

Common Cause.

January 2023



2022

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REVIEW**

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IT'S TIME FOR A NATIONAL PLAN TO SUPPORT ENERGY WORKERS

2022 saw a succession of power station closure announcements that signal more upheaval for our members in coal power generation.

In February, Origin Energy announced that its Eraring power station on the NSW Central Coast would potentially close in three years in 2025, rather than ten years in 2032. In late September, the Queensland Government revealed plans to wind up operations of all coal-fired power stations by 2035. Then AGL announced it was bringing forward the closure of Loy Yang A in the Latrobe Valley to 2035, some 10 years earlier than previously scheduled.

More recently, the Victorian Government has announced plans to legislate higher renewable energy targets and revive the publicly owned State Electricity Commission, introducing new market pressures that will impact on the state's remaining coal-fired power stations.

Queensland's announcement coincided with the official signing of an Energy Workers' Charter for the state, which is a positive step. The Charter promises a consultative approach with workers and unions and includes a 'Job Security Guarantee' for affected energy workers employed at government-owned corporations such as CS Energy and Stanwell Corporation. While there are some promising initiatives at a state level to support workers, they are limited in scope and the scale of the change cannot be left to states alone to manage.

While our coal export industry is booming, our domestic coal power industry is facing rapid change and there is an urgent need for a national Energy Transition Authority with sufficient funding and powers to ensure that workers and their communities are not left behind.

After a decade of energy policy mayhem, there is promising progress by the Albanese Government on new measures to involve workers and their communities in the decisions which will affect their future.

The October Budget allocated funding for a new taskforce to consult industry, unions, government and community representatives about how to ensure regional workers benefit from the changes and challenges ahead, as Australia moves away from coal power.

Our Union has long been advocating for a national Energy Transition Authority and this taskforce is a good starting point. The taskforce has already been travelling to coal power regions and consulting with our District representatives.

We will keep up our strong advocacy for a national Energy Transition Authority to make sure that power station closures are orderly and well-managed, to support regional economic diversification, and to coordinate training and redeployment.

Workers affected by power station closures need genuine pathways into alternative secure work, and access to early retirement or income support if appropriate alternative work isn't available.

News out of the power industry during 2022 confirmed the need for action, and we are confident that measures initiated in the October budget are a promising start.

Tony Maher General President



AN ENERGY TRANSITION AUTHORITY WOULD OVERSEE



ORDERLY CLOSURE OF STATIONS



REGIONAL ECONOMIC DIVERSIFICATION



TRAINING AND REDEPLOYMENT



CFMMEU WITHDRAWAL UPDATE

After protracted legal proceedings, there is positive news for our application to withdraw from the CFMMEU.

We are pleased to report we have made important progress in our application for a ballot of members to withdraw from the Construction Forestry Maritime Mining and Energy Union (CFMMEU).

Since National Convention voted unanimously in March 2021 to apply for a ballot to withdraw from the amalgamated Union, we have faced numerous legal challenges and had our first application to the Fair Work Commission (FWC) rejected on technical grounds.

We have since made a second application.

During the process to date, we have faced on-going legal challenges to our application from the CFMMEU.

However, after lengthy discussions, we have reached agreement with the CFMMEU over a mutually acceptable pathway to withdrawal and eligibility rules for each Union.

Members can be reassured that the agreement over eligibility reflects current practice and ensures all current members remain covered by the Mining and Energy Union. This agreement is not the end of the process, however we are optimistic that the path ahead will now be quicker and smoother.

The FWC will assess the terms proposed in the agreement and continue considering our application for a member ballot, with further hearings scheduled for March 2023.

If the proposed rule changes for each union are approved by the FWC, our application will proceed without further legal challenge by the CFMMEU.

We remain committed to honouring the unanimous decision by National Convention, which has since been reaffirmed by Central Council, to give members a democratic say over their future. We thank members for their patience and look forward to finalising this matter in 2023.



MEU Members at our National Convention

CELEBRATING 100 YEARS OF SOLIDARITY

In November 2022 I had the pleasure of attending the Wonthaggi Miners' Friendly Society Dispensary Centenary Celebrations in southern Victoria. It marked 100 years since the establishment of the Miners' Dispensary, a chemist by another name, in the town of Wonthaggi but more than that, it marked a century of solidarity.

Our Union places a great deal of importance on commemorating events that are significant to our members, whether those events be memorials, key historical dates or anniversary celebrations.

We do this because our Union has a strong sense of where we have come from, which informs who we are today and where we are going in the future. We also do this because we honour the struggles and victories of those who came before us.

These events serve as an important reminder that at the core of our Union, the most important thing we do is have each other's backs because being in it together is how we win.

The Wonthaggi story is just one of many in our Union that represent how workers use solidarity as a weapon of strength. At Wonthaggi, workers used this solidarity from the beginning, when the community started out as a tent city on the Powlett River coal fields, to the establishment of the Miners' Dispensary, and of course during the strikes in the 1930s where they were ultimately victorious. Today the community and the Dispensary are still there, 100 years later which is a testament to that community spirit still going strong.

Throughout coal communities across Australia, our Union has been active in building hospitals, rescue services, schools, halls, theatres, and clubs for workers to socialise in, and the Miners' Dispensary was a clear example of this community building.

Our Union still engages in community building activities today, through many Union programs ranging from our annual Mineworkers' Trust scholarships to funding sporting events in our communities, fundraising for community causes and charities and by bringing workers together every day to fight for a better future for them, their families and communities.

Across towns in Australia, community activism and industrial activism go hand in hand, and there are many instances of our Union being a strong partner with the local community.

The stories of Wonthaggi are ultimately about workers standing together and looking after one another to the end in some cases, such as when the Wonthaggi State Coal Mine closed in 1968 when Victoria no longer needed coal for their railways.

We are proud to have many stories like this in our Union's history and we continue this tradition every day as we honour the past and fight for a better future for mining and energy workers.



