

# Common Cause.

January 2022



## YEAR IN REVIEW

# Helping industry return their workers home, healthy and safe, every day.

In 2020–21, Coal Services partnered with industry for a safe workplace and a healthy workforce.



#### Mines Rescue

Prepared **452** brigade members for emergency response and saw **22,068** attendances at training courses to manage risk and operate safely



#### Coal Mines Insurance

Paid **\$107.2** million towards compensation and treatment costs to support injured workers through their recovery and return to work



#### CS Health

Completed **21,050** pre-employment and periodic health assessments to monitor the health of the workforce and protect against occupational disease



#### Regulation & Compliance

Statutory respirable and inhalable dust samples taken from the breathing zones of **3,876** workers  
Conducted **1,498** mine atmosphere gas analysis services to keep mine environments at safe levels

Data from 2020–21 annual report

T +61 (2) 8270 3200 E [customerconnect@coalservices.com.au](mailto:customerconnect@coalservices.com.au)  
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Coal Services



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# INDEPENDENT FUTURE FULL STEAM AHEAD

**A highlight for me in 2021 was our National Convention in March. National Convention is our union's most democratic forum, bringing together hundreds of delegates from mines, power stations, ports and coal terminals around the country to set our direction every four years.**

Things were very different this year. Due to COVID, we met in state-based hubs, relying on technology to bring over three hundred rank and file representatives together from locations in Perth, the Hunter Valley and Central Queensland (see the photo spread inside).

The first agenda item was the question of whether to apply for a member ballot to leave the CFMMEU and become an independent Mining and Energy Union. I was very pleased that after hearing the reports and asking questions, delegates voted unanimously to support the member ballot.

It was a historic decision in the democratic tradition of our union and delegates did not shy away from it.

Having received this clear direction from Convention, our team set about undertaking the legal work to make our independent future a reality. Before the month of March was out, we made an application to the Fair Work Commission for a member ballot. The first hearing in June made clear our application would attract strong opposition from the Construction Division over letting our members have a say.

In September, we received the disappointing news that the Fair Work Commission had dismissed our initial application for a member ballot on whether to demerger from the CFMMEU.

The decision was based on the narrow technical issue of the relevant date of our Division's amalgamation with the CFMMEU – whether 2018 as per our application or the earlier date of 1992. The Commission ruled we could not rely on the 2018 date.

With Central Council reaffirming our commitment to give members the chance to vote, we lodged an appeal in the Federal court which will be heard in 2022.

While we wait for the slow cogs of the court system to turn, we have also taken steps to formally change the name of the decision to 'Mining and Energy Union'. Lodges overwhelmingly supported this name change and like an early Christmas present, the Fair Work Commission approved the name change in December.

The name change is a symbolic step that reflects the loud and clear message we hear from across our Districts that they no longer wish to be associated with the CFMEU brand.

Completing this process is a top priority for 2022 and I look forward to celebrating our new, independent union with you all.

**Tony Maher** General President



# WE NEED NEW LAWS TO STAMP OUT LABOUR HIRE MODEL

**2021 was the year that the Morrison Government teamed up with One Nation to overturn the legal decisions our Union worked so hard to achieve to stamp out the misuse of casual labour hire in mining.**

As Members would know, our Union invested heavily in changing workplace laws to make this practice unlawful. And we had some big wins, notably in the *Workpac v Skene* and *Workpac v Rossato* Federal Court cases. Judgments in these cases found that 'casual labour' hire mining jobs were not really casual at all due to the regular shifts, full-time hours and long advance rosters.

But under pressure from employers, the Morrison Government and One Nation teamed up to overturn our big legal wins, voting up retrospective legislation in March 2021 that says you are a casual if your employer calls you one. This has condemned many coal miners to remain in casual employment and killed off our class action against Workpac that would have delivered millions in compensation to casual labour hire coal miners.

When it comes to legal avenues for challenging the labour hire business model, designed to undermine collective bargaining and drive down wages in the coal mining industry, we are at a dead end. Changing the government is now the only way to restore permanent jobs with fair pay and conditions to our industries.

That's why we developed our 'Same Job Same Pay: coal communities need permanent jobs' campaign for the 2022 federal election.

We believe Labor's proposed 'Same Job Same Pay' laws will make a real difference for labour hire workers in the coal industry, by legislating that labour hire workers must be paid at least the same as direct employees performing the same work.

Same Job Same Pay laws will deliver economic benefit to mining communities by stopping mining companies implementing blatant wage-cutting strategies that cut the share of profits going to workers and handing it to shareholders and executives instead.

Our ad campaign, featuring coal miners, community members and candidates, will encourage residents in coal mining communities to vote for permanent jobs and work rights.

As we said goodbye to 2021, it felt like we were already well and truly in federal election campaign mode. We are very pleased to have two coal miner Members of our Union running for federal parliament in 2022 – Dan Repacholi in Hunter, NSW, and Russell Robertson in Capricornia, Queensland.

We know that Dan and Russell will be great advocates for our industries, communities and Members. They are proud coal miners and unionists who will use their position in parliament to fight for the issues that matter to us.

In 2022, we look forward to engaging with all Members about the issues that matter to mining and energy workers during the federal election campaign and beyond.

**Grahame Kelly**  
General Secretary



**OUR  
COMMUNITIES  
NEED  
PERMANENT  
JOBS**

**SameJobSamePay.com.au**



# GROSVENOR MINERS CELEBRATE NEW LODGE

**Coal miners at Queensland's Grosvenor mine were traumatised by an underground explosion 18 months ago. Since then, they've been getting organised and on 31 October 2021, formed a new Lodge.**

Eighteen months before, in May 2020, five miners at the Anglo American mine near Moranbah were horrifically burned in a methane explosion at the longwall tailgate.

Out of the ashes of that terrible incident the Grosvenor miners, who are all labour hire workers, stuck together to take on One Key, Anglo and the labour hire business model.

New Lodge President Steven Hall said that since the new Lodge was officially formed, it had received strong support from the Grosvenor workforce with new members joining daily as well as from surrounding Lodges.

"It's amazing, the support we are getting from other Lodges in the area – Goonyella Riverside, Moranbah North and Grasstree just to name a few – they have just been so supportive and we are really thankful for that. It makes you feel like you're in a team, it makes you feel stronger."

A priority for the new Lodge is really getting to the bottom of what happened to cause the explosion that left five miners with severe injuries.

"You can't imagine the pain the boys on the face went through," says Steven. "To have it happen to your friends, to people you know, is really traumatising. The boys that went to their rescue, they are going to remember seeing their friends on fire, having to put them out physically with their own hands."

While the site of the explosion has been sealed and the causes of the explosion may never be known for sure, the Lodge is committed to making sure members can raise any concerns they have.

New Lodge Secretary Scott Jensen said the labour hire workforce at Grosvenor wanted to work directly for Anglo, with permanent jobs.

"I'm a strong believer in 'same job same pay'. Other Anglo mines are primarily employed by Anglo whereas we at Grosvenor are 100% employed by One Key and the pay differences are huge.

"The labour hire model is a joke. There's no job security and it leads to a lack of people that are willing to stand up and ask questions for fear of reprisal and retaliation.

"As a Lodge we are going to be fighting for permanent shirt for as long as it takes."

District President Steve Smyth said the formation of the Lodge was a remarkable achievement: "It's fantastic that these men and women have stood up, prepared to stand their ground, have a collective voice and they're all labour hire employees or subcontractors – particularly in the environment that they're working in and against a pretty hostile employer. They deserve all our support and congratulations."



## MILLION DOLLAR WIN OVER PUBLIC HOLIDAY UNDERPAYMENT

**Members at Victoria's Yallourn Power Station were backpaid shift penalties after the union challenged the way Energy Australia had calculated public holiday loadings for seven years.**

After launching legal proceedings against EnergyAustralia, our Victorian District reached a settlement which saw 100 operators receive in the vicinity of \$10,000 each, adding up to around a million dollars.

