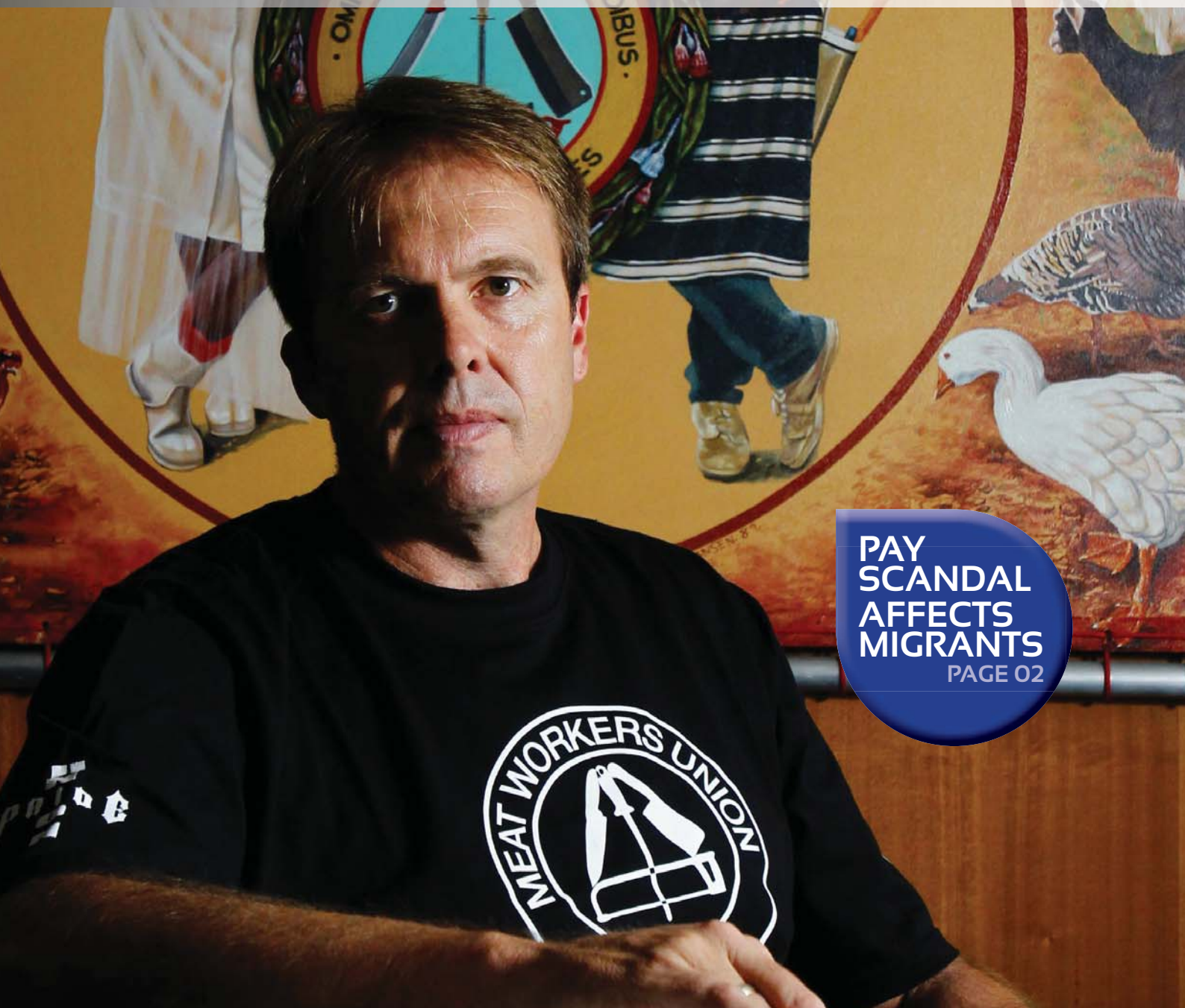


meatworkers' journal

newcastle and northern branch



VOLUME #69
OCTOBER 2013/MARCH 2014



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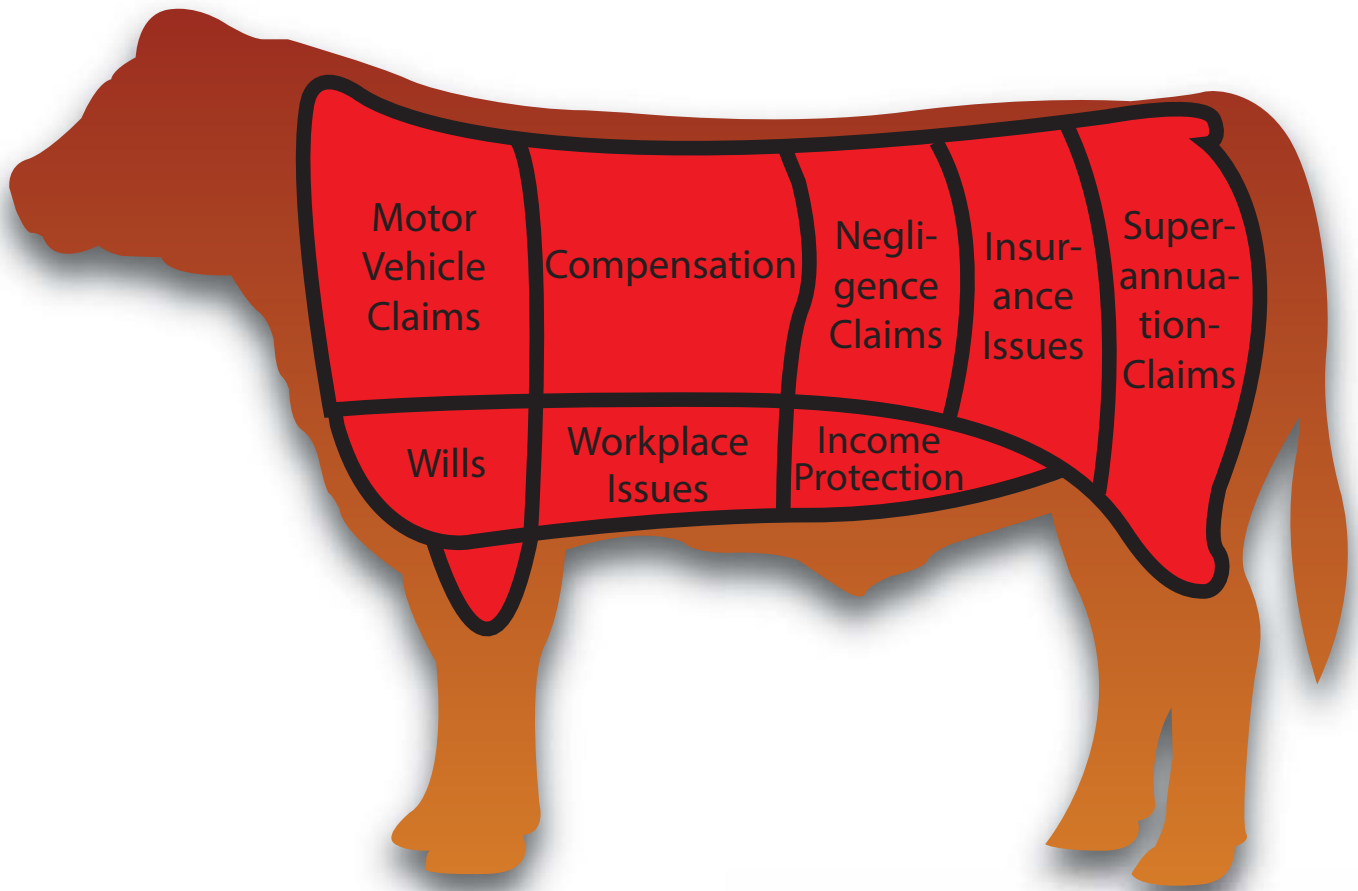
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Treasurer	Stuart Watt
Organisers	Scott Philp (New England)
International Liaison Officer	Ian Tam