Grahame Kelly and Danny Carr

SACKINGS NOT GENUINE REDUNDANCIES

Twenty-two underground miners sacked from Peabody's Helensburgh mine were not genuine redundancies as they should have been redeployed in roles being performed by contractors, the Fair Work Commission (FWC) has ruled in a big win for permanent jobs.

Legal Director Adam Walkaden said that the full bench decision is significant because it is the first time the Commission has accepted union arguments that redundancies were not genuine if similar work had been outsourced to contractors.

The twenty-two mine workers at Helensburgh Coal in NSW were dismissed in the middle of 2020. At the time, work was being undertaken at the site by contractors Mentser and Nexus.

Peabody unsuccessfully appealed the FWC's original decision, which had found it was not reasonable to keep providing work to Mentser or Nexus while terminating direct employees.

Brendan Gornall was one of the workers who was dismissed from Helensburgh mine. Brendan had worked at Helensburgh for a total of 12 years and got a permanent job with Peabody after 4 years as a contractor.

"It was very disappointing. I was very surprised that it happened, and everyone around me found it to be very surprising as well," said Brendan.

"Getting a permanent job is hard, so when you lose it, that's even more disappointing.

"It's great to prove that what was done to us was done unfairly. We should have kept our jobs at the end of the day, so it's great that the decision came in our favour in the appeal."

The case will now go back to the original Commissioner, who will determine whether the workers should be compensated or rehired.

"Mine operators shouldn't be making permanent employees redundant when there is no shortage of work being performed by contractors," said Adam Walkaden.

"At Helensburgh, as at many coal mines, the outsourced work was not specialist in nature. While the circumstances of each case are unique, this win against Peabody helps establish the principle that every effort must be made to redeploy workers before sacking them. It's a win for permanent jobs."

Brendan Gornall was working at Helensburgh Coal



PERMANENT JOBS WIN AT GROSVENOR

Union campaigning has delivered 200 new permanent jobs at Grosvenor underground mine as Anglo abandons its 100% labour hire employment model.

Workers have welcomed the opportunity for permanent shirts but are disappointed Anglo had opened applications externally.

The MEU was in discussions with Anglo about a draft Enterprise Agreement with industry-leading conditions to cover the new jobs.

This announcement is a win in the MEU's campaign for more permanent jobs at what was a fully labour hire site. Since a devastating explosion in 2020 where 100% labour hire was found to be a contributing factor, Grosvenor workers have been increasing the Union's presence on site and formed a new Lodge.

Grosvenor Lodge President Steve Hall said Anglo had committed to 200 new permanent jobs with another 70 to follow in a later intake. The production workforce of over 300 workers is currently employed through One Key.

"We certainly welcome the opportunity for permanent shirts. It's very disappointing Anglo has opened the process up for external applicants when they have a long-term loyal workforce who have been through a lot.

"Workers are now worried about whether they will get one of the new jobs or what their future will hold. In a dangerous environment, workers should just have to worry about what's happening underground, not whether they have a job."

The Lodge has been supporting members, and keeping them up to date with information about the process.

District President Stephen Smyth said the Union was pushing for a guarantee that no existing workers will lose their jobs through the process of replacing labour hire with permanent jobs.

Under the new model for Grosvenor, Anglo will continue to run one development panel through a contractor.

"We will keep advocating for the job security our members deserve. But apart from doing the right thing by workers who have been through so much, in the current climate of labour shortages in mining they simply won't keep people who can't see a pathway to a permanent EA job."

This decision by Anglo is a big step in the right direction towards more permanent jobs. With the introduction of Same Job Same Pay laws, we hope to see more permanent jobs replacing insecure labour hire across the sector.

WIN FOR CONTRACTORS:

CHANDLER LOSES APPEAL OVER REDUNDANCY PAY

Chandler Macleod has lost its appeal against a legal win by our Union determining that it must pay redundancy pay to former employees at the Hunter Valley's Mount Arthur coal mine.

In September, the Fair Work Commission (FWC) rejected Chandler's attempt to overturn a previous decision that it owed redundancy pay to permanent employees who lost their jobs when Chandler lost its Mount Arthur contract to Programmed in 2021. As a result of unsuccessfully tendering for the contract, Chandler terminated the employment of workers at the mine, by way of redundancy.

Most Chandler employees successfully obtained employment with Programmed; however, the FWC dismissed an application by Chandler that they should not have to provide redundancy pay.

In the original decision, the Commission determined that employees gained employment with Programmed through their own efforts and eligible permanent employees should be paid redundancy entitlements according to the National Employment Standards. In dismissing Chandler's appeal, the Commission reinforced this decision.

Northern Mining and NSW Energy District President Robin Williams said the decision was a great win for contractors in the industry.

"Working together through the Union is the only way coal mine workers can successfully take on their employer and win, whether they work for a mine operator or labour hire company.

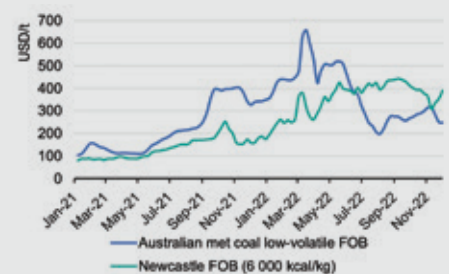
"Chandler must now take heed of these two clear decisions by the Fair Work Commission and pay its former employees what they are owed."



COAL'S RECORD-BREAKING YEAR IN FIVE NUMBERS

2022 was a record-breaking year for coal in more ways than one. Volatile markets due to the Russia-Ukraine war, the global pandemic, wet weather patterns, and the policy challenges of the energy transition, all combined to deliver the extraordinary circumstances the coal industry now finds itself in. Below we reflect on the figures that staggered us this year.

Marker prices for different types of Australian coal, 2021-22



Note: FOB = free on board
Source: Argus Media group. All rights reserved.

IEA. All rights reserved.

1. US\$457.12/t

In early September, this is the extraordinary spot price that Newcastle thermal coal peaked at. And it has spent much of second half of this year above US\$400/t. Consider that barely two years ago thermal coal prices were struggling to reach triple-figures, and it's not hard to see why Australian coal companies have been swimming in enormous profits. As the year comes to a close, we remain in the bizarre situation of thermal coal prices exceeding coking coal prices. And while most forecasters expect prices to start easing from these heights next year, they will likely remain elevated above historical averages for some time to come.

