

March 2022

# Common Cause.



## Tragic fatality at Moranbah North



# TRAGIC FATALITY AT MORANBAH NORTH

## **We are shocked and saddened by the death of our long-term member and experienced coal mineworker Gavin Feltwell at Moranbah North underground mine late Friday night.**

Gavin was fatally injured as a result of a suspended four-tonne load being moved, while an old conveyor drive was being dismantled. Union safety inspectors are conducting their own independent investigation into the circumstances, alongside police and Resources Safety and Health Queensland (RSHQ inspectors).

Queensland District President Stephen Smyth said the fatality had sent shockwaves through the mining industry, with coal mining communities devastated by yet another life lost.

"It is absolutely heart-breaking to know that yet another coal miner has not made it home to his family at the end of his shift. On behalf of the whole union, we extend our sincere condolences to loved ones and workmates. They will have the full support of the union in dealing with this latest shocking tragedy." As a union member, Gavin's family will have the full support of the National Assistance Fund's mortality benefit to assist during this most difficult time.

Moranbah North Lodge President Andy Collins said Gavin had worked at the mine for about eight years as a Mastermyne contractor and was part of the belt crew. "Our workmates really respected him," said Andy. "He was an experienced coal miner, a father figure and mentor. Everyone is shaken up."

While operations remain suspended at Moranbah North mine, mineworkers at Anglo's other Queensland underground operations were

disappointed and angry that work didn't cease as a mark of respect.

At neighbouring Grosvenor mine, which adjoins and shares a washplant with Moranbah North, longwall and development production continued across the weekend. Lodge President Steve Hall finished work at 6am Saturday and was told the news as he was on his way to the bathhouse. Mineworkers starting at 6am started work without being told.

"With a fatality so close, they should have taken everyone out of the pit. That didn't happen. People are angry and disappointed."

Steve Hall said Grosvenor miners were already struggling after the 2020 underground explosion which left five workers with severe burns and many others traumatised; and a recent goaf fire that saw production stop.

At Aquila mine, another Anglo operation, Lodge President Grant Hedley said a message was sent to all workers on site that operations would cease due to the fatality, however that didn't occur.

"After everything that's happened we just felt we should have stopped. It's time to stop and reflect," said Grant.

Instead of stopping production, workers were given a 'safety reset' presentation by managers, which reinforced workers' responsibility for maintaining workplace safety.

But District Vice President Steve Pierce said management accountability was the most important change needed in the industry to prevent the unacceptable rates of death and serious injury.

**(CONTINUES)**

## (TRAGIC FATALITY AT MORANBAH NORTH - CONTINUED)

He said the failure to prosecute Anglo management over the Grosvenor explosion sent a message to mine managers that they could “get away with murder”.

“Investigations will show what really happened at Moranbah North. But the regulator needs to grow a backbone and hold management to account for safety failures, not just give them a slap on the wrist. Workers pay with their lives when things go wrong.”

Gavin Feltwell was a Mastermyne contractor, making him the second Mastermyne employee to be killed underground in seven months after Graham Dawson was killed at Crinum mine in September last year.

Moranbah North’s Andy Collins said that the exact circumstances of Friday night’s tragedy were still to be determined, but that the Lodge had raised concerns about work and pay arrangements for contractors at the site.

***“We’ve always been pushing to make them permanent Anglo employees. They are pushed harder to do tasks. One of the bigger issues we’ve been reiterating with management is remuneration; their base remuneration is low but their bonus very high.”***

“The bonus carrot is too high and they use it as a whipping tool. The guys feel like they can’t argue back as they are going to lose their bonus.

“If they have an incident they are going to have their bonus taken off them, it creates an incentive for them not to report incidents.”

Andy said a recent announcement to review employment arrangements at Grosvenor mine, where the full production workforce is contracted out to One Key, should be extended to Moranbah North where a large proportion of the production workforce is contracted out to Mastermyne.

“Labour hire is not secure employment and contractors know they can lose their job at any time. For them to be given permanent shirts changes the culture. To have our Mastermyne workmates as permanent would be a change for a better workplace and that’s what we’ll keep pushing for.”

The Moranbah community honoured Gavin Feltwell with a minute’s silence at the Miners’ Memorial in a moving vigil on Saturday evening, where Andy lit a miners’ lamp in his honour. Gavin will never be forgotten.

