)(d) of the Act, I note paragraphs 13, 18, 23, 26 and 35 of the MUA Division’s submissions (see above). The differential treatment that flows from the alterations is, in the circumstances, relevant and appropriate to the objects to be attained. The alterations are not contrary to s.142(1)(d) of the Act.

[46] I accept the MUA Division’s submissions about the interaction between the alterations, the SDA and the RDA. The alterations are special measures for the purposes of each of those Acts. The alterations are also consistent with Justice Ryan’s comments in Pillar. The alterations are not contrary to law.

Were the alterations made under the rules of the organisation?

[47] Putting aside the matters considered above, the alterations do not take effect unless I certify that, in my opinion, the alterations have been made under the rules of the organisation.

[48] On 13 January 2022 the Commission was contacted by Mr Graham Young. Mr Young said he was a retired member of the Construction, Forestry, Maritime, Mining and Energy Union. Mr Young requested a copy of the material that had been lodged by the MUA Division on 6 January.

[49] On 18 January Mr Young was given a redacted copy of the materials lodged by Maritime Division. The redacted version omitted private personal information included in the original documents.

[50] On 24 January 2022 Mr Young contacted the commission again. He expressed concern about whether the alterations had been made under the rules of the MUA Division and foreshadowed an intention to lodge a submission objecting to certification of the alterations.

[51] Mr Young lodged his submission on 8 February 2009. A copy in pdf format followed on 9 February 2022.

[52] On 16 February 2022 Mr Young was informed that his submission would be provided to the MUA Division along with an invitation to file a submission in reply. Mr Young did not object to that course.

[53] On 18 February 2022 the Commissions sent a copy of Mr Young's submission and accompanying attachments to the MUA Division.

[54] The MUA Division responded through its National Legal Director later that day.

[55] After acknowledging receipt of the material which had been sent by the Commission, the MUA Division submitted:

“The Commission should not entertain the submission made by Mr Young in considering the Rule application and the MUA should not be obliged to reply to that submission.

Mr Young is not a member and has never been a member of what was known as the MUA or the MUA Division of the now CFMMEU. Mr Young has no interest whatsoever in the rule alterations of the MUA Division and any rule alterations do not affect him in any way.

The MUA is of course happy to answer any questions that relate to the rule application.”<sup>36</sup>

[56] It is not necessary to determine whether Mr Young has an interest in the rule alterations of the MUA Division. Nor is it necessary to determine whether the rule alterations effect Mr Young in any way. I must form an opinion about whether the alterations were made under the rules of the organisation. Mr Young's materials raise questions about that matter. In the circumstances it is appropriate to entertain Mr Young's submission.

[57] In order to understand Mr Young's submission it is necessary to understand the procedure which governs the alteration of the MUA Division's rules. In summary:

- Rules alterations are made by the Divisional National Council and then endorsed by members at a Special Meeting of members.<sup>37</sup>
- A Special Meeting of members is held over a series of meetings at different locations.<sup>38</sup>
- The rules list 8 locations where members must meet for a Special Meeting of members. The Divisional National Executive Officers can decide that members meet at other locations as well.<sup>39</sup>
- For a quorum to have been present, 10% of the MUA Division's financial members, in aggregate, must attend one or another of the meetings.<sup>40</sup>
- In addition there must be a minimum number of attendees at the meetings in each of the eight locations listed in MUA Divisional Rule 21 (for instance 100 or more financial members must attend the meeting in Melbourne).

- A motion is passed if it receives both a majority of the votes cast in aggregate and receives a majority of votes cast in a majority of Divisional Branches.<sup>41</sup>
- Each Divisional Branch Secretary must provide the Divisional National Secretary with the result of the vote in their port.<sup>42</sup>

**[58]** Mr Young's submission is detailed. It is accompanied by a large number of attachments. The attachments are purportedly photos of the in-person meetings held for the purposes of convening a Special Meeting of the MUA Division in order to endorse the alterations.

**[59]** I have carefully considered all of the material provided by Mr Young. I have had regard to all of it in reaching my conclusion. However, for reasons that will become apparent below, it is not necessary to refer to Mr Young's material in detail.

**[60]** In summary Mr Young submits:

- He does not dispute that the Divisional National Council properly made the alterations. I note there is no other reason to suggest that aspect of the rule altering procedure was not complied with;
- He was a member of the CFMMEU before it amalgamated with the Maritime Union of Australia in 2018;
- Most port meetings that comprise the Special Meeting of members were not quorate. Mr Young bases this assertion on the meeting that he observed (via Zoom) in Sydney, photographs purporting to show persons who physically attended the other meetings and conversations with unidentified people who are said to have attended other meetings;
- The Melbourne meeting was not properly convened: the notice stated it would be held via Zoom, but it was ultimately held in person at four locations. Three of the locations were not specified by the Divisional National Executive Officers (as the rules require);
- The Melbourne meeting purported to have attendees via Zoom as well as in person. However, there is no evidence of anyone participating via Zoom. Further, if anyone did attend via Zoom, there were not asked to vote on the motion(s);
- Proper records of the meetings were not kept; and
- The declaration of the Divisional National Secretary incorrectly states the number of attendees and the number of members voting in each of the meetings, except for the Brisbane meeting. This error, in Mr Young's submission, also leads to the meetings being void

**[61]** The Commission wrote to the National Divisional Secretary on 2 March 2022. That correspondence set out the concerns raised by Mr Young and requested further information from the MUA Division about the process used to alter the rules, in the form of a Statutory Declaration under the *Statutory Declarations Act 1959* (Cth).<sup>43</sup>

[62] The MUA Division lodged its response on 14 April 2022. The response included a covering email that contained a number of statements that it is unnecessary to traverse. Of relevance however was the following:

“For the purposes of votes cast to change the rules at the Special Meeting of members, the majority required was 1169 eligible votes. As is evident from the revised number of votes cast, in which only 2 persons voted against the proposed rule changes, the votes in favour were 1357.”<sup>44</sup>

[63] Around the relevant time, around 11,606 members of the Construction, Forestry, Maritime, Mining and Energy Union were attached to the MUA Division.<sup>45</sup> The first limb of the endorsement test set out above requires enough voters be present to obtain a quorum (in aggregate) and enough voting in favour to in order to pass the motion. On the face of the statement in the 14 April 2022 email satisfies that limb.

[64] Attached to the 14 April 2022 email was a Statutory Declaration declared by the Divisional National Secretary, Mr Pdraig Crumlin, Mr Crumlin’s Statutory Declaration was declared on the appropriate form, was signed, dated and witnessed by someone authorised to do so under the *Statutory Declarations Act 1959*.

[65] In summary Mr Crumlin refutes the assertions made by Mr Young.

[66] The competing versions of events about whether the Special Meeting of the Division was properly held cannot be reconciled. In the circumstances one version or the other must be preferred.

[67] Mr Young has offered hearsay, unverified photographs said to be gleaned from websites and social media and his observations of the Sydney meeting. The latter are necessarily incomplete given Mr Young’s attendance at that meeting was via video conference rather than in person. This material was not in the form of a Statutory Declaration, sworn/affirmed affidavit or other type of document that could properly be described as evidence for the purpose of legal or quasi legal proceedings.

[68] On the other hand Mr Crumlin’s Commonwealth Statutory Declaration is declared on the basis that the declarant believes that the statements in the declaration are true and correct in every particular and in the knowledge that intentionally making of a false statement in a Statutory Declaration is an offence.<sup>46</sup>

[69] In the circumstances I am entitled to give greater weight to the materials submitted by the Maritime Division. On the basis of those materials, I am satisfied that alterations made by the National Council were endorsed by the MUA Division’s membership as required by the MUA Divisional rules.

[70] On balance the alterations have been made, in my opinion, under the rules of the organisation.

### Conclusion

[71] In my opinion, the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the Act.



GENERAL MANAGER

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- <sup>1</sup> See MUA Division Rule 34(1)(a)(i), proposed Rule 34A(a)(i) and proposed Rule 34B(i).
- <sup>2</sup> See MUA Division Rule 43(b).
- <sup>3</sup> Ibid.
- <sup>4</sup> See proposed Rule 68A.
- <sup>5</sup> See MUA Division Rule 43(c).
- <sup>6</sup> See proposed Rule 45(g)..
- <sup>7</sup> Ibid.
- <sup>8</sup> See the proposed alteration to Rule 67.
- <sup>9</sup> See proposed rules 45((j) and (k), as renumbered.
- <sup>10</sup> See proposed Rule 34A.
- <sup>11</sup> See proposed Rule 34B.
- <sup>12</sup> See the proposed alteration to Rule 34.
- <sup>13</sup> See the proposed alterations to Rule 16.
- <sup>14</sup> See Rule 15(b).
- <sup>15</sup> Other than an alteration to a registered organisation’s name or eligibility rules – see s.158 of the Act.
- <sup>16</sup> See section 159(3) of the Act’
- <sup>17</sup> Or the General Manager’s Delegate – see s.343A of the Act.
- <sup>18</sup> See s159(1)(a) and (b) of the Act. The decision maker must also be of the opinion that the alterations were made under the rules of the organisation: s.159(1)(c). I deal with s159(1)(c) of the Act separately below.
- <sup>19</sup> Section 142(1)(d) of the Act protects members of the organisation (and applicants for membership) from discrimination a number of other grounds. However, none of those grounds are presently relevant.
- <sup>20</sup> [2017] FWCD 4034; 10 November 2017 at paragraphs [20] – [44].
- <sup>21</sup> APESMA Rule 17. I note National Assembly’s powers are subject to decisions made in a plebiscite of APESMA’s members held in accordance with these Rules
- <sup>22</sup> (1989) 168 CLR 461.
- <sup>23</sup> [1994] AILR 249.
- <sup>24</sup> See s.9(1) of the RDA.
- <sup>25</sup> Ibid at s.8(1). Special measures are described in paragraph 4 of Article 1 of the *International Convention on the Elimination of All Forms of Racial Discrimination* that entered into force on 2 January 1969 as follows:  
“Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”
- <sup>26</sup> (1979) 40 FLR 462.
- <sup>27</sup> Ibid at 469.
- <sup>28</sup> 29 April 2022 Submissions of the MUA Divisions concerned with whether the alterations comply with and are not contrary to the Act and are not contrary to law (MUA Divisions Subscriptions) at paragraphs 2 – 4, 6 – 7.
- <sup>29</sup> Ibid at paragraph 35.
- <sup>30</sup> Ibid at paragraphs 12 – 13, 31.
- <sup>31</sup> Ibid at paragraphs 18 – 19.
- <sup>32</sup> Ibid at paragraph 7.
- <sup>33</sup> Ibid at paragraph 28.
- <sup>34</sup> Ibid at paragraph 6.
- <sup>35</sup> Ibid at paragraph 31.
- <sup>36</sup> 18 February email sent by MUA National Legal Director Wendy Carr to the Commission employee who was examining the matter.

<sup>37</sup> MUA Division Rules 64.

<sup>38</sup> Ibid Rule 21.

<sup>39</sup> Ibid Rules 20 and 21.

<sup>40</sup> Ibid Rule 20

<sup>41</sup> Ibid Rule 21.

<sup>42</sup> Ibid.

<sup>43</sup> As noted above the Commission's 2 March 2022 correspondence also invited the MUA Division to make submissions whether the alterations complied with and were not contrary to the Act and were not contrary to law. The MUA Division lodged those submissions on 29 April 2022.

<sup>44</sup> 14 April 2022 email sent by MUA National Legal Director Wendy Carr to the Commission employee who was examining the matter.

<sup>45</sup> 9 April 2022 Submissions of the MUA Divisions concerned with whether the alterations comply with and are not contrary to the Act and are not contrary to law (MUA Divisions Subscriptions) at paragraph 2.

<sup>46</sup> See 11 of the *Statutory Declarations Act 1959*.

## Eve Anderson

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**From:** Wendy Carr [REDACTED]  
**Sent:** Thursday, 6 January 2022 2:58 PM  
**To:** ROS  
**Cc:** Mark Elliott; Eve Anderson; [REDACTED]  
**Subject:** Proposed alterations to Rules - Notice pursuant to s159 FW (RO) Act - The Maritime Division of the CFMMEU  
**Attachments:** 20220106 Rule Change Application (reduced).pdf

Attention: Mark Elliott

**Re: Proposed alterations to Rules - Notice pursuant to s159 FW (RO) Act - The Maritime Division of the CFMMEU**

Dear Mark,

Please find attached application by the MUA Division of the CFMMEU to alter the rules of the Division.

The proposed rule changes, as approved by both National Council and a Special Meeting of members seeks to create two (2) additional National Assistant Secretary positions, one to be filled by a woman, the other to be filled by an Aboriginal and Torres Strait Islander person (ATSI).

The rule changes seek to promote gender equality and affirmative representation across the maritime industry and to address the underrepresentation of both women and first nations persons in elected positions within the union and broader membership.

Regards,

Wendy

Wendy Carr  
*National Legal Director*

Maritime Union of Australia  
A Division of Construction Forestry  
Maritime Mining and Energy Union  
Level 2 , 365-375 Sussex Street  
Sydney NSW 2000  
+612 92658420 [REDACTED]



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6 January 2022

The General Manager  
Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
SYDNEY NSW 2011

By Email: [ros@fwc.gov.au](mailto:ros@fwc.gov.au)

Dear General Manager,

**PROPOSED ALTERATIONS TO RULES  
NOTICE PURSUANT TO s159 FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009  
REGULATION 126 FAIR WORK (REGISTERED ORGANISATIONS) REGULATIONS 2009**

The Maritime Union of Australia Division (The MUA Division) of the Construction, Forestry, Maritime, Mining and Energy Union hereby applies in accordance with Regulation 126 of the Fair Work Regulations 2009 for an alteration of the Rules of The MUA Division.

Enclosed herewith is a Notice of Particulars of proposed alterations to the Rules of The MUA Division with supporting Declaration in accordance with the Regulations.

If you have any queries regarding this application, please contact National Legal Director Wendy Carr on (02) 9267 9134.

Yours faithfully,



**Paddy Crumlin**  
National Secretary  
The Maritime Union of Australia  
Division of the Construction, Forestry, Maritime, Mining and Energy Union

## **Regulation 126 Fair Work (Registered Organisations) Regulations 2009**

### **NOTICE OF PARTICULARS OF RULE ALTERATIONS**

Alter Divisional Rule 16 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

#### **16 - DIVISIONAL NATIONAL COUNCIL – COMPOSITION**

Divisional National Council shall be comprised of the following Officers:-

Divisional National Secretary Divisional Deputy National Secretary

Divisional Assistant National Secretary/s

Divisional Assistant National Secretary –Woman

Divisional Assistant National Secretary- Aboriginal and Torres Strait Islander

Queensland Divisional Branch Secretary

Queensland Divisional Deputy Branch Secretary

Newcastle Divisional Branch Secretary

Newcastle Divisional Deputy Branch Secretary

Sydney Divisional Branch Secretary

Sydney Divisional Deputy Branch Secretary

Southern New South Wales Divisional Branch Secretary

Southern New South Wales Divisional Deputy Branch Secretary

Victorian Divisional Branch Secretary

Victorian Divisional Deputy Branch Secretary

South Australian Divisional Branch Secretary

South Australian Divisional Deputy Branch Secretary

Western Australian Divisional Branch Secretary

Western Australian Divisional Deputy Branch Secretary

Tasmanian Divisional Branch Secretary

Tasmanian Divisional Deputy Branch Secretary

Northern Territory Divisional Branch Secretary

Northern Territory Divisional Deputy Branch Secretary

Divisional National Women's Representative

Alter Divisional Rule 18 as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

### **18 - DIVISIONAL NATIONAL EXECUTIVE**

- (a) There shall be a Divisional National Executive comprising: -
- Divisional National Secretary
  - Divisional Deputy National Secretary
  - Divisional Assistant National Secretary/s
  - Divisional Assistant National Secretary – Woman
  - Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander
  - Divisional National Presiding Officer
  - Divisional Deputy National Presiding Officer
- 2 other members elected by and from Divisional National Council in accordance with the provisions of Divisional Rule 48 both of whom shall be the Divisional National Vice Presiding Officers.
- (b) Divisional National Executive shall consider and advise Divisional National Council on matters referred to it by Divisional National Council or the Divisional National Secretary.
- (c) Meetings of Divisional National Executive shall be called by the Divisional National Secretary as and when required.
- (d) The Divisional National Executive Officers shall be the Divisional National Secretary and the Divisional National Presiding Officer

Alter Divisional Rule 31 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

### **31 - OFFICERS OF THE DIVISION**

The Officers of the Division shall be the Divisional National Officers and the Divisional Branch Officers.

#### Divisional National Officers

- (a) The Divisional National Officers of the Division shall be the: -

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s

Divisional National Assistant Secretary – Woman

Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander

and the following members of Divisional National Council elected by and from Divisional National Council in accordance with the Rules:-

Divisional National Presiding Officer

Divisional National Deputy Presiding Officer

Divisional National Vice-Presiding Officer

- (b) Provided that the number of Divisional National Assistant Secretary/s shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Division and the Divisional National Returning Officer accordingly.

#### Divisional Branch Officers

- (c) The Divisional Branch Officers shall be the:-

Divisional Branch Secretary

Divisional Branch Deputy Secretary

Divisional Branch Assistant Secretary/s

and the Divisional Branch Presiding Officer elected by and from the Divisional Branch Executive in accordance with the Divisional Rules.

- (d) Provided that the number of Divisional Branch Officer/s (other than Divisional Branch Secretary) shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Divisional

Branch and the Divisional National Returning Officer accordingly.

Wages of Officers of the Division

- (e) The remuneration of all Officers of the Division shall be as determined by Divisional National Council.
- (f) Each member of Divisional National Council, Divisional National Executive and a Divisional Branch Executive shall have a duty to regularly attend its meetings.

Alter Divisional Rule 34 as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

#### **34 - DIVISIONAL ASSISTANT NATIONAL SECRETARY/S - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary/s shall:
  - (i) be full-time Officers and shall be subject to the supervision and direction of the ~~Divisional~~ National Secretary; and
  - (ii) give all reasonable assistance to the ~~Divisional~~ National Secretary as and when required.
  
- (b) Should the Divisional Deputy National Secretary be absent at the same time as the ~~Divisional~~ National Secretary, Divisional National Council shall appoint a Divisional Assistant National Secretary, Divisional Assistant National Secretary – Woman, or Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander to act in place of the ~~Divisional~~ National Secretary until such time as the ~~Divisional~~ National Secretary or Divisional Deputy National Secretary return to duty and whilst so appointed the Divisional Assistant National Secretary appointed shall have the powers and duties of the ~~Divisional~~ National Secretary.

After Divisional Rule 34, insert new Divisional Rule 34A as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N- MUA Certified 13 April 2021]:

**34A DIVISIONAL ASSISTANT NATIONAL SECRETARY - WOMAN - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary - Woman shall:
- (i) be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary;
  - (ii) give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting women; and
  - (iii) have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

After new Divisional Rule 34A, insert new Divisional Rule 34B as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N- MUA Certified 13 April 2021]:

**34B DIVISIONAL ASSISTANT NATIONAL SECRETARY – ABORIGINAL AND TORRES STRAIT ISLANDER - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall:
- (i) be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary;
  - (ii) give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting Aboriginal and Torres Strait Islander people; and
  - (iii) have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

Alter Divisional Rule 43 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

### **43 QUADRENNIAL ELECTIONS**

(a) On and from the Quadrennial Election to be held in 2015, Elections for each of the Offices~~listed~~ in Sub-Rule (b) of this Rule shall be held every four years in accordance with the Rules.

(b) Electorates

(i) All members of the Division eligible to vote in accordance with the Rules shall electpersons to fill the Offices listed below:-

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s (subject to Rule 31 (b))

Divisional National Assistant Secretary – Woman

Divisional National Assistant Secretary – Aboriginal and Torres Strait  
Islander

Divisional National Women's Representative

(ii) In each Divisional Branch the members allocated to it and eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-

Divisional Branch Secretary

Divisional Branch Deputy Secretary (subject to Rule

31 (d)) Divisional Branch Assistant Secretary/s

(subject to Rule 31 (d))

(c) Taking Office

All persons declared elected shall take Office from July 1 in the year of the QuadrennialElection.

(d) If a date for taking any step in an election falls on a Saturday, Sunday or public holiday, the date for taking the step shall be the next ensuing working week day.

Alter Divisional Rule 15 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

#### 45 NOMINATIONS

- (a) Nominations for Offices to be filled at a Quadrennial Election of the Division shall open on February 25 and close at 5pm on March 25 in the year of the election.
- (b) All nominations papers containing the nominees name as contained on the Roll or as abbreviated, derived or consistently used, shall be signed by the nominee and two members of the Division who are financial as at the close of nominations.
- (c) All nomination papers shall be forwarded by mail or delivered addressed to the Divisional National Returning Officer at a post office box under the control of the Returning Officer. Where the nomination papers are forwarded by mail the nominee shall retain verification of the date and means of postage.
- (d) A nomination once received by the Divisional National Returning Officer may not be withdrawn.
- (e) If the Divisional National Returning Officer finds a nomination to be defective the Divisional National Returning Officer shall before rejecting the nomination notify the member concerned of the defect and where practicable give the member not less than 7 days from the day of such notification to remedy the defect.

#### Eligibility to Nominate

- (f) Subject to the Rules nominations for all Offices shall be open to all members of the Division who are financial as at the close of nominations.
- (g) Notwithstanding Rule 45(f), the Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander shall only be eligible for nomination by a woman and an Aboriginal and Torres Strait Islander person (as defined) respectively.

~~(g)~~ (h) *A member shall be eligible to nominate if at the close of nominations the member is financial and has remained a member for at least one year immediately prior to the close of nominations and has been engaged or reasonably seeking to be engaged in an occupation covered by the Eligibility Rule for that year.*

*Provided that for the purposes of this Sub-Rule a member:*

- (i) whilst holding an elected Office in the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility); or*
- (ii) who after becoming a member of the Division is employed by the Division to assist in the work of the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility)*

~~(h) (i)~~ No member shall be eligible to nominate for more than one Office of Officer of the Division. If a member nominates for more than one such Office each such nomination shall be void.

~~(h)~~ No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.

~~An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.~~

~~Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.~~

(i) No member shall be eligible to nominate for more than one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g). If a member nominates for more than one such Office each such nomination shall be void.

(k) No member shall be eligible to nominate for one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g) and the Office of Divisional National Assistant Secretary in accordance with Rule 45(f). If a member nominates for more than one such Office each such nomination shall be void.

(l) No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.

An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.

Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.

#### Election Statement

- ⊕ (m) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 200 word statement for forwarding with ballot papers in accordance with Rule 47(c). The statement shall require the approval of the Divisional National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 200 word limit will be deleted from the end of the statement.

Alter Divisional Rule 47 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

## **47 - ELECTION PROCEDURES**

### One Candidate Only

- (a) In the event of only one candidate being nominated for an Office the Divisional National Returning Officer shall declare the candidate elected to the Office.
  - (i) In the case of Quadrennial Elections the candidate declared elected shall take Office on and from July 1 in the year of the election.
  - (ii) In the case of an election to fill a casual vacancy the candidate declared elected shall take Office on and from the declaration of the election by the Divisional National Returning Officer.

### Two or More Candidates

- (b) In the event of two or more candidates being nominated for any Office a ballot shall be conducted and the Divisional National Returning Officer shall:
  - (i) seven days following the closure of nominations arrange for the printing of the ballot papers which shall contain the names of the candidates in alphabetical order; and
  - (ii) initial each ballot paper before despatching papers to voters. Provided that the Divisional National Returning Officer's initials may be affixed by facsimile or electronic imprint.

### Issue and Return of Ballot Materials

- (c) The ballot shall be opened on April 28 by the Divisional National Returning Officer posting to each member listed on the Roll of Voters:-
  - (i) voting instructions from the Divisional National Returning Officer
  - (ii) a ballot paper
  - (iii) a declaration envelope which complies with the form prescribed by the RO Regulations
  - (iv) a prepaid envelope which complies with the form prescribed by the RO Regulations addressed to the Divisional National Returning Officer
  - (v) all Election Statements approved by the Divisional National Returning Officer in accordance with Rule 45(j)(m).
- (d) The instructions to each voter shall include instructions to take the following steps:-

- (i) place a cross or a tick next to the name of the candidate on the ballot paper the voter wishes to vote for
  - (ii) place the ballot paper in the declaration envelope and sign the declaration on the declaration envelope
  - (iii) place the sealed declaration envelope inside the prepaid envelope addressed to the Divisional National Returning Officer and seal it
  - (iv) post the prepaid envelope addressed to the Divisional National Returning Officer
- (e) In the case of Quadrennial Elections voters shall also be instructed that the ballot shall close on June 14 and that only ballot papers received by the Divisional National Returning Officer by that time shall be counted provided that a ballot paper contained in the prepaid envelope which is received by the Divisional National Returning Officer by no later than June 19 bearing a post mark dated not later than June 14 shall be counted.

#### Absentee Voting

- (f) A member entitled to vote may apply in writing to the Divisional National Returning Officer for an absentee vote in which case ballot materials may be given to the member personally or posted to an address nominated by the member. All such applications shall be made before 5pm on June 7 in the year of a Quadrennial Election.

#### Counting the Ballot

- (g) On June 15 the Divisional National Returning Officer and the Divisional Deputy National Returning Officers shall attend at a place nominated by and under the control of the Divisional National Returning Officer in order to count the ballot.
- (h) The Divisional National Returning Officer shall notify each candidate by post of the place and date of the count at least 7 days prior to the count.
- (i) The count shall be conducted as follows:
- (i) The Divisional National Returning Officer shall in the presence of any scrutineers open the envelopes addressed to the Divisional National Returning Officer.
  - (ii) The declaration envelope shall be checked against the Roll of Voters to ensure that no votes are cast except by those entitled to vote and that no member votes more than once.
  - (iii) The Divisional National Returning Officer shall before removing the ballot paper from the declaration envelope first remove the flap or label on each declaration envelope and then shall open the declaration envelope and

remove the ballot paper. The Divisional National Returning Officer shall ensure that no flap or label may be identified with a ballot paper.

- (iv) Counting shall then be commenced.

#### Declaration of Election Result

- (j)
  - (i) On completion of the count the Divisional National
  - (ii) Returning Officer shall forthwith declare elected the candidate receiving the most votes.
  - (iii) The Divisional National Returning Officer shall declare the result of the election in writing to the Divisional National Secretary and each Divisional Branch Secretary.
  - (iv) The Divisional National Secretary shall publish to the members of the Division the declaration of the result of the election.
- (ii) All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.

#### Scrutineers

- (k) Each candidate shall have the right to appoint not more than two scrutineers being financial members of the Division who shall be entitled to be present at all stages of the count. The appointment of scrutineers shall be by notice in writing signed by the candidate to the Divisional National Returning Officer. The rights and duties of scrutineers shall be to represent the interest of their appointing candidate. They shall be entitled to be present at all stages of the ballot while the Returning Officer carries out the procedures under the Rules and to direct the attention of the Returning Officer to any irregularity concerning the carrying out of any step in the ballot. They shall do all things necessary so that the secrecy of the ballot shall be observed. They shall not obstruct the Returning Officer in the performance of the Returning Officer's duties nor interfere with the conduct of the ballot.

#### Protests

- (l) In the event of any protest being lodged against any candidate or against any part of the proceedings the counting of the ballot shall continue, and the protest shall be made the subject of inquiry after the declaration by the Divisional National Returning Officer.

Alter Divisional Rule 67 as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N-MUA Certified 13 April 2021]:

## 67 DEFINITIONS

In the Divisional Rules, unless the context otherwise indicates or the contrary intention appears:-

“Aboriginal and Torres Strait Islander person” means any member who is of Aboriginal or Torres Strait Islander descent, who is accepted as such by her or his community, and has identified himself or herself to the Union as Aboriginal and Torres Strait Islander.

“Act” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;

“Commonwealth”, “Commonwealth of Australia” or “Australia” shall include the territories of the Commonwealth;

“declared person or body” means:

- (i) an Officer of the Division or a Divisional Branch of the Division who has disclosed a material personal interest under Rule 55; and
- (ii) the interest relates to, or is in, the person or the body; and
- (iii) the Officer has not notified the Division or a Divisional Branch of the Division that the Officer no longer has the interest.

“disclosure period” for the purposes of the Divisional Rules means the financial year unless a shorter period is specified;

“financial duties” includes duties that relate to the financial management of the Division or a Divisional Branch of the Division;

“financial year” means a twelve-month period ending at midnight on June 30 in each year;

“General Manager” means the General Manager of the Fair Work Commission;

“non cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes;

“office” has the same meaning as defined by section 9 of the RO Act;

“Officer” has the same meaning as defined by section 6 of the RO Act;

“peak council” has the same meaning as defined by section 12 of the Act ;

“related party” has the same meaning as defined by section 9B of the RO Act;

“relative” in relation to a person means:

- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (ii) the spouse of the first mentioned person.

“relevant non cash benefits” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period means the non cash benefits provided to the Officer of the Division or a Divisional Branch of the Division, at any time during the disclosure period, in connection with the performance of the Officer’s duties as an Officer of the Division or a Divisional Branch of the Division, by the Division or a Divisional Branch of the Division or by a related party of the Division or a Divisional Branch of the Division.

“relevant remuneration” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Division or a Divisional Branch of the Division by the Officer under Rule 54 during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the Officer by the Division or a Divisional Branch of the Division;

“remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include:

- (i) a non cash benefit;
- (ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

“RO Act” means the Fair Work (Registered Organisations) Act 2009 or any Act replacing that Act;

“RO Regulations” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those regulations.

“the Divisional Rules” means the Rules of The Maritime Union of Australia Division ;

“the Division” means “The Maritime Union of Australia Division” known as the MUA Division;

“Union” means the Construction, Forestry, Maritime, Mining and Energy Union.

and

Words denoting the masculine gender shall include the feminine.