2. More than US\$600/t

Metallurgical coal has returned below US\$300/t in the latter half of 2022, affected by sluggish global steelmaking output. But back in April, Australian prime hard coking coal shot well beyond US\$600/t, enabling met coal producers to rake in billions for the 2021-22 financial year.

3. AU\$133 billion

This is how much Australian coal exports are set to earn in the 2022-23 financial year, according to the federal Department of Industry's latest forecasts, with around 57% expected to come from thermal coal exports. In the 2021-22 financial year, coal exports earned AU\$114 billion, with metallurgical coal accounting for the majority of those earnings.

4. US\$2 trillion

This is the global windfall profit fossil fuel companies reaped due to this year's energy crisis, in addition to their usual earnings, according to the International Energy Agency. Meanwhile, workers and ordinary citizens have struggled to pay their power bills.

5. 8.05 million tons

The International Energy Agency expects global coal demand for the 2022 calendar year to reach 8.05Mt, a record high and a 1.2% increase on 2021. However, the trajectory has been slowing, with global coal demand expected to plateau over the near future to 2025.





YALLOURN MINERS FIGHT AND WIN

Members at Yallourn coal mine have established an important industry standard for redundancy entitlements and won a 16% pay rise after two months of industrial action.



Their new, substantially improved Enterprise Agreement was voted up in August 2022 with near unanimous support.

Initially, members were offered a 0% pay increase over the four years if any gains were to be made in redundancy entitlements, but members weren't having any of it.

Workers organised and took industrial action around the clock, including refusing supervisory roles which meant that senior management got a taste of what life is like as a 24/7 shift worker and getting called to work at 2:00am.

RTL responded to industrial action aggressively, shifting crew breaks to bypass stoppages, and even docking four hours' worth of work for five minutes of alleged unprotected action.

However, our members stuck together and won.

Victorian District Secretary Mark Richards said members were incredibly pleased with the overwhelming support for the new Enterprise Agreement. He said that bringing RTL back to the table with a much better offer in hand was a hard slog, but it was a great achievement.

The new Agreement provides for a 16% pay rise over four years and a range of improved entitlements, including backdated seasonal workers' severance pay (which applies to casuals), higher duties allowance, tool allowance and more.

Most importantly, the new Agreement contains improved redundancy provisions. This is a pressing issue for members as the closure date

Mark Richards said the new provision established a new industry standard of four weeks per year of service, which was an important victory for workers affected by energy transition.

of the site was recently brought forward by four years to 2028. Yallourn coal mine exclusively supplies the power station, and uncertainty in the industry means the closure date could be brought even further forward.

Previously, mine workers at Yallourn coal mine did not receive the same redundancy entitlements as workers at Yallourn power station, simply because they are contractors and not employees of EnergyAustralia.

Redundancy provisions are now comparable, with the new Agreement increasing entitlements to four weeks per year of service capped at a maximum of 104 weeks. Employees are now automatically entitled to 12 weeks redundancy from the day they start, up until three years of service.

"Congratulations to our members at Yallourn. They didn't back down and their collective show of strength has delivered fantastic results.

"They are proud to be part of a Union that is supporting the fight for a coal mining and power redundancy industry standard, which should be an essential part of a national energy transition policy.

"The backing of our national legal team was essential with lawyer Alister Kentish providing expert support and advice.

"This is a great example of what workers can achieve when they are united and willing to take action."



LEGAL WIN AGAINST DODGY FIXED TERM CONTRACTS

The decision means that Falcon and other mining contractors and labour hire companies will have to offer permanent or other modes of employment if they would like to retain the right to terminate, or if the term of contract isn't defined.

An important legal win by our Union will make it harder for mining companies to use fixed and 'maximum' term contracts to avoid paying termination and redundancy entitlements.

In a November 2022 decision concerning the termination of contractor mine workers at Narrabri underground coal mine in NSW, the Fair Work Commission (FWC) ruled that if employers retain an unqualified right to terminate employment, a contract can not be classified as 'fixed term'.

The FWC also determined that employers can not use 'maximum term' contracts described as running for the length of a project in circumstances where employees have no way of knowing when that project will come to an end.

Unfortunately, the decision did not result in redundancy payments for our affected members at Narrabri due to the particular circumstances of their employment. However, it will have a significant impact across the industry, challenging the shift by employers to fixed and maximum term contracts to avoid offering permanent entitlements as laws have tightened over the use of long-term casuals.

In June 2020, workers employed by Falcon Mining (part of the Mastermyne Group) lost their jobs when Whitehaven terminated Falcon's contract at Narrabri.

The Union's application to the FWC concerned the proper characterisation of employment and workers' claims to a range of entitlements following the termination of employment.

Jeremy McWilliams, Vice-President of the Northern Mining and NSW Energy District, said the decision in the long-running Falcon matter was significant in challenging an emerging form of exploitation across the industry.

"Fixed term is the new casual port," he said.

"When pursuing this case, we looked at workers' contracts and proved that these workers were not actually fixed term, they were something else.

"It is often too easy for employers to manufacture circumstances to deprive employees of their redundancy entitlements. These wins will make it easier for the Union to pursue termination and redundancy entitlements for workers."

WIN

BHP MUST PAY OVER LABOUR HIRE SACKING

BHP broke the law and must compensate a labour hire mine worker they sacked after she raised safety concerns, the Federal Court ruled in November 2022 in a big win for contractors.

In a long-running case fought by our Union, the Federal Court found that BHP Coal took adverse action against our member Kim Star by 'demobilising' her position and excluding her from the mine after she refused to operate in a poorly-lit area at Goonyella Riverside mine in 2017.

BHP must now provide compensation.

The Fair Work Commission (FWC) previously found that Kim Star had been unfairly dismissed by her employer WorkPac, who sacked her three days after BHP demobilised her position. Even after the FWC ordered her reinstatement, BHP fought her return to the mine.