**May he Rest in Peace.**



**Moranbah North Lodge President Andy Collins lit a lamp for Gavin Feltwell at a moving vigil.**

# 'SAME JOB SAME PAY': HOW WOULD IT WORK?

**This federal election, we are campaigning for 'same job same pay' for labour hire workers. Labor's IR shadow minister Tony Burke told our latest podcast how the policy would work.**

Tony Burke told the Mining and Energy Union podcast:

*Same Job Same Pay legislation would say labour hire workers' terms and conditions can't be worse than the terms and conditions that govern the enterprise agreement that is there for people who are employed directly. That's the principle.*

*What does that mean? It might mean the company employs people directly; it might mean the company still uses labour hire workers but the labour hire workers are on the same pay and conditions as though they were working under the enterprise agreement.*

*If you've got the same experience and the same qualifications on the same roster doing the same job as somebody else – if you're being paid less because you're labour hire, same job same pay would fix that. There is a role for labour hire sometimes, but it's role should never be to undercut conditions. I've met with workers where this is exactly how they're treated.*

*What's the point of the original negotiation if the employer has the power to just walk away from it and just undercut every pay rate and condition that has been voted on by workers?*

**Listen to the full podcast for more, at [commoncause.cfmeu.com.au/podcast](http://commoncause.cfmeu.com.au/podcast), or search 'Mining and Energy Union' on Apple podcasts, Spotify or your favourite podcast platform.**

Find out more about our campaign at: [SameJobSamePay.com.au](http://SameJobSamePay.com.au)



# Glencore making hay while the sun shines (on coal)

National Research Director  
Peter Colley

Australia's biggest thermal coal producer – Glencore - made loads of money in 2021 on the back of high coal prices in particular, and is forecasting another great year in 2022. But it still plans to be out of coal entirely by 2050, and winding back production well before then.

Glencore is not a normal mining company – it was primarily a commodities trader before it got into direct mining and a large part of its activities are buying and selling minerals and agricultural commodities globally. For that reason, and because it has a long history of operating in regions with poor governance and withholding disclosure of aspects of its business, it is not an easy company to understand. Here we focus on the coal mining results.

However, right up-front the company says it has set aside US\$1.5 billion to pay for settlement of long-running investigations into its affairs, including for bribery and market manipulation, by regulators and justice authorities in the USA, UK and Brazil. And the company says there are other ongoing investigations for which it has as yet made no provisions.

The company also had four workplace fatalities in 2021, whereas BHP and Rio Tinto claim to have had no fatalities for three years.

**If we stick to the financial results, the results are impressive. Net profit lifted to US\$5 billion, a huge turnaround for a loss of US\$1.9 billion in 2021. Revenue leapt from US\$142 billion to US\$204 billion.**

The overwhelming reason was good prices, including in coal. Copper was the biggest profit centre, with US\$7.9b in cash flow after operating costs. Then coal – mostly Australian – with US\$5.6b. A huge jump on the US\$1.2b it made in 2020.

Thermal coal Australia was just under US\$7 billion in revenue on 62 million tonnes of coal, with US\$3.2 billion in cash flow after operating costs. Coking coal Australia figures were almost US\$2b in revenue on 13.6 mt of coal and US\$960 million in cash flow. These are huge cash margins; Glencore claims an average cash margin per tonne of coal of US\$50.60.

But 2022 is looking even better for Glencore, again in coal. Its forecast is that will produce 121 million tonnes of coal with cash flow after operating costs of around US\$10 billion (more than double 2021!). It is projecting a cash margin of US\$80.90 per tonne, and the forecast thermal coal price for 2022 is US\$175 per tonne.

Despite these windfall profits in coal, Glencore is not investing in new coal projects. Its growth pipeline of projects shows none in coal. While coal production jumps from 103mt in 2021 to 121mt in 2022 (mostly due to buying out Anglo American and BHP in the large Cerrejon mine in Colombia), it plateaus there.

The company has reiterated its net zero emissions target for 2050 – including the emissions of its customers! It says it plans to reduce emission by 15% by 2026, 35% by 2035, and 100% by 2050. These targets mean the company plans to shift out of coal production over that time period.

So Glencore really is “making hay while the sun shines”, or making good profits out of coal due to a major price spike, but is not planning on a long term future in coal.



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# HITTING THE ROAD FOR TWO TOP BLOKES



**Brad Bates, centre, with his wife Kelly and Dale's family**



**Mick Ford**

Members of our Mt Owen Lodge in the Hunter Valley have been devastated to lose two workmates – Mick Ford and Dale Harris – to brain cancer. Now they are organising a 650km bike ride to honour their mates and raise much-needed funds.