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We're offering 10% OFF when you pay your six monthly membership fees UP FRONT before July 31 and January 31 each year.

That's a great saving of \$47.84 per year.

Contact Sue on (02) 4929 5496 to get your discount.

Notice of financial reports

In accordance with Section 263 of the Industrial Relations Act 1996 and Section 265 of the Fair Work (Registered Organisations) Act 2009 a copy of the financial statements of the Union are available for the members on the AMIEU website:

<http://meatworker.net>

Should a member require a copy of the financial statements please contact the office on (02) 4929 5496 or amieu@amieu-newcastle.asn.au and a copy will be forwarded at no cost to any AMIEU Newcastle & Northern Branch member.



Above:
Foreign workers pay up to \$100/week for a bunk bed in a garage.

MIGRANT PAY SCANDAL

Secretary: Grant Courtney Email: amieu@amieu-newcastle.asn.au

They earn peanuts while their bosses drive around in luxury vehicles

These workers are paid in cash, driven to and from work to houses where they pay \$100 a week or more for a bed with 30 others. They are told to hide if they see a white person come to the door. They are bullied, threatened and coerced.

The AMIEU continues to hold many meat industry employers across the country to account for using underpaid foreign contractors on short-term holiday visas.

Our allegations involving a company engaging workers at the Baiada Poultry's Beresfield plant were aired on ABC TV's Lateline program on Wednesday 16th October and you can find the link to the show on our website at <http://meatworker.net>.

The abuse and exploitation of foreign workers across both red meat and white meat processing is a complex web of "black" companies, a couple to mention being Pham Poultry who engage workers at Baiada and Raying Holding who previously provided labour services to Hunter Valley Quality Meats at Scone (trading for Primo). Both labour providers are serial offenders of terrible treatment of their workers including gross underpayments of wages.

We have received numerous complaints from employees and we have evidence about Pham Poultry and Raying Holding not including other companies. All evidence to date has been passed on to various government departments, including the Tax Office, Immigration Department and Workplace Ombudsman.

We have seen people paid as little as \$7.70 an hour when the award rate was more than \$20. Even the \$11 or \$12 an hour they were paying at Beresfield is big money in Korea or China. These workers are paid in cash, driven to and from work to houses where they pay \$100 a week or more for a bed with 30 others. They are told to hide if they see a white person come to the door. They are bullied, threatened and coerced. They earn peanuts while their bosses drive around in a luxury vehicles. The AMIEU's continued efforts to report findings to the authorities with paper

trails that assist in providing justice to the many international workers are restricted in some respects when workers return to their home countries.

Primo and Baiada have denied any wrongdoing but some companies they engage to provide labour we allege continue to underpay workers under sham contractual arrangements. Pham Poultry and Raying Holding are just two companies who are being scrutinised at present by the Workplace Ombudsman and other authorities. While hundreds of permanent workers at Baiada and Primo are paid union rates well above the award, numerous international workers are being ripped off at arm's length by international contract bosses. Our campaign for justice and human rights for all workers continues. If you know anyone who is being ripped off or treated poorly at work contact your AMIEU official or the office.

DOES YOUR EMPLOYER TREAT YOUR PERSONAL INFORMATION CORRECTLY?

PRIMO stitches up deal with Colonial First State Super without WRITTEN authority of workers

Contrary to current Superannuation laws and The Privacy Act it does seem some companies in the New England area have recently determined that it is they who will make the choice of which superannuation funds workers will be members of. This report has come about due to our office being contacted by members who raised concerns relating to their personal details being provided to another superannuation fund without any written authority from members concerned.

The company under our investigation at present is PRIMO trading as Hunter Valley Quality Meats at SCONE. Based on information our office has been provided many workers at this operation have had their personal details provided without authority to Colonial First State Super which is the new preferred fund of the company. In my 33 years of working in the Meat industry I have never know

a company to disclose this sort of private information without the written authority of their employees, if a worker for instance was to disclose private and confidential information of their employer and the employer became aware of it the worker would be dismissed immediately with virtually no rights in the courts. Several government authorities oversee the conduct of superannuation funds.

These being the Office of the Australian Information Commissioner (OAIC) aka "Privacy Commissioner", the Australian Prudential Regulatory Authority (APRA), the Australian Securities and investment Commission (ASIC) and the Australian Tax office (ATO).

We advise all workers with any of the above concerns to contact the OAIC on 1300 363 992 or APRA on 1300 55 88 49 to lodge an official complaint.



FREE TRADE AGREEMENTS

What benefits are there for working people?

TRANS PACIFIC PARTNERSHIP, TPP

This "wanna be" dodgy arrangement being negotiated between several pacific based countries is nothing short of trading away our sovereign rights and allowing big business to dictate terms on how and what they want to pay to workers for their labour. One of the main issues is the introduction of an Investor State Disputes Settlement (ISDS) system, in which foreign corporations are allowed to sue countries in order to protect the profitability of their investments. John Howard to his credit refused this previously and until now so did the Labor Party, however the ABBOTT mob (Libs and Nationals) have said that they may agree to the inclusion of this ability (which you would have to call madness).