Queensland President Steve Smyth said that Kim Star's case showed the precarious position of contractors in mining and the Federal Court decision exposed hypocrisy and injustice in the industry.

"Kim Star was a typical worker in the Queensland coal industry, working for BHP for years as a contractor through WorkPac.

"When she refused to operate in unsafe conditions – as she has the legal right and the obligation to do – BHP said they didn't want her anymore and WorkPac promptly sacked her.

"Both the Fair Work Commission and the Federal Court have now ruled in Ms Star's favour. This decision underlines the reality that multinationals like BHP like using labour hire workers because they are easy to get rid of. They ultimately call the shots when it comes to employment arrangements on their mines.

"Our Union has been proud to back Ms Star and we continue to be impressed by her courage and determination.

"Because she has stood up to BHP, it will now be much harder for them to treat their contractors as disposable labour. It's a fantastic win that is another step in the fight for more permanent, secure jobs in mining."





BACKPAY WIN OVER COVID-19 ISOLATION

Members at Appin Lodge have won backpay after winning a dispute over being forced to take unpaid or annual leave for COVID-19 isolation measures that went beyond public health orders.

The win, which could have broader application across the Union and beyond, means that some members would be paid as if at work for time taken off to take a PCR and isolate as directed by South32.

During December 2021 and January 2022, South 32 directed a significant number of workers not to attend work for a period in circumstances where they believed a worker had been exposed to COVID-19. Workers were either placed on annual, personal, or unpaid leave.

The Union took the dispute to the Fair Work Commission (FWC), with members giving evidence about the various scenarios in which they were required to take leave.

The FWC found that workers were entitled to be paid as if at work for some of the time and were entitled to personal leave under some circumstances. The decision means that some members who were on unpaid leave while directed not to attend work will receive backpay and some members who had annual leave deducted will have that leave recredited.

For members directed to take a PCR and isolate after 30 December 2021, the decision of the Fair Work Commission is an important win that is significant not just at Appin, but for the Union and beyond. It is the first time a case of this nature has been lodged and won.



The finding that employees are entitled to access personal leave rather than annual leave or unpaid leave for the period before 30 December 2022 is also a significant win for members who had annual leave deducted while isolating.

While some affected members who were directed to take a PCR and isolate before 30 December did not experience the full win, a decision was made that appealing the decision would risk overturning the gains made.

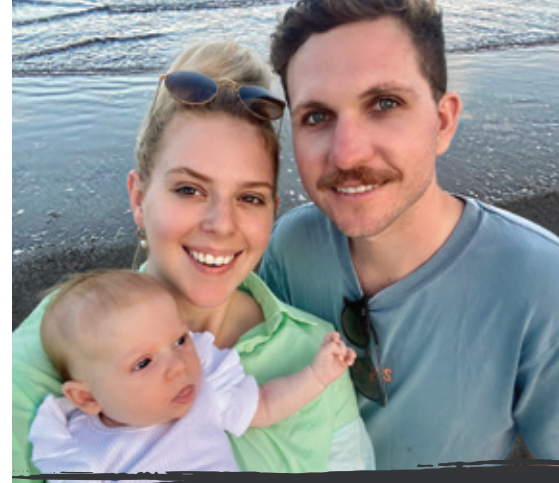


About 90 members at Appin will benefit from backpay or credited leave from the Fair Work Commission's decision in this matter.

District Vice President Bob Timbs thanked Lodge members who put up their hands to participate in the case and the legal team's dedication to running the matter to a successful outcome.

"Everyone was committed to having a Covid-safe workplace, but South 32's actions in directing people not to attend work were heavy-handed.

"We are grateful to Lodge members who put their hand up to stand up for a fair go. Without their commitment, this win wouldn't have happened."



FAMILIES GRINNING IN BHP PAID PARENTAL LEAVE WIN

Apprentices and trainees employed by BHP Coal can now access paid parental leave in an important win fought for by unions.

Our members Paige Martin and Jordan Lynch are the proud parents of baby Nova. Paige is an apprentice and Jordan is a tradesman at Peak Downs in Central Queensland.

Paige initially applied for paid parental leave but was knocked back as she was told she wasn't eligible. "It was devastating when they said I wasn't eligible for paid parental leave, especially since this is my fourth year with the company," she said.

BHP's parental leave policy previously said that as fixed term employees, apprentices and trainees were not eligible for paid parental leave.

However, unions argued that apprentices and trainees were eligible for paid parental leave because they are covered by the BMA Central Enterprise Agreement, which provides for paid parental leave.

The MEU, jointly with CEPU and the AMWU, lodged a dispute with the Fair Work Commission for an apprentice at Blackwater mine who had been denied paid parental leave under this policy.

The matter was resolved by BHP agreeing to provide paid parental leave to existing trainees and apprentices and recognise prior applications for leave entitlements that were rejected back to May 2018.

"After the Union won the paid parental leave win, I was told by the Union to apply for paid parental leave again. I'm now receiving paid parental leave and I got backpaid to 15 August which was my due date.

"It's been a massive stress relief. This was a great win, whether it's for mums who want to take the time, or for dads who want to stay home while their partner goes back to work. It's great for all parents."

Her partner Jordan said accessing parental leave had given the new family time to get established. "It's helped give us the time to plan what's next, whether that's time to plan childcare arrangements or whatever else we need to do for Nova, and it's just help set our family up" he said.



APPIN MINERS FIGHT AND WIN BETTER PAY, CONDITIONS

MEU members at Appin Lodge voted up a new, improved Enterprise Agreement in October 2022, which includes a guaranteed pay rise of 15% over four years with a potential to increase to 20%.

Beyond pay, members have also won improved benefits and conditions, including:

- ✔ A \$3,000 sign-on bonus for all operators
- ✔ Retention of the minimum \$500 per week incentive scheme
- ✔ Stretch opportunities and double-time overtime rates
- ✔ Improved holiday volunteering process.

