

AMWU
MINUTES VICTORIAN STATE COUNCIL
SEPTEMBER 8th 2021

**MINUTES OF A MEETING HELD AT 251 QUEENSBERRY STREET, CARLTON SOUTH
AND ZOOM, COMMENCING AT 9:00am, WEDNESDAY SEPTEMBER 8th 2021**

President Bro. Mick Terry presided and declared the meeting open at 9:05am

STATE COUNCILORS PRESENT:

Bro. T. Mavromatis	Bro. M. Green	Bro. A. Anderson	Bro. M. Terry	Bro. T. Piccolo
Bro. D. Rozario	Bro. Mick. Bull	Bro. C. Ormsby	Bro. P. McCartney	Bro. R. Balantyne
Bro. S. Wise	Bro. P. Lavery	Bro. A. Thomas	Sis. M Sikk	Bro. N. Mitchell
Bro. P. Difelice	Bro. M. Cannon	Bro. L. Malgeri	Bro. J. Hefford	Bro. D. Andrews
Bro. P. McCartney	Sis. M. Owen	Sis. K. O'Brien	Bro. P. Springer	Bro. A. Kane
Bro. V. Pepi				

STATE COUNCILORS APOLOGIES:

Bro. E. Toro	Bro. C. Brown	Bro. M. Kennedy	Sis. N. Nam	Bro. Z. Cimbora
Bro. D. Fairchild	Bro. S. Brooks			

Observer and minute taker: Chris Noy

DECLARATION OF MATERIAL PERSONAL INTEREST

State Secretary Tony Mavromatis reminds State Council members of their obligations as "Officers" under the Fair Work (Registered Organisations) Act 2009 to disclose all material personal interests that may arise with their union role as an elected Official to representative bodies of the AMWU.

Declaration forms are available throughout these proceedings for those Officers requiring to make a new disclosure.

'State Council notes no Declarations were made for the September 8th 2021 State Council meeting'

Carried

'The minutes of the State Council meeting of the June 8th 2021 be endorsed

Moved: Anthony Anderson

Seconded: Noel Mitchell

Carried

'The minutes of the State Admin meeting of the July 8th 2021 be endorsed.'

Moved: Anthony Anderson

Seconded: Noel Mitchell

Carried

Endorsement of External Auditor

The State Secretary reported on the proposal to appoint Crowe Audit Australia as the external auditor to review the General Purpose Financial Report for 2021. It is noted that individual auditors must not participate in the audit for 5 consecutive years (or 5 out of 7 consecutive years) from 2 May 2017 and significant penalties for non compliance apply.

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MOTION

State Council endorses Crowe Audit Australia as the external auditor for the purpose of auditing the States financial statements.

State Council notes the requirement to market test our auditor in readiness for the September 2022 audit, noting that we are required to either change auditing firms or rotate the lead auditor within the current firm.

Carried

Moved: Noel Mitchell
Seconded: Anthony Anderson

STATE SECRETARY'S REPORT

- **State Conference / Delegate Forum**
- **VTHC Bushfire recovery project** (See attached Document)
- **Award of Merit—Lou Malgeri to address State Councillors**

Brother Noel Mitchell, delegate for 31 years, State and National Councilor, State and National Conference delegate and State Admin delegate

Brother Norm Speary delegate and HSR fro 15 years.

'State Council notes and endorses the award of merit to Brother Noel Mitchell and Brother Norm Speary and congratulates them for their milestone and thanks them for their service to the union.'

Moved: Anthony Anderson
Seconded: Michael Green

Carried

- **Freemantle Qube EBA + Financial Support** (See attached documents x 2 Flyers)

'After listing to Brother Christy Cain form MUA State Council endorses the payment of \$10,000 from AMWU.'

Moved: Stephen Wise
Seconded: Noel Mitchell

Carried

- **Victorian Branch Manufacturing Campaign Plan**
- **Victorian Steering Committee Resolution**

Resolution 1

1. State Secretary Tony Mavromatis reported to the Committee on the retirement of Bro Difelice and the consequent abolition of the office of Victorian Assistant Secretary for the Vehicle membership area on 31 December 2021.

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2. The Committee notes that the abolition of the office will leave the Vehicle membership area underrepresented on this Committee.

3. Due to the abolition of the office, pursuant to rule 5F.2(d), the Committee resolves to amend the composition of this Committee such that the position held by the "Assistant State Secretary for the Vehicle membership area" may instead be replaced by:

"an employed officer or official of the Victorian Branch from the Vehicle membership area and who is proposed by the State Secretary following conferral with the Assistant National Secretary representing the Vehicle membership area "

4. Arising from the State Secretary's conferral with the Assistant National Secretary representing the Vehicle membership area, the State Steering Committee endorses the proposal that Bro ~~(INSERT NOMINEE HERE)~~Vince Pepi replace Bro Difelice on the State Steering Committee and Brother Pepi to be regraded to Level 6 of the Officials and Officers Handbook.