Meat industry representatives from five of the world's largest beef producing nations have thrown their weight behind a comprehensive Trans-Pacific Partnership (TPP) trade deal - echoing similar calls by dairy giant

Fonterra and several agriculture groups in the US.

Members of the Five Nations Beef Alliance (FNBA), which includes Australia, Canada, Mexico, New Zealand and the US, agreed that no sectors should be excluded as they signed a position statement on TPP negotiations.

We as the working class in Australia have to ensure this agreement does not take place so we call upon all our members and their immediate families to express your disgust to your federal representatives in CANBERRA. The AMIEU is a part of the INTERNATIONAL UNION of food workers which have condemned these negotiations on the balance of fairness to working people both now and into the future. We will keep you updated as these discussions progress.



INDUSTRIAL FRONT UPDATE

Our bargaining activities for members in the Northern NSW region have reflected some great results over the last period however we still have sites particularly in the Northern Rivers and New England areas where some belligerent employers are resisting transition to genuine collective bargaining.

At the writing of this report the following companies are engaged in enterprise bargaining with the AMIEU officials and delegates in Northern NSW, most are bargaining in good faith.

Agreement	Status
Bindaree Beef Inverell	Ongoing
Thomas Foods Tamworth	Ongoing
Nippon, Wingham	Ongoing
Norco, Lismore	Up for ballot
PFD Foods, all sites	Ongoing
NCMC, Booyong	Up for ballot
Brancourts, Newcastle	Ongoing
Richmond Dairies, Lismore	Up for ballot
Primo/Hunter Valley Quality Meats, Scone	Ongoing Voted to take protected action
Inghams Cardiff	Ongoing
Inghams Lisarow	Ongoing

ABBOTT'S AGENDA REVEALED

Less for ordinary workers

The Abbott Government has begun its attack on ordinary workers by scrapping programs, including the Low Income Superannuation Contribution, that benefit low and middle-income workers.

The draft of the Minerals Resource Rent Tax Repeal and Other Measures Bill 2013 released on the 24th of October will hurt millions of workers now and in retirement.

ACTU President Ged Kearney said the Abbott Government had shown its true agenda by scrapping a range of measures that supported workers and their families.

"This bill abolishes the Low Income Superannuation Contribution, which reduces tax on superannuation contributions from workers on less than \$37,000 per year," Ms Kearney said.

"This is an effective tax increase on 3.6 million workers, including 2.1 million women. It means that these workers will be paying more tax on their superannuation

than on their take home pay and will have less money in retirement."

"This is class war of the worst kind - an attack on ordinary workers ability to have a decent retirement."

"It is unbelievable that the Abbott Government intends to slug these workers, while reducing taxes on mining companies."

"The bill also scraps the Schoolkids Bonus which helped millions of families with the cost of sending children to school."

"It also stops the Income Support Bonus, which will hurt people on a range of income support programs, including Newstart and Parenting Payments, which are already too low.

"These measures show that the new government will always side with big business at the expense of workers and their families."

"THIS IS CLASS WAR OF THE WORST KIND - AN ATTACK ON ORDINARY WORKERS ABILITY TO HAVE A DECENT RETIREMENT."

GED KEARNEY
ACTU PRESIDENT

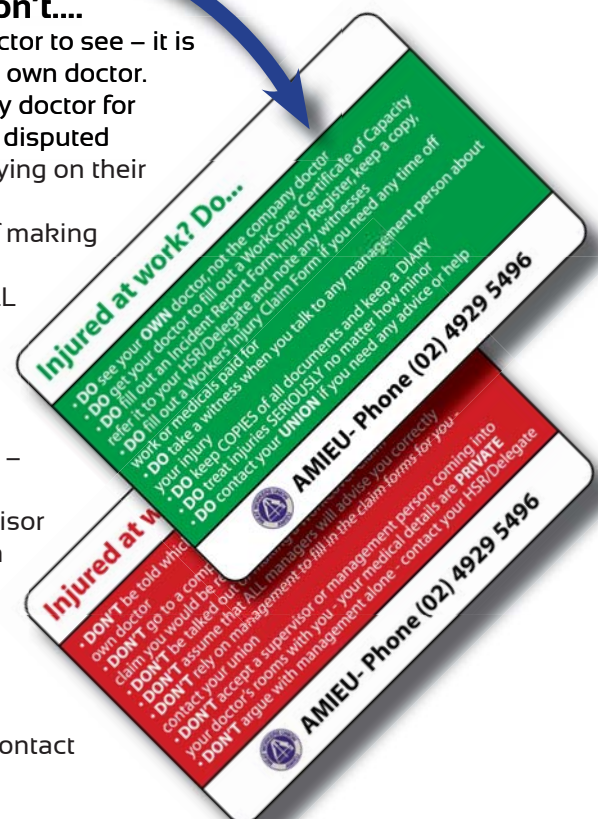
Look out for your new card "Injured at work?"

Injured at work? Do....

- DO see your OWN doctor, not the company doctor
- DO get your doctor to fill out a WorkCover Certificate of Capacity
- DO fill out an Incident Report Form, Injury Register, keep a copy, refer it to your HSR/Delegate and note any witnesses
- DO fill out a Workers' Injury Claim Form if you need any time off work or medicals paid for
- DO take a witness when you talk to any management person about your injury
- DO keep COPIES of all documents and keep a DIARY
- DO treat injuries SERIOUSLY no matter how minor
- DO contact your UNION if you need any advice or help

Injured at work? Don't....

- DON'T be told what doctor to see - it is your RIGHT to see your own doctor.
- DON'T go to a company doctor for medical treatment. In a disputed claim, you would be relying on their evidence
- DON'T be talked out of making a WorkCover Claim
- DON'T assume that ALL managers will advise you correctly
- DON'T rely on management to fill in the claim forms for you - contact your union
- DON'T accept a supervisor or management person coming into your doctor's room with you - your medical details are PRIVATE
- DON'T argue with management alone - contact your HSR/Delegate



*Make sure to keep it
in your wallet!*

BRANCH ELECTION RESULTS

We would like to congratulate all Branch officials on the recent Branch election results announced by the Australian Electoral Commission. We have several new Committee Members who are:



**ADRIAN
VAN HAREN**

Bindaree Beef Inverell
Member: 10 years



**LEONIE
GIBSON**

Coles Supermarkets
Member: 27 years



**JASON
ROE**

Primo Scone
Member: 7 years



**DARRELL
SHELTON**

Baiada Beresfield
Member: 35 years



**JOHN
DAWSON**

Inghams Lisarow
Member: 14 years

PAKISTAN: COMPLETE BAN IMPOSED ON EXPORT OF LIVE ANIMALS

Federal Minister for National Food Security and Research Sikandar Hayat Bosan on Wednesday said that government has imposed complete ban on the export of live animals. He said this while addressing the launching ceremony of three-tier training programmes for meat industry workers, supervisors and managers in collaboration with University of Veterinary and Animal Sciences (UVAS) Lahore and USAID Agribusiness Project.