Members at Appin Lodge undertook industrial action to secure a better deal from South32. Members undertook various types of industrial action, including half-shift stoppages each day they were rostered to work as part of this action, bans on training, and bans on overtime.

Coal miners at Appin and across the industry have worked through many years of downturn, accepting wage freezes and minimal advancement on pay and conditions when times were tough.

Last year, South32 Illawarra coal division delivered profits of \$2.1 billion, and Appin Lodge members got organised to ensure they got their fair share.

Coal prices continue to boom, and this win is representative of members coming together and demanding more for the work they do, and all the value they have produced for these companies.



Appin Lodge Executive

Congratulations to Appin Lodge, who stood united and stayed strong.

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BHP EA 2022 *Standing up for*

PERMANENT, SECURE JOBS



BHP QUEENSLAND COAL MEMBERS SUPPORT NEW EA TO GROW PERMANENT JOBS

Workers at four BHP mines in Central Queensland have voted up a new Enterprise Agreement (EA) that guarantees growth in permanent job numbers.

Voting by workers at Goonyella Riverside, Saraji, Peak Downs and Blackwater mines took place in December with the majority of workers voting in support of the new Agreement.

The new Agreement:

- requires BHP to hire 105 new EA positions across the four sites within the first year
- guarantees that EA numbers don't fall below current levels across all mines
- provides for one-for-one replacement of EA employees within the same mine site and work area.

Queensland President Stephen Smyth said these job security measures would reverse the trend of declining permanent jobs at the large Central Queensland mines.

"Negotiations for the new EA were long and tough; but members said that standing up for permanent, secure jobs was their top priority and we were able to achieve some important protections.

"BHP will no longer be able to cut permanent jobs and replace them with labour hire. Maintaining permanent jobs will be a priority when there is a labour surplus and EA jobs lost through attrition must be replaced by EA jobs.

"These are important provisions that will ensure there are more pathways to permanency."

The three-year Agreement also includes:

- An annual pay rise of 4% (with the first increase back paid to March 2022)
- \$2000 sign-on bonus
- A voluntary early retirement scheme
- Improved access to training opportunities.

The new EA introduces a new four-level classification structure for new starters, based on skills and length of service. BHP will be required to move new starters through the classification levels with no more than two years spent at each level.

"There's no doubt BHP is a tough negotiator. But members have achieved a result that will have a positive impact across the four mines and the broader Queensland coal industry.

"I thank the bargaining committee for their hard work and our members for their determination to take action in support of their claims," said Stephen Smyth.

Workers willing to take action for job security claims

Members across the four mines strongly supported taking industrial action to support their job security claims, with about nine out of ten members voting in October in favour of a range of measures including stoppages and bans.

Members took industrial action in November, including bans on overtime and step-up duties, as well as five-hour stoppages at Peak Downs and Goonyella Riverside.

Queensland President Stephen Smyth said that with coal prices so high, with constant pressure to maintain and increase production, the bans and stoppages were felt and contributed to BHP improving their offer.

He said the new Agreement resulted in immediate payments to members and the improvements in job security would flow across the industry.

"The BMA (BHP Mitsubishi Alliance) Central Agreement is the biggest Agreement in the Queensland coal industry and sets the standard. Members have achieved some important improvements and now our focus will be on enforcing the terms of the Agreement across all sites."

"Overall, this EA will increase permanent jobs and improve pathways to permanency for the future workforce"

BHP coalminers vote to down tools
KEY MINES HIT AS CFMEU WORKERS STRIKE OVER JOB NUMBERS AND CONDITIONS



FIGHTING FOR SA

The May 2022 federal election was our opportunity to get Same Job Same Pay laws on the agenda. Same Job Same Pay laws would require labour hire employees performing the same work as direct employees to be paid at the same level.

This would address the loophole that allows employers to disregard and undermine existing agreements at a worksite. It would remove the financial incentive for companies to outsource permanent jobs.

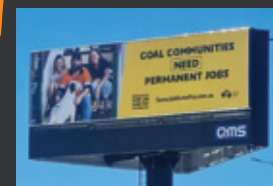
We backed two coal mining candidates, Russell Robertson in Capricornia in Central Queensland and Dan Repacholi in Hunter in NSW. Russell and Dan championed Same Job Same Pay and appeared in our advertising campaign. Both candidates performed well and attracted swings to Labor. Russell didn't get over the line in Capricornia despite a strong campaign. Dan won the seat of Hunter and we are delighted to have a coal mining member of our Union in Canberra.

We backed in coal mining candidates



We ran a strong media campaign

In the lead up to the election we ran a strong media campaign featuring coal miners and community members promoting permanent jobs and Same Job Same Pay, with TV and radio ads running in the Hunter Valley and Central Queensland, billboards, social media and catch-up TV.



DON'T LET SCOTT PINCH YOUR VOTE.

If you're voting for an independent or minor party to get rid of Morrison, be careful how you order your preferences. If you don't put Michelle Landry last, the LNP may pinch your vote with preference deals and use it to keep Scott in!

PUT LANDRY LAST



The community and decision makers came together

Labor listened to the concerns of labour hire workers in mining and other industries and committed to introducing Same Job Same Pay laws for labour hire workers if they won government. The Albanese Government has begun consultation on Same Job Same Pay legislation which is due to be introduced in 2023. Our Union remains committed to fighting for Same Job Same Pay and we will hold Labor to account for delivering on their election commitment.



ME JOB SAME PAY



SAME JOB SAME PAY

Federal Member for Hunter Dan Repacholi provides an update on Labor's new Secure Jobs, Better Pay Bill and charts the pathway for Same Job Same Pay.

In the 2022 Federal Election, with the support of the Mining and Energy Union I stood to be the Federal Member for Hunter. I was incredibly grateful to have been elected by my community in May, and I have been your representative since then.

One of the reasons I stood to be your representative was because I wanted to raise the issues that matter to mining and energy workers in our federal parliament.

I wanted to update you on the Government's progress on industrial relations laws, as well as how we're continuing to chart the course for Same Job Same Pay, which we campaigned on together during the election.