Only Mining and Energy Union members were covered by the settlement and received the backpay.

District Secretary Geoff Dyke said it was an unusual case, because members were unaware of the discrepancy in EnergyAustralia's calculations.

However, when representing a member on another matter, Geoff noticed that double time and a half public holiday loadings had been applied to base rather than normal rates, which include weekend and evening penalties.

The union then challenged Energy Australia's application of public holiday loadings over the past two Enterprise Agreements, signed in 2013 and 2017.

The company's interpretation meant that workers had effectively lost their weekend and night shift penalties when a public holiday loading was applied.

The union argued there was no basis in the Enterprise Agreement for removing these penalties.

Geoff Dyke said legal proceedings had taken nearly two years, with the company finally agreeing to an out of court settlement, thus avoiding a potential fine for breaching the terms of its Enterprise Agreement.

"This is a great result. The purpose of Enterprise Agreements is to set out the terms and conditions of employment – employers can't just interpret them in their own interests to save money," he said.

**"Many thanks to our legal team and our delegates at Yallourn for seeing this matter through and securing this great win for members. It really does pay to belong."**

The most recent Yallourn Enterprise Agreement, signed in 2020, made clear that public holiday loadings were to be applied on top of any penalties.

In another legal victory, the union successfully prevented an attempt by EnergyAustralia to vary the Enterprise Agreement to limit the applicability of a clause allowing workers a substitute day off if a public holiday falls on a weekend.

# CALLIDE MINERS WIN JOB SECURITY

**Our members at Callide mine at Biloela had a big win for job security in 2021, negotiating a new Enterprise Agreement that guarantees permanent job numbers.**

Callide Valley Lodge President Rick Hibble said that like many coal mines, Callide had seen the steady replacement of permanent jobs with labour hire over recent years.

"(Mine operator) Batchfire haven't employed a permanent in a long time. Any time someone retires or resigns they are replaced by labour hire."

Over the course of the last Enterprise Agreement, permanent production numbers fell from 245 to 223 through natural attrition.

The new EA, which was unanimously endorsed, guarantees 240 permanent jobs in production and 105 jobs in maintenance.

"Once it's ratified, we are getting those new jobs," said Rick.

"It's a good thing for some of the labour hire workers who have been here six to eight years. It provides some hope for them to know there's an opportunity to apply, that will be a great thing."

Queensland Senior Vice President Mitch Hughes, who supported the Lodge during the marathon 15-month EA negotiations, said the

new Callide agreement set a new industry standard for protecting job security. "It draws a line in the sand on replacement of permanent jobs."

He said negotiations were successful because workers were ready and willing to walk off the job, with near-unanimous support for strike action. They also had the support of labour hire workers with more joining the union during the campaign.

"Our message was we are not just fighting for our own conditions, we are fighting for the labour hire workers too. As soon as we said we'd go out the gate for their benefit as well, people joined."

In the end, Callide workers won the conditions they were fighting for without walking off the job – but their unity and determination was a wake-up call to the company, said Rick.

In addition to the permanent jobs guarantee, the new EA delivers a range of improved conditions including arbitration, a bigger say over rosters, redundancy protections and annual pay rises.

"We've never had arbitration before so that gives us important backing when disputes come up. It is a comprehensive agreement that is a testament to the unity and determination of our members," said Rick.



Callide Unions United: Rick Hibble (centre) with AMWU's Chris Harper & ETU's Karl Rutch

All in favour: Callide members vote up their new agreement



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# 'LET'S MOVE FORWARD AS ONE': NEW LODGE TAKES ON YANCOAL

**Coal miners at Moolarben underground coal mine in NSW formed a new Lodge in 2021, with members sticking together and winning significant improvements in their pay and conditions.**

The underground mine at the Moolarben complex near Mudgee in the western coalfields began operating in 2017, in addition to the existing open cut. Union Lodges are already in place at the open cut mine and washery. However when the underground mine was established, operator Yancoal struck a non-union Enterprise Agreement with a few hand-picked workers.

Since then, a determined organising campaign – helped along by hostile management – means the underground mine now has nearly 90% union density, with members establishing the new Moolarben Underground Lodge about six weeks ago.

Newly elected Lodge President Tony Dowling said that like many of the other coal miners on site, he hasn't had much union experience in the past. But with a new Enterprise Agreement due, workers knew they wanted a better deal.

The previous Enterprise Agreement for the underground mine included hourly rates which were the lowest in the District and below Yancoal's other mines, including the Moolarben open cut across the road and Yancoal's Ashton underground mine in the Hunter Valley.

"Our pay rate was way behind others. We were \$6 an hour behind Ashton with no entitlements," said Tony.

"It was a matter of approaching people and giving them the option to join the union so we could start getting fairly treated and compensated.

"We said, 'let's move together as one' and about 90% have taken that option."

Moolarben underground mine is highly efficient, with lower manning numbers delivering higher output than other operations in difficult underground conditions, says Tony.

"We produce twice as much coal with half as many blokes. We are working flat out in wet conditions.

"The seam itself is very good strata but to manage the water when you're cutting the coal is extremely difficult. As soon as you start cutting coal the water pours in ... my workmates are getting drenched every shift. You get water through your gum boots.

"It's a tough job and we just want fair compensation and treatment."

Moolarben miners voted down two proposed Enterprise Agreements put forward by the company – with strong no votes of 99% and 95%.

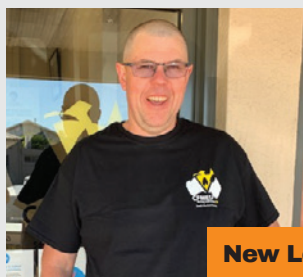
After a strong show of support for industrial action through a protection action ballot, the company improved their position offering a deal members could support.

Members won a 13% pay rise over 3 years, a cumulative retention bonus, a new production bonus structure including fixed and variable components and 50% of personal leave paid as at work.

The improvement in pay and conditions shows the power of organising from a position of strength, with a unionised workforce willing to take industrial action

to further their claims, said District Vice President Craig Carberry.

"Standing together through the union and being willing to take on the company is the only way for mineworkers to get a better deal. With a new Lodge in place, our members have shown they are up for the challenge."



**New Lodge President Tony Dowling**



## FIGHTING FOR JOBS AT TAHMOOR

**In April, hundreds of jobs at Tahmoor underground mine were secured for a decade with the approval of extension plans for the NSW mine after a spirited campaign by members.**

South Western District Secretary Andy Davey said the news comes as a great relief to the 400 directly employed mine-workers at Tahmoor, ancillary staff at the mine and workers and businesses across the community who rely on the mine. Without the extension, they would have lost their jobs in 2022 when coal reserves were exhausted.

The IPC found the expansion of the mine to extend its life for a decade was in the public interest and would deliver significant community and economic benefits.

In early 2021, members came out in force to support the extension, holding a family day outside the mine and decorating the mine fence to send a strong message about jobs.

Tahmoor miner Luke Cox said his family, with five kids, live locally with all the kids attending local schools. Closure of the mine would mean uprooting them all in order to find work elsewhere.

Apprentice Mariah Gavin said the mine supported jobs and businesses throughout the community. "We get a coffee on the way, we go to the gym, the mine supports family business all around here."

The mine extension was aggressively opposed by property developers who wanted to clear bushland and build residential property on the area earmarked for the expansion of the underground mine.

They were backed by local state MP Nathaniel Smith, who spoke out against the project and made false claims including that the extension plan would include mining directly under Bargo.

In the end, the community won out with the project's ultimate approval, said Andy Davey. "Despite a lot of fearmongering, this is a great result against a dirty tricks campaign by property developers. It reflects widespread support for the jobs and economic benefit mining delivers to this region."