Speaking on the occasion, the minister said that the government is promoting meat industry and has allowed import of meat-processing machinery and equipment at zero percent duty for the purpose. He said that the low efficiency and production losses are mainly caused during collection, processing, handling, storage and transportation of livestock products.

"The capacity building and training of workers will not only assist in reducing physical and economical

losses to the sector but will also help to establish sustainable foreign markets for our livestock products," he said. The minister lauded the UVAS for launching these training programmes and assured full co-operation of the government to private sector to tap new markets.

The Secretary Livestock and Dairy Development, Dr Sajid Yousfani emphasised on the training of human resource for the development of meat industry. He said that initiation of meat industry training programmes by the UVAS will go a long way in development of livestock sector in general and meat industry in particular. Vice Chancellor Professor Dr Talat Naseer Pasha said that the purpose of these training programmes is to strengthen the capacity and proficiency of meat processing plants according to the international quality and hygiene standards.

He said the training programmes will help to improve the capacity of the

meat processing industry by training the workforce to enhance their knowledge and skills in meat supply chain. He further added that these training programmes have been customised in a way that will benefit all the relevant players in the meat supply chain. Head of Department of Meat Science and Technology Dr Muhammad Hayat Jaspal spoke about the objectives of the training programmes, which are being conducted at Lahore and Karachi for meat industry workers, supervisors and managers.




**JIM
BENNETT**

 Congratulations
Certificate of
Merit
Recipient

We sent Justin to...

INTERVIEW JIM BENNETT

Assistant Secretary: Justin Smith

 Email: justin.smith@amieu-newcastle.asn.au

On the 30th of October Jim Bennett AMIEU site delegate at NCMC Casino stood down from his position and announced his retirement.

Jim has had a long and colourful involvement in our Union and I have had the pleasure of working closely with him over the last 5 years.

When I heard that Jim was retiring I thought it best that I interview him to find out what Jim has experienced over the years. After an hour I stopped Jim and pleaded with him write a book. I could not keep up we were laughing so much. The following is just a summary of Jim's time in our industry.

Jim was born in Casino and grew up at Shannon Brook just out of Casino. Jim as a young man tried his hand at many things and his first foray was at the Aberdeen Meatworks. As a teenager Jim lasted less than 12 months but while there he did survive a fire in the boarding house he was staying in just days before Christmas, his first away from home, he was left with only the clothes on his back but Jim still recalls the kindness his co-workers at the Aberdeen meatworkers bestowed upon him.

Jim moved onto a number of different jobs like driving dozers and working in the timber industry. While working at a saw mill he learned the money was good labouring at the Meatworks, so in 1977 at the age of 29 Jim got a job working in the gut room at Casino Meatworks.

It didn't take long for Jim to be recognised by his co-workers he was someone that would be good at representing them so he became a delegate.

Again Jim's did not go unnoticed and when Ray Clarke retired Jim was asked by site co-delegate Hammel Smith to stand for the "top job" of site delegate, Jim had barely been there two years. Jim also became part of the Union's committee of management, elected to position as vice president.

In 1986 the committee of management endorsed Jim as Organiser. During his time in this role Jim worked under four secretaries Max Coulson, John Rudder, Murray Bennett and Kath Evans. This time also saw a major change in the meat industry with sites like Tamworth, Gosford, Wyong, Woy Woy, Maitland, Aberdeen, Guyra and Grafton all closing down, only a few reopened.

Jim remembers working with some great organisers - Barry Cole, Neville Proud and Barry Tobin. They worked through difficult times going from site to site as they closed making sure members were looked after as best they could. Jim will never forget visiting families after sites had closed down, sometimes even resorting to buying food for them.

Jim has been to nearly all the sites our Branch covers from red meat to dairy and poultry. I still find now in my travels that he is still fondly remembered by our long serving members.



**"I STOPPED JIM AND PLEADED
WITH HIM TO WRITE A BOOK. I
COULD NOT KEEP UP WE WERE
LAUGHING SO MUCH."**

Jim finally finish working for the union in 2001 and for the past 11 years has worked at Casino Meatworks and served the past nine as the site delegate.

Like I said at the start Jim should write a book, he can still remember the names of delegates, members, bosses, HR mangers, Commissioners as well as the disputes from his time as an organiser with the Union.

I would like to thank Jim for his commitment to the AMIEU over the years and the help he has given me - thanks mate.

I would also like to wish him luck in retirement I know he will keep busy as he is very active in his local community.

*As Jim would say "see you, around the traps".
Justin Smith*

**WISHING JIM THE
BEST OF LUCK IN
RETIREMENT**

RECORD BEEF PRODUCTION

AUSTRALIA is on track to produce a record amount of beef this year.

"But that record level is cold comfort for producers who are currently struggling with much lower cattle prices," Meat and Livestock Australia trade and economic services general manager Peter Barnard said.

Dr Barnard told an MLA producer forum in Wodonga last week Australia was expected to produce 2.3 million tonnes of beef this year - up from 2.15 million tonnes last year.

"This is more than in the 1970s when slaughter rates were so much higher than they are now," he said.

The trend has been attributed to heavier carcasses and "a huge increase in (cattle) turn-off in eastern Australia" due to deteriorating seasonal conditions.

An extra 700,000 cattle have been slaughtered so far this year compared to last because of the tight season, particularly in Queensland and NSW.

Despite the benchmark Eastern Young Cattle Indicator falling about 90c/kg carcass weight - or 25 per cent - since its 2011 peak there was "a great deal of hope" for the local beef industry with worldwide demand very strong.

Forecasters have prices for Australian 90CL manufacturing beef to the US rising 5-10 per cent next year.

Added to the positive outlook was the strong Australian dollar "which has had such an impact (and) is showing signs of weakening," with forecasts of it declining US\$5-10c/kg next year.

Dr Barnard said if the Australian dollar was at 2008-09 levels, the EYCI "rather than \$3/kg now would be \$3.50/kg."

Tarcutta NSW farmer Denzel Clark said "If we push the Australian dollar down our costs will go through the roof because most (products) come from overseas."

"We have got to learn to trade with the American dollar on an equal footing. It's about right where it is now."