Secure Jobs, Better Pay

In December, the Albanese Government's Secure Jobs, Better Pay laws were passed. This package includes a suite of measures designed to help workers across Australia negotiate higher pay packets and better conditions including multi-employer bargaining and prevention of employers terminating enterprise agreement during bargaining. It delivers on our election commitments as well as some of the measures outlined by the Jobs and Skills Summit in September.

Secure Jobs Better Pay includes banning pay secrecy clauses, which means that companies cannot prevent their staff from discussing salaries. This will be significant for many mine workers who work on individual contracts

which contain pay secrecy clauses, or those who work for companies that foster a hush hush culture around the discussion of pay. If we're going to ensure that all workers are paid fairly and equitably, it is essential that we can talk about it, which is why this measure is so important.

Same Job Same Pay

I am proud to be a former coal miner and I'm bloody proud of my electorate's mining history. We need jobs that are well paid and secure and aren't dominated by dodgy labour-hire arrangements. Put simply, wherever you work, if you're doing the same job as the person next to you, you should be paid the same—same job, same pay. It's simple.

During the election campaign, I was fortunate enough to speak to many of you, whether that be at your worksite or at a Lodge meeting about our Same Job Same Pay campaign.

We have all seen how mining companies have increasingly used labour hire arrangements to undercut the pay and conditions we have fought for in our union-negotiated enterprise agreements. This is why we need Same Job Same Pay legislation. I am confident that Same Job Same Pay will raise wages for thousands of labour hire workers and encourage more direct, permanent employment by some of Australia's biggest companies.

We are already seeing the impact of our campaign and the Albanese Labor

Government's has committed to legislate Same Job Same Pay in its first year of Government.

At Grosvenor mine, 200 production workers were transferred out of their labour hire arrangements and into direct employment with the backing of the Mining and Energy Union. Make no mistake, this was in response to the Same Job Same Pay laws that are coming. Mining companies are starting to see the writing on the wall, and they're getting prepared now.

But that's why we need to make sure we get it right. Same Job Same Pay legislation must be designed very carefully to prevent avoidance strategies. It should apply to labour hire employees performing the same work as permanents, not to genuine specialist contractors, fully owned labour hire subsidiaries, workers at all pay levels and existing agreements without exception.

The Government is undertaking a consultation process with employers and unions to make sure the legislation is workable and meets its intended purpose of stopping labour hire being used to undercut Enterprise Agreements.

I will continue to work with the Mining and Energy Union to hold the Government to account for delivering this commitment, and I will be at the table with you to work through the issues to make sure the new legislation is in a form that will boost wages and permanent jobs for mine workers.

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WE REMEMBERED THOSE WE LOST

Members of the community and Union attended the memorial



Moranbah North Lodge President Andy Collins lit the miners' lamp at a vigil in Gavin's honour



TRAGIC FATALITY AT MORANBAH NORTH

We were shocked and saddened by the death of our long-term member and experienced coal mine worker Gavin Feltwell at Moranbah North underground mine in March 2022.



Gavin was fatally injured as a result of a suspended four-tonne load being moved, while an old conveyor drive was being dismantled.

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 their family at the end of their 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 has had 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, mine workers 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 wash plant 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. Mine workers 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.

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 the review of employment arrangements at Grosvenor mine, leading to permanent jobs replacing labour hire, 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 permanents 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, where Andy lit a miners' lamp in his honour. Gavin will never be forgotten. May he Rest in Peace.

EMERGENCY SERVICES OFFICERS STRIKE AGAINST DODGY CONTRACTS AT POWER STATION



As 2022 came to a close, emergency services officers at AGL Loy Yang were taking protected industrial action to fight the introduction of individual contracts and instead reinstate a Union Agreement that provides for strong collective conditions.

After seven months of unproductive meetings between bargaining representatives and MSS Strategic Medical and Rescue (MSS SMR), members voted to take industrial action. Protected action commenced on 17 December 2022 and was continuing over Christmas and New Years.

In December 2021, workers were blindsided when private operator MSS SMR secured the contract from AGL. In this process, workers' Enterprise Agreement was removed, and individual contracts were provided by the company who believed in 'direct engagement'.

From the Union's perspective, MSS SMR made no attempt to engage the Union, and dismantled an industry leading Enterprise Agreement with hard fought for wages and conditions, instead introducing common law contracts.

"It was extremely disappointing to have a multinational company like MSS SMR tender a quote for OHS and Security at the AGL Loy Yang power station, and then undercut wages and conditions of shift workers that have been built up over decades," said Victorian District Secretary Mark Richards.

Contracts strip away wages and conditions, but also remove workers' ability to have a say in what happens to them at work.

Conditions are now covered by company policy which can be changed at the company's whim, and basic clauses such as consultation and dispute resolution removed.

AGL has already announced that they will be closing Loy Yang A ten years earlier than expected, and power station workers are looking for real and genuine support during this time of upheaval and uncertainty.

"While the Latrobe Valley is looking for a Just Transition for workers, having their conditions stripped away is a massive kick in the guts for all in the industry.

"However, one thing MSS did not factor in when making all these changes was the resolve of our members, who have stayed united through the process."

The Mining and Energy Union informed MSS SMR of our intention to enter into bargaining on behalf of our members in May 2022, and now they are engaging in industrial action to win back a fair collective Agreement.

BHP PILBARA RAIL WORKERS FIGHT FOR ANNUAL PAY RISE

Train Crews in the Pilbara are taking on BHP over the principle that they should get a guaranteed annual pay increase, instead of relying on performance appraisals.

Union members have three main asks for a new Enterprise Agreement, including a guaranteed annual pay rise, consultation and communications on rosters, housing and accommodation and a consistent flight assistance policy for workers.

Representatives from the Union and BHP have now met for ten meetings, and while some progress has been made, the Union is concerned that not enough progress has been made in a key claim, which is the way workers are remunerated.

BHP has maintained their position that employees should continue to be remunerated through the use of market rate reviews and the annual performance appraisal process. The Union believes that remuneration should be provided through a guaranteed annual percentage increase to employees' base rates and the annual performance appraisal process should only be used to establish short-term incentive payments.