# TASSIE COAL MINERS FIGHT TO PROTECT CONDITIONS

Proud MEU members at Cornwall Coal

**While the Cornwall miners earn a decent hourly rate, their bonus scheme is well behind mainland coal mines and they work in difficult conditions underground.**

**Cornwall Colliery is a small coal mine with a long history. Mining at the site began in 1886 and while there were once several coal mines across the state, Cornwall is the last remaining underground coal mine in Tasmania.**

Cornwall is a small operation with about 70 coal miners producing about 350,000 tonnes a year, which is mostly sold to parent company Cement Australia's Railton plant, fuelling the furnace that heats the limestone for cement production.

Our members at Cornwall started negotiating a new Enterprise Agreement for the site in September 2021. Tasmanian District President Ricky Gale, who has worked underground at Cornwall for 14 years, said management is

using the impending end of life of the mine as an excuse to try and cut workers' pay and conditions - including cutting back paid breaks and union meetings.

Substantial investment will be needed to establish a replacement mine and Cement Australia is threatening workers that their pay claim will put that investment at risk. But as Ricky points out, the cost of establishing a new mine will dwarf the relatively modest cost of an annual pay rise for the small workforce.

While the Cornwall miners earn a decent hourly rate, their bonus scheme is well behind mainland coal mines and they work in difficult conditions underground.

"We've got some of the worst conditions for underground coal mining, the strata is very fragile and we've had several roof falls," said Ricky.

Cuts in recent years have made it harder to coal production consistent.

"They try to cut costs all the time," says Ricky. "They got rid of the two shifts and we are now mining a single section. Downsizing the workforce and getting rid of some of the machinery restricts us from being able to produce more coal and relies on the machinery working all the time - which it doesn't. We are in a poor coal seam at the moment. They are expecting us to get the coal out, but if the coal is not there you can't work to get it out."

## NEW MEMORIAL WALL A SANCTUARY FOR GRIEVING FAMILIES

**In November, after several delays due to Covid, our Northern Mining and NSW Energy District unveiled their newly restored Jim Comerford Memorial Wall at the union's Cessnock office.**

The original wall was unveiled by Prime Minister Paul Keating in 1996. However, structural failings of the wall and deterioration of the brass plaques meant an overhaul was needed.

With support from the Mineworkers Trust - our union's charitable foundation - the District has rebuilt the wall with striking black granite plaques to honour and remember coal miners killed in the Northern District Coalfields.

After painstaking research to identify and correct any errors or omissions of names on the previous wall, it now features 1793 names. The names tell a story about the history of coal mining in the Northern District coalfields and the human toll it has taken. The youngest name on the wall is nine-year-old William France, killed at Pacific Colliery and the eldest is 80-year-old William Howes, killed at Abermain Colliery.

General President Tony Maher officially unveiled the wall before an audience of union delegates.

Tony spoke about the legacy of Miners' Federation legend Jim Comerford, who passed away in 2006 aged 93.

Jim started working in the mines as a pit boy at Richmond Main Colliery in the 1920s aged just 13. His firsthand experience of the brutal Rothbury Riot in 1939 - where police fired on locked out coal miners - reinforced a lifelong commitment to the union and the working class.

Jim was District President for 20 years from the 1950s through to the 1970s, using his intelligence and commitment to build a strong and effective union that substantially improved working and living conditions for coal miners. His legacy lives on as the District continues to serve coal miners and mining communities with the same spirited determination.

Tony Maher reflected on the importance of the District's annual Memorial Day at the wall as an event for the community to come together, remember its history and support grieving families, but as he noted, the Memorial Wall also provides a place of solace and remembrance all year round.

"This wall depicts the true cost of the coal that we mine. The union and its charitable trust has spent a significant amount of money on the original Jim Comerford Memorial Wall and now this beautiful incarnation.

"The fact that it sits in the grounds of the union office in Cessnock but is available to the community all year round means that people can come to Memorial Days or visit in more private circumstances any time that suits. It shows what a gift it is from the Mining Union to the mining community of the Hunter. It is a gift that should live on forever."





# CLASS ACTIONS UNDERMINED AS ONE NATION SELLS OUT CASUALS

Thousands of casual coal miners will be denied justice after the Morrison Government and One Nation teamed up in March 2021 to push through laws that overturn our union's important court wins giving rights to casuals.



## Who teamed up in Parliament to overturn casual miners' work rights?

A: LNP with crucial One Nation vote

B: Bunch of gutless lackeys to the big mining and labour hire companies

C: Politicians who love hi-vis dress-ups more than actual mineworkers

D: All of the above

The Government was forced to ditch much of its anti-worker IR Omnibus Bill due to lack of support from cross-benchers, but passed new laws on casualisation with the support of One Nation Senators Malcolm Roberts and Pauline Hanson.

The changes were explicitly designed to overturn rights for casual mineworkers along with opportunities for backpaid entitlements, which were delivered by the Skene and Rossato Federal Court rulings.

Our union has spent many years and substantial amounts of money proving in court what is well known across our coalfields.

That is, that mining and labour hire companies have for years been ripping off casual mineworkers whose jobs are, in real terms, permanent jobs.

The landmark Skene and Rossato decisions determined that casual mineworkers with full-time hours and rosters set many months or a year in advance were not genuine casuals, and that they deserved permanent entitlements like annual leave.

They found it was the reality of the work arrangements that determined whether a worker was casual or permanent, regardless of the words in the contract. The vast majority of mining casuals work regular full-time hours on rosters set many months in advance.

Workers across the coal industry have been buoyed by these successes which clarify that the 'permanent casual' work model is unlawful.

These rulings opened up the opportunity for backpay claims and have underpinned class actions aimed at winning justice for exploited casuals through securing backpaid leave entitlements.



Our legal team defending casual miners rights in the High Court

Our union had launched one such class action against WorkPac and class action law firms have launched several others. But these class actions – and future claims for rightful compensation – were dealt a cruel blow by the new casual provisions.

The new legislation enshrines a retrospective definition of casual in the Fair Work Act based on the words in the employment contract, not the reality of the working conditions.

The definition says in part: "The question of whether a person is a casual employee of an employer is to be assessed on the basis of the offer of employment and the acceptance of that offer, not on the basis of any subsequent conduct of either party".

This definition is specifically designed to protect employers from facing the financial consequences of unlawfully employing permanent workers as casuals over many years – and allow them to continue doing so.

Because the laws are retrospective, even though the Federal Court found that casual coal miners were not genuine casuals, the

Government has changed the law to make it legal – even for those employed as casuals years ago.

Hopes for casual miners were dealt a further blow in August, when the decision in a High Court Rossato Appeal backed by the Federal Government wound back important wins established in the Federal Court.

National Legal Director Alex Bukarica said all casual miners had been sold out by the new laws.

"These changes have sold out the interests of tens of thousands of workers and only benefit labour hire companies and big business.

"All our hard work and investment over many years to clarify the law and win justice for casuals has been severely compromised by a vote in Parliament.

"The Morrison Government and One Nation have shown their true colours. We will keep fighting for casuals but the only way to fix these unfair laws now is a change of government."

# THE GOOD, THE BAD AND THE DODGY: WHAT YOU SHOULD KNOW ABOUT ENTERPRISE BARGAINING

**Collective bargaining over decades has delivered pay and conditions for coal miners well above legal minimums. But now, labour hire companies use sham bargaining to drive conditions down. Here's your guide to how the system works – and where it is failing.**

## 1. Collective bargaining gives workers a chance to get a fairer share of profits

A boss and an individual worker don't have equal bargaining power, especially in the mining industry where the employers are often big multinationals. That's why having the right bargain collectively through unions is recognised under international conventions as essential to giving workers the opportunity to achieve a fair deal at work.

Under Australia's Fair Work Act, enterprise bargaining is a way for workers to band together to get a fairer share of the profits of a business, beyond the legal minimums in industry Awards and National Employment Standards.

Decades of collective bargaining in the coal industry has delivered EAs with substantially better pay and conditions than the Black Coal Industry Award, with pay rates about a third higher and improved protections in areas from shift penalties, allowances and leave arrangements to rostering, notice and termination.