GOOD-FAITH BARGAINING

FACT SHEET

Organiser: **Scott Philp** Email: scott.philp@amieu-newcastle.asn.au

Phone: **0411 182 056**

Good-faith bargaining is at the core of the Fair Work Act and is primarily each party 'making a sincere effort' in negotiations.

The Fair Work Act sets out what is meant by good-faith bargaining, as follows:

1. Attending, and participating in, meetings at reasonable times;
2. Disclosing relevant information (other than confidential or commercially sensitive information) in a timely manner;
3. Responding to proposals made by other bargaining representatives for the agreement in a timely manner;
4. Giving genuine consideration to the proposals of other bargaining representatives for the agreement, and giving reasons for the bargaining representative's responses to those proposals;
5. Refraining from capricious or unfair conduct that undermines freedom of association or collective bargaining;
6. Recognising and bargaining with the other bargaining representatives for the agreement.

Parties may seek bargaining orders from FWC if they believe the other party has failed to comply with the above

good-faith bargaining obligations. Good faith bargaining does not require:

- a bargaining representative to make concessions during bargaining for the agreement; or
- a bargaining representative to reach agreement on the terms that are to be included in the agreement.

Bargaining Orders

If one or more of the bargaining parties does not meet the "good-faith" requirements, the following process can be carried out:

Section 229 states the concerned party should first provide the party allegedly not bargaining in 'good faith' with:

1. A written notice setting out those concerns to the relevant bargaining representatives; and
2. Reasonable time within which to respond to those concerns.

Bargaining Agents

The Fair Work Act 2009 stipulates that employers must take all reasonable steps to notify employees of their right to a bargaining agent not later than 14 days after the notification time of the agreement. The notice must specify that the employee may appoint a bargaining representative to represent the employee in bargaining for the agreement and in a matter before FWC that relates to bargaining for the agreement. A person may revoke their bargaining agent in writing.

Bargaining agents can be:

- the employer.
- a person the employer appoints in writing.
- an employee may appoint themselves as their bargaining representative for the agreement.
- a person an employee appoints in writing.

If the employee is a member of an employee organisation (A Trade Union) that is entitled to represent the industrial interests of the employee and the employee does not appoint another person as their bargaining representative; the organisation will be the bargaining representative.

*Bye for now,
Scott Philp*



Cartoon by Nicholson from "The Australian" newspaper: www.nicholsoncartoons.com.au

"Protecting workers for over 100 years"

WELCOME IAN TAM



The AMIEU Newcastle & Northern Branch would like to introduce our new International Liaison Officer

歡迎譚凱欣

澳大利亞肉類行業員工工會紐卡素和北部分部想向大家介紹我們新的國際聯絡官

Hello everyone, I'm Ian Tam, the AMIEU's new International Liaison Officer, nice to meet you.

大家好, 我是Ian Tam, 新任的AMIEU國際聯絡官, 很高興認識你。

I grew up in Hong Kong, and received a Masters Degree in Public Policy from the University of Sydney. However my first job in Australia was working in a pie factory as a casual.

成長於香港, 畢業於悉尼大學公共政策碩士。我在澳洲的第一份工作是一名餡餅工廠的臨時工。

Getting paid as little as \$14 - \$15 per hour for over 70 hours per week without overtime seems to be unacceptable for most Australians but it is reasonable for most young overseas workers.

每小時14 - 15澳元, 每週工作時長超過70小時, 沒有加班費。這種情況對於大部分澳洲人來說是難以接受的, 但卻對於很多海外年輕工作者來說是合理的。

I was one of the lucky ones and successfully contacted different Unions through participating in various social activities. I have also participated in an internship program with Unions NSW where I really learnt a lot and which led me to my new position here of International Liaison Officer.

但是我很幸運, 通過參與各種社會活動, 成功接觸到不同的工會, 同時在新州工會的實習中學習到了很多寶貴的知識, 從而令我成為了今天AMIEU的國際聯絡官。

What I have observed in recent years is that there is a significant growth in the number of international students and overseas backpackers (Working Holiday Visa holders) in Australia. However most of these young people work

under poor conditions due to the lack of knowledge and education about Australian workers' rights as well as a lack of social support.

我觀察到近年來澳洲的國際留學生與背包客(工作旅遊簽證持有人)在人數上有明顯的增長。可是, 由於缺乏工作權益的知識與教育以及社會各界的支持, 這些年輕人大部份經常在惡劣的條件下工作。

Working for lower pay, working longer hours, paying no tax, having no superannuation, not being covered by insurance and living in the worst accommodation ever. Can you imagine sharing a room with 10 - 12 people or a house with 30 people? These young overseas workers have no idea about their rights in Australia, and they don't know how to defend their rights and benefits.

更低工資, 更長工時, 不繳稅, 沒有養老金, 沒有保險和居住在惡劣的住宿環境。你能否想像10 - 12人居住在一間小房間或30人同住一間房? 這些年輕海外工作者對自身在澳洲的工作權益毫無概念, 亦不明白如何去捍衛自己的權益。

In fact, working in Australia has become a nightmare and painful memory in these young people's lives. As a developed country, Australia is famous for its good working conditions and workers' rights, there is no doubt that all international workers should enjoy the same condition as the local workers. No matter where you come from, it is the time for us to stop this harmful situation happening in this beautiful country.

事實上, 在澳洲工作已成為這些年輕人人生中的惡夢與痛苦回憶。澳洲作為一個發達國家, 以良好的工作環境與工作權益聞名世界。毫無疑問, 所有的國際工人都應享有與本地工人同等的待遇。不論你是來自哪裡, 現在是時候去阻止這種有害情況繼續發生在這個美麗的國家。

DAMAGES AWARDED



"THE EMPLOYEE WAS ENTITLED TO A DECLARATION ON THE MISCONDUCT ALLEGATIONS THAT SHE "CAN SHOW TO A PROSPECTIVE EMPLOYER OR TO ANY OTHER PERSON"

JUSTICE MALCOLM BLUE

The Supreme Court of South Australia has added a further \$12,175 in interest to the \$47,081 damages it awarded a former head of Annesley College boarding house it found was unlawfully dismissed in 2010, also ordering the school to formally declare she was not guilty of the misconduct alleged.

The Annesley College employee claimed she had been "summarily dismissed" over "trivial" complaints made by other staff borne of "petty jealousies". She was on an annual salary package of \$132,000 when dismissed and she claimed for more than \$2 million allowed for loss of current and future earnings.

Annesley College told the court that they were justified in taking action against a woman who had mistreated students, parents and staff. The alleged misconduct it relied on was:

Exaggerating to boarders and their parents the cost to replace a damaged fire door;

Permitting two year 11 students to consume alcohol;

Saying "black bastards" to herself, in reference to two Indigenous students; and

Falsely denying the allegations the college put to her.

