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May 2024

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**Mining &  
Energy  
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# FIRST SAME JOB SAME PAY WIN DELIVERS



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PAY  
RISE**

Programmed labour hire mineworkers at the Hunter Valley's Mount Pleasant mine, including operator Danielle Todhunter, have become the first direct beneficiaries of Same Job Same Pay laws.

In response to the MEU's Same Job Same Pay application to the Fair Work Commission, mine operator Thiess has offered Programmed workers direct employment, meaning they will get pay rises of over \$25,000 along with job security and conditions.

Mount Pleasant Programmed employee Danielle Todhunter said that getting the permanent jobs deal was a 'great moment'.

"We all do the same work, there's really no difference between someone who is wearing a Thiess label or a Programmed label in terms of what we do day to day," she said.

"For all of us to now be on the same rate of pay and have the same conditions will be a game changer.

"The security of employment and improved conditions will impact many of my workmates.

"The Union has been strong and focused and the workforce has been united behind this common goal. Contractors and permanents working together is how we got this win."

The MEU has withdrawn the Mount Pleasant Same Job Same Pay application after Thiess agreed to directly employ the Programmed workers in scope of the proposed Same Job Same Pay order.

Northern Mining and NSW Energy District President Robin Williams said the agreement with Thiess directly affected 27 Programmed employees but set a precedent for more successful outcomes across the coal industry nationally.

"This is a terrific outcome for these workers and an important step towards restoring wage justice across the mining industry," he said.

"The mine operator has responded to our application by agreeing to employ them directly. Now, not only will they get the same pay as the permanent employees they work next to, they will also get the same job security, conditions and entitlements.

"A goal of the new laws is to remove the economic incentive to outsource permanent jobs to lower-paid labour hire. It's fantastic seeing the laws lifting pay and job security as intended."

The MEU will now proceed with preparing and submitting its next applications for labour hire workers across the mining industry.

The MEU's Same Job Same Pay application for Workpac labour hire workers at Batchfire's Callide Mine in Central Queensland is waiting to be determined by the Fair Work Commission. Workpac and Batchfire have both indicated they will not oppose the application.

Keep up to date with the MEU's Same Job Same Pay applications at the 'Application Tracker' on our website '[www.samejobsamepay.com.au](http://www.samejobsamepay.com.au)'.





# PILBARA RAIL DERAILMENT 'A CATASTROPHIC FAILURE'

Six MEU members who are Rio Tinto rail crew were on the scene when a runaway autonomous train smashed into the disabled train they were repairing. Here is their account of the collision and events that led up to it.

At 8:05pm on Sunday the 12th of May, an autonomous unmanned train consisting of three locomotives and 240 loaded cars was heading north through the Chichester Ranges when it separated between the 18th and 19th wagon after having applied too much power over the peak in the track profile. Such incidents occur regularly at this location, as the sharp drop-off can easily snap trains if handled poorly.

A crew of Network Locomotive Drivers was dispatched from 7mile and Emu Hub to attend the incident, while an additional driver departed Cape Lambert with a triple set of relief locomotives. The 7mile NLD boarded the first portion of the snapped train and transported it to Green Pool siding, where they swapped over with the Cape NLD. The Cape NLD then transported the first portion of the snapped train back to Cape Lambert, while 7mile NLD remaining with the relief locomotive.

The relief locomotive waited on the sidings at Emu Hub for authorisation to proceed to the site of the incident via an 'On-Site' override, where it was supposed to couple with the remaining 222 loaded cars. The Emu Hub relief NLDs met with the crew waiting to assist with coupling at the northern end of the disabled train, as required by company procedure, and began the process of coupling up.

At around ten minutes past midnight, a 'Mayday' alert was transmitted over channel 14, the channel

utilised by the North Train Control who have jurisdiction over this area. The message said 'Emu Crew – May Day May Day May Day – Potential Collision' and was broadcast over radios in vehicles and two-way radios carried by workers. At this moment there were six attending crew members, including two crew members aboard the disabled train and the remaining four within meters of it on the ground. The two crew members on board the disabled train got off. The crew members thought the May Day warning may have related to an incident involving the relief locomotive.

At approximately 12:23am, a second autonomous train south of the incident collided with the rear of the 222 cars, derailing three locomotives and a number of cars. It is incredibly lucky that all crew members were located at the north of the train at this time, as the as the potential for an unplanned train parting can happen down the entire length of the train meaning workers could have been on sections that derailed.

This was a catastrophic failure of Rio Tinto rail safety systems that put rail crew's lives at risk.