Collective bargaining allows workers stand together through their union, assert their rights and apply pressure – through industrial action if necessary – to get a better deal.

## 2. Labour hire companies use 'sham bargaining' to game the system

Mining companies have sought to get around union collective bargaining by undercutting permanent workers with labour hire. Many labour hire companies simply want an Enterprise Agreement to lock in low rates so they can bid for contracts and undercut permanent workers – all at the direction of the mining companies who hire them. Once a valid EA is in place, workers can't take any lawful industrial action to improve their conditions for the term of the agreement, which is usually four years.

The minimum conditions for an enterprise agreement are that there are at least two employees covered by it and it passes a Better Off Overall Test (BOOT) and some procedural steps.

Labour hire companies often game the system by setting up a new company, hiring a couple of workers and saying to them 'there's a job for you but we need this Enterprise Agreement, and we'd prefer not to have the union involved, keep it quiet'. The workers are given documentation that they've had no input into and told they will be asked to vote for it in 21 days, which

is the minimum 'consultation' period.

Once the boxes are ticked and the Fair Work Commission (FWC) approves it, the Enterprise Agreement voted on by just two, five or ten people can be used to employ many hundreds or even thousands of workers.

This tactic is used not only by fly-by-night contractors. BHP's in-house labour hire outfit Operations Services had two agreements voted on by a few non-union iron ore mineworkers in the Pilbara, which were intended to cover thousands of coal miners on the east coast.

The union has successfully challenged many of these dodgy non-union EAs in the mining industry – like BHP Operations Services agreements. There is a small window after they have been lodged when the Commission is considering whether it meets the BOOT and procedural requirements, where we are able to challenge them. The Mining and Energy Division has made this a priority and had considerable success in knocking off EAs or making employers go away and improve them.

## 3. Many Enterprise Agreements are deeply unfair, but still legal

However, there are many EAs in the mining industry which don't breach any laws but still lead to very unfair outcomes.

The BOOT only requires EAs to ensure workers are better off than the Award, not industry standard pay and conditions which are much higher due to successful union collective bargaining. This is a failure of the system that leads to workers doing the same job but with vastly different pay and conditions, because they're employed on different EAs.

Further, the FWC regularly approves EAs that allow for casual work, even though casual work is not allowed for under the Black Coal Award. While EAs must be better off 'overall' than the Award, under the Fair Work Act they don't need to contain every Award provision. So by paying an hourly rate slightly above the Award minimum with a 25% casual loading, the FWC can and regularly does decide that workers would be better off overall than the Award and give their stamp of approval. This is despite strong arguments from the Union about the detrimental nature of casual work and the fact that workers have the double whammy of precarious work and pay well below industry standards.

We have pursued different legal strategies to address the 'permanent casual' rort.

## 4. The Union can't veto EAs we don't like

The Union can challenge EAs we believe don't meet legal requirements. We have successfully challenged well over 50 EAs in the mining industry, mostly labour hire companies, which don't meet requirements in terms of content or proving workers genuinely understood what they were voting on.

However, if EAs are voted up by a majority of workers and meet the legal requirements set out by the Fair Work Commission, then generally the Agreement is made and it is valid. The Union can't veto it, even if we believe it is unfair and shouldn't be approved because it is well below industry standards.

Sometimes the Union is named in labour hire EAs so that we have the right to represent union members covered by it. We may negotiate on behalf of members, or recommend a vote for or against. However, EAs only become valid by being voted up by a majority of employees and approved by the Fair Work Commission – the Union plays no role in their approval.

## 5. We need fairer workplace laws

To stamp out sham enterprise bargaining in the labour hire sector, we need fairer workplace laws. Industry Awards should be more closely aligned to industry standards so that businesses aren't able to exploit the discrepancy in industries like coal mining. The Better Off Overall Test should reflect going rates in the industry.

'Same job same pay' laws for labour hire workers, as Federal Labor has recently committed to, would stamp out the business model where workers side by side can receive vastly different pay and conditions.

And we need a definition of casual in the Fair Work Act that reflects the actual nature of work performed, not just the label in the contract.

## 6. Higher union density delivers better outcomes in bargaining

The benefits of collective bargaining aren't automatic. Big companies don't just automatically decide to share their profits fairly with workers. The best outcomes are achieved when more workers are in the union – that's because they have the solidarity and support they need to assert their rights, which may sometimes include taking protected industrial action.



## PILBARA TRAIN DRIVERS GET ORGANISED

**Iron ore train drivers in the Pilbara are exhausted. They've borne the brunt of a sector booming in the middle of a pandemic - leaving some stuck over east chewing up leave and some doing double the work in 45 degrees in the west.**

Now, train drivers in the Pilbara are getting organised to address long-running issues including inconsistent rates of pay, demanding rosters, automation and camp conditions.

In 2021, our WA District took on a new organiser covering Pilbara Rail and Warren Johncock has hit the ground running.

Our Lodges here in the Pilbara have been reconfigured, with Rodney Slapp stepping up as new President of our new Rio Tinto Pilbara Lodge and Justin Parry as new President of our BHP Pilbara Lodge.

Our iron ore train driver members drive gigantic trains carrying millions of dollars of ore from mine to port, but border closures on punishing rosters have seen one in five workers leave the industry in the past month.

Rodney, Justin and Warren are leading a committed effort to rebuild union strength in the iron ore sector after the anti-union push by Rio Tinto that destroyed collective bargaining and forced workers onto individual contracts in the 1990s.

Warren is regularly in the Pilbara for meetings with workers and all Pilbara train driv-

ers are encouraged to follow the Pilbara Rail Round Up (@railroundup) page on Facebook for news and meeting details.

Heading into Christmas, our members at BHP had a fantastic win. BHP has rebuffed multiple requests to come to the bargaining table even the current enterprise agreement is seven years old and expired in 2018.

Drivers were forced to use 'Majority support' provisions in the Fair Work Act to require the company to negotiate a new agreement. Almost seventy percent of the workforce - including union members and non-members - signed a petition calling for the company to bargain with the Mining and Energy Union as their representative. The Fair Work Commission determined that there was majority support among the workforce for bargaining and BHP has agreed to start talks in 2022.

Through their Lodge, train drivers will now develop a log of claims but have already raised a range of issues they are seeking to address through bargaining including wage parity - currently drivers can receive pay packets up to \$50,000 less than another doing the same jobs, depending on their start date.

Roster changes have been highlighted during COVID, with many drivers now struggling with fatigue due to less time off. Training and the ability to gain recognised qualifications is another issue drivers have raised.

West Australian Secretary Greg Busson said now that BHP has been forced to bargain, he was confident 2022 will bring positive change for train drivers.

"Now these workers have exercised their rights to bargain collectively with union representation, I hope BHP can come to the table with a grown-up attitude to resolving workplace issues," he said.

"Standing together is the only way that workers like these iron ore train drivers are able to improve their position against a mining giant like BHP."



**Rio Tinto Lodge President Rodney Slapp**



## FAREWELL CLARK - TRAGEDY AT CURRAGH



**Our friend and comrade, coal miner Clark Peadon was tragically killed at Curragh Mine near Blackwater in a dragline accident early on Sunday 21 November.**

Clark was an experienced dragline operator, a long-term union member and Vice President of the Curragh Lodge.

District President Stephen Smyth paid tribute to Clark as a committed unionist and highly respected coal mineworker.

"Clark was extremely well liked and regarded by his workmates and his union family. He was also a much-loved husband, father and community member.

"Coal miners everywhere are shattered by this news.

**"On behalf of the whole union, we extend our deepest condolences to Clark's loved ones."**

"They have our full support."

Clark was killed while performing cable relocation work on the dragline. The accident is being investigated by all relevant authorities and our Industry Safety and Health Representatives are also conducting a thorough and independent investigation.