The employee rejected all accusations, and Justice Blue found Annesley had "failed to prove, in each respect particularised, that she engaged in conduct in breach of the mutual trust and confidence term, or that such conduct was sufficiently serious to justify summary termination".

Justice Blue awarded the employee \$47,081 damages, the equivalent for 12 weeks' salary in lieu of notice plus long-service leave.

She failed in her other damages claims, including for breaches of duty of care and mutual trust and confidence, distress, and lost opportunity to both remain at

Annesley and work in the teaching profession elsewhere.

In a further ruling, however, Justice Blue held the employee was entitled to a declaration on the misconduct allegations that she "can show to a prospective employer or to any other person".

Justice Blue also awarded the employee \$12,175 interest and court costs, taking into account her unsuccessful claims, after also rejecting the college's argument that she was precluded from receiving costs because her damages award was for less than \$75,000.

**Got
questions?**

Contact the Union if
you have any questions
about issues at work.

Call us
(02) 49295496



RIGHT TO REFUSE MEDICAL ASSESSMENT

A public servant sacked for refusing to submit to a psychiatric assessment has been reinstated, after a tribunal found that the direction was unlawful and her dismissal relied on a "prejudicial" HR disciplinary report.

The NSW Department of Attorney-General and Justice dismissed the clerk early this year for misconduct after she maintained that the three directions to attend a medical assessment weren't medically or legally justified and she refused to take part.

In 2007 and 2008 the clerk was absent for extended periods due to a stress and a psychological injury and refused to work in the crime prevention division due to "unresolved interpersonal/human resources issues" that her doctor feared would exacerbate her injury.

Two years later, she provided medical certificates indicating that she was only fit for restricted duties due to tendonitis caused by repetitive typing.

The department directed the clerk in late 2011 to undergo a psychiatric assessment to "assist with identifying suitable duties" which she refused.

In dismissing the clerk for refusing to comply, the department's director-general relied on a HR disciplinary report which

alleged she had demonstrated misconduct through her "continued lack of respect for authority" and for her failure to meet minimum standards of ethical behaviour.

The clerk lodged an unfair dismissal application in the NSW IRC, and Commissioner Peter Newall found that the directions were given when she was on restricted duties due to a wrist injury, and there was "no functional requirement" to see a psychiatrist. The director-general failed to follow the prerequisite under the regulations that he has evidence that the clerk wasn't fit for work.

"To refuse the Director-General's directions in the terms that they were made was simply not misconduct." Commissioner Newall said the clerk was right to "expressly resist".

The Commissioner was highly critical of the HR disciplinary report, which he found was procedurally unfair because it contained irrelevant "prejudicial material", including "unsourced hearsay", and yet was "expressly taken into account" in the decision to dismiss the clerk.

Commissioner Newall also found that the director-general's failure to give the clerk an opportunity to respond to allegations about her misconduct was "egregiously unfair".

KNOW YOUR RIGHTS

Contact the union if you feel pressured by your employer.

**CALL US
(02) 49295496**

**"DIRECTED TO
UNDERGO A
PSYCHIATRIC
ASSESSMENT
TO "ASSIST
WITH
IDENTIFYING
SUITABLE
DUTIES" WHICH
SHE REFUSED."**

PROTECTED ACTION AND YOU

WHAT DOES PROTECTED ACTION MEAN?

Protected Action means you can take any approved industrial action without fear of dismissal or reprisal, nor can you be sued for losses incurred by the company.

During the process of enterprise bargaining there comes a point where the employer and the employees disagree on the final terms of a deal and at this point there are mechanisms within the Fair Work Act that are designed to end the deadlock and bring negotiations to the completion of an agreement.

The Fair Work Act recognizes that there must be fairness in agreement making and allows both parties equal opportunity to coerce the other into agreeing to a particular set of terms.

Those powers of coercion rest in the ability for each side to take industrial action against the other and when done in accordance with the Fair Work Act becomes Protected Action. This means you can take any approved industrial action without fear of dismissal or reprisal, nor can you be sued for losses incurred by the company.

Industrial Action is protected by law when the Union applies for a protected action ballot in Fair Work Australia, and having been approved is conducted in accordance

with the requirements of Fair Work Australia.

Usually it is The Australian Electoral Commission who conducts the ballot and then once the ballot has been run and industrial action approved by the Union members at the relevant site, the industrial action is protected action from that point on.

A couple of important notes:

ONLY Union members can vote in the ballot

ONLY Union members are protected by the law

If the action is not utilised within a month of the ballot it cannot be taken

If you do not take action in the prescribed time then a new ballot occurs if protected action is required

The employer to your action can respond with industrial action of their own

Protected action is designed to conclude an agreement, not to have a go at the boss.

PROTECTED ACTION IS A WORKPLACE RIGHT



Greenham Workers Strike

A victory has been achieved in Tasmania after a strike by the AMIEU members encouraged the company to increase its wages offer significantly.

The company's first offer was for only 1.75% per annum in wage increases but after the strike the company amended its offer within days increasing the wage offer dramatically and including a \$750 payment for a successful vote in favour of the new agreement.

No productivity offsets were surrendered by the workers and the new agreement was approved immediately by members on site.

The power of workers standing together is undisputable.

COMRADESCORNER

CONGRATULATIONS TO OUR MEMBER

Paul along with his team mates Kirsty Hewitt and Al Greenham won the 10th Annual NSW Team Penning Championship, Open division.

Team penning is one of the fastest growing horse sports in Australia.

The sport requires the three riders to separate and pen three cattle out of a mob of thirty that are colour-coded, with the judge telling the riders which colour at the start of time.

The team has two minutes to pen the cattle, with the fastest time winning.

**Paul
McCulloch**

**Team Penning
Championship
Winner**



VALE MAX COULSON



The union learned with regret the death of former Secretary of the AMIEU Newcastle and Northern Branch, Maxwell Roy Coulson. Born 6 December 1924 Max passed away last Wednesday, 21 August 2013, aged 89 years.

Max joined the AMIEU Newcastle and Northern Branch on the 27th July 1959 and between 1962 and 1964 Max was an Organiser, Federal Council Representative and Trustee of the Union. In 1964 Max was elected as the Assistant Secretary and in 1969 Max became the Secretary. Max held the Secretary position for a period of 19 years until 1987. The officials, staff and members of the AMIEU transmit to Max's family and friends, our sincere condolences.

VALE HAMMEL SMITH



Former Secretary Kath Evans presenting Hammel with his Life Time Member award.