After Divisional Rule 68, insert new Divisional Rule 68A as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division [105N- MUA Certified 13 April 2021]:

**68A TRANSITIONAL RULE - DIVISIONAL ASSISTANT NATIONAL SECRETARY**

In accordance with Rule 47, the offices of Divisional Assistant National Secretary – Woman and Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall commence on 1 July 2023.

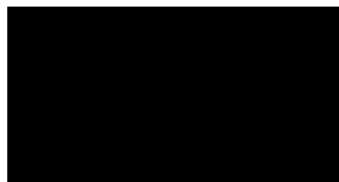
## DECLARATION

### Regulation 126 Fair Work (Registered Organisations) Regulations 2009 Section 159(1) Fair Work (Registered Organisations) Act 2009

I Pdraig Crumlin, being the Divisional National Secretary of The Maritime Union of Australia Division of the Construction, Forestry, Maritime, Mining and Energy Union, hereby declare that:

1. On 27 March 2018, The Maritime Union of Australia was deregistered upon amalgamation with the Construction, Forestry, Mining and Energy Union and the Textile, Clothing and Footwear Union of Australia and the establishment of The Maritime Union of Australia Division (The MUA Division) of the amalgamated organisation, the Construction, Forestry, Maritime, Mining and Energy Union (Union).
2. The alterations of the Rules of The MUA Division as set out in the attached Notice of Particulars of Rule Alterations were made in accordance with the Rules of The MUA Division and the Rules of the Union.
3. In accordance with Rule 27(iv) of the Rules of the Union, each Division of the Union shall have power to make, alter or rescind such rules, to be called Divisional Rules.
4. In accordance with Rule 64(e) of the Rules of The MUA Division, the Rules of The MUA Division may be changed by The MUA Divisional National Council, subject to the endorsement of members at a Special Meeting of members of The MUA Division.
5. On 10 June 2021, I reported to The MUA Divisional National Council in session on the MUA Division's commitment to ensuring women and first nations representation and for this to be reflected through amendments to the rules of the union to create two additional Divisional National Assistant Secretary positions. National Councillors affirmed the MUA Division's continued support for progressive, gender equality and affirmative representation across the maritime industry to address the under representation of women and first nations people.
6. To reflect this commitment, on 10 June 2021, The MUA Divisional National Council resolved to commence the process to make amendments to the rules of the union to create two additional Divisional National Assistant Secretary positions. The resolution passed by The MUA Divisional National Council is set out at **Attachment A**. I confirm that a quorum was achieved at the meeting of Divisional National Council on 10 June 2021 in accordance with Rule 17(h) of the Rules of the Division. **Attachment B** is a list of attendees at the meeting of Divisional National Council on 10 June 2021.
7. On 19 October 2021, I reported to The MUA Divisional National Council in session on the resolution endorsed at the June 2021 Divisional National Council to make amendments to the rules to create the two additional Divisional National Assistant Secretary positions and that a final draft would be circulated to National Councillors prior to Special Meetings of members to be held in November 2021.
8. The MUA Divisional National Council noted the resolution of 10 June 2021 and further resolved that a final rule change be drafted to be circulated in accordance with Rule 64(d). The resolution passed by the MUA Divisional National Council on 19 October 2021 is set out at **Attachment C**. I confirm a quorum was achieved at the meeting of Divisional National Council on 19 October 2021 in accordance with Rule 17(h) of the Rules of the Division. **Attachment D** is a list of attendees at the meeting of Divisional National Council on 19 October 2021.

9. On 24 November 2021, and in accordance with Rule 64(d) of the Rules of The Division, I forwarded the final draft of the proposed rule changes arising out of the June and October 2021 Divisional National Councils, to all members of the Divisional National Council, including each Divisional Branch Secretary; see **Attachment E**.
10. On 24 November 2021, and in accordance with Rule 64(d) of the Rules of The Division, a majority of the members of Divisional National Council approved the proposed rule changes set out at Attachment E. I confirm that a majority of the members of Divisional National Council submitted their endorsement of the proposed rule changes by way of signature. **Attachment F** is a list of members who endorsed by signing the proposed rule changes.
11. At a Special Meeting of members of The MUA Division held between 26 November 2021 and 2 December 2021 in accordance with Rules 20 and 21 of the Rules of The MUA Division, each of the proposed rule changes set out in the attached Notice of Particulars of Rule Alterations were endorsed by the Special Meeting of members of The MUA Division. The locations, dates, and quorum of the Special Meeting of members of The MUA Division held at numerous locations across the country, and votes in favour of the proposed rule changes, are set out at **Attachment G**.
12. I confirm that Notice of the Special Meeting of members of The MUA Division held at the locations set out at Attachment G was given in accordance with Rule 20(d) of the Rules of The MUA Division. Attached at **Attachment H** are the Notices of the times and places of the Special Meetings of members of The MUA Division, inserted in daily newspapers circulating in each location listed in **Attachment G**, at least three days before the date of the Special Meeting of members of The MUA Division. I confirm that Notices of the Special Meeting of members of The MUA Division were also placed in the office of each Divisional Branch and on The MUA Division's website.
13. I have today caused a notice to be published on The MUA Division's website that the attached Notice of Particulars of Rule Alterations has today been lodged with the Fair Work Commission.
14. The particulars set out in this Declaration and the attached Notice of Particulars of Rule Alterations are true and correct to the best of my knowledge and belief.



**Padraig Crumlin**  
**Divisional National Secretary**  
**The Maritime Union of Australia Division**  
**Construction, Forestry, Maritime, Mining and Energy Union**

Date: 6 January 2022

# ATTACHMENT A

Comrade Tracey also resigned his position as Divisional National Presiding Officer. Arising from these resignations received in writing two casual vacancies arose and were filled consistent with the MUA rules. Below is a summary of National Council's resolutions in relation to its commitment to a First Nations and Woman representative and the changes within the union.

## **Resolution 1**

*National Council resolves to make amendments to the rules of the union to create two (2) additional Divisional National Assistant Secretary positions. One to be eligible for nomination by a First Nations person and the other by a Woman, and also meeting all other criteria under the rules for nomination. The criteria for nomination to the positions should be examined, so as to meet the union rules and any relevant legislation. The proposed amendments to the rules will be taken to a Special Meeting following this year's AGMs in accordance with the union's rules.*

**Moved: Paddy Crumlin**

**Seconded: Warren Smith**

**Carried<sup>2</sup>**

Divisional National Council noted the resignation of Thomas Mayor from the Office of Northern Territory Divisional Branch Deputy Secretary of The Maritime Union of Australia Division of the Construction, Forestry, Maritime, Mining and Energy Union with effect from 5.00 pm on Thursday 10 June 2021.

## **Resolution 2**

*Divisional National Council resolves to appoint Chris Cain to fill the casual vacancy in the Office of Northern Territory Divisional Branch Deputy Secretary of The Maritime Union of Australia Division (Division) of the Construction, Forestry, Maritime, Mining and Energy Union in accordance with Rule 42 of the Rules of the Division with effect from 5.01 pm on Thursday 10 June 2021.*

**Moved: Paddy Crumlin**

**Seconded: Alisha Bull**

**Carried**

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<sup>2</sup> Carried denotes carried unanimously

# ATTACHMENT B

## Maritime Union of Australia

*A Division of Construction Forestry Maritime Mining and Energy Union*

### National Council Minutes

10 – 11 June 2021

Conference Centre, 365 – 375 Sussex Street, Sydney, 2000  
and via Zoom

Day 1 – Thursday 10<sup>th</sup> June 2021

Attendees:

National Councillors

Office	Name
Divisional Deputy National Secretary	Padraig Crumlin
Divisional Deputy National Secretary	Warren Smith
Divisional Assistant National Secretary	Adrian Evans
Divisional Assistant National Secretary	Jamie Newlyn
Divisional National Women's Representative	Mich-Elle Myers
Sydney Divisional Branch Secretary	Paul Keating
Sydney Divisional Deputy Branch Secretary	Paul Garrett
Newcastle Divisional Branch Secretary	Glen Williams
Newcastle Divisional Deputy Branch Secretary	Dennis Outram
Port Kembla Divisional Branch Secretary	Michael Cross
Port Kembla Divisional Deputy Branch Secretary	Scott Carter
Victorian Divisional Branch Secretary	Shane Stevens
Victorian Divisional Deputy Branch Secretary	David Ball
Queensland Divisional Deputy Branch Secretary	Jason Miners

South Australian Divisional Branch Secretary	Brett Larkin
South Australian Divisional Deputy Branch Secretary	Clem Clothier
Western Divisional Branch Secretary	Will Tracey
Western Divisional Deputy Branch Secretary	Doug Heath
Tasmanian Divisional Branch Secretary	Jason Campbell
Tasmanian Divisional Deputy Branch Secretary	Alisha Bull
Northern Territory Divisional Branch Secretary	Andy Burford
Northern Territory Divisional Deputy Branch Secretary	Chris Cain

### Observers

Thomas Mayor; Jake Field; Wendy Carr; Aaron Neal.

### Apologies

None.

### Guests

None.

# ATTACHMENT C

Jake spoke about the recommendations arising from National Executive around governance. He said the review of the critical areas of the Union's governance, including processes to ensure they are robust and that they be communicated to Branches, would continue.

Recommendation that the Legal Report be accepted:

**Moved: Adrian Evans**

**Seconded: Warren Smith**

**Carried<sup>3</sup>**

## **AGM**

Jake reported that AGMs would be held in November and December and that a resolution by National Council to hold AGMs in December would be considered on the final day of National Council.

## **Proposed rule changes**

Paddy Crumlin and Jake Field reported on the proposed rule changes to create two additional Divisional National Assistant Secretary positions. Jake said Wendy Carr had been communicating with the FWC and that following those discussions further work needed to be done to the draft before finalising the proposed rule changes.

The following Resolution was put to National Council to finalise the proposed rule changes:

*That National Council notes the resolution adopted at the June 2021 National Council in relation to the proposed rule change to include two additional National Assistant Secretaries and resolves that a final rule change be drafted which enables two of the Offices of Divisional National Assistant Secretaries as determined by National Council in accordance with Rule 31 (b) to be filled by a woman and an Aboriginal and Torres Strait Islander person (as defined) and further that the National Legal Director work through other identified issues in relation to s 193 of the Registered Organisations Act and a proposed change to Rule 47 Election procedures and that a final draft be circulated to National Council in accordance with 64 (d).*

**Moved: Adrian Evans**

**Seconded: Warren Smith**

**Carried**

## 5. Workers Capital

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<sup>3</sup> Carried denotes carried unanimously

# ATTACHMENT D

## Maritime Union of Australia

*A Division of Construction Forestry Maritime Mining and Energy Union*

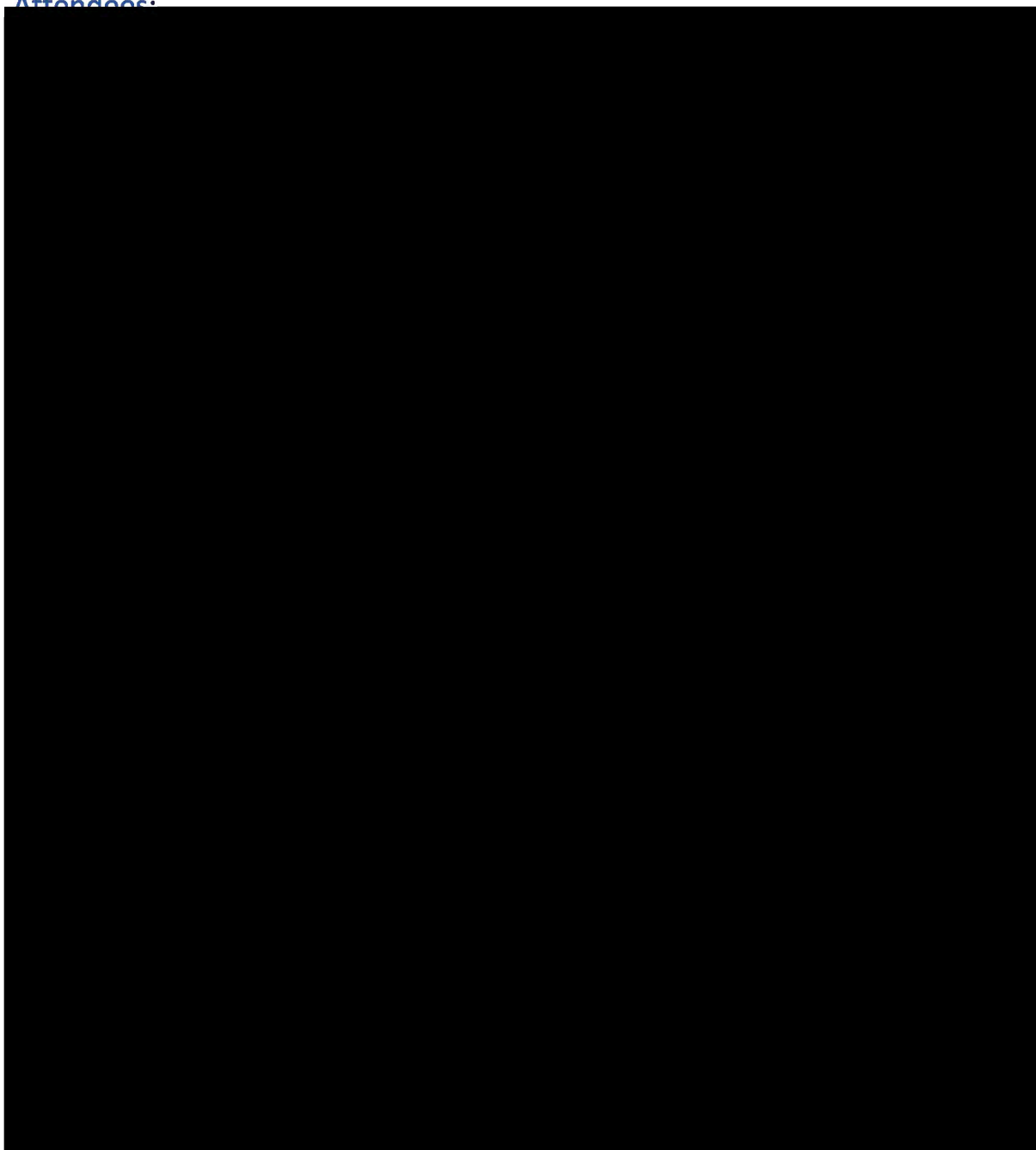
### National Council Minutes

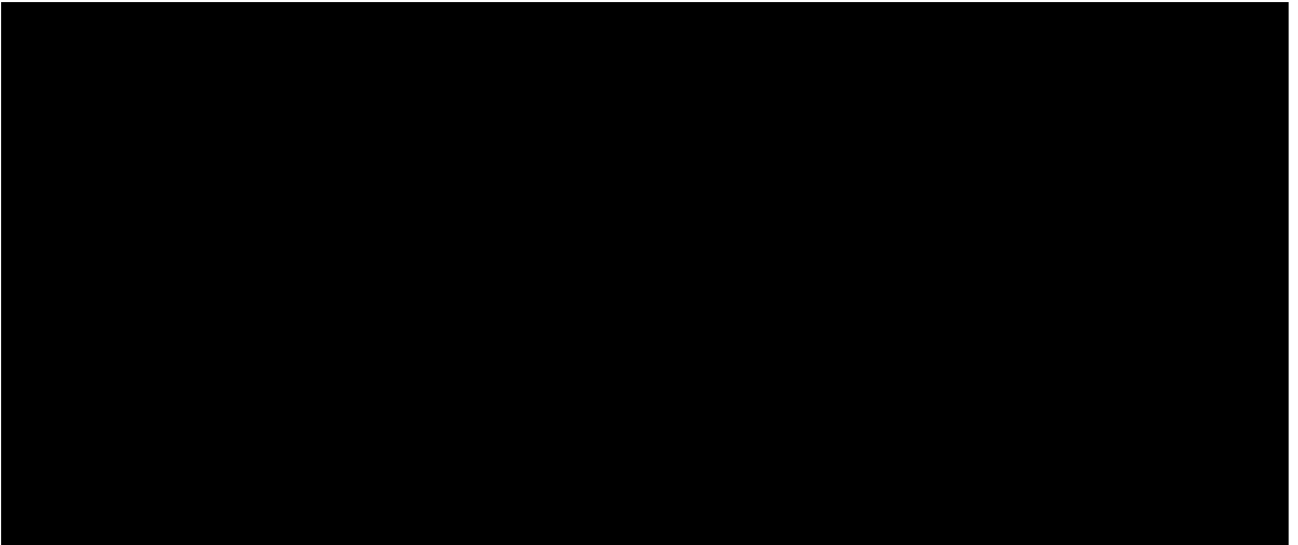
19-21 October 2021

Conference Centre, 365 – 375 Sussex Street, Sydney, 2000  
and via Zoom

Day 1 - Tuesday 19<sup>th</sup> October 2021

Attendees:





# ATTACHMENT E

**The Maritime Union of Australia | National Office**

A Division of Construction, Forestry, Maritime, Mining & Energy Union



**Paddy Crumlin** - National Secretary | **Warren Smith** - Deputy National Secretary

**Adrian Evans & Jamie Newlyn** - Assistant National Secretaries

## NATIONAL COUNCIL VOTE 166 of 2021

**TO: The Maritime Union of Australia Division**

**FROM: Paddy Crumlin**

**DATE: 24 November 2021**

**RE: PROPOSED RULE CHANGES**

Dear Comrades,

Please find set out at Attachment A, proposed changes to the Rules of The Maritime Union of Australia Division, arising out of National Council resolutions.

In accordance with Rules 64(d) and 17(e) of the Rules of the Union, I am circulating the Proposed Rule Changes for approval by National Council of the Division.

### Background

At its meeting in June 2021, National Council reaffirmed:

- its continued support for progressive, gender equality and affirmative representation across the Maritime Industry, in the pursuit of positive industrial, political, and social diversity outcomes for women embedded in the Divisional Rules; and
- its commitment to the full and meaningful realisation and recognition of the broader societal and political structural reforms called for in the Uluru Statement, through the enshrinement of a First Nations voice within the Divisional Rules.

National Council resolved to make amendments to the Division's Rules to create two additional Divisional National Assistant Secretary positions. One to be eligible for nomination by a First Nations person and the other by a woman who would meet the criteria under the rules for nomination.

The proposed rule changes set out at Attachment A reflect the resolution as passed at National Council and incorporate consequential amendments to the Rules necessary to give effect to the Proposed Rule Changes.

National Councillors are requested to approve the Proposed Rule Changes by way of **signed council vote**, as soon as possible and by **close of business today, Wednesday 24 November 2021**.

If there are any queries regarding this matter, please contact Wendy Carr, National Legal Director (02) 9267 9134.

In Unity,



**Paddy Crumlin**  
**Divisional National Secretary**

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse/do not endorse the *Proposed Rule Changes*

Name:.....  
*(please print)*

Signature:.....

Position: .....  
*(please print)*

Date: .....

**ATTACHEMENT A: MUA DIVISION PROPOSED RULE CHANGES**

**MUA Divisional Rule Change Proposal #1**

Using **strikethrough** for deletions and **underline** for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

**31 - OFFICERS OF THE DIVISION**

The Officers of the Division shall be the Divisional National Officers and the Divisional Branch Officers.

Divisional National Officers

- (a) The Divisional National Officers of the Division shall be the: -

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s

Divisional National Assistant Secretary – Woman

Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander

and the following members of Divisional National Council elected by and from Divisional National Council in accordance with the Rules:-

Divisional National Presiding Officer

Divisional National Deputy Presiding Officer

Divisional National Vice-Presiding Officer

- (b) Provided that the number of Divisional National Assistant Secretary/s shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Division and the Divisional National Returning Officer accordingly.

Divisional Branch Officers

- (c) The Divisional Branch Officers shall be the:-

Divisional Branch Secretary

Divisional Branch Deputy Secretary

Divisional Branch Assistant Secretary/s

and the Divisional Branch Presiding Officer elected by and from the Divisional Branch Executive in accordance with the Divisional Rules.

- (d) Provided that the number of Divisional Branch Officer/s (other than Divisional Branch Secretary) shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Divisional Branch and the Divisional National Returning Officer accordingly.

Wages of Officers of the Division

- (e) The remuneration of all Officers of the Division shall be as determined by Divisional National Council.
- (f) Each member of Divisional National Council, Divisional National Executive and a Divisional Branch Executive shall have a duty to regularly attend its meetings.

## **MUA Divisional Rule Change Proposal #2**

Using **strikethrough** for deletions and **underline** for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **16 - DIVISIONAL NATIONAL COUNCIL – COMPOSITION**

Divisional National Council shall be comprised of the following Officers:-

Divisional National Secretary  
Divisional Deputy National Secretary

Divisional Assistant National Secretary/s

Divisional Assistant National Secretary –Woman

Divisional Assistant National Secretary- Aboriginal and Torres Strait Islander

Queensland Divisional Branch Secretary

Queensland Divisional Deputy Branch Secretary

Newcastle Divisional Branch Secretary

Newcastle Divisional Deputy Branch Secretary

Sydney Divisional Branch Secretary

Sydney Divisional Deputy Branch Secretary

Southern New South Wales Divisional Branch Secretary

Southern New South Wales Divisional Deputy Branch Secretary

Victorian Divisional Branch Secretary

Victorian Divisional Deputy Branch Secretary

South Australian Divisional Branch Secretary

South Australian Divisional Deputy Branch Secretary

Western Australian Divisional Branch Secretary

Western Australian Divisional Deputy Branch Secretary

Tasmanian Divisional Branch Secretary

Tasmanian Divisional Deputy Branch Secretary

Northern Territory Divisional Branch Secretary

Northern Territory Divisional Deputy Branch Secretary

Divisional National Women's Representative

### MUA Divisional Rule Change Proposal #3

Using ~~strike through~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

#### 18 - DIVISIONAL NATIONAL EXECUTIVE

- (a) There shall be a Divisional National Executive comprising: -
- Divisional National Secretary
  - Divisional Deputy National Secretary
  - Divisional Assistant National Secretary/s
  - Divisional Assistant National Secretary – Woman
  - Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander
  - Divisional National Presiding Officer
  - Divisional Deputy National Presiding Officer
  - 2 other members elected by and from Divisional National Council in accordance with the provisions of Divisional Rule 48 both of whom shall be the Divisional National Vice Presiding Officers.
- (b) Divisional National Executive shall consider and advise Divisional National Council on matters referred to it by Divisional National Council or the Divisional National Secretary.
- (c) Meetings of Divisional National Executive shall be called by the Divisional National Secretary as and when required.
- (d) The Divisional National Executive Officers shall be the Divisional National Secretary and the Divisional National Presiding Officer

## MUA Divisional Rule Change Proposal #4

Using ~~strikethrough~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **34 - DIVISIONAL ASSISTANT NATIONAL SECRETARY/S - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary/s shall:
  - (i) be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary; and
  - (ii) give all reasonable assistance to the Divisional National Secretary as and when required.
  
- (b) Should the Divisional Deputy National Secretary be absent at the same time as the Divisional National Secretary, Divisional National Council shall appoint a Divisional Assistant National Secretary, Divisional Assistant National Secretary – Woman, or Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander to act in place of the Divisional National Secretary until such time as the Divisional National Secretary or Divisional Deputy National Secretary returns to duty and whilst so appointed the Divisional Assistant National Secretary appointed shall have the powers and duties of the Divisional National Secretary.

## MUA Divisional Rule Change Proposal #5

Using ~~strikethrough~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **34A DIVISIONAL ASSISTANT NATIONAL SECRETARY - WOMAN - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary - Woman shall:
- (i) be a full-time Officer and shall be subject to the supervision and direction of the Divisional National Secretary;
  - (ii) give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting women; and
  - (iii) have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

## MUA Divisional Rule Change Proposal #6

Using ~~strikethrough~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **34B DIVISIONAL ASSISTANT NATIONAL SECRETARY – ABORIGINAL AND TORRES STRAIT ISLANDER - POWERS AND DUTIES**

- (a) The Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall:
- (i) be a full-time Officer and shall be subject to the supervision and direction of the Divisional National Secretary;
  - (ii) give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting Aboriginal and Torres Strait Islander people; and
  - (iii) have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

## MUA Divisional Rule Change Proposal #7

Using **strikethrough** for deletions and **underline** for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### 43 QUADRENNIAL ELECTIONS

- (a) On and from the Quadrennial Election to be held in 2015, Elections for each of the Offices listed in Sub-Rule (b) of this Rule shall be held every four years in accordance with the Rules.

(b) Electorates

- (i) All members of the Division eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s (subject to Rule 31 (b))

Divisional National Assistant Secretary – Woman

Divisional National Assistant Secretary – Aboriginal and Torres Strait

Islander

Divisional National Women’s Representative

- (ii) In each Divisional Branch the members allocated to it and eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-

Divisional Branch Secretary

Divisional Branch Deputy Secretary (subject to Rule

31 (d)) Divisional Branch Assistant Secretary/s

(subject to Rule 31 (d))

(c) Taking Office

All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.

- (d) If a date for taking any step in an election falls on a Saturday, Sunday or public holiday, the date for taking the step shall be the next ensuing working week day.

## MUA Divisional Rule Change Proposal #8

Using **strikethrough** for deletions and **underline** for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### 45 NOMINATIONS

- (a) Nominations for Offices to be filled at a Quadrennial Election of the Division shall open on February 25 and close at 5pm on March 25 in the year of the election.
- (b) All nominations papers containing the nominees name as contained on the Roll or as abbreviated, derived or consistently used, shall be signed by the nominee and two members of the Division who are financial as at the close of nominations.
- (c) All nomination papers shall be forwarded by mail or delivered addressed to the Divisional National Returning Officer at a post office box under the control of the Returning Officer. Where the nomination papers are forwarded by mail the nominee shall retain verification of the date and means of postage.
- (d) A nomination once received by the Divisional National Returning Officer may not be withdrawn.
- (e) If the Divisional National Returning Officer finds a nomination to be defective the Divisional National Returning Officer shall before rejecting the nomination notify the member concerned of the defect and where practicable give the member not less than 7 days from the day of such notification to remedy the defect.

#### Eligibility to Nominate

- (f) Subject to the Rules nominations for all Offices shall be open to all members of the Division who are financial as at the close of nominations.
- (g) Notwithstanding Rule 45(f), the Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander shall only be eligible for nomination by a woman and an Aboriginal and Torres Strait Islander person (as defined) respectively.

~~(g)~~ (h) *A member shall be eligible to nominate if at the close of nominations the member is financial and has remained a member for at least one year immediately prior to the close of nominations and has been engaged or reasonably seeking to be engaged in an occupation covered by the Eligibility Rule for that year.*

*Provided that for the purposes of this Sub-Rule a member:*

- (i) *whilst holding an elected Office in the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S)*

*(Eligibility); or*

- (ii) *who after becoming a member of the Division is employed by the Division to assist in the work of the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility)*

**(h) (i)** No member shall be eligible to nominate for more than one Office of Officer of the Division. If a member nominates for more than one such Office each such nomination shall be void.

**(h)** ~~No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.~~

~~An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.~~

~~Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.~~

**(j)** No member shall be eligible to nominate for more than one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g). If a member nominates for more than one such Office each such nomination shall be void.

**(k)** No member shall be eligible to nominate for one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g) and the Office of Divisional National Assistant Secretary in accordance with Rule 45(f). If a member nominates for more than one such Office each such nomination shall be void.

**(l)** No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.

An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.

Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform

the membership of a notice as soon as possible.

### Election Statement

⊕ (m) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 200 word statement for forwarding with ballot papers in accordance with Rule 47(c). The statement shall require the approval of the Divisional National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 200 word limit will be deleted from the end of the statement.

## **MUA Divisional Rule Change Proposal #9**

Using **strikethrough** for deletions and **underline** for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **47 - ELECTION PROCEDURES**

#### One Candidate Only

- (a) In the event of only one candidate being nominated for an Office the Divisional National Returning Officer shall declare the candidate elected to the Office.
  - (i) In the case of Quadrennial Elections the candidate declared elected shall take Office on and from July 1 in the year of the election.
  - (ii) In the case of an election to fill a casual vacancy the candidate declared elected shall take Office on and from the declaration of the election by the Divisional National Returning Officer.

#### Two or More Candidates

- (b) In the event of two or more candidates being nominated for any Office a ballot shall be conducted and the Divisional National Returning Officer shall:
  - (i) seven days following the closure of nominations arrange for the printing of the ballot papers which shall contain the names of the candidates in alphabetical order; and
  - (ii) initial each ballot paper before despatching papers to voters. Provided that the Divisional National Returning Officer's initials may be affixed by facsimile or electronic imprint.

#### Issue and Return of Ballot Materials

- (c) The ballot shall be opened on April 28 by the Divisional National Returning Officer posting to each member listed on the Roll of Voters:-
  - (i) voting instructions from the Divisional National Returning Officer
  - (ii) a ballot paper
  - (iii) a declaration envelope which complies with the form prescribed by the RO Regulations
  - (iv) a prepaid envelope which complies with the form prescribed by the RO Regulations addressed to the Divisional National Returning Officer
  - (v) all Election Statements approved by the Divisional National Returning Officer in accordance with Rule 45(j)(m).
- (d) The instructions to each voter shall include instructions to take the following steps:-
  - (i) place a cross or a tick next to the name of the candidate on the ballot paper the voter wishes to vote for

- (ii) place the ballot paper in the declaration envelope and sign the declaration on the declaration envelope
  - (iii) place the sealed declaration envelope inside the prepaid envelope addressed to the Divisional National Returning Officer and seal it
  - (iv) post the prepaid envelope addressed to the Divisional National Returning Officer
- (e) In the case of Quadrennial Elections voters shall also be instructed that the ballot shall close on June 14 and that only ballot papers received by the Divisional National Returning Officer by that time shall be counted provided that a ballot paper contained in the prepaid envelope which is received by the Divisional National Returning Officer by no later than June 19 bearing a post mark dated not later than June 14 shall be counted.