5. The Committee notes that the change to the composition of this Committee in the period to 30 June 2023 requires the ~~unanimous-majority~~ resolution of this Committee and the subsequent endorsement of the State Council.

• **Victorian State Council Invoice Resolution (See Attached - PDF State Sec Reports)**

~~Proposed resolution re the~~ Payment of an Invoice to Gordon Legal in ~~—~~Respect of Bro Difelice

1. State Secretary Tony Mavromatis reported that on 29 June 2021, ~~he authorised~~ the payment of an invoice provided by Gordon Legal in respect of fees in respect of the Charges brought against Bro Difelice ("the invoice"), pursuant to a resolution of the State Council on 3 May 2021.
2. State Council notes that, without National Council approval, the authorisation of this payment exceeded the amount authorised for the State Council to spend under the National Council Procurement Policy on Expenditure Authorisation, adopted in December 2020, being \$75,000.
3. In the circumstances, the State Council authorises the State Secretary to recommend to the National Council that the payment of the invoice be dealt with in the following way:

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- a. \$75,000 of the payment be paid under the authority of the State Council and recorded in the union's accounts as a payment of support donation in respect of Bro Difelice charges to engage legal assistance regarding the rules;
 - b. that \$10,000 of the payment of the invoice be approved by National Council in accordance with procedural step 21 of the Resolution 3 of the National Council dated 6 May 2021;
 - c. That the balance of the invoice being \$51,764.51 be granted as a loan to Bro Difelice, for repayment in full by no later than ~~31 December~~ 7th January 2021.
4. In making the recommendations noted above to the National Council, State Council resolves that it has satisfied itself that:
- a. the ~~support donation and loan~~ components of the payment of the invoice would be in accordance with the other rules of the Union; and
 - b. in the circumstances that Bro Difelice has applied for voluntary redundancy that would entitle him to a payment exceeding the amount of the ~~support payment loan~~, that the security and repayment arrangements for the ~~support payment loan~~ are adequate and satisfactory.

~~5.~~ Any cost to conclude this matter the State Secretary will make application to the National Steering Committee and National Council for the cost to be paid by National Office

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• **Victorian State Council Governance resolution (See Attached– PDF State Sec Reports)**

1. State Secretary Tony Mavromatis reported to State Council on the governance and compliance obligations of members of governing bodies of Registered Organisations, such as the State Council, under the *Fair Work (Registered Organisations) Act 2009*, including that each member has a duty of care and diligence, ~~a duty of good faith, a duty not to misuse their position and a duty not to misuse information.~~
 2. State Council notes that the Act requires registered organisations and branches to ensure that officers with financial management duties have done approved financial training.
- ~~State Council authorises the State Secretary, in conjunction with the National Secretary, to arrange for the conduct of Union Governance Training for all members of the State Council as soon as is practicable.~~

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State Council also notes that the State Secretary ~~has~~ is intending to ~~enrolled~~ to attend the ACTU Leadership Course.

• **Victorian Meeting Dates (See Attached)**

'State Council endorses the Meeting dates for 2022

• **Shepcare**

Resolution

The Victorian State Council endorses the payment of \$7,000.00 to Shepcare to help the local community as they were greatly affected with the Covid-19 virus, the AMWU Vic branch would like some recognition for their donation.

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• **Federal election and recommends to State Council for endorsement**

Corangamite - \$20,000 (This will go towards paying for a campaign manager as this is the states most important seat) the ETU have matched this donation.

Chisolm – Up to \$20,000 (This is really the only un-held seat we have a shot at winning and we need it if we are to form government)

Hawke – Up to \$20,000 (The new federal seat where there are significant local issues and will be a tough campaign. The candidate is from the right but is a solid comrade and will absolutely work with us on manufacturing policy. And would probably love to come in and sign a pledge and get a photo taken) There are also a shit load of AMWU members in the seat.

Wannon – Up to \$20,000 (Difficult seat to win and as you are aware really the campaign has already started around make it here with the wind turbines .

Fundraiser – Up to \$10,000 (A high end fundraiser targeted at Victorian Unions. It will be a lunch with the ALP National Secretary and a good chance to question him on some issues whilst raising some good money for the campaign). It's \$2,000 a ticket, I suggest we send 2 people as that's what most Unions will be doing .Also allowing some monies for smaller fundraisers, trivia nights etc we may want to donate.

Recommendation

'State Council endorses the recommendations for the Federal election campaigns.'