Reginald John (Hammel) Smith spent most of his working life at the Northern Co-operative Meat Company, starting as a young man before the mechanisation as we know it to-day existed. Being a labourer in the early years he eventually went on to become a skilled slaughterman on all species at the Abattoir including cattle, sheep, goats

and pigs, eventually settling as a veal floor slaughterman up to the time of his retirement. Hammel was a keen tradesman, never settling for second best in the quality of his workmanship and over the years he represented his fellow workers on industrial matters in an industry well known for its ever-changing working conditions, always mindful of his fellow workers, but always ready to maintain fairness in the workplace. Hammel, along with other worker representatives, played a vital role with abattoir management in ensuring job security, whilst also ensuring Casino Meatworks was the 'apple of the eye' of the Australian Meat Processing Industry in the volatile years of the 1970's and 80's. Hammel was also in later years a member of the branch Committee of Management of the AMIEU, and a good friend to many. He will be sorely missed by many workmates both past and present.

*By Jimmy Bennett
Recently Retired Site Delegate
Northern Co-operative Meat Company Ltd*

OBITUARY

It is with deepest regret and sympathy that we record the death of the following esteemed members of the AMIEU Newcastle and Northern Branch:

MEMBER NO.	NAME
1402	REGINALD JOHN 'HAMMEL' SMITH
6419	HAROLD SIMMONS
6430	NOLA FERGUSON
6524	KARL BEZWARCHNY
6883	JAMES BULLOCK
6897	JOHN FOSTER
6903	MAXWELL COULSON
7112	IVY TRIGGELL
7159	ARTHUR BLANCHARD

HELLO
my name isMEMBER
PROFILES

Anthony Cashman

Pets? No**Employed by?** Baiada Poultry Tamworth**Hobbies and interests?** Socialising with mates, Picking on Justin, Cricket**If you could have any job what would it be?** Fisherman**Favourite food?** Not fussy**Favourite movie or TV show?** Shawshank Redemption**If you could invite anyone over for dinner or to have a drink with who would it be?** Anyone but Blandy**Why are you a member of the AMIEU?** So I can be looked after at work**If you were down to your last \$10 what would you spend it on?** Make a bet at the TAB**Favourite holiday destination?** Fiji**Favourite drink?** Jim Beam**What sport do you play?** Cricket

Roy Ruane

Nick Name?

I have been called a lot of things but none that can be put to print

Hobbies and interests?

Watching footy and riding my Harley.

If you could have any job what would it be? I've got it**Favourite food?** Hot Indian Curry**Favourite drink?** Toohey's old**Favourite movie or TV show?** News and footy if the footy's not on I can get to bed early**Favourite footy team?** Long suffering Eels fan**If you were down to your last \$10 what would you spend it on?** Fuel for the bike**If you could invite anyone three people over for dinner who would it be?** Miranda Kerr, Jennifer Hawkins and my wife so she can see I am only interested in their minds**Why are you a member of the AMIEU?**

I am not afraid to speak my mind so I have needed my delegates help from time to time



Emma Holloway

Pets? 1 dog and 1 bird**Employed by?** Inghams Lisarow**Hobbies and interests?** Cake Decorating and Partying Hard**If you could have any job what would it be?** One that allows me to stay in bed all day**Favourite food?** Chocolate**Favourite movie or TV show?** Ice Age**If you could invite anyone over for dinner or to have a drink with who would it be?** Matt Damon**Why are you a member of the AMIEU?** Because I shoot my mouth off too much**If you were a tree, what would you be?** Cactus**Favourite drink?** Smirnoff**If I came to your home and looked inside the refrigerator, what would I find?** Chocolate, butter and milk**If you were a T-shirt, what colour would you be? Why?** Fluoro yellow so you wouldn't lose me in a dark night.



The Australasian Meat Industry Employees Union

TOOL CATALOGUE

The meat workers union, (the AMIEU) is a specialist union for all workers in the meat industry.

We now supply tools to both our members and non members alike, although our members do get a substantial discount on all products.

We stock over 200 product lines and unlike other tool suppliers we use many distributors to give you the biggest range of tools available and at the very lowest prices.

We are also a non profit organisation and our members pay no mark up for these tools. That's why they are so cheap, we sell at the wholesalers prices.

If you are interested in receiving a copy of the catalogue, please contact our Newcastle branch on:

(02) 4929 5496

CPI Increase to Union Dues

As per the resolution of the meeting of the AMIEU Newcastle & Northern Branch Committee of Management meeting on the 13th May 2010 union dues are increased annually from 1 January each year in line with the national CPI, which was 2.2% for the past twelve months.

Please note from 1 January 2014 union dues will move from \$9.00 to \$9.20 per week or \$39.00 to \$39.86 per month. For juniors it will be \$4.60 per week or \$19.93 per month.

Even with this moderate increase our union ticket is still one of the cheapest in the country, delivering great value with our family friendly benefits.

Thanking all our members for their valuable support.

MEMBERSHIP APPLICATION FORM



AUSTRALASIAN MEAT INDUSTRY EMPLOYEES' UNION (AMIEU)

NEWCASTLE & NORTHERN BRANCH

PO Box 2263, DANGAR NSW 2309

Phone: (02) 4929 5496 Fax: (02) 4929 5401 Email: amieu@amieu-newcastle.asn.au

THIS FORM MUST BE SENT TO AMIEU NEWCASTLE OFFICE - PLEASE PRINT CLEARLY

Being an Industrial Union of employees registered under the Industrial Relations Act 1996 as amended AND Being registered under the Workplace Relations Act 1996 as amended.

Title (eg. Mr/Mrs):

☐

Male

☐

Female

Surname:

Given Names:

Known Name:

Address:

Suburb:

P'Code:

Phone (H):

Mobile:

Date of Birth:

Email:

Employer:

Location:

Section:

Delegate:

First Language:

☐

Senior

☐

Junior

I, the undersigned apply for membership of the Australasian Meat Industry Employees' Union, Newcastle & Northern Branch and pledge myself to loyally abide by its Rules and any amendments that may be made hereafter.

I/We authorise and **request you until further notice in writing**, to debit my/our account/credit card below, any amounts which the Australasian Meat Industry Employees' Union may debit or charge me/us through their banking system.

I/We understand and acknowledge that:

1. The financial institution may, in its absolute discretion, determine the order and priority of payment by it of any monies pursuant to this request or any authority or mandate;
2. The financial institution may, in its absolute discretion, at any time by notice of writing to me/us terminate this request as to future debits;
3. The user may, by prior arrangement and advice to me/us, vary the amounts or frequency of future debits.