Clark's death comes after Graham Dawson was tragically killed in a roof collapse at Crinum underground mine in September.

# VACCINE MANDATES CHALLENGED AS COVID SPREADS

As 2021 drew to a close, members were grappling with the impact of Covid-19 across our industries. The Union's position is to oppose vaccination mandates imposed by the employer, where there are no public health orders in place.

During 2021, public health orders covering the mining and energy industries were introduced in Western Australia and Victoria. Legal advice obtained by the union confirmed that public health orders requiring vaccination are lawful. Public health orders have not been successfully challenged in any jurisdiction.

With no public health orders in place covering NSW and Queensland, we challenged the mandatory vaccine policy introduced by BHP requiring all employees, contractors and visitors to be vaccinated as a site access requirement.

In December, the Fair Work Commission ruled in favour of our argument that the mandatory vaccination policy introduced at NSW's Mt Arthur mine was not lawful or reasonable due to lack of consultation with workers.

In a lengthy judgment, the full bench found that BHP had breached its health and safety obligations by failing to reasonably consult with workers about the policy in line under state health and safety laws as well as the terms of the Mt Arthur Enterprise Agreement.

However, the FWC also provided a guide for BHP to meet consultation requirements to implement the policy at Mt Arthur, which the company subsequently did prior to Christmas.

Our Queensland District has also filed a dispute in the Fair Work Commission regarding the implementation of BHP's mandatory vaccination policy at Queensland coal mines, with a decision expected as we went to press. The vaccine mandate in Queensland mines comes into effect on 31 January.

The union's view is that mandatory vaccination policies are heavy-handed and that vaccination should be encouraged through education and incentives and COVID safety must be ensured through a full range of control measures.

"We encourage people to get vaccinated to protect their own health in discussion with their doctor; but mining companies can't rely only on vaccination as a silver bullet to keep workplaces safe," said Queensland District President Stephen Smyth.

"Coal mines need a full range of Covid safety measures including screening through rapid testing, social distancing, provision of N95 masks and deep cleaning.

"We have a highly contagious variant spreading through our industry and regions and yet Covid safety measures have declined, not improved.

"We'll keep fighting for safe workplaces that also respect workers' rights."

**COVID VACCINES: WHERE DO WE STAND?**  
Vaccination should be **voluntary not mandatory** in mining and energy workplaces

Workplaces must maintain a **full range of COVID controls** and **consult with workers and safety reps**

We encourage members to **get vaccinated when available** to protect yourself, your family and workmates

If you have questions or concerns about vaccines, **talk to your Doctor**

SEE OUR FULL STATEMENT [me.cfmeu.org.au](http://me.cfmeu.org.au)



## BHP job mandate rejected

Nick Bonyhady

Mining giant BHP's attempt to require all staff at a Hunter Valley coal mine to be vaccinated against COVID-19 has been rejected by the national industrial tribunal in a blow to private sector job mandates.

The Fair Work Commission found BHP had failed to properly

urgency as new Omicron cases found **NEWS PAGE 14**

consult its staff, including by giving them access to data, and could not show its mandate was reasonable.

The mandate was challenged by the Construction, Forestry, Maritime, Mining and Energy Union. **FULL STORY NEWS PAGE 15**

**The FWC ruled BHP's vaccination mandate unlawful, but gave the company a pathway to comply with consultation requirements.**

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**Russell Robertson,**  
Labor candidate  
for Capricornia



**Dan Repacholi,**  
Labor candidate  
for Hunter



# COAL MINERS RUN FOR FEDERAL PARLIAMENT

Two Mining and Energy Union members are running as Labor candidates for key coal mining seats in the federal election due by May 2022.

**Russell Robertson, a coal miner at Goonyella Riverside at Moranbah in Central Queensland, is running for the seat of Capricornia that stretches from Rockhampton up through the coal fields. Russell is a third generation coal miner, following his father and grandfather into the industry.**

During a downturn in the 1990s, Russell spent a decade travelling from town to town across the Bowen Basin – Moura, Dysart, Capella, Clermont, Emerald – working on short contracts in coal mines. Getting a permanent job at Goonyella Riverside changed his life, allowing him to settle down in Moranbah where he has raised his family with wife Denise.

Russell has seen firsthand how the widespread replacement of permanent jobs with casual labour hire by big mining companies has affected the community and the workplace.

“We’re now in a job security crisis - where thousands of workers can’t get home loans, can’t plan for the future and can’t take the day off if they or a loved one are sick,” says Russell.

“Worse still, it has made our workplaces less safe because casual workers are afraid to speak up about safety issues for fear of losing their jobs.

“It’s time we pushed back against this - against the labour hire companies and mine owners that are ripping millions of dollars out of the CQ economy every year and hurting local families - and against the Liberal and National politicians that support them.”

**Dan Repacholi is a Hunter Valley local, raising his family in Cessnock with wife Alex. He is running for the seat of Hunter, covering Singleton, Cessnock and Muswellbrook, currently held by Joel Fitzgibbon who is retiring at the next election.**

Dan is a fitter by trade and moved to the area from regional Victoria to enter the coal industry, working at Mt Thorley Warkworth mine where he became an active member of the Lodge.

**“We need coal miners  
in Parliament to  
represent coal  
communities and  
that’s what I’m  
determined to do.”**

Dan is best known as an elite sportsman and has competed in multiple Olympic and Commonwealth Games as a sports shooter. The union Lodge and District were delighted to support him at the London Olympics and Glasgow Commonwealth Games, with all members taking pride in his achievements as a local coal miner, on the world stage.

Dan has moved on from Mt Thorley Warkworth mine but has maintained a close association with the coal industry, working for a mine machinery supplier.

**Russell and Dan are strong advocates for the coal industry and for workplace laws to end the toxic labour hire business model that has eroded wages job security in the industry. Labor has committed to introducing ‘Same Job Same Pay’ laws so that labour hire coal miners can’t be paid less than permanent direct employees; and a fair and objective test based on the reality of the work arrangement to determine if a worker can be classified as casual.**

Dan Repacholi says coal mining jobs are critical for the Hunter, with many relying directly or indirectly on the industry. But permanency needs to be restored as the norm, not the exception.

“There’s too much casual labour hire, it undermines wages and job security for everyone. I believe we can have a strong coal industry and permanent, local jobs. We can have laws that stop mining companies paying workers less just because they’re labour hire.

“We need coal miners in Parliament to represent coal communities and that’s what I’m determined to do.”

As we went to press in the start of 2022, both candidates were focused heavily on supporting their communities through the severe Covid outbreak, with residents unable to access rapid antigen tests, testing centres overwhelmed, health services under strain and businesses struggling with staff shortages and lack of support.

# NATIONAL CONVENTION

**National Convention brings together hundreds of delegates from mines, power stations, ports and coal terminals around the country to set our direction every four years.**

Things were very different when we came together in 2021. For the first time, due to COVID, we met in state-based hubs over three days, relying on technology to bring over three hundred rank and file representatives together from locations in Perth, Cessnock and Mackay.

We were disappointed at not all being together. But the technology went to plan and we were able to have genuine national discussions and make important, collective decisions.

The first agenda item was the question of whether to apply for a member ballot to leave the CFMMEU and become an independent Mining and Energy Union, which was unanimously endorsed by delegates.

We heard reports from all Districts on membership, current challenges and industrial disputes. It was encouraging to hear about all the work happening at the District level to grow our union, represent individual members while also fighting to maintain and raise standards in our industries.

We heard from our Unite organisers around the country about their work, which includes the hard yards of engaging and educating non-members about the value of the union and supporting their journey towards joining.

Legal Director Alex Bukarica reported on the important work of our legal and industrial team including recovering \$9.9 million in backpay and entitlements for members since our last Convention, in addition to funds recovered by Districts.

We heard from all of our industry check inspectors on the latest pressing safety concerns from mine dust management to traffic management in open cut mines, the deadly risks of arc flash events and gas management in underground mines.