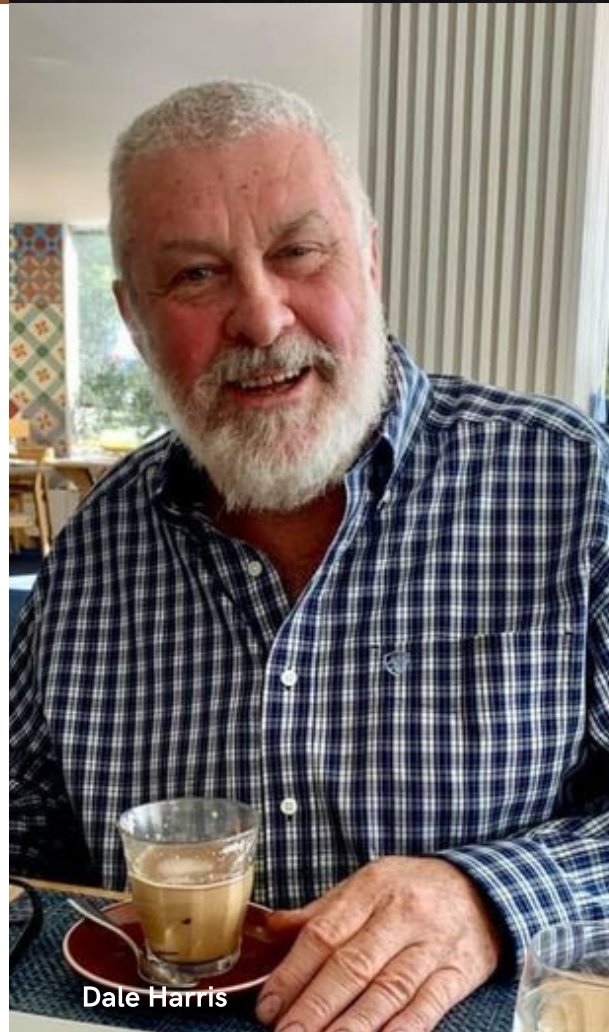
Ridin 4 Mates is a charity ride from Tumut to Bulga kicking off on September 13, to raise money for the Mark Hughes Foundation for fighting brain cancer. Fifteen riders will take part and they will finish up at the Bulga Tavern, Dale's favourite drinking hole.

For event organiser, Mt Owen Lodge Secretary Brad Bates, it's about paying tribute to two great friends. "Six years ago, my good mate Mick Ford passed away and then tragically last year we lost Gary Harris, or Dale as he was known to everyone. I could never have imagined that we would lose Dale too. This ride is all about honouring two of the most top blokes you could ever hope to meet." Brad, Mick and Dale worked together as operators at Mt Owen until Mick passed away aged 48. Dale died last year aged 61.

"We had some bloody great times together over the years. Mick was such a good bloke and everyone loved him," said Brad. "We'd get a new starter in at the mine and he would always take them under his wing. He was just so down to earth and willing to do anything for anyone."

Dale's family said that raising money for the Mark Hughes Foundation was very important to them as the Foundation had supported him while he was sick.

"The support they gave our family in the time Dad was sick was a godsend," said Dale's daughter Sammy. "They organised Dad's appointments and came to appointments with us, checked in via phone and when Dad was in palliative care they were available to help us with information or contacts or even just to listen to us cry and talk."



**Dale Harris**

**To support the riders, follow their Ridin 4 Mates Facebook page (<https://www.facebook.com/groups/301485928414193>) and make a donation at <https://challenge.markhughesfoundation.com.au/page/ridin4mates> and help them reach their target of \$10,000.**

# Shameful anniversary: a year since One Nation sold out miners

March 18 marked one year since One Nation teamed up with the Morrison Government to pass legislation that has cost casual miners tens of millions of dollars in entitlements. Dysart resident Sean Tetley is a long-term labour hire coal miner in a Central Queensland mine who lost about \$90,000 in unpaid entitlements due to the law change in 2021.

"I was a full-time casual for eight years with WorkPac and the wins in Federal Court meant I was eligible to claim leave entitlements I had missed out on.

"All those years, I got paid less than permanent employees and also got no holidays or paid leave. I was gutted when One Nation voted against us and I lost the chance for entitlements."