We believe that Rio Tinto train controllers initiated the 'On-Site' feature, transmitting it to the autonomous train to the south of the 222 car disabled train. The 'On-Site' override was implemented recently in response to a collision that occurred on the Rio Tinto Iron Ore network at Marandoo. The override's aim is to prevent collisions when undertaking movements in recovery locomotives onto disabled trains. In this case, however, it appears the override was mistakenly sent to the loaded autonomous train to the south.

The override refers to ‘attended trains,’ that is when a driver has taken control of the autonomous train or is aboard the autonomous train and able to actively intervene. This override procedure requires said driver to communicate with the lead shunter and stop short of the field of protection. As the colliding train was fully autonomous, no driver was aboard to realise the transmission error and halt the train.

The mistake in issuing the ‘On-Site’ override to the incorrect vehicle stems from more than simple user error. In order to issue the override, the train controller must have their work checked and approved by their supervisor. Likewise, if a driver was attending the train at the time the override was received, they would have 30 seconds to respond before a penalty brake application is made.

We understand the ‘on-site’ key should have never been sent to an Autohaul train as it is not a feature to be used in autonomous operations mode. It is a feature developed for assisting disabled trains whilst humans are driving the Locomotive, being required to stop and pick up lead shunter.

This collision was not the result of the error of a single train controller, but rather a systematic failure of Rio Tinto’s implementation of safety procedures surrounding automation. We believe Rio Tinto’s suspension of the ‘On-Site’ override following this incident is a tacit confirmation of this fact.

The crew attending the disabled train are shocked and concerned that Rio Tinto appear to be downplaying this incident to the media. Richard Cohen, Managing Director of Rail, Ports and Core Services for Rio Tinto issued a statement which referred to the 222 loaded cars as a ‘set of stationary wagons’, severely understating the scale of the incident.

Further, no statements from Rio Tinto to the media suggest that this incident could have easily led to serious harm or death to the attending workers. In a statement following the incident, an unnamed Rio Tinto spokesperson claimed that ‘there were no people in the vicinity and no injuries,’ with no mention given to the six workers who narrowly escaped from the scene moments before the collision.

In the days following the collision, not one of the six attending workers have been asked to provide witness statements to Rio Tinto. This strikes the workers as nakedly hypocritical, as they are regularly required undertake overtime to write statements for comparatively minor incidents such as small cuts or strained joints.

Additionally, the attending workers are concerned that the environmental impact of this incident has not been adequately reported by Rio Tinto. The three derailed locomotives spilled thousands of litres of diesel fuel into the Harding River water catchment, part of the drinking water network for Karratha, Roebourne, and Wickham. Further, the incident occurred squarely in the Millstream-Chichester National Park, not far from the iconic Red Dog Gorge.

Finally, the catastrophic failure of the Rio Tinto safety regime needs to be adequately examined, particularly in relation to autonomous trains. The autonomous system Autohaul, which was developed by Rio Tinto and is being licenced to other mine logistics operators, is at the centre of this incident. Autohaul initially disabled the first train by applying too much power and pulling a coupling out. Then, Autohaul drove a second train into the rear of the disabled vehicle while six crew members were on site responding to it.

Immediately following the incident, Rio Tinto utilised Autohaul to drive the disabled vehicle back to Cape Lambert, understandably making the crew extremely uncomfortable. Rio Tinto rail workers are deeply concerned about how the introduction of Autohaul has both limited visibility for train controllers, and the ability for train drivers to maintain compliance with competency standards.

Mining and Energy Union rail workers in the Pilbara have been working with autonomous trains since 2018. Our members have embraced automation, and work alongside it, but this incident highlights their legitimate concerns about the safety of its implementation.

They don’t want a cover-up, they want safety-based solutions.

*Workers say:*

*“Rio Tinto make safety molehills into mountains when it comes to disciplining workers; but here is a real mountain, and they just want to minimise it.”*

*“Rio Tinto have put out an incomplete version of events that underplays the risk to workers’ lives – we want the facts to get out there.”*

*“We want accountability and safety. We are at the forefront of automation, we have accepted and embraced it, we just want to ensure that we get home safely to our families at night.”*



# BHP OS PRODUCTION AGREEMENT

# REJECTED

**BY THE FAIR  
WORK  
COMMISSION!**

The Fair Work Commission has rejected BHP's application to approve its Operations Services Production Enterprise Agreement, because key terms including pay rates, hours of work and some entitlements weren't properly explained to workers.

After the Commission's decision, BHP has delayed a vote on its Maintenance Agreement.

The Commission found that BHP did their best to bury the detriments of the Production Agreement and keep workers in the dark about the potential loss of important Award conditions by hiding key information in lengthy explanations.

This is the latest legal defeat for OS and a further sign that BHP's approach in setting up an in-house labour hire subsidiary to provide itself with cheaper labour is dodgy.