Signature:

Date:

OPTION 1 - DIRECT DEBIT

☐ Weekly - Default

If weekly, select day:

☐ Monthly (1st of month)

☐ Wednesday (Default)

☐ 6 Monthly (2nd January/1st July)

☐ Monday

☐ Friday

If the direct debit day lands on a weekend or public holiday, it will occur on the next business day.

Name of financial institution:

Branch:

Account Name(s):

BSB No.

—

Account No.

Signature of Account Holder:

If account is two to sign, second signature:

OPTION 2 - CREDIT CARD

☐ Monthly (1st of month) - Default

If the scheduled day lands on a weekend or public holiday, it will occur on the next business day.

☐ 6 Monthly (2nd January/1st July)

☐ VISA

☐ MASTERCARD

Card No.

Expiry Date: (mm/yy)

CVV No.

Name on Card:

Signature of Cardholder:



Summary of benefits & costs

MIESF returns all of its profits to members Higher returns – Lower costs		
Earnings Allocated – Trustee Option	2012/13	14.2% p.a. (15.6% p.a. for Pension section)
Historical – Trustee Option	5 year average	3.8% p.a. (4.3% p.a. for Pension section)
	10 year average	6.5% p.a. (7.2% p.a. for Pension section)
	18 year average	6.8% p.a. (7.5% p.a. for Pension section)
	30 year average	8.6% p.a. (Pension section started in 1995)
High Growth Option	With effect from 31 January 2009, the Fund offers Main section and Rollover section members an investment choice which is referred to as the "High Growth Option". The earnings rate allocated for the High Growth Option was 21.7% p.a. for 2012/13. The 4 year average was 10.0% p.a.	
Net Assets at 30 June 2013	\$614 million	
Size of Fund	Current membership	28,500
	Registered "active" employers	1,900
Management Fees	Administration \$67.60 p.a. deducted from each account 0.53% p.a. of your account balance when it is invested in the Trustee Option or 0.37% p.a. of your account balance when it is invested in the High Growth Option. These are the Fund's investment related costs. A withdrawal fee of \$35 applies for each withdrawal from the Fund.	
Death, Terminal Illness and Total and Permanent Disablement (TPD) Insurance Cover	Eligible members under age 65 have \$200,000 of death and terminal illness insurance cover. Eligible members under age 39 have \$200,000 of TPD insurance cover. The level of cover reduces rapidly from age 39 to age 64. \$5.60 per week is deducted from each eligible member's account to cover the cost. You can view the Fund's Insurance Booklet dated 1 July 2013 online at miesf.com.au/pds.htm	
Pension Section	Members aged 55 or over can start a MIESF Pension with the same low "Management Fees" as set out above.	
Voluntary Contributions	Voluntary member contributions can be made at no extra cost and may qualify for government co-contributions. Please note that if you are aged 65 or over, you will need to be employed on at least a part-time basis to make voluntary member contributions. If you are 75 or over, you cannot make these contributions into superannuation.	
Your Industry Fund	MIESF was established over 30 years ago. It operates Australia-wide as a multi employer fund providing superannuation for people working in the meat industry.	

The above is only a summary.

Details of the Fund's benefits, costs and operations can be seen in our latest Product Disclosure Statement (PDS) dated 1 July 2013.

There is also a PDS for the Pension section members dated 1 March 2011.

You can view these PDS's on line at miesf.com.au/pds.htm or if you would like a printed copy, please call 1800 252 099.

You should refer to the Fund's PDS's before making a decision about the Fund.



MEAT INDUSTRY EMPLOYEES' SUPERANNUATION FUND

Producing strong returns for its members

How do you join?

Contact MIESF on 1800 252 099 to discuss how to join the Fund.

On joining you will receive a member card, and a copy of the Fund's Product Disclosure Statement (PDS) and Annual Report. It is important that you read these documents to fully understand the benefits and features of your membership in MIESF.

Investment earnings

Your superannuation contributions are invested in accordance with your choice of two different investment options – the Trustee Option and the High Growth Option (refer to page 5 of the PDS for further details).

The investment earnings include both cash earnings actually received and movements in the market value of assets. As a result they may be either negative or positive.

Competitive investment returns

The MIESF returns for the Trustee Option for various periods up to 30 June 2013 have been competitive. One measure of this is to compare them with the median (middle ranking) return of "balanced" investment options of large superannuation funds with "growth" investments of between 55% and 75% in the SelectingSuper Survey (www.selectingsuper.com.au) as shown below. The MIESF Trustee Option generally has about 60% of its assets invested in "growth" assets.

Period up to 30 June 2013	MIESF Return % p.a.	SelectingSuper Survey Median % p.a.
1 year	14.2	14.7
3 years	7.9	7.6
5 years	3.8	3.8
7 years	4.0	3.6
10 years	6.5	6.5

Low fees/good services

- low administration fees, \$1.30 per week.
- death and terminal illness insurance cover of \$200,000, total and permanent disablement insurance cover of \$200,000 up to age 38 and reducing amounts from age 39 to age 64, cost \$5.60 per week (refer to page 7 of the PDS for details. A copy of it can be obtained from the Fund Office.)
- home loan service – 13 15 63

Your money is safe with us

- we focus on your long-term future and security
- we don't take commissions, so all profits belong to members
- we are independent of your employer
- we meet all government regulations to ensure the safe management of your money

You're in good company

- we are a fund run for you, by people like you, whose livelihood is in the meat industry
- we are an Australia-wide, industry based accumulation-style fund

When you leave your employer

You don't have to leave MIESF, you can:

- leave your benefit in MIESF until you retire
- invest your money in the Rollover section of MIESF
- receive a regular income through the Pension section when you retire
- Transition to Retirement Pensions are also offered by MIESF. For information on this please contact the Fund Office.

How do you transfer your other super to us?

Use our roll-in facility to transfer superannuation monies into MIESF. A superannuation Transfer Authority form can be downloaded from our website www.miesf.com.au or call us and we can send the Superannuation Transfer Authority form to you.

How to contact us

Meat Industry Employees' Superannuation Fund
2nd floor, 62 Lygon Street
CARLTON SOUTH VIC 3053

Telephone: 1800 252 099 or (03) 9662 3861 (for callers from mobile phones)

Fax: (03) 9662 2430

Email: fundadmin@miesf.com.au

Website: www.miesf.com.au

You should consider the Fund's Product Disclosure Statement before making a decision to acquire or continue to hold interests in the Fund.

The Trustee of the Fund is Meat Industry Employees' Superannuation Fund Pty Ltd (ABN 58 005 793 199) (AFSL 239953) (RSE L0001434)