#### Absentee Voting

- (f) A member entitled to vote may apply in writing to the Divisional National Returning Officer for an absentee vote in which case ballot materials may be given to the member personally or posted to an address nominated by the member. All such applications shall be made before 5pm on June 7 in the year of a Quadrennial Election.

#### Counting the Ballot

- (g) On June 15 the Divisional National Returning Officer and the Divisional Deputy National Returning Officers shall attend at a place nominated by and under the control of the Divisional National Returning Officer in order to count the ballot.
- (h) The Divisional National Returning Officer shall notify each candidate by post of the place and date of the count at least 7 days prior to the count.
- (i) The count shall be conducted as follows:
- (i) The Divisional National Returning Officer shall in the presence of any scrutineers open the envelopes addressed to the Divisional National Returning Officer.
  - (ii) The declaration envelope shall be checked against the Roll of Voters to ensure that no votes are cast except by those entitled to vote and that no member votes more than once.
  - (iii) The Divisional National Returning Officer shall before removing the ballot paper from the declaration envelope first remove the flap or label on each declaration envelope and then shall open the declaration envelope and remove the ballot paper. The Divisional National Returning Officer shall ensure that no flap or label may be identified with a ballot paper.
  - (iv) Counting shall then be commenced.

### Declaration of Election Result

- (j)
  - (i) On completion of the count the Divisional National
  - (ii) Returning Officer shall forthwith declare elected the candidate receiving the most votes.
  - (iii) The Divisional National Returning Officer shall declare the result of the election in writing to the Divisional National Secretary and each Divisional Branch Secretary.
  - (iv) The Divisional National Secretary shall publish to the members of the Division the declaration of the result of the election.
- (ii) All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.

### Scrutineers

- (k) Each candidate shall have the right to appoint not more than two scrutineers being financial members of the Division who shall be entitled to be present at all stages of the count. The appointment of scrutineers shall be by notice in writing signed by the candidate to the Divisional National Returning Officer. The rights and duties of scrutineers shall be to represent the interest of their appointing candidate. They shall be entitled to be present at all stages of the ballot while the Returning Officer carries out the procedures under the Rules and to direct the attention of the Returning Officer to any irregularity concerning the carrying out of any step in the ballot. They shall do all things necessary so that the secrecy of the ballot shall be observed. They shall not obstruct the Returning Officer in the performance of the Returning Officer's duties nor interfere with the conduct of the ballot.

### Protests

- (l) In the event of any protest being lodged against any candidate or against any part of the proceedings the counting of the ballot shall continue, and the protest shall be made the subject of inquiry after the declaration by the Divisional National Returning Officer.

## MUA Divisional Rule Change Proposal #10

Using ~~strikethrough~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### 67 DEFINITIONS

In the Divisional Rules, unless the context otherwise indicates or the contrary intention appears:-

“Aboriginal and Torres Strait Islander person” means any member who is of Aboriginal or Torres Strait Islander descent, who is accepted as such by her or his community, and has identified himself or herself to the Union as Aboriginal and Torres Strait Islander.

“Act” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;

“Commonwealth”, “Commonwealth of Australia” or “Australia” shall include the territories of the Commonwealth;

“declared person or body” means:

- (i) an Officer of the Division or a Divisional Branch of the Division who has disclosed a material personal interest under Rule 55; and
- (ii) the interest relates to, or is in, the person or the body; and
- (iii) the Officer has not notified the Division or a Divisional Branch of the Division that the Officer no longer has the interest.

“disclosure period” for the purposes of the Divisional Rules means the financial year unless a shorter period is specified;

“financial duties” includes duties that relate to the financial management of the Division or a Divisional Branch of the Division;

“financial year” means a twelve-month period ending at midnight on June 30 in each year;  
“General Manager” means the General Manager of the Fair Work Commission;

“non cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes;

“office” has the same meaning as defined by section 9 of the RO Act;

“Officer” has the same meaning as defined by section 6 of the RO Act;

“peak council” has the same meaning as defined by section 12 of the Act ;

“related party” has the same meaning as defined by section 9B of the RO Act;

“relative” in relation to a person means:

- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (ii) the spouse of the first mentioned person.

“relevant non cash benefits” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period means the non cash benefits provided to the Officer of the Division or a Divisional Branch of the Division, at any time during the disclosure period, in connection with the performance of the Officer’s duties as an Officer of the Division or a Divisional Branch of the Division, by the Division or a Divisional Branch of the Division or by a related party of the Division or a Divisional Branch of the Division.

“relevant remuneration” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Division or a Divisional Branch of the Division by the Officer under Rule 54 during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the Officer by the Division or a Divisional Branch of the Division;

“remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include:

- (i) a non cash benefit;
- (ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

“RO Act” means the Fair Work (Registered Organisations) Act 2009 or any Act replacing that Act;

“RO Regulations” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those regulations.

“the Divisional Rules” means the Rules of The Maritime Union of Australia Division ;

“the Division” means” The Maritime Union of Australia Division” known as the MUA Division;

“Union” means the Construction, Forestry, Maritime, Mining and Energy Union.

and

Words denoting the masculine gender shall include the feminine.

## MUA Divisional Rule Change Proposal #11

Using ~~strikethrough~~ for deletions and underline for additions to the text of the current MUA Divisional Rules (105N- MUA Certified 13 April 2021) the proposed rule change is set out below as follows:

### **68A TRANSITIONAL RULE - DIVISIONAL ASSISTANT NATIONAL SECRETARY**

In accordance with Rule 47, the Offices of Divisional Assistant National Secretary – Woman and Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall commence on 1 July 2023.

# ATTACHMENT F



## DIVISIONAL NATIONAL COUNCIL VOTES

Vote No. 166/2021 Date of Council Vote: 24 November 2021

For: Paddy Crumlin Date Passed: 24 November 2021

For/Against: 17/0

RE: Proposed Rule Changes

NAME	POSITION	YES	NO	DATE SIGNED
CRUMLIN, Padraig	National Secretary	✓		24/11/2021
SMITH, Warren	Deputy National Secretary	✓		24/11/2021
EVANS, Adrian	Assistant National Secretary	✓		24/11/2021
NEWLYN, Jamie	Assistant National Secretary	✓		24/11/2021
MYERS, Mich-Elle	National Women's Rep (Hon)	✓		24/11/2021
KEATING, Paul	Sydney Branch Secretary	✓		24/11/2021
GARRETT, Paul	Sydney Deputy Branch Secretary			
WILLIAMS, Glen	Newcastle Branch Secretary	✓		24/11/2021
OUTRAM, Dennis	Newcastle Deputy Branch Sec (Hon)	✓		24/11/2021
CROSS, Michael	SNSW Branch Secretary	✓		24/11/2021
CARTER, Scott	SNSW Deputy Branch Secretary (Hon)			
MINERS, Jason <b>ACTING</b>	Queensland Branch Secretary			
CUMBERLIDGE Stephen				
GALLAGHER, Paul	Queensland Deputy Branch Secretary			
<b>ACTING</b>				
STEVENS Shane	Victorian Branch Secretary	✓		24/11/2021
BALL David	Victorian Deputy Branch Secretary	✓		24/11/2021
CAMPBELL, Jason	Tasmanian Branch Secretary			
BULL, Alisha	Tasmanian Deputy Branch Sec (Hon)			
LARKIN, Brett	SA Branch Secretary	✓		24/11/2021
CLOTHIER, Clem	SA Deputy Branch Secretary (Hon)	✓		24/11/2021
TRACEY, Will	WA Branch Secretary	✓		24/11/2021
HEATH, Doug	WA Deputy Branch Secretary	✓		24/11/2021
BURFORD, Andy	NT Branch Secretary	✓		24/11/2021
CAIN, Chris	NT Deputy Branch Secretary (Hon)	✓		24/11/2021

\* Received after vote passed

I endorse the *Proposed Rule Changes*

Adrian Evans

*(please print)*



Position: Assistant National Secretary      Date: 24/11/2021  
*(please print)*

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Name: Andy Burford

Signature:



Position: Northern Territory Branch Secretary    Date: 24 November 2021  
*(please print)*

I endorse the *Proposed Rule Changes*

Name: Brett Larkin  
(please print)



Position: SA Branch Secretary  
(please print)

Date: 24/11/2021

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Name: Chris Cain

Signature:



Position: Deputy Northern Territory Branch Secretary (Hon)

Date: 24 November 2021

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse/~~do not endorse~~ the *Proposed Rule Changes*

Name: Clem Clothier  
*(please print)*

Signature: 

Position: Honorary Deputy Secretary  
*(please print)*

Date: 24/11/21

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

David Ball

*(please print)*



Position: Victorian Deputy Branch Secretary      Date: 24/11/2021  
*(please print)*

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Name: Dennis Outram

Signature:



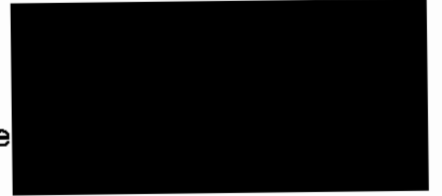
Position: Newcastle Deputy Branch Secretary Date: 24 November 2021

NATIONAL COUNCIL VOTE No. 166 / 2021

I endorse/~~do not endorse~~ the Proposed Rule Changes

*My*  
Name: DOUG MENASHY  
(please print)

Signature



Position: MVA WA BRANCH DEPUTY SECRETARY  
(please print)

Date: 29/11/21

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Name: Glen Williams  
.....

Signature



Position: Newcastle Branch Secretary Date: 24/11/2021

I endorse the *Proposed Rule Changes*

Jamie Newlyn

*(please print)*



Position: National Assistant Secretary    Date: 24/11/2021  
*(please print)*

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse/~~do not endorse~~ the *Proposed Rule Changes*

Name: MICK CROSS  
(please print)

Signature:



Position: SNSW BRANCH SEC  
(please print)

Date: 24 NOV 2021.

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*



Name:.....Mich-Elle Myers...  
*(please print)*

Signature:.....

Position: National Divisional Women's Representative

Date: .....24/11/21.....  
*(please print)*

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse/~~do not endorse~~ the *Proposed Rule Changes*

Name: Paddy Crumlin  
.....  
*(please print)*

Signature  .....

Position: National Secretary  
.....  
*(please print)*

Date: 24/11/2021  
.....

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Name: Paul Keating  
*(please print)*

Signature:



Position: Sydney Branch Secretary  
*(please print)*

Date: 24/11/2021

NATIONAL COUNCIL VOTE No. 166 / 2021

I endorse/~~do not endorse~~ the *Proposed Rule Changes*

Name: SHANE STEVENS  
(please print)

Signature: 

Position: VICTORIA BRANCH SECRETARY Date: 24.11.2021  
(please print) MARITIME UNION OF AUSTRALIA

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse/~~do not endorse~~ the *Proposed Rule Changes*

Name: Warren Smith  
*(please print)*

Signature: 

Position: Deputy National Secretary  
*(please print)*

Date: 24-11-2021

**NATIONAL COUNCIL VOTE No. 166 / 2021**

I endorse the *Proposed Rule Changes*

Will Tracey

*(please print)*



Position: Western Australia Branch Secretary    Date: 24/11/2021  
*(please print)*

# ATTACHMENT G

## 2021 SPECIAL MEETING OF MEMBERS OF THE MARITIME UNION OF AUSTRALIA DIVISION CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

Date	Location	Attendees	Votes in favour for proposed rule Changes
Friday 26 November 2021	NORTHERN TERRITORY (NT) In Person: Pint Club Marrara, 165 Abala Rd, Marrara 0812	48	46 for all proposed rule changes, 2 against all proposed rule changes. Rule changes carried.
Monday 29 November 2021	NEWCASTLE (NNSW) In Person: South Newcastle Rugby Leagues Club 46 Llewellyn Street, Merewether NSW 2291	63	63 for all proposed rule changes Rule changes carried unanimously
Tuesday 30 November 2021	SYDNEY In Person: MUA/ITF Conference Centre Ground Floor, 365 – 375 Sussex St, Sydney, NSW By Videoconference: Zoom meeting details to be sent out by Branch	369	369 for all proposed rule changes Rule changes carried unanimously
Tuesday 30 November 2021	VICTORIA (VIC) By Videoconference: Zoom meeting details to be sent out by Branch In person: Victorian Branch 46 Ireland St, West Melbourne VIC 3003	228	228 for all proposed rule changes Rule changes carried unanimously [inclusive of outreports Port of Geelong, Port Lincoln and Port of Hastings]
Tuesday 30 November 2021	WESTERN AUSTRALIA (WA) In Person: East Fremantle Football Club Cnr of Moss St & Marmion St, East Fremantle	346	346 for all proposed rule changes Rule changed carried unanimously

Tuesday 30 November 2021	QUEENSLAND (QLD) In Person: The Colmslie Hotel Wynnum Rd &, Junction Rd, Morningside QLD 4170	72	72 for all proposed rule changes Rule changes carried unanimously
Wednesday 1 December 2021	SOUTH AUSTRALIA (SA) In Person: MUA SA Branch Auditorium 65 Vincent St, Port Adelaide	81	81 for all proposed rule changes Rule changes carried unanimously
Wednesday 1 December 2021	PORT KEMBLA (NSW) In Person: Port Kembla Golf Club Gold Place, Primbee, NSW 2505	54	54 for all proposed rule changes Rule changes carried unanimously
Thursday 2 December 2021	TASMANIA (TAS) In Person: Paranapple Centre Market Square, 145 Rooke St Devonport TAS 7310	87	87 for all proposed rule changes Rule changes carried unanimously

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Public Notices



**TEMPORARY ROAD CLOSURE - BUNNING AVENUE, RUTHERFORD**

Council wishes to advise of the temporary road closure of Bunning Avenue, Rutherford between Dunkley Street and Compton Street from 7.00am on 1 November 2021. The road closure will be in place for up to two weeks to allow for the relocation of services. Road users will be required to take

local detours during this period which may result in additional time. Please check the alerts page on Maitland City Councils website for any changes.

**meetings**  
PUBLIC ATTENDANCE AT COUNCIL MEETING

In line with Government advice regarding social distancing, Council meetings are closed to the public until further notice. Meetings can be live streamed from Council's website or Facebook page.

Next meeting:  
**26 OCTOBER 5.30pm**

Agendas are available from our website or by contacting customer service.  
For information on development applications please visit our website [maitland.nsw.gov.au](http://maitland.nsw.gov.au)

David Evans General Manager  
285-287 High Street  
PO Box 220 Maitland NSW 2320  
t 02 4934 9700 info@maitland.nsw.gov.au

Public Notices

**Notice of 1080 baiting**

The NSW National Parks and Wildlife Service (NPWS) will be conducting a baiting program using Fox Off containing 1080 (sodium fluoracetate) poison for the control of Foxes. The program will be continuous and ongoing between 27th October 2021 and 15th December 2021 in Hunter Wetlands National park, Hexham.

All baiting locations will be identifiable by signs. Please be reminded that domestic pets are not permitted on NPWS Estate. Pets and working dogs may be affected (1080 is lethal to cats and dogs). Pets and working dogs must be restrained or muzzled in the vicinity and must not enter the baiting location. In the event of accidental poisoning seek immediate veterinary assistance.

For further information please call NPWS Newcastle on 4946 4100


**Notice of 1080 baiting**

The NSW National Parks and Wildlife Service (NPWS) will be conducting a baiting program using Fox Off containing 1080 (sodium fluoracetate) poison for the control of Foxes. The program will be continuous and ongoing beginning 25th October 2021 and finishing 17th January 2022 in Hunter Wetlands National park, Ash Island.

All baiting locations will be identifiable by signs. Please be reminded that domestic pets are not permitted on NPWS Estate. Pets and working dogs may be affected (1080 is lethal to cats and dogs). Pets and working dogs must be restrained or muzzled in the vicinity and must not enter the baiting location. In the event of accidental poisoning seek immediate veterinary assistance.

For further information please call NPWS Newcastle on 4946 4100

Public Notices



**Notice of Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division Newcastle Divisional Branch Construction, Forestry, Maritime, Mining and Energy Union**

The ANNUAL GENERAL MEETING and SPECIAL MEETING OF MEMBERS of The Maritime Union of Australia Division, Newcastle Divisional Branch, will be held on Monday 29th November 2021 at 10am at South Newcastle Rugby Leagues Club, 46 Llewellyn St, Merewether NSW 2291.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact Newcastle Branch Divisional Branch Secretary Glen Williams on 02 4629 2149

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**WESTERN SUBURBS RUGBY LEAGUE FOOTBALL CLUB Inc.**

**THE 112th ANNUAL GENERAL MEETING** will be held on **THURSDAY 11TH NOVEMBER, 2021** at 6.00PM in the Greenhouse, Wests New Lambton Bowling Club

Agenda: Presentation of Annual Report and Balance Sheet, election of Officers and Life Members, General Business in accordance with the Constitution.

Applications in writing for:

- Executive Positions
- Committee Members
- Publicity Officer
- Timekeeper
- Trainers
- Gear Stewards
- Team Managers

close with the Hon. Secretary, Russell Petrie at 5pm on Thursday 4th November, 2021

Please apply via email to: [russell-petrie1@hotmail.com](mailto:russell-petrie1@hotmail.com)

W. Hore Chairperson R. Petrie Hon. Secretary

**POSITION VACANT**

**MANAGER WATER & SEWER**  
Permanent Full Time

The successful candidate will be responsible for leading, managing and controlling the operation of the Council's Water & Sewer Division. You will lead a team including 4 direct reports and approximately 18 team members.

You will also be responsible for providing strategic business planning for the development of the Council's Water and Sewer infrastructure.

Enquires: Karen Davies, Director Infrastructure Services on (02) 6540 1155.

Applications close: Friday 5th November 2021 at 4pm.

Apply online via council's website.

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**Tribute**

MCHALIGHT, Geoffrey  
"Geoff" Ian  
14 Oct 2021

Late of Gordonville, passed away peacefully after a brief illness at the Cairns Base Hospital, Cairns QLD on 14th October 2021, aged 84 years. Much loved Father of Claire & Lauren, Loving Father in-law of Sael & Chris, Beloved Grandfather of Bryce, Loved Brother of Judith, Richard, Margaret & Keith. The relatives and friends of Geoff are respectfully invited to attend a celebration of his life which will be held at Cairns Crematorium & Funeral Home, Foster Rd, Mt Sheridan on Friday, 22nd October 2021 or can attend via livestream link below commencing at 12.00pm (AEST). The family has kindly requested that all attendees wear bright colours. In lieu of flowers, donations can be made to the QLD Ambulance Service. <https://livestream.com/rapidsp/in/geoffmchought>

Kind words for a kind soul

Honour a life well-lived

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**Request for Tender**  
The Provision of Waste & Resource Recovery Services Shoal Bay

Contract No: 2021-060-ECS  
Closing: 2pm CST - Friday 19 November 2021

Tender documents can be downloaded from: [www.tenderlink.com/darwin](http://www.tenderlink.com/darwin)  
Enquiries should be referred via the e-Tendering forum on the tender portal.

Tenders must be lodged electronically through the City of Darwin Tender Portal and must be received in the electronic tender box prior to the prescribed closing time and date.

Any canvassing of Elected Members or Council Staff in relation to this tender shall result in the proposal being automatically disqualified. Council reserves the right to accept or reject any proposal.

Notice of the successful tenderer will be published on Council's website: [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au)

**Scott Waters**  
Chief Executive Officer

**Notice of Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division Northern Territory Divisional Branch Construction, Forestry, Maritime and Energy Union**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, Northern Territory Divisional Branch, will be held on Friday 26 November 2021 at 9am at Pint Club, 165 Abala Road, Mararra.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact NT Divisional Branch Secretary Andy Burford on 0409714150.

**ANNUAL GENERAL MEETING**  
BUSHMOB ABORIGINAL CORPORATION  
Friday 19th November 2021 12 - 1PM  
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Meetings

**Adult Relaxation**

**Notice of Annual General Meeting and  
Special Meeting of Members of  
The Maritime Union of Australia Division  
Queensland Divisional Branch  
Construction, Forestry, Maritime,  
Mining and Energy Union**

The Annual General Meeting and Special Meeting of  
Members of The Maritime Union of Australia Division,  
Queensland Divisional Branch, will be held on Tuesday,  
30 November 2021 at 7.00am at The Colmslie Hotel, C  
Wynnum Road and Junction Road, Morningside Qld  
4170.

A Special Meeting of Members will be held before the  
commencement of the Annual General Meeting to  
consider and if thought appropriate, endorse proposed  
changes to the Rules of The Maritime Union of  
Australia Division.

All available members are required to attend and  
remain for the entirety of the meetings.

For further information, please contact  
Queensland Divisional Acting Branch Secretary  
Jason Miners on 0401 211 866.

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**Legal Notices**

**LEGAL NOTICE**

Any person having claim, whether as a creditor or beneficiary  
or otherwise, in regards to the estates of any of the  
undermentioned deceased persons are hereby required to send  
particulars of such claims to the Public Trustee of Queensland,  
Townsville on or before twenty-one (21) days of the date of  
this notice. After that date the Public Trustee may distribute  
the estates of the said deceased amongst the parties entitled  
thereto, having regard only to the claims of which he shall  
have had notice.

**BERYL MAUD DEMARTINI** late of Carole Gardens

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**Deaths & Funerals**

**BUSKELL**  
(nee Floyd)  
**Daphne**  
19<sup>th</sup> October, 2021  
Late of Panania

Beloved wife of Norman (dec) and loving mother and mother-in-law of Linda (dec), Rhonda, Richard, Brenda, Peter & Melissa, Brian & Linda. Dearly loved by her grandchildren and great grandchildren.

**Aged 91 Years**  
**Rest in Peace**

A Private Funeral Service will take place.

**JOHN WHEATLEY**  
Funeral Services  
FDA of NSW  
Proudly Australian  
Chester Hill Panania  
9743 633 9792 4777



**Deaths & Funerals**

**FORD**  
**Lorraine (Sue)**  
Late of Berkeley  
Passed away on Saturday October 23, 2021

Much loved wife of Lindsay. Adored mum & mother in law to Richard & Kerrie, Kellie & Peter, Cindy & Gary. Treasured nan to Kurt & Ashleigh, Brooke, Cooper, Jordan, Jed, Zac, Kade, Maddison and Cruz. Much loved sister.

**Aged 71 Years**

**In Memoriam**




**Laura MUFATTI**  
17.05.1946 - 26.10.2018

You left us beautiful memories and you are always by my side.  
Forever loved and never forgotten.

**Your sister and family**



**Public Notices**



**Notice of Annual General Meeting and Special Meeting of Members of the Maritime Union of Australia Division SNSW Divisional Branch Construction, Forestry, Maritime, Mining and Energy Union**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, SNSW Divisional Branch, will be held on Wednesday, 1st December 2021 at 10am at Port Kembla Golf Club, Golf Place Primbee.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact SNSW Divisional Branch Secretary Mick Cross on **0435 121 076**.

**Death Notices**

**HAZELTON, Coral Irene**  
of Dapto

In her 98th year, Mum passed away on Wednesday 20th October 2021 at IRT William Beach Gardens, where she was very well cared for over the past 6 years.

Mum was the loving and adored wife of Dad (Bob) and sister to Geoff and Leo. She was also sister and dedicated carer of Robyn (all deceased).

Mum was blessed by the many life-long friendships made through tennis, the Dapto Dramatic Society, Meals on Wheels, Animal Welfare, Probus and Dapto View Club where she was honoured as their first life member having previously served in various roles, including as President.

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## Notices

### Legal Notices

#### NOTICE REQUIRING PAYMENT OF RATES - SECTION 184, LOCAL GOVERNMENT ACT 1999 (SA)

#### CITY OF PROSPECT ("Council"), SOUTH AUSTRALIA TO THE PERSONS NAMED BELOW TAKE NOTICE THAT:

You are the principal ratepayer(s) appearing on the assessment records in respect of the land referred to below. Rates with respect to the said land have been in arrears for 3 years or more. The total amounts due and payable to the Council for rates (including fines and interest) charged on the land are shown below. The Council has also incurred legal costs in issuing and publishing these notices. Pursuant to section 184(11) of the Local Government Act 1999 (SA) ("the Act"), the Council is legally entitled to recover the costs of the sale and any other costs incurred in proceeding under section 184 of the Act from any sale proceeds following a sale of the land. Please note, there are likely to be more costs incurred by the Council in respect of moving forward with the foreshadowed sale of the land in the event that there is a failure to comply with this notice.

**PAYMENT** of the rates in arrears referred to below and all continuing rates, fines, and interest IS HEREBY DEMANDED.

**FURTHER TAKE NOTICE** that if payment of the moneys demanded is not made within one month, the land, or your interest in the land, will be offered for sale by public auction at a time appointed by the Council. Pursuant to section 184(9) of the Act, if, before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under section 184 of the Act are paid to the Council, the Council must call off the auction.

**Name:** KATHARINA BENDYS (Deceased Estate)  
**Land:** 46 Ballville Street, Prospect SA 5082 Certificate of Title Volume 5797 Folio 707  
**Rates in arrears at 25.10.2021 (outstanding since 31.01.2008):** \$27,175.44  
**Legal Costs:** \$2074.00

**Oakbridge Lawyers Pty Ltd**  
 Solicitors for the Council  
 Ph: 1300 154 597

#### NOTICE OF APPLICATION FOR WINDING UP ORDER

SUPREME COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 Corporations List  
 Case Number:  
 CIV-21-011242

Filipina Network of South Australia Inc.  
 Incorporation Number:  
 A36500

1. A proceeding for the winding up of Filipina Network of South Australia Inc. was commenced by the applicant the Corporate Affairs Commission on 1 October 2021 and will be heard by the Supreme Court of South Australia on 12 November 2021 at 10:30AM at 1 Gouger Street, ADELAIDE SA 5000. Copies of documents filed may be obtained from the applicant's address for service.

2. The applicant's address for service is c/- Crown Solicitor's Office, GPO Exchange Building, Level 17 / 10 Franklin Street, ADELAIDE SA 5000.

3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date: 22 October 2021

Name of applicant or applicant's legal practitioner:  
 Corporate Affairs Commission

### Meetings

#### NOTICE OF ANNUAL GENERAL MEETING AND SPECIAL MEETING OF MEMBERS OF THE MARITIME UNION OF AUSTRALIA DIVISION SOUTH AUSTRALIA DIVISIONAL BRANCH CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, South Australian Divisional Branch, will be held on Wednesday 1 December 2021 at 10am at 65 St Vincent St, Port Adelaide.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact South Australian Divisional Branch Secretary Brett Larkin on 0411 167 775.

- BYRON STREET GLENELG, between Jetty Road and 50m north of Jetty Road
  - CHAPEL STREET GLENELG, between Jetty Road and Milton Street
  - COLLEY TCE GLENELG, between Augusta Street and Jetty Road
  - JETTY ROAD GLENELG, between Colley Tce and Gordon Street/Partridge Street intersection
  - MOSELEY STREET GLENELG, between Jetty Road and Elizabeth Street
  - NILE STREET GLENELG, between Jetty Road and 50m north of Jetty Road
  - SUSSEX STREET GLENELG, between Jetty Road and 50m north of Jetty Road
  - WATERLOO STREET GLENELG, between Jetty Road and 50m north of Jetty Road.
- Between 7.00am and 7.00pm**
- MILTON STREET GLENELG, between Jetty Road and 50m south of Jetty Road
  - DURHAM STREET GLENELG, between Jetty Road and 50m north of Jetty Road
  - SOAL STREET GLENELG, between Jetty Road and 50m north of Jetty Rd.
- Between 7.00am and 11.59pm**

For further information regarding the temporary road closures, contact Council's Traffic & Transport Technical Officer on 8229 9999 or mail@holdfast.sa.gov.au

## OPTUS VODAFONE

### PROPOSAL TO UPGRADE OPTUS & VODAFONE MOBILE PHONE BASE STATION AT ADELAIDE CBD WITH 5G

1. Optus and Vodafone plan to upgrade the existing telecommunications facilities below through the addition new 5G equipment at:

**A6766 - Rymill Park:** rooftop of 300 Pirie Street ADELAIDE SA 5000 (RFNSA number: 5000042). The proposed works consists of the following: The installation of new mounting frame and poles for the proposed works, the removal of Three (3) existing panel antennas to be replaced with (3) new panel antennas for Optus (with length 2688mm), the removal of Three (3) existing panel antennas to be replaced with (3) new panel antennas for Vodafone (VHA) (with length 2688mm), the installation of Three (3) new 5G panel antennas for Optus and Three (3) new 5G panel antennas for VHA (with length 750mm), the installation of Three (3) new 5G panel antennas for Optus (with length 740mm), the removal of existing remote radio units (RRUs) and installation of twelve (12) new RRUs for Optus, the removal of existing RRUs and installation of Nine (9) new RRUs for VHA and the installation of new ancillary equipment including antennas mounts, feeders, cabling and other associated equipment.

2. Optus & Vodafone regards this proposed installation as Low-impact Facilities under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

3. In accordance with Section 7 of C564:2020 Mobile Phone Base Station Deployment Code, we invite you to provide feedback about this proposal. Further information requests and/or comments should be directed to Kordia Solutions:  
 E. [Community.Consultation@kordia.com.au](mailto:Community.Consultation@kordia.com.au)  
 M. Kordia Solutions, Unit 1D/400 Nudgee Road, Hendra QLD 4011  
 Ph. (07) 3907 1472

We will accept comments on this proposed upgrade until **5pm Tuesday, 9th November 2021.**

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**buy search sell .com.au**

Twelve (12) new RRUs, the relocation and reconfiguration of existing panel antennas and associated ancillary equipment including the RRUs at the installation of new ancillary equipment including antennas mounts, feeders, cabling and other associated equipment.