Queensland District President Mitch Hughes said the MEU's position has always been that OS workers deserve a comprehensive agreement with industry-standard pay and conditions, like BHP's direct employees.

"BHP have said that they will take some time to consider what this decision means for them," he said.

"Now, BHP either need to do what they should have done in the first place and employ OS workers directly at their BHP coal mines or get back to the table and negotiate a more comprehensive Agreement which has been developed in genuine consultation with the workforce."

Things that were not found to be properly acknowledged or explained in the Agreement included:

## **IT WAS FOUND BHP DID NOT ACKNOWLEDGE/ EXPLAIN:**


- Salaries payable under the EA
- How redundancy would work
- The effect of the NES on the EA
- Key award items OS workers should currently be getting but aren't, including paid time off on Christmas and Boxing Day, and rostering



What the Fair Work Commission said about BHP's process for consulting on the OS Production Agreement:

***"The terms that were said to be beneficial to employees were explained in detail a number of times.... In contrast the material was restrained and relatively opaque when referring to the detrimental effects of the Agreement."***

***"Prior to conducting the vote an employer must explain the terms of the proposed agreement and the effects of the agreement to all relevant employees. The explanation is critical in achieving informed agreement. A failure to provide an adequate explanation will undermine that process. I consider this to be the case here. The failure not only to provide an account of the detrimental aspects of the Agreement but to also provide adequate explanations of critical terms of the Agreement going to hours of work and remuneration cannot be considered minor errors."***



## **VALE, STEPHEN WOODS**

This month we lost our much-loved Queensland Check Inspector Stephen 'Woodduck' Woods who passed away after a battle with cancer.

Duck will be remembered for his passion to help others, his commitment to our Union and our members for thirty years, and for the friendship we were fortunate enough to share with him.

We would like to take some time to commemorate Woodducks' contribution to the life of our Union and his story.


Woodduck commenced his career in the mining industry at Cook Colliery UG mine as a fitter and turner apprentice. He then worked at Mount Isa mine, as part of one of the first intakes at North Goonyella UG coal mine where he joined our Union and became a Deputy.

Woodduck played an active role in the North Goonyella Lodge, serving members as President for two years, Vice-President for five years, as well as holding the role of SSHR at the mine for four years.

In 2012 he was elected to the role of ISHR (District Union Inspector) and he diligently served in that role until now.

Woodduck led from the front in fighting for workers' rights, and health and safety each and every day. He was a leading advocate in the fight for justice after the re-emergence of black lung was discovered in 2015, and his focus and commitment ensured that we delivered on what is now seen as worlds' best practice for health screening, prevention, dust monitoring, enforcement and rehabilitation.

In addition to his work in the health and safety space, Woodduck was also a community minded member of our Union, establishing a retired members group in Mackay.



Woodduck will be remembered for his warm smile, his humble nature, his absolute commitment to the health and safety of our members and his passion for helping others. We will honour his legacy by putting safety first every day.

Our condolences go to Stephen's cherished wife Suzanne and their family.

Rest in Peace Woodduck, we will miss you.



*Woodduck receiving life membership earlier this year*



# COLLIE'S UNDERGROUND MINERS CELEBRATE THEIR PAST

Underground mining played an important role in Collie's coal industry from 1952 to 1994, when the last underground mines closed in favour of open cut mining.

To mark 30 years since the last underground mines in Collie – Western Collieries 6 and 7 mines – stopped operating, the MEU and Collie Retired Miners' Association organised a reunion so old workmates could get together and talk about old times.

Two hundred people gathered at the Mineworkers Institute Hall on Saturday 25th May.

Retired Miners Association President Ron Guilfoyle worked underground for 16 years, before moving to the open cut when the underground mines closed.

Like many of the Collie miners, Ron was grateful to be able to continue his employment but preferred his years underground.

"I liked the comradeship," said Ron. "We worked as a team to manage the dangers and we had a good time at crib, playing euchre."

Frank Battista worked in Collie's underground mines for 30 years. "I do miss the comradeship," he said.

"Those men are friends for life and many still live in the same town, that's the best part. The reunion is a real surprise. I thought once the underground was finished, no-one would be interested any more, it's a really great idea."

To coincide with the reunion, the Collie Art Gallery held a special exhibition of photos.

Back in 1994, Collie teacher and photography enthusiast John Bylund knew the impending closure of the remaining underground coal mines was a momentous event.

He asked the managers of Western Collieries' 6 and 7 mines if he could go underground to capture pit life in their final weeks of operation.

John's stunning collection of black and white photos sat at home mostly unviewed until – with the support of the MEU WA District – they were developed into a book and exhibition, both titled Ghosts of the Underground.