We had an in-depth report on the state of our industries by Research Director Peter Colley and a discussion about union policies to support members' jobs.

Our Cessnock hub dinner was addressed by Federal ALP leader Anthony Albanese, who outlined Labor's commitment to ending the 'permanent casual' rort in mining and legislating 'same job same pay' for labour hire workers. Senator Murray Watt addressed the Mackay dinner where he acknowledged special guest Paul Skene, our member who was the claimant in the landmark WorkPac v Skene Federal Court decision.

Delegates proudly wore their yellow convention shirts with a fantastic Indigenous design by our member Chris Dodd from our Anvil Hill Lodge.

**Many thanks to delegates around the country for making Convention 2021 a success.**





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## “I HAVE HAD A SAFE CAREER AND I WANT THAT FOR ALL MINEWORKERS”

**Sara Hines was intimidated when she took on the role of site check inspector (SSHR) at Curragh mine near Blackwater.**

She knew there would be a steep learning curve to understand all the safety hazards on site, become familiar with legislation, policies and procedures and get comfortable dealing with site senior executive and inspectors.

But two and a half years into the role, her confidence has grown and she's passionate about improving safety at Curragh and across the industry.

The great job Sara is doing as SSHR was recognised by her employer Coronado who nominated her in the Exceptional Tradeswoman/Operator/Technician Category in the Queensland Resources Council's International Women's Day Awards.

Sara is one of four female check inspectors in the Queensland coal industry, but she hopes to encourage more women to put their hands up for the challenging but satisfying role.

It involves conducting safety inspections, reviewing procedures, reporting unsafe practices generating a monthly report and fielding regular calls from fellow coal miners about safety issues – all in addition to her role as an operator.

“When the previous SSHR moved on, my workmates encouraged me to stand for the role as I was always speaking up about safety,” she said.

“I am looking forward to staying in the role for the long-term as I believe that the knowledge developed over time about safety issues across the mine is extremely valuable – from cleaning to emergency response to drill and blast.

“Safety of workers is our industry's most important challenge as we have tragically experienced at Curragh. I have had a safe career and I want that for every coal mine worker.

“Not speaking up about safety can be a challenge in the mining industry as people don't want to draw attention to themselves. I work hard to build relationships with people so that no-one on site will ever feel they didn't have someone to talk to about safety.”

Sara has worked in the coal industry for 16 years and is looking forward to staying in the industry and at Curragh for the rest of her working life.



Sara Hines

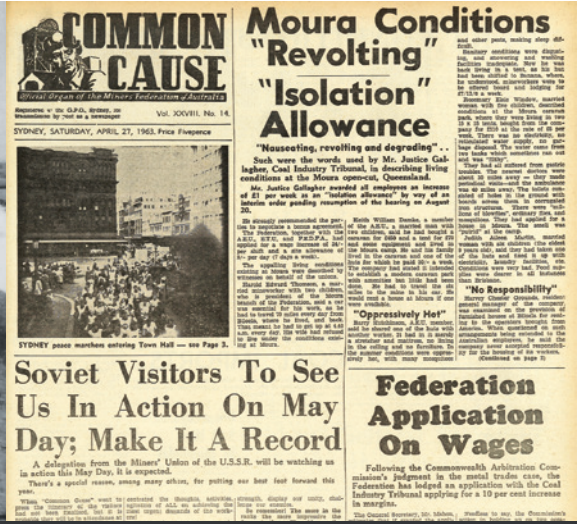
**“Mining is a great industry and women should be able to take up all the opportunities it offers.**

**Sometimes, women can be reluctant to put themselves forward due to lack of confidence**

**but whether it's SSHR, delegate or training opportunities – my message is to go for it.”**



Miners' accommodation at Moura in 1962



# HOW ONE WOMAN, A DRAGLINE AND A BOTTLE OF WATER HELPED WIN HOUSING FOR MOURA

**Unionised miners and their families have fought hard over decades to win decent housing and living conditions in central Queensland coal fields. Here's the inspiring story of one woman who took on a mining giant in 1963 armed with a bottle of water.**

In the late 1950s, the world economy was booming and Japanese steel mills desperately needed coking coal – that drove major development in Queensland's Bowen Basin coal.

Coal mining in Moura was kicked off by a multinational joint venture between Australians Thiess, Americans Peabody and Japanese Mitsui.

Former General Secretary Andrew Vickers explains that the American companies driving the coal rush were staunchly anti-union, but unfortunately for them, Queensland's coal industry was strongly unionised.

"They were ticked off about that, the Japanese weren't much better and Thiess, the Australian entity, were a ruthless right-wing hard-nosed bunch of employers who'd been mining coal at Callide prior to them entering the joint venture at Moura.

Thiess refused to provide accommodation – even though Moura was a tiny town with no accommodation or facilities. They even sold the miners tents at an exorbitant price.

Conditions were horrendous. Families lived in tents that were set up outside the front gates of the mine – or for the lucky few, corrugated iron sheds. There was no running water, power or refrigeration. They used pit toilets that overflowed and became a quagmire when it rained.

At the time, 5-months pregnant Judith Martin was making a home for her 6 daughters in a lined tin shed while her husband worked at the mine.

The boss at the Joint Venture was a Peabody man. When he was approached by the Unions about providing housing for workers his response was clear - he said "we are here to mine coal, not build houses."

Says Judith: "that was his attitude, and that was his attitude when I went down to Court, too. They weren't worried about their employees because that's how they lived in America – that got up our noses – to think that's how they wanted us to live, they didn't care about families."

Unions, local, state and national, looked for the opportunity to do something to put pressure on the company. At the end of 1962, the Union sprung their trap.

The first walking dragline to be used in Australia was due to walk off its construction pad in Moura, with a whole host of Government and other dignitaries there to see it. The miners went on strike, and that stopped the dragline walking.

The Minister for Mines declared it was a communist plot. When the miners refused to go back to work the Coal Industry Tribunal intervened to make an inspection. That led to the 1963 arbitration.

Judith appeared as a witness at the Arbitration Court hearing in Brisbane, bearing a trump card.

It was one thing to talk about how cloudy and dirty the water was, but the Judge needed to see what they were actually drinking, so Judith took a bottle of the local water with her and presented it to Judge Gallagher.

The Judge responded that if he had to drink that water he would make sure he had a bottle of whisky handy.

The Americans were about to learn that they had indeed come to Australia to build houses. After some dragging of heels, construction of housing for mineworkers at Moura began.



Judith Martin with her daughter Kim

Judith went on to have a happy life in what became a thriving town. Nearly all her daughters, and some of her granddaughters, continue to live and work in the town or in other Queensland mining towns.

She has not forgotten the camaraderie of the town, nor the support they were given by Union leaders such as John Currie and Cyril Vickers.

Cyril's son, Andrew, says that the 1963 strike changed worker's conditions in the Bowen Basin forever, in Moura and beyond, in places like Blackwater and then in the early 1970s to brand new mining communities in Moranbah, Dysart, Middlemount, Tieri and so on.

"Moura was the start of it. There are a number of thriving communities literally hacked out of the bush all because of the miners' victory at Moura."

**Listen to Judith's story at the Mining and Energy podcast, go to [commoncause.cfmeu.org.au/podcast](http://commoncause.cfmeu.org.au/podcast)**



# THE COAL MARKET IS VOLATILE – AND WE ARE NOT TALKING ABOUT ENERGY CONTENT!

**In a world that is already in a lot of turmoil over COVID-19, the term “volatile” is used to describe the coal industry more than most others.**

**In very simple terms that coal industry is looking at just about its best year ever for 2021-22, but beyond that the debate seems to be about how much of a downturn there will be.**

The Omicron variant of the COVID-19 virus has caused havoc in Australia since mid-December 2021, putting paid to optimism about a strong economic rebound. It's hard to summarise the impact of Omicron globally, but it has certainly crimped global growth.