"Rail workers have a severe lack of trust in BHP. In 2014 BHP promised workers that they would not take away any conditions. However, BHP turned around and took away the flight assistance policy for new starters, home purchase support, Christmas and Boxing Day bonus, rental assistance and unlimited sick leave," said WA Organiser Warren Johncock.



"With this lack of trust in the company, workers feel that we need to lock in annual percentage increases.

As of January 2023, consultation with members was taking place, with the prospect of protected industrial action if BHP fails to improve their offer.

"BHP has enjoyed record profits. In this climate, we are in a great position to keep campaigning and demand more from our Agreement."



Lodge executive VP Bobby Pick, President Danny Kliese, Secretary Jason Noonan, VP Jeff Pearce, VP Luke Collins

50 YEARS OF STRUGGLE; AND HOW THE 'BUCKET SHOP DOG' GOT OFF ITS LEASH

Past and present members of our Peak Downs Lodge gathered in Moranbah in December to celebrate the 50th anniversary of the formation of the Lodge – and a stick-figure dog that went viral before the internet.

Guest speaker and former Lodge President Terry Low reflected on the militant history of the Lodge, with members willing to 'hit the grass' as long and often as needed to fight for the issues that mattered to workers and communities. Some of the big strikes in the Lodges' history were over provision of company housing, apprentices and equalisation of rates.

However the election of John Howard ushered in harsher workplace laws that made it much harder for unions to take strike action.

Terry Low's predecessor Marty Crane also attended the celebration at the Miners Rugby Club. He said the Lodge had always stood up for the whole community. The 1980s dispute over housing was just as focused on maintaining company housing for teachers, nurses and police as for mine workers.

"It's great to see the Union is still going strong," Marty said.

"In Moranbah it's still part of the town – otherwise we'd be stuffed. Companies don't care about workers."

Current Lodge President Danny Kliese said the Lodge had taken lengthy periods of strike action over decades to build a strong foundation of rights and conditions. But the enormous profits at stake and legal restrictions on union activity meant times were very different than in 1972, when the Lodge was formed. The Lodge operates differently now but remains strong and determined.

Members wore commemorative shirts for the anniversary event, featuring the 'bucket shop dog' which has become a symbol of Peak Downs miners' tenacity and humour over decades.

Long-term member Peter Freeleagus told the story of the stick-figure dog, which went viral in the 1980s after a chain of supervisors phoned each other to question how a boiler-maker on the workshop floor was using his time.

The boiler-maker in question calculated the cost of the time spent by each supervisor and manager along the chain calling each other to question his use of time. He wrote his calculation in chalk in the massive bucket in the workshop (confirmed to be correct), with his superintendent calling him a 'dog-f**ker' for his effort. The boilermaker then drew a stick figure dog on the bucket.

Management made it known they didn't like the dog, which guaranteed its popularity with workers. Images of the dog started turning up everywhere around the site, around town and even around the world when Peak Downs workers travelled. The stick figure dog made its way into a BHP annual report, when it was on a piece of machinery photographed for the annual report.

Decades later, the Peak Downs 'bucket shop dog' is an established part of Lodge folklore. As Peter Freeleagus said, the unleashing of the dog is a symbol of workers standing up for the respect they deserve.

After fifty years of struggle, the Peak Downs Lodge and all its members past and present have our full respect.



32-year Peak Downs veteran Michael McGrath celebrating the anniversary with family



Former Lodge Presidents Marty Crane (left) and Terry Low (right) catch up with District VP Steve Pierce



The infamous Peak Downs 'bucket shop dog'

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UNION WOMEN GET CONFERENCES DONE

Queensland women members met in October for two fantastic days of presentations, special guest speakers, information sessions and networking.



Conference facilitators Jenna and Trudy

More women are now entering the mining industry, but mining companies' actions to support women often don't match their rhetoric about gender equality. That's why it's so important for women mine workers to have the support of their Union in the fight for fair and safe working conditions.

We are proud to have witnessed increasing activism of our female members across our Union nationally, with women taking up roles as shift delegates, safety inspectors and within Lodge executives.

The Queensland Women's Conference was led by Jenna Saunders, Blackwater No.1 Lodge Secretary and Trudy Helsham, a coal miner and Union member at Moorvale Mine.

"I'm excited about the future of the MEU and the direction we're going in, and I'm proud that the MEU helped us put the Conference together. Being from a smaller work site, seeing so many members at once was great," said Jenna.

Trudy Helsham also said the two days were rewarding for everyone involved.

"What I really loved seeing was the support the ladies were giving each other, and it was great that the MEU helped us put something like this together with amazing speakers, valuable information, and constructive debate."

While the Conference had some exciting and sometimes light-hearted moments, challenging issues were also discussed including fighting against stereotypes, gender inequality, superannuation, and sexual harassment.

"We've come a long way together, but when we had discussions about some work sites still not having female toilets for example, it makes me realise that we still have a lot to do, even now," said Trudy.

"But overall, it was great to see everyone come together. It's not just women's issues but it's issues for everyone, and the MEU supports a range of causes, including the Uluru Statement from the Heart which we discussed

on one of the days. I feel positive about the future, and I'm excited that we're bringing everyone along on the journey."

The Conference was well received by attendees and members who attended reflected on how informative and engaging the speakers were, the opportunity to meet other like-minded women and the overall feeling of unity.