The photos depict mineworkers going about their jobs roof-bolting, operating continuous miners, navigating vehicles in tight underground spaces and playing cards at crib. The coal miners' camaraderie and hard work shines through.

Although the underground coal mines closed, coal mining continues in Collie at Premier Coal and Griffith Coal mines.

As Frank Battista said: "Collie coal mining has been a very faithful servant of the state for over 100 years and it's still serving the state."

With further change on the horizon, the Collie community is doing a great job in remembering the town's proud history.









# MEU WOMEN STAND STRONG!



A delegation of members and staff from across the MEU represented our union at the recent Women in Male Dominated Occupations and Industries (WIMDOI) conference in Cairns.

WIMDOI is a long-running event established by our long-time official Lorraine Usher, now retired, to give women an opportunity to share their experiences.

MEU women got to share experiences from the mining industry with 250 women from many different industries including firefighting, seafaring and maritime, rail, construction, meatworks, and electrical trades.

It was a good opportunity to consider how far women have progressed in the mining industry, and the improvements that we have already managed to achieve as union activists in our own mining workplaces.

Queensland organiser Sheryl Cooney said the conference was very empowering, looking at the challenges women have overcome to succeed and establish supportive networks for each other.

“It was enlightening to see where workplaces have been and where they are now due to the courage of women in male-dominated industries,” said Sheryl.

“We also discussed what has changed in regards to legislation and how it was fought for by women. There is still a lot of work to be done in workplaces and with Government to create a safer stronger work force that includes women having a voice.”

Clare Bailey, Mount Pleasant Lodge Secretary, said she came away with a view that the mining industry

is a better place for women than many others, due to union organising.

“These conditions and concerns have been fought for and won by our predecessors and current union and safety advocates through Enterprise Agreements, union activists and health and safety advocates in our industry. However, there remains a collective responsibility to further enhance and uphold these standards.

“I left the conference with a heightened sense of motivation to champion the rights of workers, particularly women, and to serve as a positive role model for future generations of empowered union members.”





# ERARING EXTENDED, CHALLENGES REMAIN



In good news for energy stability and local jobs, the NSW Government and Origin Energy have reached an agreement to extend the operating life of Eraring Power Station until 2027. The coal fired power station, which is the largest in Australia, was slated by Origin to close next year, leaving hundreds of workers unemployed and a shortfall in the state's power generation.

The intervention by the NSW Government is not an upfront payment, but rather a commitment to cover up to 80% of any losses incurred for the next two years. On the other hand, if the plant operates at a profit the state will share in a portion. This arrangement helps ensure that there is an orderly exit from coal-fired power generation in NSW.

On the ground, Eraring's skilled workforce have been counting down to the 2025 closure date, with talk swirling around for some time about potential extensions. This timeline provides them with certainty, and an opportunity to plan their lives while still remaining employed beyond August of next year. For Eraring power station operators like Scott, the extension comes as a relief:

"We are still facing closure, but we have three years now instead of one. It's a welcome reprieve that gives us more time to plan what comes next and see where the jobs of the future could be."

The extension also means it will be more likely that the Net Zero Economy Authority will be up and running, and able to support displaced Eraring workers into new jobs at the time of the plants closure. The Net Zero Economy Authority, which is currently being debated in federal parliament, will be a statutory body dedicated to supporting power station workers affected by the phasing out of coal in domestic energy production.

This Authority is vital to maintain economic prosperity in power producing regions.

The Net Zero Economy Authority will support these regions by co-ordinating investment to drive economic diversification. The legislation imposes obligations on closing employers to provide certainty and support for employees during the closure process. It also establishes an Energy Industry Worker Redeployment Advisory Group to identify and incentivise appropriate local regional employers to provide opportunities to workers affected by power station closures.

However, there are still some significant barriers to the continued economic stability of the Lake Macquarie region, where Eraring is located. While the power station itself has secured its future through to 2027, the mines that feed Eraring still hang in limbo.

Myuna and Mandalong coal mines, both owned by Centennial Coal, have been supplying Eraring with thermal coal for the entirety of their lifetimes. Approximately half of Mandalong's production goes to Eraring, while Myuna operates as a fully captured coal mine, with no other opportunity to transport coal to other markets.

As it stands, Centennial Coal has no ongoing contract to supply Eraring power station, meaning there is an imminent risk of all 350 workers at Myuna and more than half of the 600 workers at Mandalong being stood down.

Despite skyrocketing profits over the past 12 months, Origin Energy has been resisting attempts by Centennial to negotiate a new contract under viable conditions, partly due to stockpiling coal purchased elsewhere under price cap legislation.

Now that Origin has government backing for Eraring to continue operating, it is time for them to step up. Origin should support the community that has hosted Eraring Power Station for over four decades by committing to purchase coal from local mines that exist to supply the power station.