The coal market is subject to two further massive variables – China's Informal ban on Australian coal, and the impact of national climate policy and those of other countries.

The short term is simpler, so let's start with that. Prior to Omicron really hitting, the coal industry was on its way to all-time highs for 2021-22. The federal Department of Industry's Office of the Chief Economist was forecasting – in mid-December – that total coal export revenues would reach around \$84 billion – with coking coal bringing in \$54 billion and thermal coal \$28 billion. That's compared to \$23b and \$16b respectively in the previous year.

That's the result of sky-high prices that are falling only moderately over the course of 2022. The OCE forecast is for an average coking coal price of US\$222 per tonne over 2022, and US\$120 for thermal coal.

These price levels, even with relatively stable volumes, will produce bumper profits for the coal companies.

But . . .

While the China ban continues, for the moment world markets seems to have reconfigured around/ over that hurdle. China has gone from being the second biggest market for Australian coal to being no market. But Australia is selling more coal to other countries while other suppliers to other countries are selling more to China.

In this case at least, and for the time being, China's efforts to punish Australia through direct manipulation of world markets seem to have been defeated by the flexibility of international markets. But with China producing half the world's coal, long term trends will continue to be strongly influence by what China does.

If China succeeds in its stated goal of reducing coal use, it will affect the global market.

Which brings us to the issue of other major markets for Australian coal. The big one is India and, while it is strongly growing domestic production, it will import more. Growth is occurring in south-east Asian countries like The Philippines and Vietnam, but these countries are slowing their coal growth plans in favour of more gas and renewables.

The current big markets for Australian coal beside India are Japan, Korea and Taiwan. But all are curtailing their coal import usage, due to a combination of climate targets (eg Japan and Korea aim to have net zero emissions by 2050) and renewables becoming ever cheaper.

So . . . although there is growth in the next one to two years, beyond that prospects look more difficult for coal.

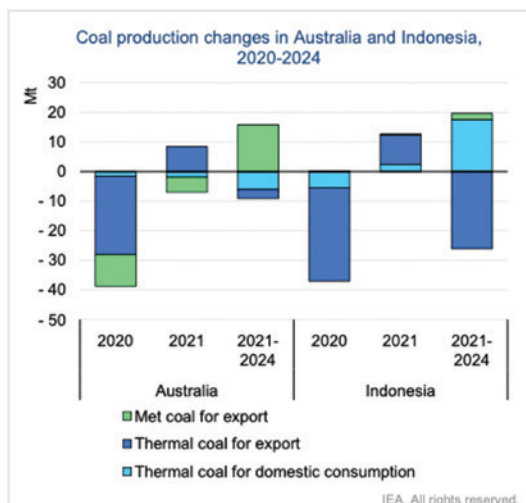
Interestingly, the International Energy Agency normally issues a five-year medium term forecast for coal in December each year. But in 2021 it issued a forecast that goes only to 2024. It seems to have considered it too difficult to forecast credibly beyond that.

Its forecast for Australia shows thermal coal going into modest decline, while there is short term growth in coking coal production. But the numbers are not large in either case. In the chart, which includes Australia's biggest competitor Indonesia, you can see decline in domestic consumption and in thermal exports, offset by growth in coking coal.

The IEA says growth of world coal in 2021 and 2022 is NOT consistent with the world achieving net zero emissions by 2050.

That requires coal consumption to fall by about 20% by 2024.

We are now at a point where coal production and forecasts cannot occur without discussing climate and energy policy at the same time. In 2021 the nations of the world appear to have committed more strongly to reducing emissions as part of slowing global warming (see separate article) so it all depends on how genuine they are.



**PETER COLLEY**  
NATIONAL RESEARCH DIRECTOR





# GOULDY FOR THE ARCHIBALD?

**Long-term activist Nigel Gould is hoping to be the first member of our union to feature in the prestigious Archibald portrait prize.**

**He's had his first sitting with Victorian artist Kaye Levannais for a portrait intended to capture his character, his mining experience and his commitment to making the world a better place.**

Nigel's mining career has taken him around the country from far north Queensland to western New South Wales to remote Northern-Western Australia.

While he is paid to operate giant high-tech machines, his real vocation is building and supporting the communities around him – whether through charity fundraising, political activism or standing up for the rights and conditions of his workmates.

A long-time Mining and Energy Union member, Nigel comes from the tradition of union activists who have fought to make sure that the communities that host mining operations aren't left behind.

His first job in the mining industry was in Weipa on Queensland's Cape York Peninsula where Rio Tinto (then CRA) runs a large operation mining bauxite, a key ingredient in aluminium.

Two of the five children he has with wife Christine were born in the tropical mining town and his family saw firsthand how important it was for the remote community to have access to medical facilities.



**Movember legend**

In two separate medical emergencies, his wife Christine and baby daughter Melanie each needed to be transported to Cairns for treatment by the Royal Flying Doctor Service aircraft.

Out of gratitude – and noticing the RFDS aircraft could do with an upgrade – Nigel with a group of mates established a fundraising tradition that would win them international acclaim.

Nigel and his group of mates established Weipa's 'Running of the Bulls' - a nude 2km charity fun run in the dead of night – which started small in 1993 and turned into a world-renowned event over eight years, raising thousands in donations each year. The Running of the Bulls committee earned recognition in Australia Day Awards, being recognised as the best charity organisation for the community.

During his time at Weipa, Nigel was a union leader during the nationally significant industrial dispute over Rio Tinto's aggressive attempt at deunionisation by moving workers onto individual contracts, which saw non-unionists paid more.

It saw Nigel and others take to the water in a flotilla of tiny boats to stop the passage of giant ships carrying the valuable loads of bauxite.

The victory of unionists at Weipa to establish the principle of equal pay for equal work and outlaw discrimination against union member is recognised to this day as a game-changer for working people's right to organise.

Since then, there haven't been many dull moments in Nigel's life! He has run for Federal parliament twice winning a 10% swing against the incumbent, fought and won an important test case over superannuation while working for a building contractor and has been nominated to represent employees on the Rio Tinto Superannuation Fund Trustee Board.

He famously earned his nickname, 'Honest' Nigel Gould, over events that hit the front pages in 2004. While at work at a waste transfer station in Brisbane, he found a leather bag discarded in the garbage. It was stuffed with bills – at least \$20,000.



**Nigel was a union leader during the nationally significant industrial dispute at Weipa**

When the distraught owners came looking for it, he handed back the bag with its contents completely intact. The newspapers branded him 'honest' Nigel and the nickname has stuck.

Having lived and worked around the country, Nigel has settled in Melbourne with Christine, travelling to and from Rio Tinto's Yandicoogina iron ore mine near Newman in the Pilbara as a FIFO (Fly In Fly Out) miner.

His role is to travel around the pit overseeing the running of giant autonomous trucks. He is also a 'peer support' officer to help workers struggling with mental health issues, which are rife in an industry which sees workers away from home living in camp accommodation for weeks on end. His experience in the FIFO industry, including its disturbing suicide rate, has driven his great passion for supporting Movember for men's health.

Nigel will use his portrait, set to be complete in 2022, to drive fundraising for the two causes closest to his heart, Movember and the Royal Flying Doctor Service.



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# 2021 SAW BIPARTISANSHIP ON CLIMATE POLICY (REALLY!)

**The major parties won't agree, but 2021 saw significant alignment by the Liberal Party, National Party, and the Australian Labor Party on climate and energy policy. This has implications for the future of many industries and communities, not just those in coal.**

In case you missed it, most of this century so far has been characterised as 'the climate wars' in Australia. It has cost multiple Prime Ministers and Leaders of the Opposition their job, and has been a factor in many elections, from the Rudd landslide in 2007 through to 2019 where Labor lost, despite the opinion polls favouring them.