2. Optus regards the proposed installation as Low-impact Facilities under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

3. The proposed infrastructures will be in compliance with the ACMA EMR regulatory arrangements.

4. In accordance with Section 7 of C564:2020 Mobile Phone Base Station Deployment Code, we invite you provide feedback about the proposal. Further information requests and/or comments should be directed to Kordia Solutions:

E. [Community.Consultation@kordia.com.au](mailto:Community.Consultation@kordia.com.au)  
 M. Kordia Solutions, Unit 1D/400 Nudgee Road, Hendra QLD 4011  
 Ph. (07) 3907 1472. We will accept comments on the proposed upgrade until **5pm Tuesday, 9th November 2021**

#### FORM 5 - NOTICE OF ACQUISITION LAND ACQUISITION ACT 1969 (SECTION 16)

**1. Notice of acquisition**  
 The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 3 in Deposited Plan No 122849 comprised in Certificate of Title Volume 6242 Folio 983, and being the whole of the land identified as Allotment 20 in D127634 lodged in the Lands Titles Office. This notice is given under section 16 of the Land Acquisition Act 1969.

**2. Compensation** A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

**2A. Payment of professional costs relating to acquisition (section 26B)** If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land. Professional costs include legal costs, valuation costs and any other costs prescribed by the Land Acquisition Regulations 2019.

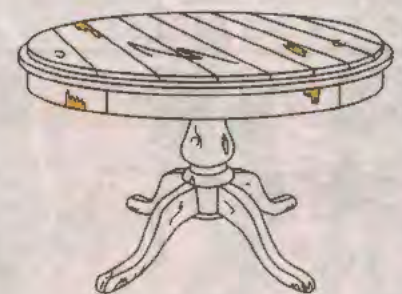
**3. Inquiries**  
 Inquiries should be directed to: Rob Gardner  
 GPO Box 1533  
 Adelaide SA 5001  
 Telephone: (08) 8343 2567  
 Dated this 12 day of October 2021  
 The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:  
 Rocco Caruso  
 Manager, Property Acquisition (Authorised Officer)  
 Department for Infrastructure and Transport  
 DIT 2021/01741/01

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**Notices**

Public Notices



**NOTICE OF TEMPORARY ROAD CLOSURE**  
Section 17 & 33 Road Traffic Act 1961  
GLENELG ICE CREAM FESTIVAL

**NOTICE UNDER SECTION 33 ROAD TRAFFIC ACT, 1961**

The Glenelg Ice Cream Festival is an event to which this section applies and the following roads will be closed to traffic between the listed times on Saturday 30 October 2021:

Within the City of Holdfast Bay -

- BYRON STREET GLENELG, between Jetty Road and 50m north of Jetty Road
- CH-APPEL STREET GLENELG, between Jetty Road and Milton Street
- COLLEY ICE GLENELG, between Augusta Street and Jetty Road
- JETTY ROAD GLENELG, between Colley Ice and Gordon Street/Partridge Street intersection
- MOSELEY STREET GLENELG, between Jetty Road and Elizabeth Street
- NILE STREET GLENELG, between Jetty Road and 50m north of Jetty Road
- SUSSEX STREET GLENELG, between Jetty Road and 50m north of Jetty Road
- WATERLOO STREET GLENELG, between Jetty Road and 50m north of Jetty Road
- MILTON STREET GLENELG, between Jetty Road and 50m south of Jetty Road
- DURIAM STREET GLENELG, between Jetty Road and 50m north of Jetty Road
- SCAL STREET GLENELG, between Jetty Road and 50m north of Jetty Rd.

Between 7.00am and 7.00pm  
Between 7.00am and 11.59pm

For further information regarding the temporary road closures, contact Council's Traffic & Transport Technical Officer on 8279 9999 or mail@holdfast.bay.sa.gov.au

Massage - Certified & Therapeutic

**AMAZING FULL BODY**  
Thai Oil Massage  
By mature lady.  
Payneham Rd  
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**Notices**

Legal Notices

**NOTICE REQUIRING PAYMENT OF RATES - SECTION 184, LOCAL GOVERNMENT ACT 1999 (SA)**

**CITY OF PROSPECT ("Council"), SOUTH AUSTRALIA TO THE PERSONS NAMED BELOW**

**TAKE NOTICE THAT:**  
You are the principal ratepayer(s) appearing on the assessment records in respect of the land referred to below. Rates with respect to the said land have been in arrears for 3 years or more. The total amounts due and payable to the Council for rates (including fines and interest) charged on the land are shown below. The Council has also incurred legal costs in issuing and publishing these notices. Pursuant to section 184(11) of the Local Government Act 1999 (SA) ("the Act"), the Council is legally entitled to recover the costs of the sale and any other costs incurred in proceeding under section 184 of the Act from any sale proceeds following a sale of the land. Please note, there are likely to be more costs incurred by the Council in respect of moving forward with the forensadowed sale of the land in the event that there is a failure to comply with this notice.

**PAYMENT** of the rates in arrears referred to below and all continuing rates, fines, and interest IS HEREBY DEMANDIED.

**FURTHER TAKE NOTICE** that if payment of the moneys demanded is not made within one month, the land, or your interest in the land, will be offered for sale by public auction at a time appointed by the Council. Pursuant to section 184(9) of the Act, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under section 184 of the Act, are paid to the Council, the Council must call off the auction.

**Name: KATHARINA BENDYS (Deceased Estate)**  
Land: 46 Ballville Street, Prospect SA 5082 Certificate of Title Volume 5797 Folio 707  
Rates in arrears at 25.10.2021 (outstanding since 31.01.2008): \$27,175.44  
Legal Costs: \$2074.00

**Oakbridge Lawyers Pty Ltd**  
Solicitors for the Council  
Ph: 1300 154 597

**Adults**

Adult Relaxation

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Covid-19 Hygiene Standards Apply  
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**RELAX HAPPY MASSAGE**

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0426 587 776

**NOTICE OF APPLICATION FOR WINDING UP ORDER**

**Meetings**

**NOTICE OF ANNUAL GENERAL MEETING AND SPECIAL MEETING OF MEMBERS OF THE MARITIME UNION OF AUSTRALIA DIVISION SOUTH AUSTRALIA DIVISIONAL BRANCH CONSTRUCTION, FORESTRY, MARITIME, MINING AND ENERGY UNION**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, South Australian Divisional Branch, will be held on Wednesday 1 December 2021 at 10am at 65 St Vincent St, Port Adelaide.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact South Australian Divisional Branch Secretary Brett Lark on 0411 167 775.

**HAPPY MASSAGE**

38 O'Connell St  
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381 Magill Road  
0450 671 088  
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New friendly ladies \*  
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**A BEST MASSAGE**  
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OLD REYNELLA  
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**Supreme Court of South Australia**  
CIVIL JURISDICTION  
Corporations List  
Case Number:  
CV-21-011242

Filipina Network of South Australia Inc.  
Incorporation Number:  
A36500

1. A proceeding for the winding up of Filipina Network of South Australia Inc. was commenced by the applicant the Corporate Affairs Commission on 1 October 2021 and will be heard by the Supreme Court of South Australia on 12 November 2021 at 10:30AM at 1 Couper Street, ADELAIDE SA 5000. Copies of documents filed may be obtained from the applicant's address for service.

2. The applicant's address for service is c/- Crown Solicitor's Office, GPO Exchange Building, Level 17/10 Franklin Street, ADELAIDE SA 5000.

3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date: 22 October 2021

Name of applicant or applicant's legal practitioner:  
Corporate Affairs Commission

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**OPTUS** **vodafone**

**PROPOSAL TO UPGRADE OPTUS & VODAFONE MOBILE PHONE BASE STATION AT ADELAIDE CBD WITH 5G**

1. Optus and Vodafone plan to upgrade the existing telecommunications facilities below through the addition new 5G equipment:

**A6766 - Rymill Park:** rooftop of 300 Pirie Street ADELAIDE SA 5000 (RFNSA number: 5000042). The proposed works consists of the following: The installation of new mounting frame and poles for the proposed works, the removal of Three (3) existing panel antennas to be replaced with (3) new panel antennas for Optus (with length 2688mm), the removal of Three (3) existing panel antennas to be replaced with (3) new panel antennas for Vodafone (VHA) (with length 2688mm), the installation of Three (3) new 5G panel antennas for Optus and Three (3) new 5G panel antennas for VHA (with length 750mm), the installation of Three (3) new 5G panel antennas for Optus (with length 740mm), the removal of existing remote radio units (RRUs) and installation of twelve (12) new RRUs for Optus, the removal of existing RRUs and installation of Nine (9) new RRUs for VHA and the installation of new ancillary equipment including antennas mounts, feeders, cabling and other associated equipment.

2. Optus & Vodafone regards this proposed installation as Low-impact Facilities under the Telecommunications (Low-impact Facilities) Determination 2018 ("The Determination") based on the description above.

3. In accordance with Section 7 of C564:2020 Mobile Phone Base Station Deployment Code, we invite you to provide feedback about this proposal. Further information requests and/or comments should be directed to Kordia Solutions:  
E: Community.Consultation@kordia.com.au  
M: Kordia Solutions, Unit 1D/400 Nudgee Road, Hendra QLD 4011  
Ph: (07) 3907 1472  
We will accept comments on this proposed upgrade until 5pm Tuesday, 9th November 2021.

**FORM 5 - NOTICE OF ACQUISITION**  
LAND ACQUISITION ACT 1969 (SECTION 14)

**1. Notice of acquisition**  
The Commissioner of Highways (the Authority), of 50 Hinders Street, Adelaide SA 5000, acquires the following interests in the following land: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 3 in Deposited Plan No 122949 comprised in Certificate of Title Volume 6242 Folio 983, and being the whole of the land identified as allotment 20 in D127634 lodged in the Lands Titles Office. This notice is given under section 169 of the Land Acquisition Act 1969.

**2. Compensation** A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

**2A. Payment of professional costs relating to acquisition (section 26B)** If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land. Professional costs include legal costs, valuation costs and any other costs prescribed by the Land Acquisition Regulations 2019.

**3. Inquiries** Inquiries should be directed to: Rob Gardner GPO Box 1531 Adelaide SA 5001 Telephone: (08) 8343 2567 Dated this 12 day of October 2021. The Common Seal of the COMMISSIONER OF HIGHWAYS was hereof affixed by authority of the Commissioner in the presence of:  
Rocco Caruso  
Manager, Property Acquisition (Authorized Officer)  
Department for Infrastructure and Transport  
DIT 2021/01741/01

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## Administration and Office Support

**mnsst**  
**Chief Executive Officer**  
 Provide strategic and commercial leadership for the Board of Directors and senior leadership team.  
 Resumes (with cover letter) to be sent to Kate Peck via [board@mnsst.com.au](mailto:board@mnsst.com.au)

## Tenders General

**School Canteen**  
 Tenders are called for the Science and Mathematics school canteen for the school year 2022 for a period of 3 years plus a 2 year option. Annual school canteen tenders will be \$25. Contact enquiries and requests for a tender information document should be referred to: Catering Supervisor, Campbell Road, NSW, 2098. Tel: 02 9935 2634. Tenders must be submitted in a sealed envelope marked "Confidential".  
**School Canteen Tenders**  
 and send to the above address. Tenders close 3pm on 15th November 2021.

## Tributes & Celebrations

[www.smh.com.au/tributes](http://www.smh.com.au/tributes)  
**Summary of Death Notices**  
 ACE, Elva May  
 ALLEN, John Allan  
 HAMPSHIRE, John Kaye  
 PAPALLO, James  
 WILKINSON, Diane Aida

## Public Notices

**Notice of Annual General Meeting and Special Meeting of Members of the Maritime Union of Australia Division Sydney Divisional Branch**  
**Construction, Forestry, Maritime, Mining and Energy Union**  
 The Annual General Meeting and Special Meeting of Members of the Maritime Union of Australia Division, Sydney Divisional Branch, will be held on Tuesday 30 November 2021 at 10am at: In Person: MJJA/ITE Conference Centre Ground Floor, 365 - 375 Sussex St, Sydney, NSW or via Zoom Videoc Conferencing, details TBA.  
 A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of the Maritime Union of Australia Division.  
 All available members are required to attend and remain for the entirety of the meetings.  
 For further information, please contact Sydney Divisional Secretary Paul Keating on 02 9265 8444

## Deaths and Funerals

**ACE Elva May**  
 06/03/1932 - 19/10/2021  
 Much loved Wife, Mother, Grandmother and Great Grandmother.  
 Forever in Our Hearts

**WHITE LADY FUNERALS**  
 LIVERPOOL 02 9602 6001

**ALLEN, John Allan**  
 Died peacefully 12 Oct 2021 aged 91. Beloved husband of Nola, and loving father of Kerrie, Craig, Jeanine, Peter and Sean. Grandfather to 8 & Great Grandfather of 7. A true gentleman.

**HAMPSHIRE John Kaye**  
 25.10.1950 - 18.10.2021  
 Aged 70 years  
 Loving Husband of Mary. Devoted Father and Father-in-Law of Kate and Paul, Louise and James. Adored Pop of Liam, Abigail, Paige and Mae.  
 In Loving Memory

**WINDSOR FUNERAL HOME**

## HERALD CLASSIFIEDS

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**DEADLINES**  
 For deadlines please visit [www.adcentre.com.au](http://www.adcentre.com.au)  
 Note: Deadlines may vary due to public holidays

**TERMS & CONDITIONS**  
 For detailed Terms & Conditions visit [www.adcentre.com.au](http://www.adcentre.com.au)  
 Note: All Private Party classified advertisements must be pre-paid

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The Sydney Morning Herald | The Sun-Herald

James will be sadly missed by his niece, nephews, relatives and friends near and far.  
 Requiem Mass for the repose of the Soul of the late James Papallo will be celebrated at the Holy Spirit Catholic Church, 191 Cox's Road, North Ryde on Wednesday 27th October 2021 commencing at 10.30am.  
 In accordance with NSW Government regulations, only vaccinated people will be able to attend. Evidence of vaccination status & QR-code check-in will be required.  
 Your condolences can be entered at our website [www.avalerio.com.au](http://www.avalerio.com.au) and live streaming link will be available via website.  
**Andrew Valerio & Sons**  
**Funeral Directors**  
 Serving all Suburbs  
 02 9712 5204

**2RPH**  
 If you know anyone who is **PRINT HANDICAPPED** Please let them know that **The Sydney Morning Herald** Death Summary is **READ**  
 On Radio 2RPH 1224AM & 100.5FM Mon-Fri at 8.45am and Sat at 9.30am

## OFFICIAL LOTTERIES RESULTS

**POWERBALL DRAW 1327**  
 Thursday, 21 October 2021

Div	Prize Pool	Winners	Prize Value
1	\$60,000,000.00	1	\$60,000,000.00
2	\$949,437.70	23	\$41,279.90
3	\$580,210.40	154	\$3,767.60
4	\$1,054,918.30	2,818	\$374.35
5	\$791,322.00	6,356	\$124.50
6	\$5,118,275.30	85,447	\$59.90
7	\$4,006,976.00	116,992	\$34.25
8	\$7,905,324.80	482,032	\$16.40
9	\$13,890,976.00	1,329,280	\$10.45

Division 1: Winning Entry - VIC

## POWERBALL DRAW 1328 DIVISION 1 IS \$3 MILLION

**SUPER JACKPOT DRAW 10498**

1<sup>st</sup> Prize of \$100,000 - N° 004087  
 2<sup>nd</sup> Prize of \$10,000 - N° 109816  
 3<sup>rd</sup> Prize of \$5,000 - N° 105482

The Jackpot prize of \$3,480,000 was not won by ticket N° 883447

Jackpot now stands at \$3,820,000 in Super Jackpot Draw 10499

Help is close at hand. [gamblersupport.nsw.gov.au](http://gamblersupport.nsw.gov.au) 1800 858 858

NSW Lotteries

**compassionate funerals QUEENSLAND**  
 Goodbyes that are right for you.

**WILKINSON, Diane Aida**  
 Passed away 21.10.21  
 Dearly beloved wife of Roger. Much loved and admired mother of Kathryn (Glenn), Deborah (Michael) and Anthony (Kendle, deceased). Loved and adored Mama of Hannah, Nicholas, Georgia, Timothy and Phillipa. Much loved sister of Peter and sister in law of Janet, Ruth & John and families. Will be irreplaceably missed. Now free from pain and at peace with her God. Funeral details: Clayfield Uniting Church 170 Bonney Ave Clayfield at 10am on Wednesday 27th October, 2021.

**Tributes**  
 Share memories of your loved one or leave a message at  
[smh.com.au/tributes](http://smh.com.au/tributes)

Prize details subject to relevant Game Rules. NSW Lotteries queries: 131 958.

**good food**  
 Good Food  
 Tuesday in the SMH  
 THURSDAYS  
 The Sydney Morning Herald

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THE EXAMINER

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Email: [classifieds@examiner.com.au](mailto:classifieds@examiner.com.au)



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[adirectonline@taslocalcommunitymedia.com.au](http://adirectonline@taslocalcommunitymedia.com.au)

Self Service

**Death Notices**

**STEBBEINGS**  
Iris  
Dearly loved mother of Graham (dec.), mother-in-law of Janine, Nan of Ben, Josh, Madeline (dec.) and Emily, Great Nan of Billie, Cash, Karter, Leo and Annabella.  
Reunited with her beloved husband and son.  
*Remembered always*

**Motor Vehicles**

**1993 Ford**  
LTD V8  
163,000kms.  
\$10,000 ono.  
☎ 6354 6148 or 0419 169 595

**Motor Vehicles**

**2014 Peugeot**  
**SOLD**  
Well about condition. Regularly Serviced. Auto. 1.6 litre engine 102,500 kilometres Registered February 2022

**Public Notices**

**Notice of Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division Tasmanian**  
Divisional Branch Construction, Forestry, Maritime, Mining and Energy Union

**Public Notices**

Legal Profession Act 2007  
**NOTICE OF INTENTION TO APPLY FOR ADMISSION**  
I, Junaid Jamal of 25 Lucas Street, Kingston, in Tasmania, give notice that I intend to apply to the Supreme Court of Tasmania in Hobart on the 08 December 2021 for admission as a legal practitioner under section 30 of the Legal Profession Act 2007.  
Dated: 18 October 2021  
Signed: Junaid Jamal.

**Death Notices**

**BORTON**  
Jessica  
The Westbury Primary School community are deeply saddened by the passing of Jessica. She was a respected colleague and mentor to students. Her legacy at Westbury will be long lasting.  
*Deepest sympathy to Jessica's family and friends.*

**In Memoriam**

**WADE**  
Maxwell  
*Remembered, loved and missed every day Poppy Bear.*  
~ Love always ~  
Julia and family. xxx

**Public Notices**

**Notice to Classified Advertisers**  
Casual advertisers are advised that all advertisements require payment prior to publication. Payment may be made by Visa or Mastercard, or cash.

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, Tasmanian Divisional Branch, will be held on 2nd December at 10am at Paranalpe Centre Market Square, 145 Rooke St Devonport TAS 7310.

**Recreation Day Holiday**

The Examiner's office will be closed on **Monday, November 1, 2021** for the Recreation Day Holiday.

Examiner Classifieds phone lines will be open from 2.30pm till 5.15pm.

Phone 1300 306 222  
email: [classifieds@examiner.com.au](mailto:classifieds@examiner.com.au)

**EXAMINER**

**For Sale**

**CATERING EQUIPMENT**  
Gas. Garland flat grill, Luus flat grill, Cook equip, 5 burner gas top, Waldorf 4b top, Waldorf 1 burner wok table.  
Electric. fryers, pizza oven, Harris boiler, s/s wall shelves, s/s benches. Ph. 0427 975 434.

**CLASSIFIEDS:**  
Phone 1300 306 222  
email [classifieds@examiner.com.au](mailto:classifieds@examiner.com.au)  
or call in to our office at Second Floor, 113 Cimitiere St, Launceston,  
Open Mon-Fri 9am-5pm. Closed on public holidays.

**PHONE ADVERTISEMENT OPENING HOURS:**  
Monday to Friday 9am - 5.15pm  
Saturday CLOSED  
Sunday 2.30pm - 5.15pm

**Adult Services**

**ASIAN**  
Busty 40DD, Nice. Ph. 0439 214 004.

**BLONDE FROM DOWNUNDER**  
11am - 10pm  
TXT 0401 631 918

**BODY RUBS**  
new in City 20/ 21yo SG /Jap slim busty hot in /out calls 0476 198 633

**Death Notices**

**CLARIDGE,**  
Grant  
15.5.1968 ~ 18.10.2021  
Loved son of Chris and Terry Wells. Brother and brother-in-law to Darren, Julia, and John Ellings. Loved uncle to his nieces and nephew.  
*Now at peace.*

**Wanted to Buy**

**ESTATES/DOWNSIZE**  
LP records/dvds/cds, old books/comics, stamps/coins/Perth mint cane baskets, antiques, cash, will visit. 6423 3316.

**PERSONAL ANNOUNCEMENTS:**  
Birth, Death, Funeral notices are subject to authentication requirements.

**Death and Funeral notices**  
The main family notice is usually only accepted from Funeral Directors, otherwise the signature of the advertiser must be witnessed as above or information supplied to enable authenticity to be checked. Once the main family notice has been accepted, other notices may be placed.

**NOT SURE HOW TO BEST ADVERTISE YOUR ITEMS FOR SALE?**

Why not enjoy the same service as Barbara did recently

**BUSTY BEAUTY** up-market gorgeous sexy Aussie. 0487 866 932 no text.

**CITY RELAX**  
Head to toe body rub Busty Aussie. 0459 616 228

**TRANS JENNY**  
Active, versatile and good service. CBD. Ph. 0451 531 918.

**Death Notices**

**GILLAM**  
Ursula  
(nee TURNBULL)  
Passed away peacefully in the presence of her family, in her 95<sup>th</sup> year, at Coroneagh Park on 22<sup>nd</sup> October, 2021. Dearly loved wife of Gordon (dec.) and loved mother and mother-in-law of Lindsay and Lana Gillam, Gwenda and Ian Schultz, David and Heather Gillam, and Shirley Gillam.  
Loved grandmother and great grandmother of all her grandchildren.  
Loved eldest daughter of Stanley and Alice Turnbull (both dec), and sister of Eric Turnbull (dec), Ray Turnbull (dec), Winifred Gillam (dec), Jean Rowlands-Neasey and Alan Turnbull (dec).  
*'Now at peace in eternity.'*  
Funeral notice later.

**SHED/WORKSHOP**  
contents/old tools, carpenters bench/ladder, bottles, advert signs, tobacco tins, wood boxes, taxidermy, deer head, will visit cash paid. 6423 3316.

**Minimum charges**  
Personal Announcements minimum charge is 5 lines. Other classifications minimum charge 4 lines.

**Errors & Omissions**  
Always listen carefully when your advertisement is read back, it will assist in eliminating mistakes and misunderstandings. It is the responsibility of the advertiser to check the content of their advertisement on the first day of publication. No replacement or credits will be given on multiple advertisements after the first day of publication.

**Internet**

In lodging an advertisement with us you agree that we may publish the advertisement on our website. The general terms and conditions that apply to publication to advertisements in our publication apply also to publication of material on our website.

**100% new L'ton, Rita,** hot sexy slim busty, 38DD, friendly service. 0416 065 520

**TROUT FISHING**  
Collector wants any old rods, reels, flies, books etc. Ph. 0419 525 838.

**WINE/WHISKY/cellars,** old watches, model cars/trains, music instruments, guitar, radios, collections of any thing will visit. 6423 3316

**ADD COLOUR TO YOUR AD**

**EXAMINER**

**SAVE TIME - SUBMIT ONLINE**  
Place your classified ad through our self-service portal

**adirect.com.au**

Access the portal from anywhere in Australia

Select multiple publications across all Australian Community Media papers and receive up to 20% discount

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Connect with Classifieds

**LIKE US ON FACEBOOK!!!**

By liking us, you will be informed immediately when there is breaking news or live streaming videos on our website.

Like Following Share

**DON'T MISS OUT!**

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Print and online packages available throughout Australia  
Advertising sale service enquiries:  
adirect@theadvocate.com.au

Self Service

**Death Notices**

**GILLAM**  
Ursula  
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Passed away peacefully in the presence of her family, in her 95<sup>th</sup> year, at Coroneagh Park on 22<sup>nd</sup> October, 2021. Dearly loved wife of Gordon (dec.) and loved mother and mother-in-law of Lindsay and Lana Gillam, Gwenda and Ian Schultz, David and Heather Gillam, and Shirley Gillam.  
Loved grandmother and great grandmother of all her grandchildren.  
Loved eldest daughter of Stanley and Alice Turnbull (both dec), and sister of Eric Turnbull (dec), Ray Turnbull (dec), Winifred Gillam (dec), Jean Rowlands-Neasey and Alan Turnbull (dec).

*'Now at peace in eternity.'*  
Funeral notice later.

**Public Notices**

**Recreation Day Holiday**

The Advocate's office will be closed on **Monday, November 1, 2021** for the Recreation Day holiday.

The Advocate Classifieds phone lines will be open from 2.30pm till 5.15pm.

Phone 1300 363 789  
email:  
classifieds@theadvocate.com.au

**Public Notices**

**INTENTION TO APPLY FOR A LICENCE**

Dog Control Act 2000 Section 51 (3) (A) (B) Notice is hereby given that it is my intention to apply to the Circular Head Council, for a licence to keep 4 dogs, 2 Hunting Dogs, 2 Pets, 2 Beagle Cross, 1 Maltese Terrier Cross & 1 English Pointer at my premises situated at: 7 Gibson St, Smithton, TAS. 7330. Persons residing within 200 metres of the boundary of the above premises may within 14 days after the publication of this notice object in writing to the General Manager of the Circular Head Council, stating their reasons of objection to the granting of the licence.  
Signed: G. Denman

**Adult Services**

20YO new friendly sexy busy, good fun, amazing service. Devonport. 0426 674 636.

ALL inc. rub, Male to Male, 10am till late Burnie No txt /pix/ private. 0460 406 326.

AUSSIE INDULGENCE Sexy Busy Brunette, No Rush. A must to see. No txt Burnie 0444 544 831

JENNY working lady, size 8, good service, busy EFT avail., D port area. 0426 893 522

**Death Notices**

**AITKEN**  
Peter Noel  
25.12.1955 ~ 23.10.2021

Loved son of Hilton and Joan (both dec). Caring brother of Colin (dec), Leonie, and Neville. Passed away peacefully at home. Loving dad, father-in-law and Pop to Jeremy, Zearah, and Sam; Steve, Deanne, Kyle, and Hayley; Amy and Westly.  
*A lifetime of precious memories*  
Funeral notice later.

**HODGETTS**  
Sylvia

Loved daughter of the late Vince and Nellie Weller.  
Dearly loved sister of Thelma Wrigley, Marjorie Wiseman, Ada French, Terry (dec), Laeta Glose and Judy Nicolai (dec).  
*Forever loved.*

**Notice to Classified Advertisers**

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Classifieds: Phone 1300 363 789 or email  
classifieds@theadvocate.com.au

Phone advertisement deadlines

**PERSONAL ANNOUNCEMENTS:**  
Monday to Friday 9am - 5pm  
Sunday and Public Holidays 2.30pm - 5.15pm

**GENERAL CLASSIFIEDS:**  
Monday - Friday 9am-5.15pm  
Saturday CLOSED  
Sunday 2.30pm-5.15PM  
Phone 1300 363 789

**Personal Announcements**  
Birth, Death, Funeral notices are subject to authentication requirements.

**Death and Funeral notices**  
The main family notice is usually only accepted from Funeral Directors, otherwise the signature of the advertiser must be witnessed as above or information supplied to enable authenticity to be checked. Once the main family notice has been accepted, other notices may be placed.

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Always listen carefully when your advertisement is read back, it will assist in eliminating mistakes and misunderstandings. It is the responsibility of the advertiser to check the content of their advertisement on the first day of publication. No replacement or credits will be given on multiple advertisements after the first day of publication.

**Internet**  
In lodging an advertisement with us you agree that we may publish the advertisement on our website. The general terms and conditions that apply to publication of advertisements in our publication apply also to publication of material on our website.

**PLEASURE COACH**  
Specialising in Performance Enhancement, Tantra Bodywork Practices. Enquiries 0481 355 291

SOPHIA IN TOWN  
That Sexy hot exotic busy web avail, Burnie. Ph. 0432 288 692.

**AITKEN**  
Peter Noel

Passed away in the presence of his family. Much loved dad to Jeremy, father-in-law to Zearah, Pop to Sam. Much loved dad to Steve, father-in-law to Deanne, 'Jesse Pop' to Kyle and Hayley.  
*Big boots to fill, Dad.*

**Wanted to Buy**

**Estates/Downsize**  
LP records/dvds/cds, old books/comics, stamps/coins/Perth mint cane baskets, antiques, cash, will visit. 6423 3316.

**SHED/WORKSHOP**  
contents/old tools, carpenters bench/ladder, bottles, advert signs, tobacco tins, wood boxes, taxidermy, deer head, will visit cash paid. 6423 3316.

**Personal Announcements**  
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**Notice of Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division Tasmanian Divisional Branch Construction, Forestry, Maritime, Mining and Energy Union**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, Tasmanian Divisional Branch, will be held on 2nd December at 10am at Paranalpe Centre Market Square, 145 Rooke St Devonport TAS 7310. A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division. All available members are required to attend and remain for the entirety of the meetings. For further information, please contact Tasmanian Divisional Branch Secretary Jason Campbell on 0418 139 023.