On 18 March 2021, Senators Pauline Hanson and Malcolm Roberts supported the Government's stripped-back IR Omnibus Bill, which removed court-recognised rights for casual coal miners in long-term, full-time roles to receive leave entitlements.

The legislation overturned the landmark Skene and Rossato Federal Court decisions by legalising the 'permanent casual' work model with a retrospective definition of 'casual' based on the words in the employment contract not the reality of the work arrangement.

The legislation stopped multiple class actions claiming unpaid entitlements for long-term casual miners in their tracks, including a class action launched by the MEU claiming up to \$16 million in unpaid entitlements for around current and former WorkPac employees.

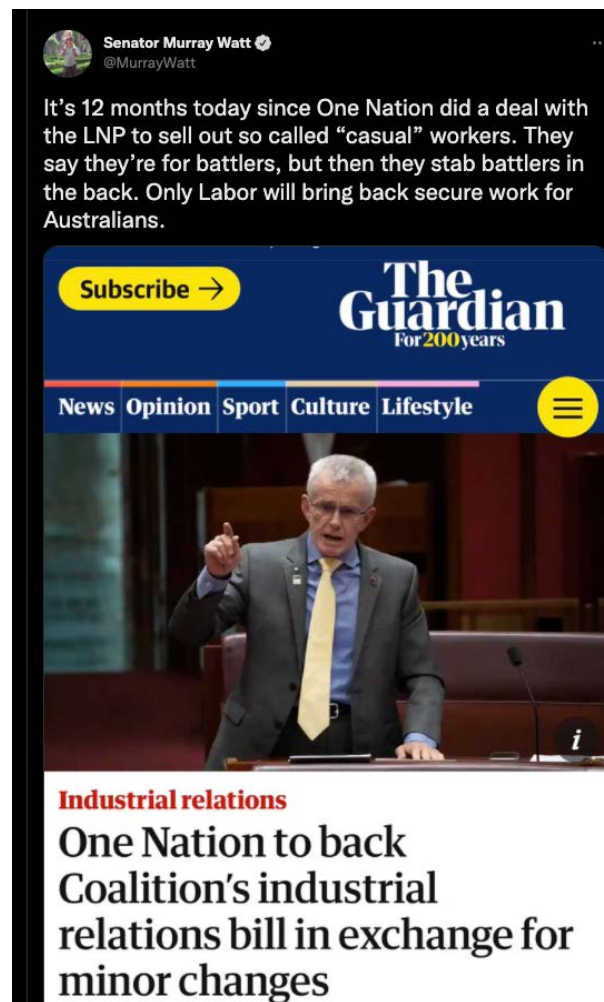
Across social media, people recognised the significance of the day.

General President Tony Maher said the vote in parliament on 18 March 2021 trashed years of painstaking work by coal miners to challenge the deeply unfair 'permanent casual' labour hire model.

"When casual miners had a fair win confirmed twice by the Federal Court, the Morrison Government and their One Nation backers spat the dummy and changed the law, putting mineworkers back at square one.

***"Politicians like Malcolm Roberts, Pauline Hanson and Matt Canavan love dressing up like coal miners in Central Queensland, but when they're in Canberra they vote to rob them of rights and entitlements.***

"We need politicians in Canberra that will stand up for coal miners, not sell them out."



# Vale Gavin Hamilton



A stalwart of our Union's southern district, Gavin Hamilton, passed away on March 23, aged 95 years. Decades ago, Gavin made industrial history with a pair of bolt-cutters.

Gavin was an active rank & file member who became Lodge President at South Clifton Mine where he worked for many years. He was also President of the Combined Mining Unions and was on the Southern District's Board of Management.

In May 1972 mine owner Clutha sacked its workforce

at South Clifton and closed the mine, citing the loss of contracts as the cause, an action which led to mining operations at South Clifton becoming unsafe. Clutha then padlocked off the power to the main ventilation fan of the mine. The 300 miners who had lost their jobs took action, mounting a stay-down strike. With the support of a large contingent of mineworkers from the Burragorang Valley, as well as busloads from the Wharfies and the Seamen's Union, the South Clifton men prepared for a return to work.

***It was Gavin Hamilton who took the crucial role of restoring ventilation to the mine, taking a bolt cutter to the padlock enabling the ventilation of the mine to be safely restored.***

Gavin created industrial history with South Clifton becoming the first coal mine in the western world controlled and operated by its workforce. The mine was reopened the following year with a new owner, Mining & Metals Corporation.