For some years now the LNP has had a target of reducing greenhouse gas (GHG) emissions by 26-28% below 2005 levels by 2030, and claims to be over-achieving on it. But the decisive shift in 2021 was that the Morrison Government committed to achieving net zero emissions across the Australian economy by 2050. It did this as part of the minimum commitment it could make at the 'Glasgow COP26' (26th Conference of the Parties) at the annual United Nations' climate negotiations. Glasgow saw most of the developing world – including China and India – join the developed world in committing to reduce global warming by reducing GHG emissions to zero

On the other side of federal parliament, the ALP in December released a climate policy that formally committed the party to reducing emissions by 43% by 2030, as well as restating its earlier commitment of net zero by 2050. The Powering Australia policy also committed the party to reducing power bills and creating hundreds of thousands of new jobs, most in regional Australia.

On top of these positions, or perhaps because they have taken so long to happen, State Governments of all colours have also been implementing net zero policies, as has the Business Council of Australia representing Australia's biggest companies from Qantas to BHP.

So the current situation is that all major parties and Governments, supported by big business, are pushing in the same direction on climate and energy, and the arguments are about how fast we



get there, how much social justice is involved, and what mix of markets and regulation are used.

While there are some voices in minor parties and even in within federal LNP ranks opposing net zero, it is important to keep in mind that votes for conservative minor parties like One Nation and United Australia Party ultimately flow back to the LNP and those protesting Net Zero from within the government are bound by government policy. They are just posturing and will have no effect.

While the current LNP government has no real plan to achieve its stated policy, they have a record of making policy that benefit big business, with little regard to the rest of society. Also, the fact that the Morrison government has committed to net zero policy will result in all independent regulators now incorporating that policy into their regulations and planning. For example, the Australian Energy Market Operator has already released a draft plan that builds-in net zero by 2050.

Achieving net zero is about a lot more than coal-fired power and even the much larger coal exports. It's about transport, agriculture, office buildings, factories, shops and homes. Even the National Farmers Federation, hardly a bastion of progressive politics, has said it supports net zero emissions by 2050. And that's even though the solutions to commercially reduce methane emissions from cows don't exist yet!

The increased commitment to emissions reduction, both nationally and internationally adds to uncertainty over the future for the coal industry and coal communities in the decades ahead. The Glasgow Pact (final document) called for the phase down of unabated coal power – the first time that coal has ever been directly mentioned in the negotiated outcome.

But the Glasgow Pact also has a lot on Just Transition – it gets multiple mentions at key points rather than just the single mention in the preamble of the previous 2015 Paris Agreement.

The term Just Transition has been bandied around as a smokescreen by those seeking to shut down the coal industry – leaving workers and communities understandably cynical.

Supporting coal workers and communities through future structural change in the economy – whenever that may come – will be a long-term project requiring hard work and significant investment.

It is a positive step that the Glasgow Pact states that all governments, in their mandatory Nationally Determined Contributions, should state how their strategies to reduce emissions integrate just transition to support affected workers and communities.

Prices are high, demand is healthy for now and the coal industry will be around for a while yet. But as with many parts of the economy here and around the world, decarbonisation means there is change ahead. Hopefully, the end of the 'climate wars' means our politicians can move past empty rhetoric and focus on investing in jobs, skills and industries – those we have now and those we will need to sustain our communities for generations into the future.

**PETER COLLEY**  
NATIONAL  
RESEARCH  
DIRECTOR





# MATES IN MINING

## Preventing Suicide in the Mining Industry.

**MATES in Mining is an evidence-based suicide awareness and prevention program for the mining industry.**

MATES gives miners the tools they need to recognise the signs that a workmate might be struggling with life. By adopting the MATES in Mining program, you are making a powerful commitment to the long-term future health of your workers.

**MATES in Mining makes sites safer and more productive.** It's the workers on the ground who directly benefit from our program.

We provide suicide prevention awareness, training and support to help those who might be going through a tough time. We train workers to notice someone's not quite themselves, check in with them and connect them to help if needed.

Suicide is preventable with the right tools; MATES have those tools. Our training bridges the gap between a worker who is struggling and feeling overwhelmed; and the help and support they need. We understand the mining industry because we are part of the mining industry. Our Field Officers are workers themselves – not external experts but actual industry participants who now work in the mental health and

suicide prevention space. As participants in the industry, our staff also understand the realities of sites – our training works within the structures mining companies already have in place, meaning we can execute programs quickly and with minimal disruption.

**For more information on adopting the MATES in Mining program email [mininginfo@mates.org.au](mailto:mininginfo@mates.org.au) or contact the MATES in Mining General Manager (07) 3063 7054.**





Glencore mass meeting, 2017



Addressing National Convention, 2021

# FAREWELL TO PETER JORDAN

The Northern Mining and NSW Energy District's December 2021 Delegates meeting provided a fitting send off for a legend of our Union, District President Peter Jordan. After 35 years as a Union Official, Peter retired in January 2022.

Peter commenced work at Liddell Power Station in 1975. In 1986 he became an Official with one of our predecessor Unions the FEDFA, before it amalgamated into the CFMEU and became part of the United Mineworkers Federation in 1993 and subsequently the CFMEU Mining and Energy Division. In 2009 Peter was elected to the role of District President. In total, he has been a member of our Union for more than 46 years.

Peter has been involved in some of the biggest disputes our Union has ever seen, including the ongoing industrial battle with Rio Tinto that lasted for more than 20 years. That dispute delivered the biggest payout in our Union's history, with over \$25 million dollars for Members who were unfairly dismissed at Hunter Valley and Mt Thorley mines in the late 1990s.

General President Tony Maher said Peter Jordan was a highly effective leader whose judgment and commitment had built a strong District organisation.

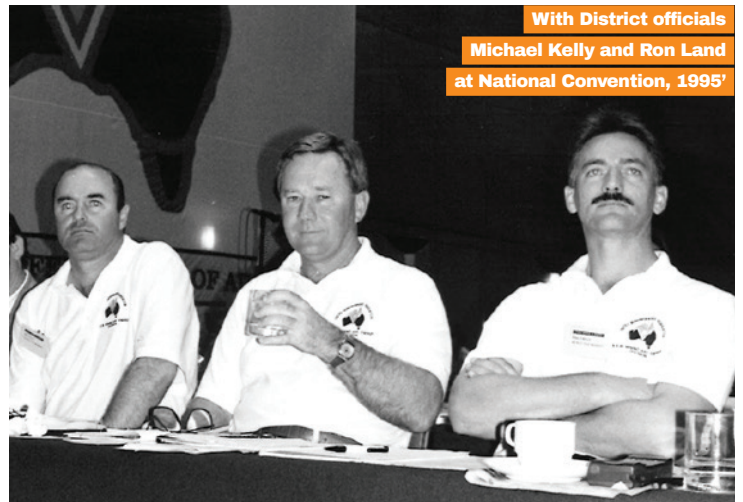
"Peter has made an incredible contribution, not only to his District but to the National Union. He is absolutely determined when it comes to standing up for members' interests and making sure every decision has our members at the centre.

"Peter is influential and respected across our Union, across the movement and also across the mining industry. He has represented our Union on many industry bodies, understanding that workers benefit when they have a voice at the decision-making table.

"He will be missed, but he leaves behind an excellent team of Officials, network of Delegates and dedicated staff he has mentored and supported over many years.

"We wish Peter, along with his wife Ellen and their family, all the best for a healthy and happy retirement."

At a Delegates meeting in December, Peter was presented with an inscribed crystal by the District and a Miners Lamp by the National Union, with this message: "Peter Jordan - For your unwavering and inspired leadership, your fierce advocacy of the Union and Mining & Energy Workers, and your lifelong commitment to the working class... All the best in your well deserved retirement."



With District officials Michael Kelly and Ron Land at National Convention, 1995'



With Hitachi members, 2018



With Mt Thorley members, 1999



Unveiling the restored Jim Comerford Memorial Wall, 2021

# COAL COMMUNITIES

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Energy  
Union**