**PROMOTE YOUR BRAND**  
**ADD A LOGO TO YOUR AD**

**AITKEN**  
Peter Noel

Dearly loved brother and brother-in-law of Neville and Helen, Loved uncle to Mark, Ricky and families.  
*Sadly missed by all*  
*Rest In Peace*

**WINE/WHISKY**  
Cellars, old watches, model cars/trains, music instruments, guitar, radios, collections of anything, will visit, cash paid. Ph. 6423 3316.

**Beauty Health and Fitness**  
A MASSAGE relax and unwind, Devonport. Michelle 0407 901 125.

**Internet**  
In lodging an advertisement with us you agree that we may publish the advertisement on our website. The general terms and conditions that apply to publication of advertisements in our publication apply also to publication of material on our website.

**Looking for real estate property?**  
**view**  
theadvocate.com.au

**FRIDGE**  
Fisher & Paykel 6L, 60L, 80L, 100L, 120L, 150L, 180L, 200L, 220L, 240L, 260L, 280L, 300L, 320L, 340L, 360L, 380L, 400L, 420L, 440L, 460L, 480L, 500L, 520L, 540L, 560L, 580L, 600L, 620L, 640L, 660L, 680L, 700L, 720L, 740L, 760L, 780L, 800L, 820L, 840L, 860L, 880L, 900L, 920L, 940L, 960L, 980L, 1000L.

**CLARIDGE,**  
Grant  
15.5.1968  
~ 18.10.2021

Loved son of Chris and Terry Wells. Brother and brother-in-law to Darren, Julia, and John Ellings. Loved uncle to his nieces and nephew.  
*Now at peace.*

**ALL GOOD ITEMS**  
1 double bed mattress, as brand new; 3 well made boxes to fit flat tray utility; 1 Subaru generator; 1 bench drill. 6424 1178.

**FRIDGE**  
Fisher & Paykel 6L, 60L, 80L, 100L, 120L, 150L, 180L, 200L, 220L, 240L, 260L, 280L, 300L, 320L, 340L, 360L, 380L, 400L, 420L, 440L, 460L, 480L, 500L, 520L, 540L, 560L, 580L, 600L, 620L, 640L, 660L, 680L, 700L, 720L, 740L, 760L, 780L, 800L, 820L, 840L, 860L, 880L, 900L, 920L, 940L, 960L, 980L, 1000L.

**ALL OUR CLASSIFIEDS APPEAR ONLINE**

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**LIKE US ON FACEBOOK!!!**

**THE ADVOCATE**

By liking us, you will be informed immediately when there is breaking news or live streaming videos on our website.

Liked Following Share

**>>> DON'T MISS OUT! <<<**

**Looking for real estate property?**  
**view**  
theadvocate.com.au

MONDAY, OCTOBER 25, 2021

**Notices**

Meetings



**Notice of Annual General Meeting and Special Meeting of Members of the Maritime Union of Australia Victoria Divisional Branch**  
**The Maritime Union of Australia Division Construction, Forestry, Maritime, Mining and Energy Union**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, Victoria Divisional Branch, will be held on 30th November 2021 from 10.00am via videoconference, details to be sent out by Branch.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact Victoria Divisional Branch Secretary Shane Stevens on 9329 5477.

**Legal Notices**

**NOTICE TO PATIENTS OF TISSUPATH**

Privacy Act 1988 (Cth) Health Records Act 2001

# mytributes

heraldsun.com.au

**CLASSIFIEDS 37**

13 11 35  
mytributes.com.au

## Death Summary

- Alcock, H. D.
- Allum, G.
- Askew, W.
- Belcastro, A.
- Bird, N. M.
- Birrell, J. A.
- Bradley, M. M.
- Briffa, C.
- Brown, G. L.
- Coelho, R. M.
- Corrin, M. F.
- D'Assisi, E.
- Doyle, T. J.
- Edbrooke, J.
- Elliott, M. F.
- Emery, T. A.
- Hall, M. J.
- Hamilton, H. A.
- Hill, G. W.
- Inkster, G.
- Jones, M.
- Kirton, H.
- Lee, J. N.
- Lynch, K. V.
- Matheson, S.
- Melville, H. J.
- O'Brien, R. A.
- O'Donnell, B. M.
- Roscoe, J. A.
- Ryan, P.
- Sanford, M. C.
- Seymour, B. J.
- Smith, N. J.
- Stearne, P. W.
- Thomas, I. L.
- Trapasso, B.

This summary is a complimentary service. All care is taken to endeavour to include all names from the notices appearing today, however there are circumstances when this is beyond our control and some names may be omitted. Please read all advertisements within the Death and Funeral Notices columns for comprehensive list. Wherever possible we endeavour to place Death and Funeral notices into "family order". There are circumstances when this is beyond our control.

Page 23 of 32

## Tributes

### Deaths

**BRIFFA(nee: CAMILLERI), Catherine**

Passed away peacefully 19th October 2021. Aged 94 Years.

Loving wife, mother, grandmother, great and dear friend. Deeply loved and sadly missed. Forever in our Hearts Rest In Peace.

Please visit Tobin Brothers website for Funeral Webcast details.

**TOBIN BROTHERS FUNERALS WERRIBEE 9741 4544 www.tobinbrothers.com.au**

**BROWN, Gerald Leo**

Aged 88 Years Late of Koondrook Much Loved Husband of

**DOYLE, Terence John**

Passed away peacefully on 20th October 2021 Aged 77 years

Greatly missed by his wife, Sabina. Sadly missed by his sons, Terry Jnr, Rohan and Joe.

Vale Doodle! Thanks for the fun - his family.

**EDBROOKE, Jennifer**

07 Oct 1942

21 Oct 2021

Peacefully passed away, wife of Lindsay (dec). Deeply loved mother and mother-in-law of

**HALL, Melva Jessie**

Please see Funeral Notice for livestream link details.

**HAMILTON, Harry Austin (Tony)**

17.05.1932 - 20.10.2021

Much loved and devoted husband of Judith (dec.). Beloved father and father in law of Robert and Lucy, Andrew and Carolyn. Loving Grandfather of Tristan, Hayden, Henry and Isabella. Cherished twin brother to Barney, and brother in law to Jennifer, Graham and Sue, Isabel and Ian (dec.). Affectionate Uncle to Joanne, Sara and Peter; David, Gary and Greg; Sarah, Peter and Kerrie.

**KIRTON, Helen**

18 Dec 1917

10 Oct 2021

"The family of Helen Kirton late of Bunyip and Mt. Eliza are sad to report her death after a fall on October 10th. Aged nearly 104. Widow of David Kirton and Peter Birch she was privately cremated. Much loved and sadly missed by 4 children, 9 grand children and 8 great grandchildren and all extended family. RIP Mum, Gran, Helen"

### LEE, Joyce Norma

Formerly Of Cleveland and North Essendon. Released from the shackles of old age on 21/10/2021. Aged 96 years

Beloved Wife of Syd (dec). Mother and Mother-in-law of Graeme and Annette, Nanna to Helen and Corey, Nostyn and Simon and Great Nanna to Angus. Loved Aunt to Lisa and nephews of the Lee and

"A beautiful, kind, generous and loving devoted family man"



## Proof Confirmation

21/10/2021 09:54:29

All details below **must** be checked and confirmed including **Classification, Insertion Date/s, and Size**. If we receive no response from you prior to deadline, you are accepting that the advertisement/s is **correct, free of any errors and ready for publishing**.

If you wish to cancel the advertisement you must ring prior to the appropriate deadline and **quote the Order ID found in the order details below**.

This document also serves as confirmation of your payment where the **"Amount Due"** is marked as **\$0**. A tax invoice will **ONLY** be issued on request.

Thank you for advertising with The West Australian.

<b>Agency:</b>		<b>Order ID:</b>	4529333
<b>Customer:</b>	The Maritime Union Of Aust	<b>Caller name:</b>	e: Sandra Mirco
<b>Address:</b>	2-4 Kwong Ally	<b>Fax no:</b>	93350510
<b>City:</b>	North Fremantle	<b>Sales rep:</b>	Jacinda (08) 9482 2485
<b>State:</b>	Western Australia 6159	<b>Payment details:</b>	
<b>Phone no:</b>	93350500	Bank: ANZ	
<b>Account ID:</b>	10019023	BSB: 016002 Account: 836346829	
<b>Purchase order no:</b>		Name: West Australian Newspapers Limited	
<b>Payment type:</b>		(Please fax or email a copy of the bank transfer)	

### Newspaper Classified

Title	Publication	Category	Classification	Package	Insertion date	Size	Colour
The West Austr	West Classifieds	Public Notices	General Public No	WAN Default Classifie	25-OCT-21	40 x 1	Yes
Online bundled thewestclassifieds.com.au							



**Notice of Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division Western Australia Divisional Branch Construction, Forestry, Maritime, Mining and Energy Union**

The Annual General Meeting and Special Meeting of Members of The Maritime Union of Australia Division, WA Divisional Branch, will be held on **Tuesday, 30th November at 9am** at the East Fremantle Football Club, Moss Street, East Fremantle.

A Special Meeting of Members will be held before the commencement of the Annual General Meeting to consider and if thought appropriate, endorse proposed changes to the Rules of The Maritime Union of Australia Division.

All available members are required to attend and remain for the entirety of the meetings.

For further information, please contact WA Divisional Branch Secretary **Will Tracey** on **(08) 9335 0500**.

## **Eve Anderson**

---

**From:** Graham Young [REDACTED]  
**Sent:** Monday, 24 January 2022 4:00 PM  
**To:** Eve Anderson  
**Subject:** Notification of alteration to the rules of the MUA Division of the CFMMEU (R2022/2)

Dear Ms Anderson,

Further to our telephone conversation earlier today, this is to confirm my/our intention to provide a written submission objecting to the abovementioned application on the basis that the procedural requirements for altering the rules as provided for within the MUA Divisional Rules have not been followed or adhered to.

I expect to email my/our submissions to you by the close of business Monday 31 January 2022.

Thank you for your attention to this matter.

Graham Young  
Retired former member of CFMEU

# SUBMISSION TO THE FAIR WORK COMMISSION

by Graham Young

## Notification of alterations to the rules of the MUA Division of the CFMMEU (R2022/2)

1. I am a former member and elected Officer of the CFMEU as it was known prior to the merger with the Maritime Union of Australia. In 1990 I accepted a temporary engagement with the ACTU to work with the Waterside Workers Federation (WWF) later to form part of the MUA at their National Office in Sydney. This subsequently morphed into a permanent position with the WWF/MUA until 2002 following which I accepted a position with the London UK Secretariat of the International Transport workers Federation (ITF).
2. Although I wasn't a participant in the negotiations between the WWF and the Seaman's Union of Australia (SUA) regarding the rules to apply to their forthcoming merger, my various responsibilities at National Office made it essential for me to develop a very good appreciation of the construction and application of the rules of the new organization. In substantive terms, the MUA Divisional Rules remain as first developed in 1993 and particularly so with respect to the procedural requirements to alter the rules.
3. Prior to certification of the alterations to the rules the General Manager of the FWC is, amongst other things required to form the opinion that the alteration has been made in accordance with the (rule changing) requirements of the Union's rules. This submission is in support of a claim that such rules have not been followed and therefore the alteration should not be certified by the Commission.
4. Suffice to say for the purposes of this submission, R 27(i) of the CFMMEU Rules provides for the establishment of a number of Divisions including The Maritime Union of Australia Division and further, R 27(iv) requires each Division to have rules and have the power to make, alter or rescind such rules, to be called Divisional Rules.

The MUA Divisional Rules relevant to Matter (R2022/2) and this submission are as follows:-

5. **Rule 13 – LIFE MEMBERSHIP.** R 13(b) provides that a life member may attend meetings and functions but shall have no voting rights in the Division nor shall be eligible to participate in debate at Divisional Meetings.
6. **Rule 18 – DIVISIONAL NATIONAL EXECUTIVE.** R 18(d) provides that the Divisional National Executive Officers to be the Divisional National Secretary and the Divisional National Presiding Officer.
7. **Rule 20 – SPECIAL MEETING OF MEMBERS OF THE DIVISION.** R 20(c) provides that Special Meetings shall be held at such times and places as determined by the Divisional National Executive Officers.

8. R 20(d) provides that Notice of times and places and the business to be transacted shall be inserted in a daily newspaper circulating in each port where a meeting is to be held at least three days before the date of the meeting and shall be posted in the office of each Divisional Branch. *(my underlining)*
9. R 20(e) provides that the number of financial members required to form a quorum shall be in the aggregate 10 percent of the financial members of the Division.
10. **Rule 21 – CONDUCT OF ANNUAL GENERAL AND SPECIAL MEETINGS OF MEMBERS OF THE DIVISION.** R 21(a) provides that Meetings of members shall be held in each of the ports listed (within the sub-rule) and such other ports as determined by the National Executive Officers *(my underlining)* and the quorum for each such meeting shall be as set out in the sub-rule, viz:-

Melbourne	100	Port Kembla	40
Brisbane	60	Devonport	30
Newcastle	40	Port Adelaide	60
Sydney	100	Fremantle	80

11. R 21(b)(ii) provides that the results of the voting shall be forwarded by the Divisional Branch Secretary within whose Divisional Branch the port is located to the Divisional National Secretary, for the purposes of aggregating the votes and a motion shall be carried if it receives a majority of the votes cast provided that in each of a majority of Divisional Branches the motion also receives a majority of the votes cast.
12. R 21(c) provides that All financial members of the Division shall have right to speak and take part in and to cast one vote upon any motion.
13. **Rule 64 – CHANGES TO RULES.** R 64 at sub-rules (d) and (e) provides that divisional rules may be altered by majority decision of the Divisional National Council subject to the endorsement of members at a Special Meeting of members of the Division.
14. Table 1 on the following page (3) is a flow chart illustrating the decision-making processes relating to the alteration of MUA Divisional Rules.

**Table 1: FLOW CHART OF DECISION-MAKING PROCESSES RELATED TO THE ALTERATION OF MUA DIVISIONAL RULES**

<p><b>STEP 1</b></p> <p><u>Divisional National Council</u> approves changes to Rules.</p> <p>Rule 64 (d) and (e)</p>	<p><b>STEP 2</b></p> <p><u>Divisional National Council Executive Officers</u> determine times, places &amp; location of Special Meetings.</p> <p>Rule 18(d), Rule 20(c) and Rule 21(a)</p> <p>See also National Office Circular 142 of 2021 – Refer to paragraphs 17 – 21 of this submission document, particularly at 21</p>	<p><b>STEP 3</b></p> <p>Notice of Special Meeting of members inserted in daily newspaper circulating in <u>each port where a meeting is to be held at least 3 days</u> before date of meeting and notice posted in Divisional Branch Office.</p> <p>Rule 20(d)</p> <p>See also Attachment H @ pp 69 – 72 of the Union’s application and refer also to paragraphs 15 and 25 of this submission document.</p>	<p><b>STEP 4</b></p> <p>Special Meetings of members are held in each of the ports listed in the sub-rule and <u>such other ports as determined by Divisional National Executive Officers</u> and the quorum for each such meeting shall be as set out in the sub-rule.</p> <p>Rule 21(a)</p>	<p><b>STEP 5</b></p> <p>Results of voting forwarded by the Divisional Branch Secretary within whose Divisional Branch the port is located, to the Divisional National Secretary for the purposes of aggregating the votes. Motion is carried on a majority of votes provided that in each of a of majority of Divisional Branches the motion also receives a majority of votes cast.</p> <p>Rule 21(b)(ii)</p>
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15. I refer to the formal notice of the proposed alteration to the MUA Divisional Rules to the FWC dated 6 January 2022. The following index applies:-

Page 1	Covering letter from the Divisional National Secretary
Pages 2 – 19	Notice of particulars of rule alterations
Pages 20 – 21	Declaration by Divisional National Secretary
Pages 22 – 66	Attachments A – F relevant Divisional National Council decisions
Pages 67 – 68	Attachment G relating to Special Meeting of Members held in each Branch
Pages 69 – 82	Attachment H, Newspaper Notices in connection with the Special Meeting

16. The Declaration by the Divisional National Secretary, particularly at paragraphs 6 – 11 refers to attachments A – F detailing the various steps undertaken by the Divisional National Council in this matter. Accordingly, *the information in this paragraph relate to STEP 1 in the flow-chart at page 3.*

17. Attached to this submission is a copy of an email (**fwd: Circular 142 of 2021**) forwarded by the Divisional National Secretary to Divisional Branch Officials and staff on 21 October 2021 in relation to National Office Circular 142 of 2021 concerning the forthcoming Annual General Meeting (AGM) and the Special Meeting of Members of the Division (SMM).

18. The text of the email provides information concerning the forthcoming meetings including a table showing the total MUA membership number as of 30 September 2021 on a branch by branch basis and the numbers required for each of the Branch meetings. Officers were requested to ensure at least 10% of the branch membership attend the meetings to ensure the overall quorum requirement of 10% of the membership in the aggregate was met. There are 4 attachments to that email:-

- The actual MUA National Office Circular 142 of 2021 re the AGM and SMM
- Branch Notice Template AGM and SMM 2021
- Newspaper Notice Template Short AGM and SMM MUA Nov – Dec 2021
- AGM – SMM Report Back 2021 Template

19. As previously stated National Office Circular 142 of 2021 was issued by the Divisional National Secretary to Officers and Staff of the Division on 21 October. On page 1 of the circular, at paragraph 1 recipients are advised the forthcoming AGM and the SMM are to be held between Friday 26 November and Friday 3 December 2021.

20. Additionally at page 2, the Circular includes a table listing the DATE, TIME and LOCATION of the AGM and SMM in each Branch. With one exception, the location of the meeting is the city where the Branch Office is located. The exception relates to the Victorian Branch where it is indicated there will be a Videoconference Zoom meeting, with details to be sent out by the Branch.

21. Whilst not expressly stated within the supporting Declaration (*see pp 20 and 21*) attached to the MUA application, it's perfectly reasonable to infer the MUA National Office Circular 142, particularly the table of information concerning the AGM and SMM at page 2, arose from a determination by the Divisional National Secretary and the Divisional National Presiding Officer in their capacity as National Executive Officers (as defined in R 18(d)) and respectively the obligations imposed upon them under R 20(c) and R21(a) during the earlier Divisional National Council deliberations on this matter. That being the case, **the information in paragraphs 17 – 21 relate to STEP 2 of the flow-chart at page 3.**

22. The National Office Circular 142 Of 2021, particularly at paragraph 2 on page 1, required notice of the time and place of the AGM to be given to members at least 30 days prior to such meeting and posted in the office of each Divisional Branch, further that Divisional Branches must post a notice at their Divisional Branch (office) and the meeting venue, including any regional venues.... (*my underlining*)

23. At paragraph 3 on page 1 of the Circular, the distinction within the rules between the minimum 30 days' notice required for the AGM and the minimum 3 days' notice required for the Special Meetings of Members was explained, together with the additional requirement that notice of the time, date, place and the nature of the business for discussion at the SMM must be published in a newspaper circulating in each port where an SMM is to be held..... (*my underlining*)

24. At paragraph 4 on page 1 of the Circular it was further explained that to avoid confusion, Divisional Branches are required to arrange for "a newspaper notice to be published for both the AGM and SMM at least 30 days prior to the date of your AGM". As previously mentioned at paragraph 20 on page 4 of this submission, the circular included an attachment setting out the required form of the newspaper notice.

25. Attachment H, at pp 69 – 72 of the MUA application to amend the Divisional Rules includes copies of the notices published in newspapers circulating in each port where a SMM was to be held. Those ports were in accordance with those shown on page 2 of National Office Circular 142 of 2021 including each of the 8 ports listed in R 21(a) together with an additional Port, Darwin in the Northern Territory. **The information in paragraph's 22 – 25 relate to STEP 3 of the flow-chart at page 3.**

26. Attachment G at pp 67 – 68 of the MUA application to amend the Divisional Rules is a summary of the 2021 Special Meeting of MUA Divisional Members which took place between Friday 26 November and Thursday 2 December listing in each case the date, location, number of attendees and the number of votes in favor of the proposed Rule changes. **The information in this paragraph relate to STEP 4 of the flow-chart at page 3 of this submission.**

27. The covering email to which the National Office Circular 142/21 was attached included a note headed "Records" which required an accurate record to be kept of the number of members attending the respective Branch and regional AGMs and SMMs, with a further request for the numbers to be provided to the author of the email once the meetings were concluded. The note further referred to the attached template (AGM.SMM Report Back 2021.doc) to ensure the minutes of the SMM and AGM were provided in the required format. **The information in this paragraph and the national summary catalogued in Attachment G to the Union's application relate to Step 5 of the flow-chart at page 3.**

28. The documentation relating to the Union's formal Notification of alterations to its MUA Divisional Rules to the FWC comprises 82 pages of which 44 pages (Attachments A – F), provide an exhaustive and very detailed account of the procedures and decision-making processes of its Divisional National Council in connection with the proposed alterations leading up to this application.
29. This is to be contrasted with the paucity of information provided in Attachment G comprising no more than a 2 page summary of attendance and voting returns in connection with the Special Meeting of Members held in various locations across Australia to consider the alterations to the Divisional Rules. Nothing is provided to support in any way, the validity of figures quoted in respect of attendance and voting returns at each of the locations where the Special Meetings of members were held.
30. The Statement of Claim in respect of each location at which the Special Meeting of Members of the Division was held, is to be found at Table 2 listed at pages 7 – 18 of this submission document. In the main, with the exception of the in-person meetings in the Ports of Melbourne and the regional Victorian Ports of Portland, Geelong and Western Port, this submission and evidence in support of it, is directed towards showing that there's been a significant exaggeration of the numbers of members attending the Special Meeting required under the Divisional Rules in order to achieve the required quorum of 10% of the membership in the aggregate.
31. The significant exaggeration referred to is not limited to isolated pockets of disparate discrepancies which might be cast as typographical or clerical errors. There is a clear pattern of behavior concerning exaggerated (port meeting) reports by Divisional Branch Officials with one exception, that being in relation to the Brisbane meeting.
32. The Statement of claim in respect of the in-person meetings in the Port of Melbourne and the Victorian regional ports of Portland, Geelong and Western Port is of a different character. The substance of the claim here is that those meetings are voided because they were not meetings that were held in accordance with the requirements of Rule 20 (c) and (d) and R 21(a) and thus cannot be counted for the purposes of achieving the quorum referred to in R 20(e)
33. In the result, Attachment G to the Union's application does not provide an accurate record of the numbers attending and the voting returns of the Special Meeting of Members, with the consequence of providing good and cogent reasons to enable the General Manager to form the opinion that the rule changing Rules within the MUA Divisional Rules have not been followed and accordingly decline to certify the alterations to the Divisional Rules as sought by the applicant.

Table 2: STATEMENT OF CLAIM

Meeting Location	Meeting held in accordance with Rule 20(c) and (d)	Quorum required in accordance with Rule 21(a)	Declared attendance - Attachment G to Application R2022/2	Claimed Attendance: This submission	Statement of Claim
(1). Darwin	Yes	N/A	48	34	<p>i. Whilst Darwin is not a Port listed in R 21(a), it was included in the list of ports determined by the National Executive Officers in accordance with R 20(c) – refer to p 2 of National Office Circular 142/21</p> <p>ii. Attached to this submission is <b>Attachment 5</b>: MUA NT Branch (Darwin) Special Meeting with a photo attached being of the Darwin meeting posted on the Union website/social media platform.</p> <p>iii. <u>This photo clearly shows approximately 34 attended the meeting.</u> The 3 members seated at the front of the photo are Life members and therefore not entitled to vote as per R 13(b).</p> <p>iv. Accordingly, Attachment G to the Union’s application does not accurately record attendance and voting returns at the Darwin meeting and to that extent, the rules governing alterations to the Divisional Rules have not been followed. Therefore, the Darwin meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p>
(2) Newcastle	Yes	40	63	30	<p>i. Attached to this submission is <b>Attachment 6b</b>: NNSW Branch (Newcastle) Special Meeting with a photo attached of the Newcastle meeting posted on the Union website/social media platform.</p> <p>ii. <u>This photo clearly shows approximately 30 attended the meeting.</u></p>

					<p>iii. Accordingly, Attachment G to the Union’s application neither accurately records attendance nor voting returns at the Newcastle meeting and to that extent, the rules governing alterations to the Divisional Rules have not been followed. Therefore, the Newcastle meeting is voided for the purpose of calculating the aggregate vote as per Rule 20(e).</p> <p>iv. Additionally, the photo indicates the required quorum as per Rule 21(a) for the Newcastle meeting was not achieved and to that extent the rules governing the alteration to the Divisional Rules have not been followed and for that reason also, the Newcastle meeting is voided for the purpose of calculating the aggregate vote as per Rule 20(e).</p>
(3) Sydney	Yes	100	369	40 in person 114 by Zoom	<p>i. Attached to this submission is <b>Attachment 7</b>: being a copy of the photo of the Sydney Branch Special Meeting posted on the Union’s website/social media platform. This photo clearly shows approximately 40 attended this meeting in person.</p> <p>ii. The published newspaper notices of this meeting indicated it would be conducted both in person and online by Videoconference: Zoom meeting. The link to enable participation by Zoom was forwarded by email to Branch members in advance. I was provided a copy of the link details which enabled me to join the Zoom meeting and observe the proceedings without ID despite not being a member.</p> <p>iii. I observed those participating by Zoom and in person were all able to engage in discussion and debate as the meeting proceeded. Senior Branch Officials were responsible for monitoring the participation by those online. The proposed Rule changes were explained by the Divisional National Secretary with the aid of a Power Point slide presentation.</p> <p>iv. The Chairperson then called for someone to move the motion supporting the proposed alterations and then called for someone to second the motion, following which the Chairperson asked for a show of all those in favor and then asked for a show of all those against.</p> <p>v. At that point, the Deputy Branch Secretary monitoring the online participation said words to the effect “let me check if anyone online is opposed to the motion”. He indicated there were none. The motion was then declared to be carried unanimously.</p>

					<p>vi. There was not a count of those attending in person or of those participating by Zoom. No mention was made of the number attending in person or participating online or of the 4 Life members participating online and in person and although not entitled to vote as per Rule 13(b), their presence alone was sufficient for each to be counted as a vote in favor of the proposed alterations to the rules, as was I, being a nonmember.</p> <p>vii. The declared attendance for the Sydney meeting is 369. There were approximately 40 attending in person, suggesting 329 online participants. The number of online participants is shown on each participants screen and despite minor fluctuation from time to time, numbers online peaked at approximately 114, as was also confirmed to me by others.</p> <p>viii. Attachment G to the Union's application neither accurately records the Sydney attendance nor voting returns and to that extent, the rules governing alterations to the Divisional Rules have not been followed and therefore the Sydney meeting is voided for the purpose of calculating the aggregate vote as per Rule 20(e).</p>
<b>(4)</b> Melbourne	No	100	Total 228 including in person, by Zoom & regional ports	45 in person	<p>i. On 21 October 2021 the Divisional National Secretary issued National Office Circular 142/2021 to Divisional Branch Officers and staff. In the schedule provided on page 2 it was indicated that in respect of the Victorian Branch, National Executive Officers (<i>see also paragraph 20 of this submission document for further explanation</i>), determined the Special Meeting of Members would be held Tuesday 30 November at 10am by videoconference Zoom Meeting, details to be sent out by Branch.</p> <p>ii. Notwithstanding, sometime later the Branch forwarded an SMS message to members' phones indicating the SMM/AGM would be held at the Branch Meeting Hall in Ireland St West Melbourne at 10am on Tuesday 30 November.</p> <p>iii. A small number of Melbourne-based members were interviewed in respect of this matter. recalled receiving the SMS message referred to above. None however, recalled receiving any message from the Union either by SMS message to their phone or by email providing details of a link to enable them to participate in the SMM/AGM by Videoconference: Zoom.</p>