As both an elected official and a rank and file activist, Gavin knew that nothing had ever been gained without struggle. Having grown up in the coal mining community of Woonona he understood the needs of coal industry workers and their communities and worked tirelessly toward attaining them.

He has left behind some devoted friends, including former General Secretary, Barry Swan, and former Vice President Bob Graham. As well as their reminiscences of Gavin's activism for the Federation, they remember him as having a mischievous wit, being a "handy" boxer, a keen punter and a snappy dresser.

May he Rest In Peace.







# From the General Secretary

## What's happening with the demerger?

**The Mining and Energy Union remains strongly committed to giving members a vote on withdrawing from the CFMMEU.**

**So what's taking so long?**

In short, we are facing strong legal opposition from the construction-dominated national office of the CFMMEU to giving Mining and Energy members a say.

It is 12 months since we initially lodged our application to the Fair Work Commission for a ballot of all members of the Mining and Energy Division.

That application suffered a setback last September when the Fair Work Commission dismissed our application on the narrow grounds of the relevant date of the Mining and Energy Division's amalgamation with the CFMMEU – whether 2018 as per our application or the earlier date of 1992.

Our legal team is confident in our grounds for relying on the 2018 date and we have appealed the FWC's dismissal of our ballot application to the Federal Court. The hearing of the appeal occurred on 1 March 2022 and we are awaiting the decision.

While we are hopeful that the Federal Court will approve our ballot, if we are unsuccessful we still have a number of legal options in pursuing a demerger ballot.

**At all levels of leadership – District, National and Central Council – we are committed to pursuing the path of an independent future that was unanimously endorsed by our National Convention last year.**

While the legal delays are frustrating, our determination to give members a democratic say in our Union's future remains strong based on continued feedback from members that they no longer feel the CFMMEU represents their interests.

In positive news, the Fair Work Commission has approved a rule change formalising our name as the Mining and Energy Union, even while we remain legally part of the CFMMEU.

We are pleased that the new branding has been enthusiastically embraced and it's good to see our new Mining and Energy Union logos being rolled out around the country.

**What about the ACTU?**

The ACTU has intervened in the legal tussle about the demerger ballot on the side of CFMMEU. They are representing the views of some affiliates that fear that if

we are successful on the legal point of the amalgamation date, other amalgamated unions will become more vulnerable to demerger attempts. It has always been our intention to proceed down a path that allowed our Division to have a say on our future with as little impact as possible on other amalgamated unions.

In this matter, the primary legal interference to our ballot is coming from the CFMMEU National Office, which is dominated by the Construction Division. They have the choice at any time to stop their opposition to our member ballot or to come to an agreement over the withdrawal of our Division.

The MEU maintains a positive working relationship with the ACTU and when we become an independent union, we intend to affiliate with the ACTU to make sure our members have a strong voice within the trade union movement nationally.

**What's happening with the CFMMEU?**

The CFMMEU has been dysfunctional since Michael O'Connor resigned as National Secretary in November 2020.

The MUA's Christy Cain, a strong backer of Setka, was finally installed into the National Secretary role after lengthy delays due to the rules not previously accommodating his appointment.

Cain could take the role because the Fair Work Commission recently approved a rule change sought by CFMMEU National Office meaning the National Secretary does not need to be a divisional leader and that the leadership positions may be held by representatives from the same division.

We intend to appeal this decision as we believe it will entrench the Construction Division's dominance of the amalgamated union and permanently end the tradition of power-sharing between divisions.

**What's happening with the Manufacturing Division?**

The Manufacturing Division has announced its divisional executive will meet at the end of this month to discuss seeking to withdraw from the CFMMEU.

**(CONTINUES)**

# Common Cause.

## (FROM THE GENERAL SECRETARY - CONTINUED)

The Manufacturing Division had a great win earlier this month when the Federal Court ruled that the Construction Division had wrongfully poached 315 members. They were ordered to return the members and the hundreds of thousands of dollars in dues the Construction Division had collected. This was a positive and just ending to a sorry saga that has reinforced the reasons for smaller divisions to seek independence.

### What's the timeline?

We are hopeful of being able to conduct a member ballot during the course of 2022. We have an excellent legal team who are working hard to overcome the challenges before us. We appreciate members' patience and we look forward to celebrating with you when all members can have a say.

Grahame Kelly, General Secretary



**Mining & Energy Union**



Our recent Central Council meeting in March reaffirmed our commitment to giving members a say on our future

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