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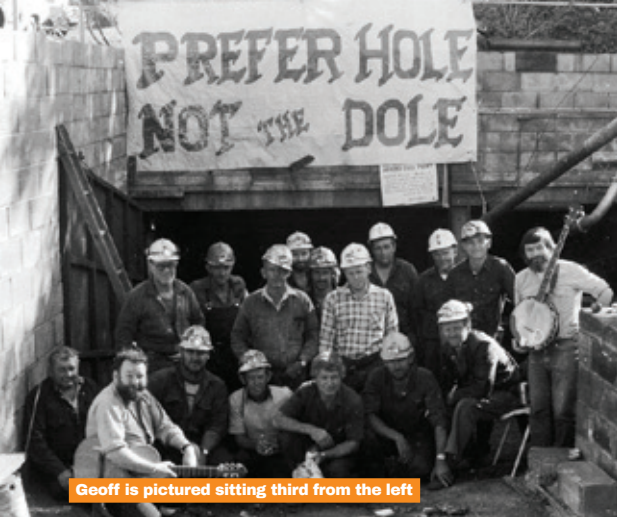
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Geoff is pictured sitting third from the left



Members from the sit-in strike attended the monument unveiling

UNDERGROUND FOR 55 DAYS: WHAT WAS IT LIKE?

These legends stayed underground for 55 days in a sit-in strike to save their jobs back in 1983.

The Mineworkers Trust and our Northern Mining and NSW Energy District funded this wonderful monument to the Preston sit-in strike, which was unveiled in May 2022 in the village of Curlewish near Gunnedah.

The protest began when the RW Miller Preston Extended Colliery sacked 83 of its 106 mine workers with no warning. Sixteen miners began a 'sit-in' strike in the underground mine, although two had to return to the surface for urgent medical and family reasons.

Their action persuaded the NSW Government to take action on the orderly development of the coal industry and the retention of coal jobs through the restructure of the Joint Coal Board. Fifty-three of the sacked workers got their jobs back.

We spoke to Geoff Rose, one of the workers who was part of the sit-in strike, about his experience.

Q What was your experience taking part in the sit-in and being underground for 55 days?

A One of the first challenges was that one of the managers from the Head Office told us that RW Miller was threatening to turn off the fans, which would mean that there wouldn't be any air going down the drift. The Union, as well as other unions stood up for us and made demands to RW Miller to keep the air on, and the community got behind us which meant that we would have air and power while being underground.

After that, the first couple of weeks were alright, although we were all missing our wives and kids as we hadn't seen them in a while. Things improved when we were able to go to the mouth of the pit and we developed ways to communicate with our family.

When we were all able to, our wives would meet us at the top of the pit and give us sandwiches and tea and bring the kids to visit, which helped a lot. We even had people bring us hot water because there is only cold water in the mines to wash and shower in. We would get hot water from the mouth of the pit and walk the water into the pit and put the water into a makeshift shower.

We never left the pit, and no one from the outside ever came in, but the camaraderie was really there, and the community and our families got behind us.

Q Being underground for 55 days had to be challenging. What did you all do to raise your spirits during tough or even mundane times?

A We would do things like play card games. We played various games of solitaire and other games like scrabble. We would also go for two to three kilometre walks in the mines, fixing the lights.

Something I do reflect on, is that I was in my early thirties at the time, and

there were some workers in there with us who were much older. It must have been much tougher for them, but the thing that kept us all going is that we had the support from people outside.

Q After the sit-in strike, what happened next?

A We came out of the mine, and we got our jobs back. It took some time to adjust to normal life and some people even chose not to go back to those jobs. Some people called us heroes, but we weren't heroes. We were just people who wanted our jobs back.

There were some people in the community who didn't support what we did, although that was only a small number of people, and for some of the workers, I think that affected them. But after we got out, the Union organised an event for us. They put us all on a bus and took us to the Showgrounds and put on a big do, with all our wives, kids and the community. That really helped those people who were feeling unsure, and when we saw the event and all the people, we really felt a great sense of solidarity.

Q What do you think of the monument?

A I think it's a great tribute to the people who were there. They were fighting hard. It's good for people to know the struggle we went through because after we did that, the mine continued for another ten to twelve years and created employment for many people. I'm very proud to have been a part of it, and I think it's great that it's being recognised.

Q Do you still live in the area?

A I live in Gunnedah which is around 20 kilometres into town. There are still a few people around from the sit-in strike who still live around here. I'm not planning on leaving.

Q And finally, what advice would you give to mine workers today who are facing their own battles or adversity?

A Stick together. If you stick together, you have a far better chance of winning the fight. When you're on your own, they'll pick you off one by one. You need to keep people around you when you're going through a battle. You need your family and the community, and you need to stick together and stick with the Union. Stick with the Union and you'll have a shot at winning.





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COAL MINERS CUP RESUMES AFTER COVID-19



Over 280 kids from nine primary schools across the Gunnedah region in northern NSW gathered for a great day of rugby league competition at the annual Coalminers Cup Carnival in August last year.

The Coalminers Cup, established and sponsored by the Northern Mining and NSW Energy District, is a long-running tradition in Gunnedah now in its 23rd year as of 2022.

The Cup is an important event to the local community in the Gunnedah region. Some schools in the local area are very small, with only 10 to 15 students. The Cup provides a fantastic opportunity for kids to socialise with their peers from around the region and build new connections and learn about sportsmanship.

It was a thrill for the kids to have Wests Tigers star Tommy Talau attend to answer the many questions put to him by the kids.

The kids had a great day out and formed memories for a lifetime according to event organiser Ross Whitaker, himself a former Greater Northern representative rugby league player.

Many MEU members were also in attendance to support the kids, including Tony Watson, District Check Inspector.

The MEU has a proud history of bringing the community together in the Gunnedah region and we are proud to be continuing that tradition following some years where we were unable to hold the event due to COVID-19.

We send our thanks to the sponsors of the event, including the MEU Northern Mining and NSW Energy District, Unity Bank, Mine Super, Boggabri and Namoi Valley Lodges. We are looking forward to the return of the Coalminers Cup in 2023!





PREVENTING SUICIDE IN THE MINING INDUSTRY

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

The program leverages industry participation and support to embed suicide prevention and mental health awareness into the industry culture.

MATES in Mining exists to strengthen the mining industry by preventing suicide, because a life saved is one less family grieving, one less workplace impacted and one less community heartbroken.

The MATES model focuses on building the capacity of the mining workforce through clear pathways of education, training and ongoing support – building communities of MATES who can look out for MATES. The program is adapted to mirror safety structures onsite and engages the entire workforce in providing a mentally safer and healthier workplace.



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



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