					<p>iv. Also on 21 October, a Notice was posted on the Division’s website in the following terms – 2021 NOTICE OF ANNUAL GENERAL MEETING AND SPECIAL MEETING OF MEMBERS OF THE MARITIME UNION OF AUSTRALIA DIVISIONAL BRANCHES, CFMMEU <i>(in full)</i>”.</p> <p>v. This heading was followed by a schedule of Divisional Branch meetings including the date, time and location of each. The entry for the Victorian Branch reads “In Person: 46 – 54 Ireland St, West Melbourne VIC 3003” this was followed by the words “By Videoconference: Zoom meeting, details to be sent out by Branch”.</p> <p>vi. Despite the important difference between the National Executive Officers Determination issued on page 2 of National Office Circular 142/21 and the MUA National Website entry, the Branch subsequently caused a notice to be inserted in the Melbourne Herald Sun newspaper on 25 October in the same terms as required by National Office Circular 142/21, a copy of which is shown at page 79 of the Union application to alter the Rules (R2022/2).</p> <p>vii. Attached to this submission is <b>Attachment 1</b>: Victorian Branch Special Meeting, with a series of photos attached taken by an MUA member who attended the Melbourne meeting in person.</p> <p>viii. <u>The photos clearly show approximately 45 attended the meeting including Officials.</u></p> <p>ix. The member recalls there were a couple of members at the entrance to the meeting room, one of whom pointed to an attendance book, for which the required information included name, employer, telephone number and vaccination status. No ID was requested.</p> <p>x. The member recalls the main speaker at the Special Meeting of Members was the Divisional Deputy National Secretary.</p> <p>xi. Early in the proceedings an Official advised the in-person meeting would be joined by a number of members by Zoom Videoconference. This was the only reference made in connection to online participants in both the Special Meeting to change the Rules and the AGM which followed on from that. There was no physical count of the members present at the meeting.</p>
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					<p>xii. There did not appear to be anybody hosting or monitoring any online participation. There were no verbal contributions from any online participants or any indication of their participation in the voting process relating the Rule changes.</p> <p>xiii. The member further recalls there was an Official at the front table working with a computer, although, this appeared to be in relation to manipulating the slide show on the screen used by the Divisional Deputy National Secretary to explain the proposed Rule changes.</p> <p>xiv. At the end of the presentation, there was a call for a mover and a seconder in favor of the motion to endorse the proposed alterations to the Rules, there being no questions invited or asked, the Chairperson called for a show of all those in favor and subsequently, for those against. He then declared each motion carried unanimously.</p> <p>xv. There was no count of those in favor. No member present voted against any motion. There was no acknowledgement of any online participation in the voting process.</p> <p>xvi. Whereas Special Meetings of Members of the Division may be called under R 20(a) by either, the Divisional National Executive Officers, or on requisition signed by a majority of members of Divisional National Council, or on requisition signed by 10% of the financial members of the Division, subject to R 21(a) <u>the times and places of such meetings may only be determined by the Divisional National Executive Officers as per R 20(c).</u></p> <p>xvii. The authority vested in the Divisional National Executive Officers by R 20(c) is to be read in conjunction with R 21(a) which provides that meetings under that sub-rule, “shall be held at each of the ports listed <u>and such other ports as determined by the Divisional National Executive Officers.</u>” In other words, the authority under R 20(c) is limited to <u>ports</u> beyond that listed within sub-rule R 21(a).</p> <p>xviii. The limitation referred to in the previous paragraph extend only to the location of the meetings. The timing of the meetings including those meetings in the ports listed in the sub-rule is strictly a matter for the Divisional National Executive Officers to determine.</p>
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					<p>xix. The Divisional National Executive Officers did not determine that the Special Meeting would be held in the Port of Melbourne and nor were they required to do so, because Melbourne is one of the Ports listed within R 21(a). That there was a physical meeting of members held in the Port of Melbourne at 10.00am on 30 November is not at issue.</p> <p>xx. The question to be asked is whether that meeting constituted a Special Meeting of Members which had been notified to members in accordance with the requirements of R 20(d), that is <i>by Notice inserted into a daily newspaper circulating in the Port at least 3 days before the date of the meeting giving the time and place and the business to be transacted and further, that the notice was posted in the Divisional Branch Office.</i></p> <p>xxi. Clearly it was not. Evidence submitted in support of the relevant notice requirements required by R 20(d) is to be found in Attachment H, particularly at p 79 of the Union's application (2022/2). That notice, appearing in the Herald Sun newspaper on 25 October 2021 refers to a meeting to be held for "members of the Victorian Divisional Branch from 10.00am on 30<sup>th</sup> November via Videoconference, details to be sent out by Branch."</p> <p>xxii. The Port of Melbourne meeting was not included in the newspaper notice of 25 October 2021. Accordingly, the meeting of members held in the Branch Meeting Room in Ireland St West Melbourne on 30 November 2021 was NOT a meeting which can be included for the purposes of determining whether as required by R 20(e), the quorum of 10% of the financial members of the Division in the aggregate is achieved.</p> <p>xxiii. There are other issues associated with the Port of Melbourne meeting particularly in respect of any participation by Videoconference facility. At the outset, it was said that the meeting would be joined by a number of members by Videoconference however (as stated by the member attending the Melbourne Port meeting), there was no sign of that occurring either in respect of their engagement in discussion and debate OR of any engagement in the formal voting process that was undertaken. (<i>see paragraph x</i>).</p> <p>xxiv. I refer to the Registered Organisations Commission (ROC) Guidance Note GN 053 / 31 March 2020, headed Guidance on Meetings of Committees of Management, Annual General Meetings and other General Meetings during Coronavirus (COVID – 19) restrictions.</p>
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					<p>xxv. In relevant terms the ROC indicated support for both in-person meetings and/or by way of technology, as long as the technology enables social interaction and a ‘meeting of the minds’. The GN indicated the use of technology to hold meetings still needs to provide members with a reasonable opportunity to participate in the meeting.</p> <p>xxvi. The (ROC) GN 53/March 2020 broadly defines “reasonable opportunity” to include:</p> <ul style="list-style-type: none"> <li>• members being able to participate in debate and ask questions;</li> <li>• the ability to give their views and move amendments;</li> <li>• voting (and the recording of votes) being done in such a way as to ensure results are accurate.</li> </ul> <p>xxvii. In my observation, the conduct of the Sydney SMM did provide reasonable opportunity to participate as broadly defined in the first two phrases above, however the formal voting process could not be described as open and transparent such as to provide for appropriate recording of votes, particularly of those online, in order to ensure results were accurate.</p> <p>xxviii. Moreover, on the basis that the information and the photo provided by the member who attended the Melbourne meeting is accepted (<i>see paragraphs vii – xiii herein</i>), the circumstances of the Melbourne meeting become even more problematic. Members involved in the joint Melbourne in-person / videoconference meeting were clearly not afforded a reasonable opportunity to participate as broadly defined in the ROC General Notice 53 /31 March 2020.</p> <p>xxix. The reference to the combined in-person and videoconference Melbourne meeting in Attachment G of the union’s application indicates there were 228 attendees. The entry also indicates all 228 voted for all proposed Rule changes inclusive of outports Port of Geelong, Port Lincoln and Port of Hastings. Port Lincoln is located in South Australia and that entry is more a clerical error than anything else.</p>
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					<p>xxx. Three regional port meetings were held in Victoria, including Portland, Geelong Port and Western Port (Hastings). <b>Within Attachment 1: Victorian Branch Special Meeting, are photos of the so-called outpost meetings including – photos of Portland, said to be the first of the Victorian meetings, the Geelong meeting being the third, and the Western Port meeting being the fourth.</b> The unnamed 2<sup>nd</sup> meeting was Melbourne itself.</p> <p>xxxi. The photos clearly show the attendance at Portland to be approximately 14, Geelong, approximately 21, Western Port, approximately 36, making a total of approximately 71 attendees between the three regional meetings.</p> <p>xxxii. Responsibility for the determination of the location of meetings at ports other than those listed under R 21(a) for the purposes of Special Meetings of Members, lies with the Divisional National Executive Officers as per R 20(c). The National Office Circular 142/2021 indicates on page 2 the <u>only</u> port so listed was that of Darwin.</p> <p>xxxiii. It appears from the second paragraph on page 1 of National Office Circular 142/2021 that <u>other than for the Port of Darwin</u>, responsibility for determining and scheduling the SMM and also the AGM to follow, for ports other than those listed in R 21(a) was divested to Branch Officials. Such a decision places the Division in breach of the provisions of R 20 (c).</p> <p>xxxiv. Attachment H to the Union’s application for certification of the alteration to the Divisional Rules includes evidence of the relevant newspaper notices required under R 20(d) for each of the locations involved in the Special Meeting of Members.</p> <p>xxxv. It’s previously explained within paragraph xxi herein, that there is no such notice for the Port of Melbourne Meeting held on 30 November. It is also the case that no such newspaper notices are included in Attachment H in respect of the Portland meeting on 29 November, the Geelong meeting on 1 December and the Western Port meeting on 2 December.</p>
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					<p>xxxvi. For the reasons explained in paragraph xxxiv above , the meetings of members held in the regional Victorian Ports of Portland, Geelong and Western Port Branch were NOT meetings which can be included for the purposes of determining whether as required by R 20(e), the quorum of 10% of the financial members of the Division in the aggregate is achieved.</p> <p>xxxvii. IN SUMMARY:-</p> <ul style="list-style-type: none"> <li>• As explained in paragraph xxxiv herein, the in-person Melbourne Port meeting was NOT a meeting which can be included for the purposes of determining whether as required by R 20(e), the quorum of 10% of the financial members of the Division in the aggregate, is achieved.</li> <li>• As explained in paragraphs xxxv above , the meetings of members held in the regional Victorian Ports of Portland, Geelong and Western Port were NOT meetings which can be included for the purposes of determining whether as required by R 20(e), the quorum of 10% of the financial members of the Division in the aggregate is achieved.</li> <li>• As explained in paragraph xxv herein, particularly as it relates to members involved in the videoconference aspect of the combined not being afforded a reasonable opportunity to participate in the meeting as broadly defined in the ROC General Notice 53 /31 March 2020, that aspect of the Melbourne Port meeting was NOT a meeting which can be included for the purposes of determining whether as required by R 20(e), the quorum of 10% of the financial members of the Division in the aggregate is achieved.</li> </ul>
(5) Fremantle	Yes	80	346	70	<p>i. Attached to this submission at <b>Attachment 4: MUA WA Branch (Fremantle) Special Meeting</b>, is a copy of page 4 of the November edition of the WA Divisional Branch Industrial Newsletter to members which purports to support the statement above indicating that more than 300 people attended the AGM on the morning of 30 November which had been preceded by the Special Meeting of Members and in respect of which, the entry for the WA records that 346 attended the meeting and voted in support of the proposed alteration to the Divisional Rules.</p>

					<p>ii. Also, within Attachment 4 is also a photo of the same meeting taken by a member who attended and remained for the duration of both meetings. The number of attendees shown in the much clearer photo taken by the member indicate a substantially lower attendance for the Fremantle meeting than that nominated in Attachment G to the Division's application. The member reports that he counted the number of attendees including a small number of members who remained standing at the back of the meeting room and the number of Officials who sat at the front table.</p> <p>iii. Looked at comparatively, it's clear both photo's relate to the same meeting. The meeting took place in the main function room at the East Fremantle Football Club and the last time it was hired was for the purposes of conducting the SMM/AGM in November 2020. The podium and the positioning of the officials at the front table is the same in both photos. The Divisional Branch Secretary is positioned 2<sup>nd</sup> from the podium in both photos. He is wearing the same grey hoody jacket in both. The positioning of the display cabinets is the same in each photo.</p> <p>iv. The member is very certain there were approximately 70 people in attendance. He has read the report in the aforementioned Branch Newsletter and viewed the picture posted on page 4. He acknowledges the possibility of an error margin of two or three maximum although he was particularly careful to be accurate in his count as requested.</p> <p>v. He is particularly adamant that the figure of 300 + quoted in the Branch newsletter is simply not correct. His view is that the page 4 picture is somewhat distorted and appears to be out of focus towards the back of the meeting if not "doctored" in some way.</p> <p>vi. The member arrived at the meeting prior to commencement, there was a small knot of people at the entrance to the function room where the meeting was to be held. People were walking freely into the room and taking a seat. There was no attendance book, nor was anybody asked for their ID. There was a table at the side of the entrance to the meeting room with a computer on it, although nobody sat at the table nor was the computer used that he could see.</p>
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					<p>vii. The number of chairs laid out in advance of the meeting was not much more than the number of attendees although there did appear to be more empty chairs to the front which could have related to the desire by some to apply the social distancing recommendations operating in WA. There was no formal count of the number of attendees, nor was a figure stated from the Officials running the meeting.</p> <p>viii. The WA Divisional Deputy Branch Secretary was the main speaker who explained the proposed Rule changes and spoke to a slide show on the large screen facing the meeting. A staff member sat to the side operating the computer during the slide show.</p> <p>ix. Following the slide show and explanation there wasn't much discussion from the floor to speak of. One of the Officials at the table was the Chairperson for the meeting, he called for someone to move a motion supporting the proposed changes, and then asked for someone to second the motion. After a slight pause, the Chairman said, "All those in favor" and a number of hands went up, some said aye. The Chairperson then asked for those against, no hands went up. The Chairmen rather quickly said Carried unanimously and that was it.</p> <p>x. There was no actual count of those who voted in favor. There was only one or two votes involved, one being for a new woman position and a new position for an Indigenous representative. There was a quick explanation that the rules meeting was finished and the screen showed this was the commencement of the AGM.</p> <p>xi. Neither the information contained with Attachment G to the Union's application (nor for what is worth does the pictorial display of the meeting on page 4 of the WA Divisional Branch Newsletter to members), provide credible evidence of an accurate record of attendance and voting returns at the Fremantle meeting and to that extent, the Rules governing alterations to the Divisional Rules have not been followed. Therefore, the Fremantle meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p> <p>xii. Further, the photo and information provided by the member who attended the meeting indicates the required quorum for the Fremantle meeting was not achieved and to that extent, the Rules governing the alteration to the Divisional Rules have not been followed and for that reason also, the Fremantle meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p>
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(6) Brisbane	Yes	60	72	72	<p>i. For the sake of completeness and accuracy, this meeting was the subject of much scrutiny as it was known by all concerned that it would be. There was no official count either in respect of attendance OR voting returns. There was an attendance book and during the meeting attendees were given a verbal reminder to sign the book if they had not already done so. A number of members unofficially counted attendance and agreed on a figure of around 85 in attendance. At the end of the meeting, they checked the attendance book. There were 81 signatures. There were approximately 7 - 10 non-voting life/retired members present and it is believed the lesser attendance figure of 72 recorded for the Brisbane meeting within Attachment G of the Union's application reflects that latter situation. Nobody opposed the motions in respect of the alterations to the Divisional Rules.</p>
(7) Adelaide	Yes	60	81	42	<p>i. <b>Attachment 3: MUA South Australian Branch (Adelaide) Special Meeting</b> includes a copy of the photo of the Adelaide meeting posted on the Union website/social media platform.</p> <p>ii. <u>This photo clearly shows approximately 42 attended the meeting.</u></p> <p>v. Accordingly, Attachment G to the Union's application does not accurately record attendance and voting returns at the Adelaide meeting and to that extent, the Rules governing alterations to the Divisional Rules have not been followed. Therefore, the Adelaide meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p> <p>vi. Additionally, the photo indicates the required quorum as per Rule 21(a) for the Adelaide meeting was not achieved and to that extent the Rules governing the alteration to the Divisional Rules have not been followed and for that reason also, the Adelaide meeting is voided for the purpose of calculating the aggregate vote as per Rule 20(e).</p>
(8) Port Kembla	Yes	40	54	31	<p>i. <b>Attachment 8: MUA NSW Branch (Port Kembla) Special Meeting</b>, includes a photo of the Port Kembla meeting posted on the Union website/social media platform.</p> <p>ii. <u>This photo clearly shows approximately 31 attended the meeting.</u></p>

					<p>iii. Accordingly, Attachment G to the Union's application does not accurately record attendance and voting returns at the Port Kembla meeting and to that extent, the Rules governing alterations to the Divisional Rules have not been followed. Therefore, the Port Kembla meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p> <p>iv. Additionally, the photo indicates the required quorum as per Rule 21(a) for the Port Kembla meeting was not achieved and to that extent the Rules governing the alteration to the Divisional Rules have not been followed and for that reason also, the Port Kembla meeting is voided for the purpose of calculating the aggregate vote as per Rule 20(e).</p>
(9) Devonport	Yes	30	87	68	<p>i. <b>Attachment 2: MUA Tasmanian Branch (Devonport) Special Meeting</b>, includes a photo of the Devonport meeting posted on the Union website/social media platform.</p> <p>ii. <u>This photo clearly shows approximately 68 attended the meeting.</u></p> <p>iii. Accordingly, Attachment G to the Union's application does not accurately record attendance and voting returns at the Port Kembla meeting and to that extent, the Rules governing alterations to the Divisional Rules have not been followed. Therefore, the Devonport meeting is voided for the purpose of calculating the aggregate vote as per R 20(e).</p>

ATTACHMENTS REMOVED

## Eve Anderson

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**From:** Wendy Carr [REDACTED]  
**Sent:** Friday, 18 February 2022 5:04 PM  
**To:** Eve Anderson  
**Subject:** RE: Submission only attached

Dear Eve,

I have received the submission and all the attached emails that have been provided with the submission which purport to support a claim that the Rules of the MUA Division of the CFMMEU should not be certified by the Commission.

The Commission should not entertain the submission made by Mr Young in considering the Rule application and the MUA should not be obliged to reply to that submission.

Mr Young is not a member and has never been a member of what was known as the MUA or the MUA Division of the now CFMMEU. Mr Young has no interest whatsoever in the rule alterations of the MUA Division and any rule alterations do not affect him in any way.

The MUA is of course happy to answer any questions that relate to the rule application.

Kind regards,

Wendy

**Wendy Carr**  
*National Legal Director*

Maritime Union of Australia  
A Division of Construction Forestry  
Maritime Mining and Energy Union  
Level 2 , 365-375 Sussex Street  
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2 March 2022

Paddy Crumlin  
National Divisional Secretary  
The Maritime Union of Australia Division  
Construction, Forestry, Maritime, Mining and Energy Union

cc: Ms Wendy Carr, National Legal Director, MUA Division, CFMMEU

Dear Mr Crumlin

**Notification of alterations to the rules of The Maritime Union of Australia Division of the CFMMEU (R2022/2)**

I acknowledge receipt on 6 January 2022 of your notification under section 159 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) of alterations to the rules of The Maritime Union of Australia Division (the MUA Division) of the Construction, Forestry, Maritime, Mining and Energy Union (R2022/2). I also acknowledge receipt of the Declaration made under regulation 126(2) of the *Fair Work (Registered Organisations) Regulations 2009* (the regulations).

I have had an opportunity to consider the materials lodged, and request further information in relation to the substance of the alterations, as well as in relation to the steps taken to make the alterations.

**Creation of Assistant National Secretary positions**

The alterations create two Assistant National Secretary positions, one woman and one a first nations person.

**1) Whether contrary to law**

Section 159(1)(b) of the RO Act provides that an alteration to rules of an organisation does not take effect unless, among other things, the General Manager has certified that in their opinion, the alteration is not otherwise contrary to law. The *Sex Discrimination Act 1984 (Cth)* (SDA) and the *Racial Discrimination Act 1975 (Cth)* (RDA) prohibit discrimination on the bases of sex and race respectively. However, special measures are lawful if the purpose is to achieve substantive equality for women (s.7D of the SDA) or to secure adequate advancement of a racial or ethnic group (s.8 of the RDA).

On their face, the alterations appear to discriminate on the bases of sex and race, as defined in the SDA and RDA. Point 5 of your Declaration states that the MUA Division has a commitment to ensuring women and first nations representation and that the National Councillors have affirmed continued support for affirmative representation across the maritime industry to address the under representation of women and first nations people, suggesting that the alterations may be 'special

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measures'. I therefore request:

- Evidence of the need within the MUA Division for each of the special measures (i.e. evidence of underrepresentation of women and first nations people); and
- An explanation of how the creation of the two Assistant National Secretary positions will achieve substantive equality for women and advancement of first nations people.

I draw to your attention *Jacomb v Australian Municipal Administrative Clerical and Services Union (2004) 140 FCR 149* in which Crennan J discusses the meaning of special measures in the SDA and RDA, and their application to special measures for women in a registered organisation.

## **2) Whether the alterations comply with the RO Act**

Section 159(1)(a) of the RO Act provides that an alteration to rules of an organisation does not take effect unless, among other things, the General Manager has certified that in their opinion, the alteration complies with and is not contrary to the RO Act. Section 142(1)(d) provides that the rules of an organisation must not discriminate between applicants or members of the basis of, among other things, sex and race. Unlike the SDA and the RDA, the RO Act does not define 'discriminate'.

I draw your attention to the observations of Gaudron J in *Street v Queensland Bar Association & Ors [1989] 168 CLR 461* at 570-571 and the Delegate of the General Manager of the FWC in *APESMA [2017] FWCD 4034* at [36] to [38] regarding statutory provisions which prohibit discrimination but leave discrimination otherwise undefined (as per the RO Act and in contradistinction to the SDA and RDA).

On their face, the alterations appear to discriminate on the bases of sex and race. I therefore invite a submission as to whether the differential treatment of women and first nations members renders the rule alterations discriminatory, and in doing so I request that the submission addresses:

- why differential treatment is required, and include evidence in support;
- what the differential treatment aims to achieve;
- that the differential treatment does not result in discrimination against other members; and
- explains how the differential treatment meets the objects of the RO Act and promotes the intentions of Parliament in enacting the RO Act (s.5 of the RO Act).

### **Actions taken to alter the rules**

Alterations to the rules of organisations do not take effect, unless the General Manager has certified, among other things, that in their opinion the alterations have been made under the rules of the organisation (s.159(1)(c) of the RO Act). The RO Act requires the General Manager to be positively satisfied of this.

As you are aware the FWC has received information alleging that the alterations were not made under the rules of the MUA Division of the CFMMEU. The information received is sufficient to raise doubt therefore, in order for the General Manager to be positively satisfied that the alterations were made under the rules, a statutory declaration addressing the following points is requested.

## **1) Whether the Melbourne meeting was properly convened**

### **Notice of meetings**

For meetings to have effect, required notice must be given (see chapter 3 of Joske's *'Law and Procedure at Meetings in Australia'*).

### **Relevant rules**

The MUA Divisional Rules require rule alterations to be endorsed at a Special Meeting of members. Rule 20(d) provides that notice of the times, places and business to be transacted at a Special Meeting shall be inserted in a daily newspaper circulating in each port where the meeting is to be held at least three days before the date of the meeting and shall be posted in the office of

each Divisional Branch.

### **Information received by the FWC**

Attachment G to your Declaration lists the meetings which, in the aggregate, form the Special Meeting of members for the purpose of endorsing the rule alterations. The Victorian meeting is listed as via videoconference and in-person in West Melbourne. The record of votes in this Attachment includes votes taken at the Port of Geelong, Port Lincoln and Port of Hastings.

Among the materials attached to your Declaration is a copy the notice of the Victorian meeting published in the Herald Sun in accordance with rule 20(d). This notice states that the meeting will be held by videoconference, with Zoom details to be provided by the Branch and does not list the West Melbourne, Port of Geelong, Port Lincoln and Port of Hastings as venues for the meeting.

The FWC has received information asserting that some members did not receive the details of the videoconference but did receive an SMS message that the meeting would be held in-person at West Melbourne. The FWC has also received photos of what are purported to be in-person meetings of the Victorian members for the purpose of the Special Meeting of members at West Melbourne, Geelong, Portland and Western Port (copies of which were forwarded to the MUA Division by email on 18 February 2022).

### **Request for a statutory declaration providing further information**

In order for the General Manager to be satisfied that the alterations were made under the rules of the Division, please provide a statutory declaration which addresses:

- 1) When and how Victorian members were provided with the videoconference details of the meeting;
- 2) The locations of the Victorian Branch meetings;
- 3) If the location(s) differ from that in the notice published in the Herald Sun, whether the Victorian meeting was properly convened, and if not, was the irregularity condoned.

## **2) Was the Victorian meeting a meeting?**

The Full Bench of the FWC has acknowledged that meetings do not need to be in-person, as long as the meeting allows a 'meeting of the minds' (see *LCR Mining Group Pty Ltd v CFMMEU [2016] FWCFB 400* at [44] to [51]). For a 'meeting of the minds' to occur participants need to be afforded the opportunity to engage in debate and vote on resolutions.

### **Information received by the FWC**

As noted above, the notice of the Victorian Branch meeting listed in the Herald-Sun stated that the meeting would be held by videoconference.

The FWC has been advised that it was announced at the West Melbourne meeting that they would be joined by members via Zoom. The FWC has also been advised that during the course of the meeting, the Zoom participants were not offered the opportunity to participate in discussion or debate, nor were the motions regarding the rule alterations put to the Zoom participants.

### **Request for a statutory declaration providing further information**

In order for the General Manager to be satisfied that the alterations were made under the rules of the Division, please provide a statutory declaration which addresses:

- 1) Whether the Zoom participants in the West Melbourne meeting were afforded the opportunity to participate in discussion and debate;
- 2) Whether the Zoom participants in the West Melbourne meeting voted on the rule alteration resolutions;
- 3) If the Zoom participants were not able to participate in debate and not able to vote on the resolutions, whether they were 'present' at the meeting; and
- 4) How many members were present at the West Melbourne meeting.

### **3) Whether the Special Meeting of members was quorate**

According to *Joske* (2012, page 35) a quorum must be present at the commencement of the meeting and continue throughout.

#### **Relevant rules**

Rule 20(e) provides that the number of financial members required to form a quorum for a Special Meeting of members shall be in the aggregate 10 percent of the financial members of the Division.

Rule 21(a) sets out the quorum required for eight ports at which the Special Meeting of members must be held.

#### **Information received by the FWC**

Attachment G to your Declaration lists the number of attendees at each location where the Special Meeting of members was held. On the assumption that the attendees are financial members entitled to vote at the Special Meeting of members, the numbers appear to meet the quorum requirements as specified in rules 20(e) and 21(a).

The FWC has been provided with what purports to be photos of:

- Meetings at West Melbourne, Portland, Geelong and Western Port, which in the aggregate purport to be the Victorian Branch meeting held for the purpose of the Special Meeting of members
- The Devonport meeting held for the purpose of the Special Meeting of members
- The SA Branch meeting held for the purpose of the Special Meeting of members
- The WA Branch meeting held for the purpose of the Special Meeting of members
- The NNSW Branch meeting held for the purpose of the Special Meeting of members
- The Sydney Branch meeting held for the purpose of the Special Meeting of members
- The Southern NSW Branch meeting held for the purpose of the Special Meeting of members

Copies of these photos were forwarded to the MUA Division by email on 18 February 2022.

The information accompanying the photos allege that they provide an indication of the number of persons in attendance at each the respective meeting, which at most locations, is significantly less than listed in Attachment G referred to above.

The FWC has also been advised that accurate records of attendees were not kept at most of the meetings, and that membership details of attendees were not checked to ascertain whether attendees were entitled to be counted for the purpose of a quorum.

#### **Request for a statutory declaration providing further information**

In order for the General Manager to be satisfied that the alterations were made under the rules of the Division, please provide a statutory declaration which addresses:

1. Whether records of attendees, including attendees via Zoom, were taken at all the meetings that comprised the Special Meetings of members;
2. Whether the number of attendees at each meeting listed in Attachment G to your Declaration represents the number of financial members entitled to be counted for the purpose of the required quorum. If not, please provide the number of financial members entitled to be counted for the purpose of the required quorum; and
3. Whether the photos listed above are of meetings held for the purpose of the Special meeting of members, and if so, please provide an explanation for the disparity in the numbers of attendees listed in Attachment G and the photos.

### **4) Whether the required majority in favour of the alterations was met**

#### **Relevant rules**

Rule 20(b)(ii) provides that for a motion to be carried, a majority of the votes cast (in the aggregate) must be in favour of the motion, and that in each of a majority of Divisional Branches, a majority of votes cast must be in favour.

### **Information received by the FWC**

Attachment G to your Declaration records the number of votes in favour and against the motions to alter the rules for each of the Branches.

The FWC has also received information alleging that a record of the actual votes in favour of the resolutions was not taken at the meetings (i.e. if an attendee abstained, it was included as a voter in favour of the motion and that persons not entitled to vote were included).

### **Request for a statutory declaration providing further information**

In order for the General Manager to be satisfied that the alterations were made under the rules of the Division, please provide a statutory declaration which addresses:

1. Whether persons not entitled to vote were excluded from voting;
2. Whether the number of votes in favour of the motions were recorded; and
3. Confirm whether the number of votes in favour of the motions to alter the rules is as stated in Attachment G to your Declaration.

I request that the I further information provided in the form of statutory declaration by 5pm Friday 11 March.

If you have queries regarding this correspondence I can be contacted on 03 8656 4574.

Yours sincerely

Eve Anderson  
Senior Adviser  
Registered Organisations Section  
Fair Work Commission

## Eve Anderson

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**From:** Wendy Carr [REDACTED]  
**Sent:** Thursday, 14 April 2022 4:30 PM  
**To:** Eve Anderson  
**Subject:** Notification of alterations to the rules of The Maritime Union of Australia Division of the CFMMEU (R2022/2)  
**Attachments:** Statutory Declaration Crumlin.P 140422 executed.pdf

Dear Eve,

### **Notification of alterations to the rules of The Maritime Union of Australia Division of the CFMMEU (R2022/2)**

I refer to your letter in the above matter to Mr Crumlin dated 2 March 2022 seeking further information in response to a submission to the Commission by Mr Graham Young.

As previously advised Mr Young is not a member and has never been a member of what was known as the MUA or the MUA Division of the now CFMMEU. Mr Young has no interest whatsoever in the rule alterations of the MUA Division and any rule alterations do not affect him in any way.

The submission by Mr Young is part of an ongoing political campaign against the MUA which has been the subject of previous correspondence to the FWC and the ROC. The submission by Mr Young is replete with inaccuracies and is largely uncorroborated. He relies on photographs to which he has no personal knowledge of when they were taken, and information provided to him from other persons which are unable to be verified.

That information largely forms the basis of his submission which is said to raise doubt that the alterations were made under the rules.

Notwithstanding, the MUA is happy to provide a response to the request for further information and to that end I attach a statutory declaration by the National Secretary Paddy Crumlin addressing the actions taken to alter the rules.

The proposed rule changes are simple rule changes that do not involve a change to the MUA's eligibility rules. The processes for a rule change are high bar given any changes require a majority of votes of members provided that in each of a majority of Divisional Branches the motion also receives a majority of the votes cast and shall be in the aggregate 10 percent of the financial members of the Division.

For the purposes of votes cast to change the rules at the Special Meeting of members, the majority required was 1169 eligible votes. As is evident from the revised number of votes cast, in which only 2 persons voted against the proposed rule changes, the votes in favour were 1357.

I note that the Commission has also requested a submission as to whether the alterations are contrary to law and whether they comply with the RO Act.

That submission is being prepared by one of my legal officers however she has been off sick for the past week and has not able to complete it by today's date. Therefore, I would ask that the date for that part of the requested information be extended to next Friday 22 April 2022.

Please do not hesitate to contact me if you require further information.

Regards,

**Wendy Carr**

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

*1 Insert the name, address and occupation of person making the declaration*

I,<sup>1</sup> Padraig Crumlin, of 365 Sussex Street, Sydney, NSW 2000, National Secretary, make the following declaration under the *Statutory Declarations Act 1959*:

*2 Set out matter declared to in numbered paragraphs*

2

- 1) I am the National Secretary of the Maritime Division of the Construction, Forestry, Maritime, Mining and Energy Union (**MUA Division**).
- 2) On 6 January 2022 I caused an application to be lodged with the Fair Work Commission to alter the MUA Division's rules.
- 3) In accordance with regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009* and section 159(1) of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, I signed a declaration dated 6 January 2022 attesting to certain matters, including that a quorum of the Special Meeting of members had voted in favour of the proposed rule changes.
- 4) In accordance with Rule 21 of the Division's rules, the results of the voting at the Special Meeting were forwarded by each Divisional Branch Secretary as set out in **Attachment G** to my declaration. The votes for and against the proposed rule changes are recorded in **Attachment G**.
- 5) The proposed rule changes seek to create two Assistant National Secretary positions, one woman and one a first nations person.
- 6) The Fair Work Commission (**FWC**) has requested further information in relation to the substance of the alterations, as well as in relation to the steps taken to make the alterations.

### **Special Meetings and AGMs**

- 7) On 21 October 2021 National Council resolved that the Special Meeting of members and the Annual General Meeting of Members of the Division for the year of 2021 shall be held on dates in November and December as required by Branches.
- 8) The Special Meetings and AGMs were held around the country in November and December. The Special Meetings were held prior to the AGMs to consider the proposed rule changes.

## 1. Whether the Melbourne meeting was properly convened

9) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

- 1) Victorian members were provided with the videoconference details of the meeting via email which was sent to all members of the Victorian Branch (2077) on 28 October 2021. The email contained a link to join the Zoom meeting. The content of that email is attached and marked as **PC1**. Victorian members were further provided with the video conference details of the meeting via SMS at 10:10 am on 29 November 2021 and at 8:25 am on 30 November 2021. Both SMS messages contained a link to join the Zoom meeting. The content of the SMS messages is attached and marked as **PC2**.
- 2) The Victorian meetings were held at the Colts Cricket Club, Henty Park, Portland VIC on 29 November 2021; 46-54 Ireland Street, West Melbourne and via Zoom on 30 November 2021; 6 Gheringhap Street, Geelong on 1 December 2021; and Westernport Rooms (Grouse House) 225 Marine Parade, Hastings, VIC on 2 December 2021.
- 3) The locations of the regional meetings in Victoria were notified to members in those locations as follows:
  - a. Notice of the Geelong AGM meeting was sent to members in the Geelong area via email on 25 November 2021 and via SMS on 25 and 30 November 2021.
  - b. Notice of the Portland AGM meeting was sent to members in the Portland area via email on 10 November and 25 November 2021 and via SMS on 25 November 2021.
  - c. Notice of the Hastings AGM meeting was sent to members from the Hastings area via email on 25 November 2021 and via SMS on 25 and 1 December 2021.

Copies of the notices and SMS messages are attached and marked as **PC3**.

## 2. Was the Victoria meeting a meeting?

10) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

- 1) The Zoom participants at the West Melbourne meeting were afforded the opportunity to participate in discussion and debate. At the Special Meeting Deputy National Secretary Warren Smith who was in attendance in person, reported on the proposed rule changes which were identified to the meeting. Mr Smith used a large screen for

a power point presentation to take members through the proposed rule change. A copy of the power point presentation is attached and marked as **PC4**.

- 2) At the conclusion of the report and in accordance with meeting procedure, the Chair called for a mover and a seconder and put the proposed rule changes to the meeting for endorsement. There was no opposition to the proposed rule changes and the motions to endorse the rule changes were passed.
- 3) Those participants attending via Zoom were able to view the presentation. Mr Smith spoke directly to Zoom attendees via his laptop. At the end of the presentation, participants at both the meeting and on Zoom were able to ask questions or make comments. There were no questions or comments from members.
- 4) There was a total of **131** members present at the West Melbourne meeting, of which **130** voted in favour of the proposed rule changes. Mr Smith did not participate in the vote. There were **68** eligible voting members in person and **62** eligible voting members on Zoom. The resolution for the rule changes were endorsed with no opposition.

### **3. Whether the Special Meeting of members was quorate**

#### **Sydney Branch meeting**

11) I am informed by Sydney Branch Secretary Paul Keating and believe the following matters:

- 1) The Sydney meeting was held in person and via Zoom. The Zoom participants were logged in as both 'unique identifiers' and 'site identifier's'. The Sydney Branch Administrator and another admin employee managed the records of participants in person and via Zoom. The Branch Administrator and admin employee each had a full financial membership list and checked off attendees as they entered the meeting room. The Deputy Branch Secretary obtained a list of all Unique users from Zoom. There were also site meetings in which a user dialled in to Zoom. At each of the sites there was a union representative (official, organiser and delegates) who recorded the attendees at each site. The list of attendees both unique users and site users were provided to the Branch Administrator who prepared the record of attendees.
- 2) The number of attendees at the Special Meeting listed in Attachment G does not represent the number of financial members entitled to be counted for the purpose of the required quorum due to inadvertent counting errors by the Branch Administrator. The correct number of financial members entitled to be counted for the purpose of the required quorum is **389**.
- 3) The photo posted on the Union's website/social media platform represents the approximate number of persons present at the Special Meeting although it is unknown at what time the photo was taken. The disparity in the number of attendees listed in Attachment G is due to an inadvertent counting error by the Branch Administrator in which some site users were added to the numbers for the in-person

meeting and the full list for one site had not been recorded correctly. A reconciliation audit undertaken by the Branch Administrator and the errors have been rectified. A copy of the reconciliation audit is attached and marked as **PC5**.

### **Northern Territory Branch meeting**

12) I am informed by Northern Territory Branch Secretary Andy Burford and believe the following matters;

- 1) The record of attendees was by way of head count and attendance register. Not all attendees signed the attendance register. The record of the attendees was noted in the minutes. A copy of the attendance register is attached and marked as **PC6**.
- 2) The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
- 3) The photo posted on the Union's website/social media platform is not of the Special Meeting of members. The photo was taken after the conclusion of the Special Meeting and AGM and does not represent the number of members who were in attendance during the meetings. The photo depicts members who remained for lunch.

### **Southern NSW Branch meeting**

13) I am informed by Southern NSW Branch Secretary Michael Cross and believe the following matters:

- 1) The attendees, including attendees on Zoom were recorded by way of head count and from the screen and noted in the minutes.
- 2) The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
- 3) The photos posted on the Union's website/social media platform are not of the Special Meeting of members. The photos were taken after the completion of the Special Meeting and AGM and do not represent the total number of members who were in attendance during the meetings.

### **Tasmanian Branch meeting**

14) I am informed by Tasmanian Branch Secretary Jason Campbell and believe the following matters:

- 1) Both the MUA QR COVID check in and the Paranapple QR COVID check in was used to record people attending. Not all attendees signed in using the MUA QR COVID

check in. In addition, two head counts were taken by two MUA employees and cross checked. The number of attendees were recorded in the minutes

- 2) The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
- 3) Some of the photos posted on the Union's website/social media platform were taken prior to the official commencement of the Special Meeting at 10 am. The staged group photo was taken after the Special Meeting and AGM. The photos show approximately **83** people at the time the photos were taken. There were 100 chairs provided for the meeting of which **4** were used for the Officials at the front of the room.

### **Western Australia Branch meeting**

15) I am informed by WA Branch Secretary Will Tracey and believe the following matters:

- 1) The attendees were recorded by way of an electronic scanner of the members membership card. The details of attendees were compiled on to a spreadsheet. A copy of the spreadsheet is attached and marked as **PC7**.
- 2) The number of attendees at the Special Meeting do not represent the number of financial members entitled to be counted for the purpose of the required quorum as listed in Attachment G to my declaration due to an inadvertent counting error in which 2 unfinancial members and 11 life members who were ineligible to vote were counted. The correct number of financial members entitled to be counted for the purpose of the required quorum is **335**.
- 3) The photo printed in the WA Branch newsletter was taken prior to all members arriving for the Special Meeting. It does not capture all persons in the room as there were people to the side of the hall in the promotional area, at the back of the hall and outside the hall entrance in the terraces who hadn't yet entered the room. There are clearly well in excess of the 70 people as alleged by Mr Young. The second photo was not taken by a member but rather was taken by the Electorate Officer for Kyle McGinn MLC and is posted on Mr McGinn's Facebook profile. The photo was taken when Mr Ginn was addressing the meeting, which was after the conclusion of the Special Meeting and AGM and does not capture the entire room.

### **Northern NSW Branch Meeting**

16) I am informed by Northern NSW Branch Secretary Glen Williams Branch and believe the following matters:

1. The attendees, including attendees on Zoom were recorded by way of head count and from the screen and noted in the minutes.

2. The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
3. It is not known at what time the photo posted on the Union's website/social media platform was taken. The photo does not capture all the attendees of the Special Meeting of members. It is a snapshot view taken at an angle of a large meeting room and doesn't capture all the members in attendance at the Special Meeting.

### **South Australian Branch meeting**

17) I am informed by South Australian Branch Secretary Brett Larkin and believe the following matters:

- 1) The attendees, including attendees on Zoom were recorded by way of head count and from the screen and noted in the minutes.
- 2) The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
- 3) The photos posted on the Union's website/social media platform are not photos of the Special Meeting of members. The photos were taken towards the conclusion of the AGM which was held after the Special Meeting.

### **West Melbourne meeting**

18) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. The record of attendees at the in-person meeting was by way of head count and attendance register. Not all attendees signed the attendance register. A record of attendees was noted at the meeting. A copy of the attendance sheet is annexed and marked as **PC8**. The number of participants who attended via Zoom for the West Melbourne meeting were displayed on the Zoom screen and attendees were noted from the screen.
2. The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
3. The photos provided to Mr Young do not depict the entire meeting room. Photograph 1 depicts the backs of the majority of the participants and in the very foreground is the walkway that provides access to and from the front entrance, the rear entrance, bathroom, kitchen, and bar. What the photographs do not show is the number of participants situated beyond the walkway.

### **Geelong meeting**

19) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. The attendees were recorded by way of head count and noted at the meeting.
2. The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
3. The photo posted on the Union's website/social media platform was taken after the conclusion of the Special Meeting and AGM outside the meeting room and is clearly not a photo of the Special Meeting of members.

### **Hasting's meeting**

20) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. The attendees were recorded by way of head count and noted at the meeting.
2. The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
3. The photo posted on the Union's website/social media platform was taken after the conclusion of the Special Meeting and AGM outside the meeting room and is clearly not a photo of the Special Meeting of members.

### **Portland Meeting**

21) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. The attendees were recorded by way of head count and noted at the meeting.
2. The number of attendees at the Special Meeting listed in Attachment G represents the number of financial members entitled to be counted for the purpose of the required quorum.
3. The photo posted on the Union's website/social media platform was taken before the Special Meeting of members had commenced. Furthermore, the photo does not capture the entire meeting room.

### **4. Whether the required majority in favour of the alterations was met**

### **Sydney Branch Meeting**

22) I am informed by Sydney Branch Secretary Paul Keating and believe the following matters:

1. Persons not entitled to vote were excluded from the voting.
2. The numbers of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is not as stated in Attachment G to my declaration. The correct number is **389**.

### **Northern Territory Branch Meeting**

23) I am informed by Northern Territory Branch Secretary Andy Burford and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The numbers of votes in favour and against the motions was recorded.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Southern NSW Branch Meeting**

24) I am informed by Southern NSW Branch Secretary Michael Cross and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Tasmanian Branch Meeting**

25) I am informed by Tasmanian Branch Secretary Jason Campbell and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Western Australian Branch Meeting**

26) I am informed by Western Australian Branch Secretary Will Tracey and believe the following matters;

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is not as stated in Attachment G to my declaration. The correct number of votes in favour of the motions to alter the rules is **335**.

### **Northern NSW Branch Meeting**

27) I am informed by Northern Territory Branch Secretary Andy Burford and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **South Australian Branch Meeting**

28) I am informed by South Australian Branch Secretary Brett Larkin and believe the following matters;

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Melbourne Meeting**

29) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Geelong Meeting**

30) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### **Hastings Meeting**

31) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

### Portland Meeting

32) I am informed by Victorian Branch Secretary Shane Stevens and believe the following matters:

1. Persons not entitled to vote were excluded from voting.
2. The number of votes in favour of the motions was unanimous.
3. The number of votes in favour of the motions to alter the rules is as stated in Attachment G to my declaration.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

4 [Optional email address and/or telephone number of person making the declaration]

5 Place  
6 Day  
7 Month and year

Declared at <sup>5</sup> St Georges Basin on <sup>6</sup> the 14th of <sup>7</sup> April 2022

Before me,

8 Signature of person before whom the declaration is made (see over)

9 Full name qualification and address of person before whom the declaration is made (in printed letters)

10 [Email address and/or telephone number of person before whom the declaration is made]

# PC1

Email to all members

28/10/21

2pm

Shane Stevens

Jade Kemp

THE MARITIME UNION OF AUSTRALIA DIVISION

A Division of the Construction, Forestry, Maritime, Mining and Energy Union

NOTICE TO ALL MEMBERS of the VICTORIA DIVISIONAL BRANCH

ANNUAL GENERAL MEETING

Annual General Meeting to be held:

Tuesday 30<sup>th</sup> November 2021

9.30am Start

Via – Video Conferencing (details below) **\*\*\*PLEASE NOTE\*\*\*** This is subject to change with restrictions easing in the coming weeks, allowing the branch to have members at the rooms. The Branch will notify members of the changes as they are announced.

The Annual General Meeting of Members of the Division is being held to consider:

- (i) *The General Yearly Report of the Divisional National Council;*
- (ii) *The Annual Financial Statement of the Division;*
- (iii) *Motions by members notice which has been given in writing to the Divisional National Secretary by close of business 11 November 2021*

## **Video Conferencing**

Topic: MUA Vic Branch - AGM 2021

Time: Nov 30, 2021 10:00 AM

There are 3 ways to participate:



### 2. Join via Link

Join Zoom Meeting click here:



3. Join by telephone (audio only)

One tap mobile

+61370182005 Australia

+61731853730 Australia

Dial by your location

+61 3 7018 2005 Australia

+61 7 3185 3730 Australia

+61 8 6119 3900 Australia

+61 8 7150 1149 Australia

+61 2 8015 6011 Australia

Find your local number: 

All available members are required to attend.

In Unity

Shane Stevens

VICTORIA DIVISIONAL BRANCH SECRETARY

Maritime Union of Australia

A Division of Construction Forestry Maritime Mining & Energy Union

46-54 Ireland Street | WEST MELBOURNE | 3003

Ph: 03 9329 5477

M: 0498 291 340

## PC2

SMS to 2077 Vic members

29/11/2021

10.10am

Letter ID: 238302

Shane Stevens

Annette Brackenridge

Reminder– AGM tomorrow 30<sup>th</sup> Nov 2021, commencing 10.00am. Join via Zoom or attend at MUA Rooms 46 Ireland St WEST MELB. Covid-19 Double Vaccination Required.

SMS to 2077 members

30/11/21

8.25am

Letter ID: Not saved

Shane Stevens

Annette Brackenridge

MUA AGM Today at 10.00am. In branch or join Zoom- ID: 834 8258 1164 Passcode: 815421



**PC3**

Email to Geelong Members

25/11/2021

Jade Kemp

**THE MARITIME UNION OF AUSTRALIA DIVISION**  
**A Division of the Construction, Forestry, Maritime, Mining and**  
**Energy Union**

**NOTICE TO ALL MEMBERS of the Victoria DIVISIONAL**  
**BRANCH**

**ANNUAL GENERAL MEETING**

**Victoria DIVISIONAL BRANCH**

**Annual General Meeting to be held:**

**Wednesday 1<sup>st</sup> December 2021 at 9:30am to 1:30pm**  
**Geelong Maritime Union of Australia - Union Rooms - 6 Gheringhap St,**  
**Geelong**

SMS to Geelong Members

25/11/2021

Jade Kemp

MUA Geelong AGM-Wed 1<sup>st</sup> Dec 9.30am Geelong Union rooms 6 Gheringhap St, Geelong

SMS to Geelong Members

30/11/21

Sent by Annette

Reminder - MUA Geelong AGM – Tomorrow Wed 1<sup>st</sup> Dec 9.30am Geelong Union rooms 6  
Gheringhap St, Geelong.

Email to Portland Members

10/11/2021

Jade Kemp

## **Notice of Portland AGM**

Monday 29 November 2021

12pm

Colts Cricket Club

BBQ lunch and refreshments

Attending officials will include Shane Stevens - Branch Secretary, David Ball- Deputy Branch Secretary, Robert Lumsden – Assistant Branch Secretary and Aarin Moon – National Organiser.

REMINDER Email to Portland Members

25/11/2021

Jade Kemp

## **Notice of Portland AGM**

Monday 29 November 2021

12pm

Colts Cricket Club

BBQ lunch and refreshments

Attending officials will include Shane Stevens - Branch Secretary, David Ball- Deputy Branch Secretary, Robert Lumsden – Assistant Branch Secretary and Aarin Moon – National Organiser.

James Stewart from Maritime Super will be attending the AGM. He will also be available for appointments until Tuesday lunch time if members can't make the AGM. James's mobile is 0424940732.

SMS to Portland Members

25/11/2021

Jade Kemp

MUA Portland AGM-Mon 29 Nov 12pm Colts Cricket Club, BBQ lunch and refreshments to follow

Email to Westernport Members

25/11/2021

Jade Kemp

**THE MARITIME UNION OF AUSTRALIA DIVISION**  
**A Division of the Construction, Forestry, Maritime, Mining and**  
**Energy Union**

**NOTICE TO ALL MEMBERS of the Victoria DIVISIONAL**  
**BRANCH**

**ANNUAL GENERAL MEETING**

**Victoria DIVISIONAL BRANCH**

**Annual General Meeting to be held:**

**Thursday 2<sup>nd</sup> December 2021 at 10:00am to 2:00pm**  
**Westernport Rooms (Grouse House) 225 Marine Pde, Hastings**

SMS to Westernport Members

25/11/2021

Jade Kemp

MUA Westernport AGM-Thu 2<sup>nd</sup> Dec 10am Westernport Union rooms 225 Marine Pde, Hastings

SMS to Westernport members

1/12/21

Sent by Annette Brackenridge

Reminder -MUA AGM Westernport Tomorrow Thu 2nd Dec. New start time 12pm. Westernport Union Rooms 225 Marine Pde, Hastings.

**Member Correspondence Register**

Member No.: [ ] (A/N) In / Out: Outward Location: VIC Correspondence: [ ] (A/C)

Subject: [ ] (A/S) Letter Type: [ ] In / Out Date: 25/11/2021 to 00/00/0000 SMS Reply Status: [ ]

Author: Jade K [ ] (A/A) Doc. Type: [ ] Date Written: 00/00/0000 to 00/00/0000 Comment: [ ]

External Ref.: [ ] Department: Membership Case File No.: [ ] (A/H)

Correspondence Summary  Record Correspondence

In / Out	In / Out Date	Subject	Author	Letter Type	Document Type	Location	External Reference	Date Written	Department
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**GEELONG MEMBERS – EXCERPT FROM MUA MEMBERSHIP SYSTEM CORRESPONDENCE REGISTER**

Outward	25/11/2021	VI SMS Text	[REDACTED]	SMS	SMS	VIC	Geelong AGM		MEMBERSHIP
Outward	25/11/2021	VIC Branch MUA EMAIL Message	[REDACTED]	EMAIL	EMAIL	VIC	Geelong AGM Notice		MEMBERSHIP
Outward	30/11/2021	VI SMS Text	[REDACTED]	SMS	SMS	VIC	Reminder - AGM Geelong		MEMBERSHIP

**WESTERNPORT MEMBERS – EXCERPT FROM MUA MEMBERSHIP SYSTEM CORRESPONDENCE REGISTER**

25.11.21 TEXT SENT BY [REDACTED] VIC BRANCH MUA

25.11.21 EMAIL SENT BY [REDACTED] VIC BRANCH MUA

1.12.21 TEXT SENT BY [REDACTED] VIC BRANCH MUA

Outward	25/11/2021	VI SMS Text	[REDACTED]	SMS	SMS	VIC	Westernport AGM SMS		MEMBERSHIP
Outward	25/11/2021	VIC Branch MUA EMAIL Message	[REDACTED]	EMAIL	EMAIL	VIC	Westernport AGM Notice		MEMBERSHIP
Outward	01/12/2021	VI SMS Text	[REDACTED]	SMS	SMS	VIC	Reminder -MUA AGM Westernport		MEMBERSHIP

**PORTLAND MEMBERS– EXCERPT FROM MUA MEMBERSHIP SYSTEM CORRESPONDENCE REGISTER –**

25.11.21 TEXT SENT BY [REDACTED] VIC BRANCH MUA

25.11.21 EMAIL SENT BY [REDACTED] VIC BRANCH MUA

10.11.21 EMAIL SENT BY [REDACTED] VIC BRANCH MUA

Outward	25/11/2021	VI SMS Text	[REDACTED]	SMS	SMS	VIC	Portland AGM SMS		MEMBERSHIP
Outward	25/11/2021	VIC Branch MUA EMAIL Message	[REDACTED]	EMAIL	EMAIL	VIC	Portland AGM Reminder		MEMBERSHIP

Outward 10/11/2021 VIC Branch MUA EMAIL  
Message



EMAIL

EMAIL

VIC

Portland AGM

MEMBERSHIP

PC4

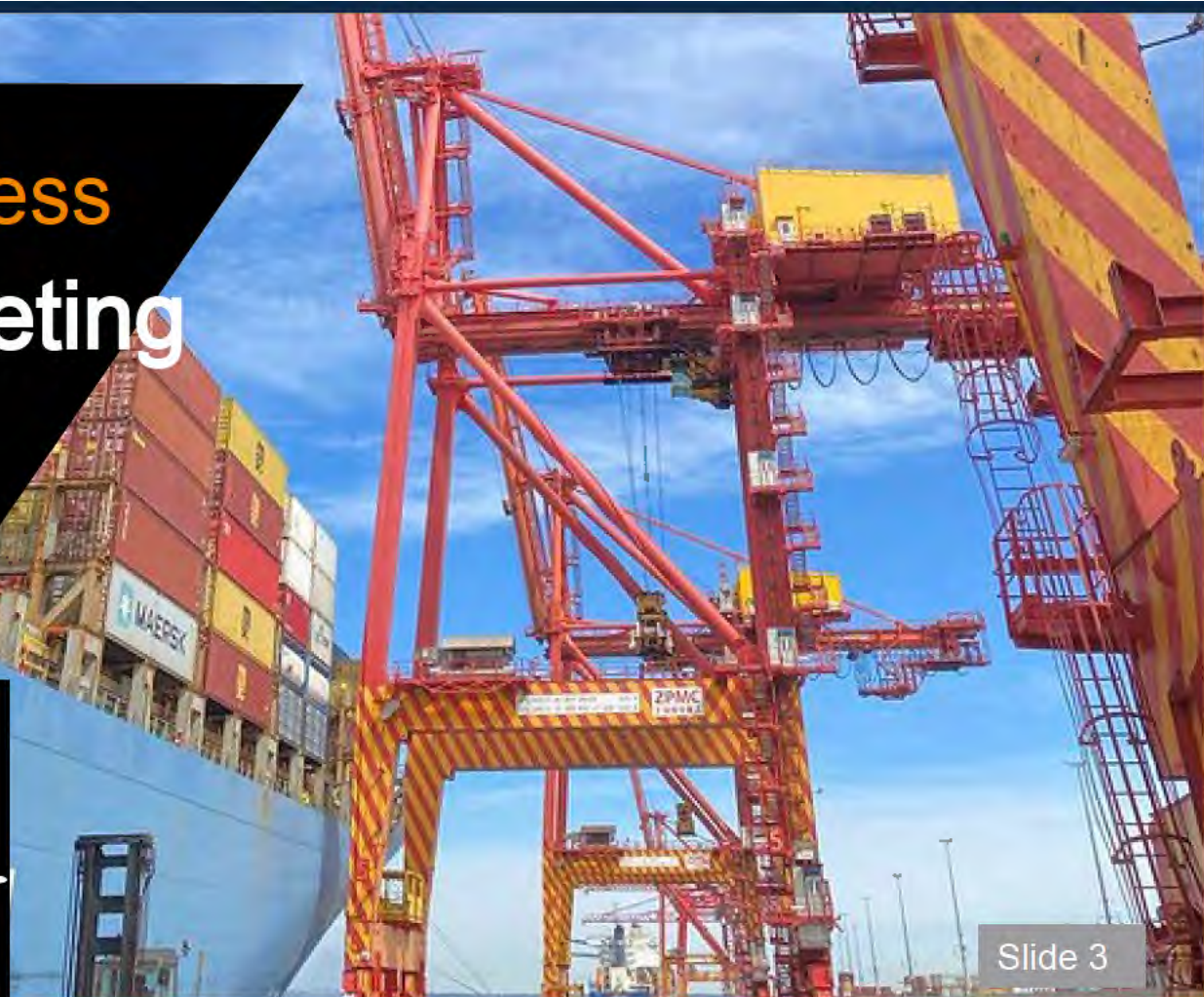


**Maritime Union of  
Australia**



# Order of Business

1. Special Meeting
2. AGM





# Special Meeting Agenda

## Rule change 31

- This Special Meeting shall consider the rule changes resolved by the June 2021 National Council.
- These rule changes seek to increase diversity in the leadership of the union.



## Rule changes

There be two new additional  
Divisional Assistant National Secretaries.

One to be eligible for nomination by a  
woman.

One to be eligible for nomination by  
an ATSI person.

**Special Meeting of Members**

The Maritime Union of Australia Division

2021

Using ~~strikerough~~ for deletions and **bolded**  
**underline** for additions to the text of the current MUA  
Divisional Rules (105N- MUA Certified 13 April 2021)  
the proposed rule changes are set out as follows:

# PROPOSED RULE CHANGE #1

## 31 - OFFICERS OF THE DIVISION

The Officers of the Division shall be the Divisional National Officers and the Divisional Branch Officers.

### Divisional National Officers

(a) The Divisional National Officers of the Division shall be the: -

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s

**Divisional National Assistant Secretary – Woman**

**Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander**

and the following members of Divisional National Council elected by and from Divisional National Council in accordance with the Rules:-

Divisional National Presiding Officer

Divisional National Deputy Presiding Officer

Divisional National Vice-Presiding Officer

# PROPOSED RULE CHANGE #2

## 16 - DIVISIONAL NATIONAL COUNCIL – COMPOSITION

Divisional National Council shall be comprised of the following Officers:-

Divisional National Secretary  
Divisional Deputy National Secretary  
Divisional Assistant National Secretary/s  
**Divisional Assistant National Secretary – Woman**  
**Divisional Assistant National Secretary- Aboriginal and Torres Strait Islander**  
Queensland Divisional Branch Secretary  
Queensland Divisional Deputy Branch Secretary  
Newcastle Divisional Branch Secretary  
Newcastle Divisional Deputy Branch Secretary  
Sydney Divisional Branch Secretary  
Sydney Divisional Deputy Branch Secretary  
Southern New South Wales Divisional Branch Secretary  
Southern New South Wales Divisional Deputy Branch Secretary  
Victorian Divisional Branch Secretary  
Victorian Divisional Deputy Branch Secretary  
South Australian Divisional Branch Secretary  
South Australian Divisional Deputy Branch Secretary  
Western Australian Divisional Branch Secretary  
Western Australian Divisional Deputy Branch Secretary  
Tasmanian Divisional Branch Secretary  
Tasmanian Divisional Deputy Branch Secretary  
Northern Territory Divisional Branch Secretary  
Northern Territory Divisional Deputy Branch Secretary  
Divisional National Women’s Representative

# PROPOSED RULE CHANGE #3

## 18 - DIVISIONAL NATIONAL EXECUTIVE

a) There shall be a Divisional National Executive comprising: -

Divisional National Secretary

Divisional Deputy National Secretary

Divisional Assistant National Secretary/s

**Divisional Assistant National Secretary – Woman**

**Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander**

Divisional National Presiding Officer

Divisional Deputy National Presiding Officer

2 other members elected by and from Divisional National Council in accordance with the provisions of Divisional Rule 48 both of whom shall be the Divisional National Vice Presiding Officers.

# PROPOSED RULE CHANGE #4

## 34 - DIVISIONAL ASSISTANT NATIONAL SECRETARY/S - POWERS AND DUTIES

- a) The Divisional Assistant National Secretary/s shall:
  - i. be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary; and
  - ii. give all reasonable assistance to the Divisional National Secretary as and when required.
- b) Should the Divisional Deputy National Secretary be absent at the same time as the Divisional National Secretary, Divisional National Council shall appoint a Divisional Assistant National Secretary, **Divisional Assistant National Secretary – Woman, or Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander to act** in place of the Divisional National Secretary until such time as the Divisional National Secretary or Divisional Deputy National Secretary returns to duty and whilst so appointed the Divisional Assistant National Secretary appointed shall have the powers and duties of the Divisional National Secretary.

# PROPOSED RULE CHANGE #5

## 34A DIVISIONAL ASSISTANT NATIONAL SECRETARY - WOMAN - POWERS AND DUTIES

- a) The Divisional Assistant National Secretary - Woman shall:
- i. be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary;
  - ii. give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting women; and
  - iii. have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

# PROPOSED RULE CHANGE #6

## 34B DIVISIONAL ASSISTANT NATIONAL SECRETARY – ABORIGINAL AND TORRES STRAIT ISLANDER - POWERS AND DUTIES

- a) The Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall:
- i. be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary;
  - ii. give all reasonable assistance to the Divisional National Secretary as and when required, and in relation to matters affecting Aboriginal and Torres Strait Islander people; and
  - iii. have the same powers and duties of the Divisional National secretary if appointed in accordance with 34(b).

# PROPOSED RULE CHANGE #7

## 43 QUADRENNIAL ELECTIONS

- a) On and from the Quadrennial Election to be held in 2015, Elections for each of the Offices listed in Sub-Rule (b) of this Rule shall be held every four years in accordance with the Rules.
- b) Electorates
- i. All members of the Division eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-
- Divisional National Secretary
  - Divisional National Deputy Secretary
  - Divisional National Assistant Secretary/s (subject to Rule 31 (b))
  - Divisional National Assistant Secretary – Woman**
  - Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander**
  - Divisional National Women’s Representative

# PROPOSED RULE CHANGE #8

## 45 NOMINATIONS

- (g) **Notwithstanding Rule 45(f), the Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander shall only be eligible for nomination by a woman and an Aboriginal and Torres Strait Islander person (as defined) respectively.**
- ~~(g)~~ *(h) A member shall be eligible to nominate if at the close of nominations the member is financial and has remained a member for at least one year immediately prior to the close of nominations and has been engaged or reasonably seeking to be engaged in an occupation covered by the Eligibility Rule for that year.*
- Provided that for the purposes of this Sub-Rule a member:*
- i. whilst holding an elected Office in the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility); or*
  - ii. who after becoming a member of the Division is employed by the Division to assist in the work of the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility)*

- ~~(h)~~ (i) No member shall be eligible to nominate for more than one Office of Officer of the Division. If a member nominates for more than one such Office each such nomination shall be void.

~~No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.~~

~~An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.~~

~~Notices under this Sub Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.~~

- (i) No member shall be eligible to nominate for more than one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g). If a member nominates for more than one such Office each such nomination shall be void.

- (k) No member shall be eligible to nominate for one of the two Offices of Divisional National Assistant Secretary – Woman and Divisional National Assistant Secretary – Aboriginal and Torres Strait Islander in accordance with Rule 45(g) and the Office of Divisional National Assistant Secretary in accordance with Rule 45(f). If a member nominates for more than one such Office each such nomination shall be void.

- (l) No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.

An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.

Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.

#### Election Statement

- ~~(h)~~ (m) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 200 word statement for forwarding with ballot papers in accordance with Rule 47(c). The statement shall require the approval of the Divisional National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 200 word limit will be deleted from the end of the statement.

# PROPOSED RULE CHANGE #9

## 47 - ELECTION PROCEDURES

### Issue and Return of Ballot Materials

- c) The ballot shall be opened on April 28 by the Divisional National Returning Officer posting to each member listed on the Roll of Voters:-
  - i. voting instructions from the Divisional National Returning Officer
  - ii. a ballot paper
  - iii. a declaration envelope which complies with the form prescribed by the RO Regulations
  - iv. a prepaid envelope which complies with the form prescribed by the RO Regulations addressed to the Divisional National Returning Officer
  - v. all Election Statements approved by the Divisional National Returning Officer in accordance with Rule 45(j)(m).

# PROPOSED RULE CHANGE #10

## 67 DEFINITIONS

**“Aboriginal and Torres Strait Islander person” means any member who is of Aboriginal or Torres Strait Islander descent, who is accepted as such by her or his community, and has identified himself or herself to the Union as Aboriginal and Torres Strait Islander.**

# PROPOSED RULE CHANGE #11

## 68A TRANSITIONAL RULE - DIVISIONAL ASSISTANT NATIONAL SECRETARY

In accordance with Rule 47, the offices of Divisional Assistant National Secretary – Woman and Divisional Assistant National Secretary – Aboriginal and Torres Strait Islander shall commence on 1 July 2023.

# Discussion and decisions on rule changes



# Annual General Meeting 2021

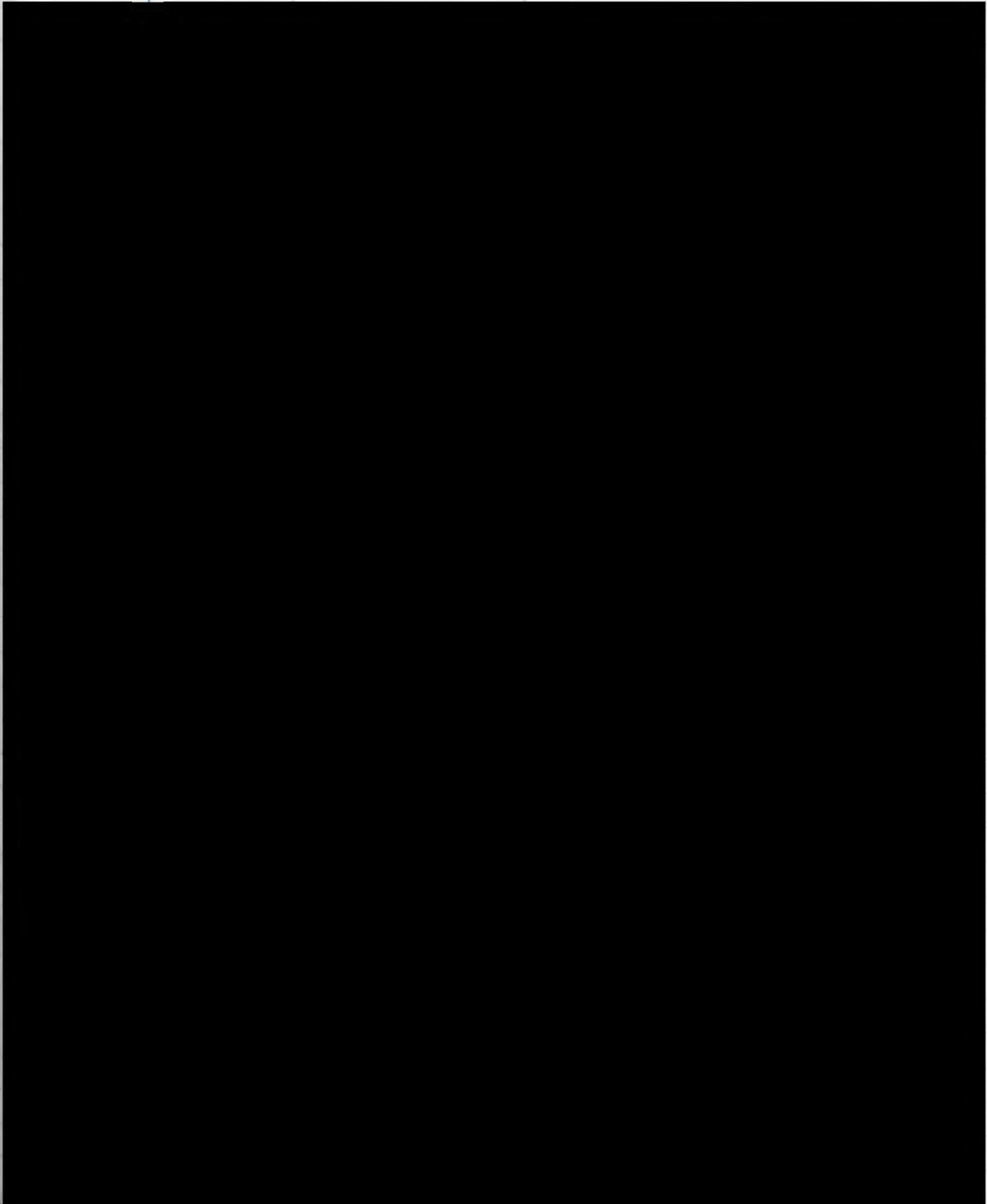


# PC5

Breakdown Sydney Branch AGM Attendees	
	Revised Total
	41
	217
	30
	14
	7
	25
	55
389	

Attendance Register

AGM - 26-11-21



<i>MUA WA Branch AGM Attendance Register 30th November 2021</i>	Financial
5001954	Yes
5002218	Yes
5002520	Yes
5002561	Yes
5007368	Yes
5007699	Yes
5009478	Yes
5013221	Yes
5013510	Yes
5015043	Yes
5015044	Yes
5015054	Yes
5015055	Yes
5015140	Yes
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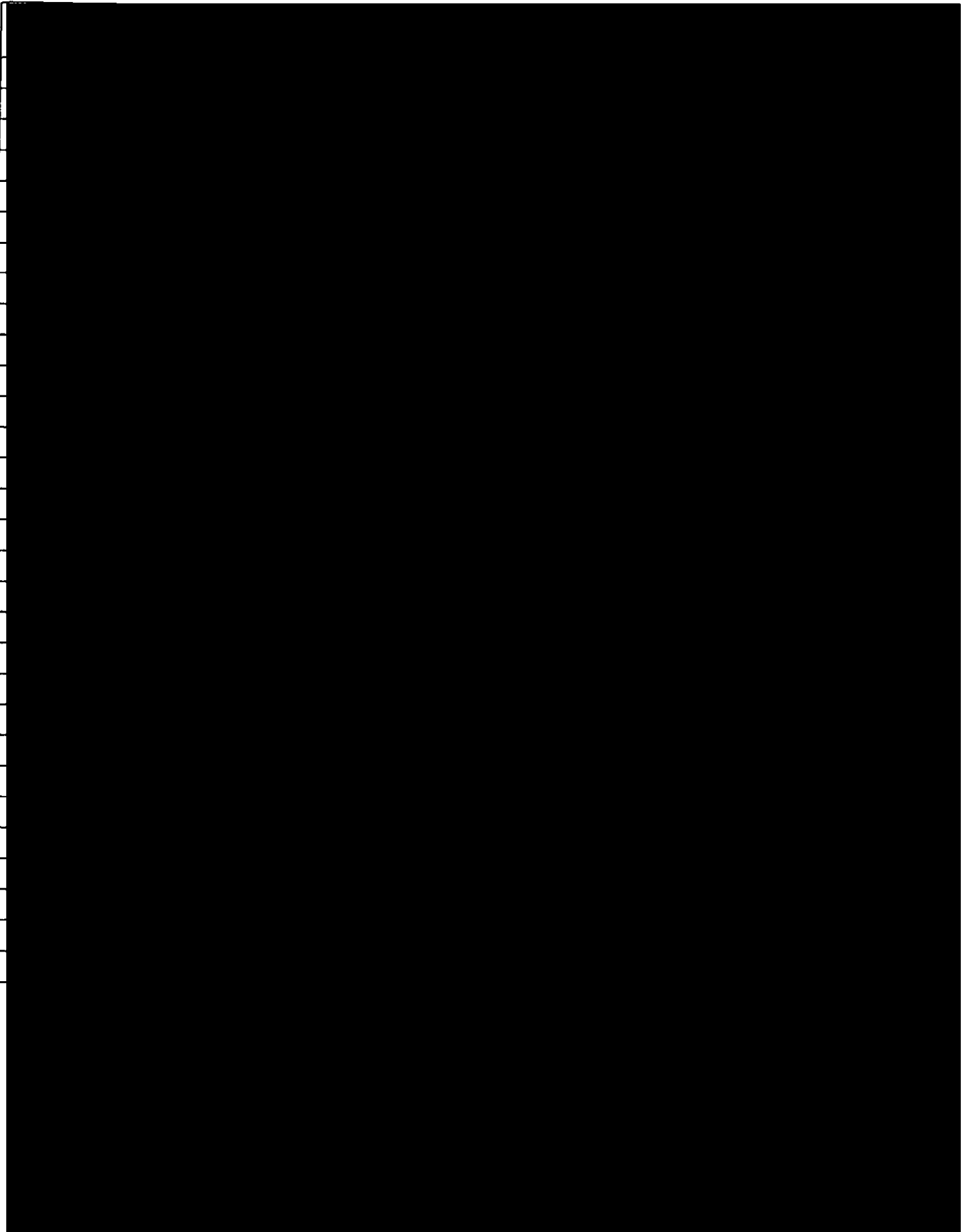


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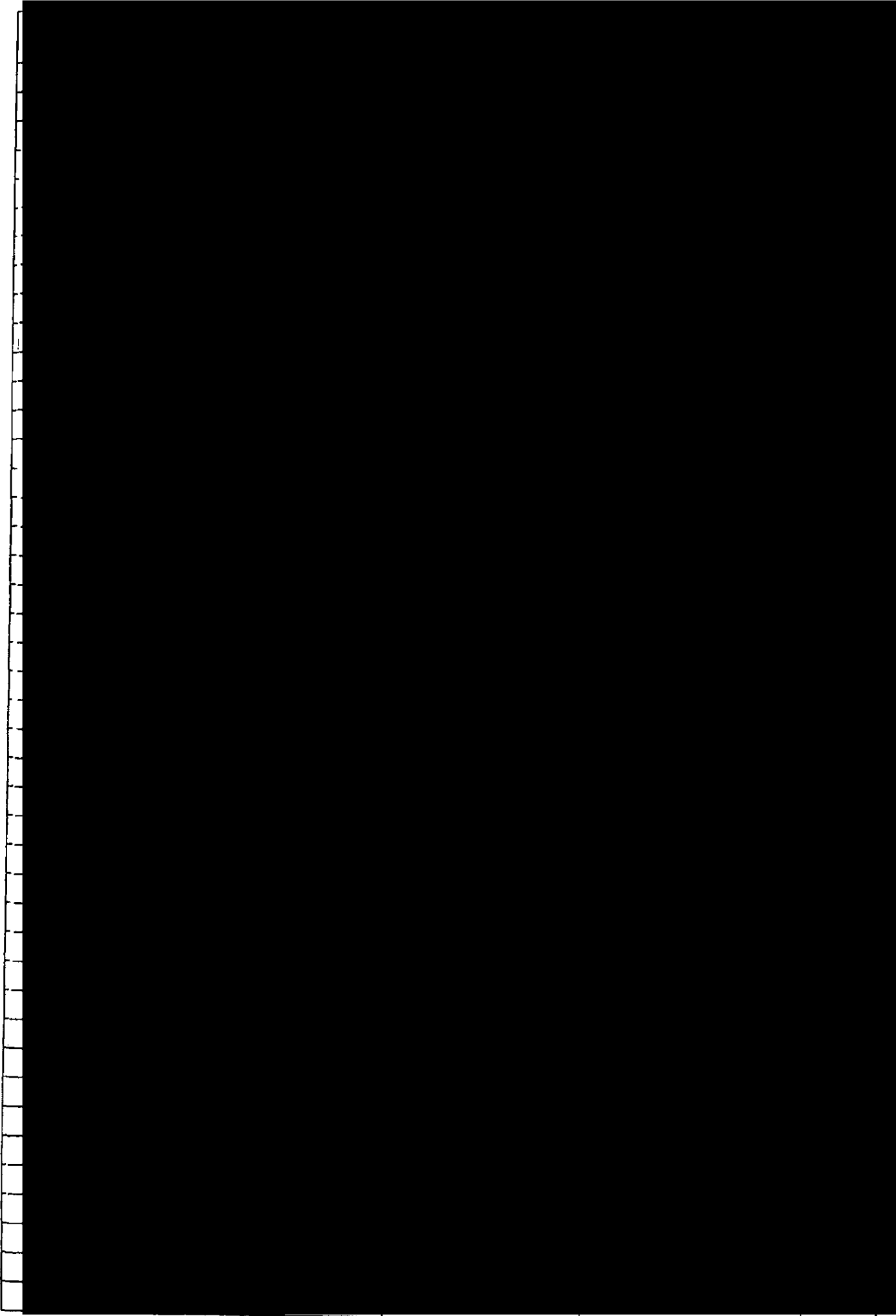
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ATTENDEES:

130	Melb			
29	Westonport			
42	Geelong			
27	Portland			

228 Melb



## **SUBMISSION IN SUPPORT OF PROPOSED ALTERATIONS TO THE RULES OF THE MARITIME UNION OF AUSTRALIA DIVISION OF THE CFMMEU (R2022/2)**

### ***Background***

1. The Maritime Union of Australia (**MUA**) came about as an amalgamation of the Seaman's Union of Australia and the Waterside Workers' Federation in 1993. However, its roots go back to the 19<sup>th</sup> century and the formation of the first maritime union in the world – the Seaman's Union of Australia in 1872.
2. The MUA represents members across a number of industries including stevedoring, shipping, port services, offshore oil and gas, ferries, and diving. Membership in these industries has historically been predominately male. The union currently has 11,606 members with 831 being women and 1166 being first nations people, representing 7% and 10% of total membership, respectively.
3. The union is governed by the members of the union in Annual General Meetings of members and Special Meetings of members. Between these meetings the union is governed by National Council whose role it is to govern, manage and exercise general supervision over the affairs of the union.<sup>1</sup>
4. The composition of National Council is set out in rule 16 and relevantly provides for twenty-two elected positions. There are currently twenty-three elected Officers by virtue of there being two Assistant National Secretaries in accordance with rule 31(b).
5. Rule 31 sets out the Officers of the union who are elected from the membership of which there are presently 31 Officers having been elected at the last Quadrennial Elections.
6. Of the 23 Officers that make up the composition of National Council, there is one woman who holds the office of National Women's Representative. However, eligibility for this office is open to all members of the union. Whilst the office of National Women's Representative is elected to represent the interests of all women members at meetings of National Council,<sup>2</sup> the office does not have any powers and duties commensurate with other Officers of the union. Furthermore, all other Officers of the union have industrial responsibility in relation to members at either a National or Branch level.

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<sup>1</sup> Rule 15 of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union, the Maritime Union of Australia Division.

<sup>2</sup> Ibid, Rule 30(f).

7. The MUA has a long history of activism in support of first nations peoples and gender equality and has employed a first nations person in the role of Aboriginal and Torres Strait Islander Coordinator and a woman in the role of National Woman's Liaison Officer. However, these positions are not involved in the governance of the union under the union's rules.
8. At its National Council in June 2021, National Council discussed the future structure of the MUA and reaffirmed its commitment to ensuring women and first nations representation. National Council resolved that there should be amendments to the rules of the union to increase both first nations peoples and women's involvement in the governance of the union.
9. National Council resolved to create two additional Divisional National Assistant Secretary positions one to be eligible for nomination by a first nations person and the other by a Woman the purpose of which was to provide for a level of participation by women and first nation's members in the governance and affairs of the union.
10. On 6 January 2022, the MUA notified the Fair Work Commission (**FWC**) under s159 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)* of alterations to the MUA Divisional Rules (**Notification of Proposed Rule Changes**).
11. The inclusion of two Assistant National Secretary positions (one woman and one a first nations person) within the MUA Divisional Rules was, as discussed above a resolution made by the National Council of the MUA and supported by the majority of the union's membership through their endorsement of the proposed rule changes during the Special Meeting of Members in 2021. The changes to the Divisional Rules were endorsed by the majority of members reflecting the union's commitment to advance the representation of women and first nations people in the MUA Division and create substantive equality between members of the union.

## **1) Whether contrary to the law**

12. The *Sex Discrimination Act 1984 (Cth) (SDA)* and the *Racial Discrimination Act 1975 (Cth) (RDA)* prohibit discrimination on the basis of sex and race, respectively. It is the union's submission that the inclusion of the two elected leadership positions within the MUA Division does not discriminate against any person on the basis of sex and/or race, but rather, seeks to achieve substantive equality for women and advancement of first nations people as members and leaders of the union.

13. The two Assistant National Secretary positions would be newly created positions and would be in addition to the current elected positions accounted for in the Divisional Rules. There will be no detriment or unfairness caused to the membership of the MUA by creating these additional positions, as all current elected positions of the MUA remain and would be open to all eligible members of the union. The inclusion of the two additional Assistant National Secretary positions is the result of the union's commitment to achieving equality for women, under section 7D of the SDA, and for the advancement of first nations people, under s8 of the RDA.

***Assistant National Secretary – Woman***

*i. The members of the MUA Division support the advancement of female members within the union*

14. The membership of the MUA voted in favour of the proposed Assistant National Secretary – Woman position, after it was presented to them at the Special Meeting of Members 2021 as a National Council recommendation. In its meeting in June 2021, National Council reaffirmed its continued support for progressive gender equality and affirmative representation across the maritime industry, in the pursuit of positive industrial, political, and social diversity outcomes for women embedded in the Divisional Rules. It is because of this commitment to the advancement of women and gender equality in the Maritime Industry, that the rule change was put forward to the members and endorsed by the majority of the membership.

15. The SDA renders it unlawful for a registered organisation to:

*“discriminate against a person, on the ground of the person's sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities”.*<sup>3</sup>

However, the SDA provides for 'special measures' under s7D that may protect a person or organisation from the effect of section 19, if the reason for the discrimination against a person based on their sex is for the purpose of achieving substantive equality in one of the ways listed in s7D(1).

*ii. Proposed rule change is a special measure under s7D of the Sex Discrimination Act 1984 (Cth) (SDA)*

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<sup>3</sup> Sex Discrimination Act 1984 (Cth) (SDA), s19(1).

16. As of 28 April 2022, two (2) of the 31 (thirty-one) elected positions within the MUA Division are held by women; the Divisional National Women’s Representative, and the Tasmanian Divisional Branch Secretary. As discussed at paragraph [6], the office of Divisional National Women’s Representative does not have any powers and duties commensurate with other Officers of the union.
17. In accordance with Rule 18, Divisional National Executive shall advise Divisional National Council on matters referred to it by Divisional National Council or the Divisional National Secretary. Neither of the offices referred to in the preceding paragraph are held by women.
18. Subsection 7D(1)(a) of the SDA authorises the taking of “special measures” for the purpose of achieving substantive equality between men and women.<sup>4</sup> Providing the opportunity for a female specific Assistant National Secretary would provide female identifying members of the union to be appropriately and proportionally represented within the leadership structure of the MUA Division. The introduction of the Assistant National Secretary – Woman position seeks to achieve increased representation of women in elected positions within the MUA Division, which would otherwise be unlikely to take place absent the rule change. In *Jacomb v Australian Municipal Administrative Clerical and Services Union [2004] FCA 1250*, Crennan, J., considers the purpose of ‘special measures’ as follows:
- “ . . . s 7D [of the SDA] will shield [the rules] from the effect of s 19 if the purpose of the rules is substantive equality between, in this case, men and women. The answer to that question lies in a determination of whether an election by the constituents of the branches constituted under the rules will, in the absence of the preferential treatment of women there to be found, achieve substantive equality. I am not satisfied that the result would be one of substantive equality in the absence of the rule.”<sup>5</sup>*
19. As a result of the high proportion of male membership in the MUA Division, the union is unlikely to achieve substantive equality between men and women in the union unless there are special measures taken to provide for increased participation of women in the governance of the union. The Assistant National Secretary – Woman position aims to address the systemic discrimination present in the MUA and the maritime industry more broadly, by including women in the decision-making processes and governance of the union by way of an elected leadership position on both National Council and

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<sup>4</sup> *Jacomb v Australian Municipal Administrative Clerical and Services Union [2004] FCA 1250* (Jacomb) at [60].

<sup>5</sup> *Jacomb* at [31].

National Executive. This affirmative action of the MUA to benefit female members to achieve substantive equality does not give rise to discrimination under s5 or s19 of the SDA.

20. As demonstrated by the Notification of Proposed Rule Changes filed by the MUA Division on 6 January 2022, the Divisional Rules of the union are amendable. Therefore, the Assistant National Secretary – Woman position may be temporary in so long as it is needed to achieve its purpose of substantive equality between men and women in the union. The temporary nature of the MUA Division rules, and rule changes complies with the provisions of s7D(4) of the SDA, which provides “*This section does not authorise the taking, or further taking, of special measures for a purpose referred to in subsection (1) that is achieved.*”
21. The temporary and amendable nature of the MUA Divisional Rules satisfies the criteria of “special measures” within the meaning of s7D(4) of the SDA in so much as an opportunity exists for the union to remove the special measure of the newly created position once the objective of the original special measure is achieved. In the case of the Assistant National Secretary – Woman position, the special measure would apply in order to achieve substantive equality between male and female members of the MUA Division.

***Assistant National Secretary – Aboriginal and Torres Strait Islander***

*i. The members of the MUA Division support the advancement of first nations members within the union*

22. The membership of the MUA Division voted in favour of the proposed Assistant National Secretary – Aboriginal and Torres Strait Islander position, after it was presented to them at the Special Meeting of Members 2021 as a National Council recommendation. In its meeting in June 2021, National Council reaffirmed its commitment to the full and meaningful realisation and recognition of the broader societal and political structural reforms called for in the Uluru Statement, through the enshrinement of a first nations voice within the Divisions Rules. It is because of this commitment to the inclusion of a first nations voice in the maritime industry, that the rule change was put forward to the membership.
23. As of 28 April 2022, of the 31 (thirty-one) elected positions within the MUA, there are no offices occupied by a first nations person. Yet 10% of first nations people make up the membership of the union. The advancement of first nations people in the MUA is

unlikely to occur unless there are special measures taken to provide for increased participation of first nations people in the governance of the union. The introduction of the Assistant National Secretary – Aboriginal and Torres Strait Islander role, creates meaningful recognition of Indigenous people as leaders of the MUA and aims to advance the advancement of first nations people within the union.

ii. *The rule change is a special measure under s8 of the Racial Discrimination Act 1975 (Cth) (RDA)*

24. The *International Convention on the Elimination of All Forms of Racial Discrimination (the Racial Discrimination Convention)* also contains the phrase “special measure,” which appears in s8 of the RDA. Section 8 of the RDA acts as an exemption provision, unlike s7D of the SDA which deems a special measure non-discriminatory.<sup>6</sup> Crennan, J. in *Jacomb* relevantly considers the characterisation of “special measures” in relation to race and ethnicity, clarifying that to qualify for exemption under s8 of the RDA, a “special measure” is required to have as its sole purpose the securing of adequate advancement of certain racial or ethnic groups.<sup>7</sup>

25. It has been recognised that formal equality before the law is not necessarily sufficient to eliminate all forms of racial discrimination.<sup>8</sup> As a result, special measures may be needed to achieve effective and genuine equality. Crennan, J in *Jacomb* explains:

*“it is the intention and purpose of the person taking a special measure, which governs the characterisation of such a measure as non-discriminatory, not the necessary effect of the measure in disadvantaging any group.”<sup>9</sup>*

26. In the case of the Assistant National Secretary – Aboriginal and Torres Strait Islander position, the advancement of first nation members is the reason for the introduction of the position and serves as a mechanism for first nations people to take part in the decision-making processes and governance of the union by way of an elected leadership position. This affirmative action of the MUA Division to introduce the new Assistant National Secretary position seeks to benefit first nation members and secure the advancement of first nations members of the MUA Division. Furthermore, the creation of the role of Assistant National Secretary – Aboriginal and Torres Strait Islander, would provide proportional representation of first nations members within the

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<sup>6</sup> *Jacomb* at [45].

<sup>7</sup> *Ibid.*

<sup>8</sup> *Gerhardy v Brown* (1985) HCA 11.

<sup>9</sup> *Jacomb* at [47]

leadership structure of the MUA Division and foster greater awareness for first nations issues within the union and maritime industry more broadly.

## **2) Whether the alterations comply with the *Fair Work (Registered Organisation) Act 2009 (RO Act)***

### *i. Why differential treatment is required*

27. Section 142(1)(d) of the RO Act provides that the rules of an organisation must not discriminate between applicants or members on the basis of, among other things, sex, and race. It is the union's submission that the creation of the two National Assistant Secretary roles is necessary in order to advance the equality of women and first nations people members of the MUA Division.

28. As explained above, the advancement of these two marginalised groups into leadership positions within the union would be unlikely to occur in the absence of the rule change. The creation of the two Assistant National Secretary positions would advance individuals who identify as a female or a first nations person, into a leadership position of the union.

29. It is the union's intention that the creation of these positions would result in increased awareness of first nations and women's issues, increased representation of each group in union leadership and encourage members who identify as a woman or first nations person to have greater affirmative presence in the union.

### *ii. What the differential treatment aims to achieve*

30. The inclusion of two Assistant National Secretary positions, one woman and one a first nations person, within the Divisional Rules was a proposal made initially by the National Council of the MUA Division and endorsed by the majority of the union membership, in order to advance the affirmative representation of women and first nations people in the MUA Division and create substantive equality between members of the union.

### *iii. The differential treatment does not result in the discrimination against other members*

31. The creation of the two roles is in addition to the existing Assistant National Secretary positions within the union. This does not create any disadvantage or unfairness to union members, because at no stage has a role been taken away from the leadership

structure of the union. Instead, these additional roles only add to the support and representation of the membership and governance of the union by providing improved diversity in the union's awareness of membership issues and experiences.

32. Having a leadership role in the union that represents the unique interests and experiences of both women and first nations people respectively, enhances the union's ability to advocate on behalf of its membership at work and in the broader community.

*iv. The differential treatment meets and promotes the objects of the RO Act*

33. The intention of Parliament in enacting the RO Act, among other things, was to *“enhance the relations within workplaces between federal system employers and federal system employees and to reduce the adverse effects of industrial disputation.”*<sup>10</sup> The recognition and advancement of first nations people and women in a trade union such as the MUA, supports this objective. Individuals who identify as women and/or first nations people, are often marginalised in the maritime industry.
34. The male dominated nature of the maritime industry, for example, means that the rhetoric around workplace issues in the industry is often unconsciously framed from the perspective and concern of a male voice, without considering a female's position on an issue. Ensuring first nations people and women are in leadership roles within the union emphasises the respective group's voice on issues in the workplace and provides unique opportunities to enhance workplace relations.
35. The inclusion of first nations people and women in trade union leadership positions challenges the oversaturation of male representation in the maritime industry and encourages members to participate in the affairs of the MUA Division, particularly if those individuals identify as female or first nation. This approach to diversifying employee representation echoes the sentiment of s5(3)(b) of the Act and further promotes the intentions of parliament in enacting the RO Act.

**The Maritime Union of Australia Division  
Construction, Forestry, Maritime, Mining and Energy Union**

29 April 2022

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<sup>10</sup> *Fair Work (Registered Organisation) Act 2009, s5(1).*