Moved: Anthony Anderson

Seconded: Noel Mitchell

Carried

- **Construction Picnic day has been cancelled this year due to Covid-19 restrictions.**
- **Westgate Memorial day has been cancelled this year due to Covid-19 restrictions.**
- **National Conference postponed from October until April 26-28th 2022**

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- **Special National Conference was held and the State Secretary would like to thank the Vic delegation.**

- **Vic Branch Xmas break-up and State Council celebrations.**

Recommendation

'State Council endorses up to \$10,000 for the branch break-up and up to \$10,000 for the State Council end of year celebrations and up to \$600.00 per district committee.'

- **Covid 19/Restrictions**

- Staff continue working from home
- AMWU building still in lockdown
- Ohs and delegate training stopped until further notice
- Mental health wellbeing project still been delivered on time and within budget.
- All officials and officers have received authorised workers permits and continue to represent our members during these difficult times.

- **Signatures to General Fund**

Recommendation

'Following Brother Difelice resignation where he was a 2nd signature to the general fund account. State Council endorses that Brother Malgeri and Brother Piccolo will be added signatures to the Victorian branch general fund account.'

Moved: Paul Difelice

Seconded: Dominic Rozario

Carried

Recommendation: 'State Council notes and supports the State Secretary State Council report'

Moved: Noel Mitchell

Seconded: Jamie Purves

Carried

1:10pm Suspend Standing Orders

Worker Led rehabilitation project (Foundation House)

Paul Healey, Stephanie Thuesen from HACSU and Tony Piccolo gave a presentation to State Council on the Worker led rehabilitation project they are working on.

1:50pm resume Standing orders

'State Council endorses the payment of \$1000.00 towards the foundation house project, and the remaining request of \$31,000.00 to be deferred to a special State Council with a

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date to be determined and subject to rule'

ACCOUNTS

Item 1 **Fashion Clubware**

Invoice received from Fashion Clubware for 200 State Conference design face masks for a total cost of \$2002.00 Invoice number 00220576.

Recommendation: 'State Council endorses the payment to Fashion Clubware for 200 State Conference design face masks for the total cost of \$2002.00 Invoice number 00220576.

Moved: Tony Piccolo
Seconded: Noel Mitchell

Carried

Item 2 **Naomi Wooton**

Invoice received from Naomi Wooton, Sixth Floor Selborne Wentworth Chambers for the Case of Chay Johnson Vs CUB P/L for work performed between 7/5/21 and 19/9/21 for the total amount of 3,703.34 Invoice Number 156. To be paid from the National Strategic fund.

Recommendation: 'State Council notes the cost from Naomi Wooton, Sixth Floor Selborne Wentworth Chambers for the Case of Chay Johnson Vs CUB P/L for work performed between 7/5/21 and 19/9/21 for the total amount of 3,703.34 Invoice Number 156
State Council endorses the payment to be paid from the National Strategic fund'

Moved: Anthony Anderson
Seconded: Noel Mitchell

Carried

Probations/Appointments/Wage Review/Delegations

Item 1 **Probations**

Sisters Marie Terry will successfully complete her probation on 15th September 2021, and will move from a grade 3 to grade 4 of the staff wage and conditions.

Recommendation: 'State Council notes Sister Marie Terry will successfully completed her probation on 15th September 2021 and will be regraded from grade 3 to grade 4 of the staff wages and conditions, subject to budget and finance.'

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Moved: Anthony Anderson

Seconded: Stephen Wise

Carried

Item 2 **Staff Appointment/Resignations**

Brothers Ale Mulipola, Dave Corben and Paris Lettau have left the AMWU and we thank them for their contributions to the AMWU and wish them all the best with their future endeavor's.

All positions will need to be back-filled and the on budget and off budget entries may change.

Recommendation: 'State Council notes the departures of Brother Mulipola, Brother Corben and Brother Lettau and the State Council thanks them for there service to the AMWU and wishes them all the best for their future. State Council notes these positions will need to be filled in the near future.'

Item 3 **Wage Review**

A request has been from the Assistant National Food Secretary Brother Jason Heffrod for Sister Jenny James to move from Level 3 to Level 4 pay grade with the continuance support from the innovation fund and has met the criteria for the pay increase subject to budget and finance

Recommendation: 'State Council notes the request and approves the increase for Sister Jenny James from Level 3 to Level 4 subject to budget and finance with the continuance support from the innovation fund.

Item 4 **Delegation**

Brother Shawn White fixed term appointment end date is 30th September 2021 and will continue on ongoing employment.

Recommendation: 'State Council notes and supports the extension of Brother Shawn White continuing on ongoing employment, subject to budget and finance.'

Item 5 **Budget**

The Branch has received it's third quarter June on budget papers and is pleased to report the budget is in Surplus.

Following the resignations of Brother Mulipola and Brother Corben, State Council

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supports and endorses that Brother White and Brother Penhall's funding to move from off budget to on Budget from 1st October 2021 on an ongoing basis.

Recommendation: 'State Council notes and supports the Probations/Appointments/Wages and Delegations report.'

Moved: Melinda Sikk
Seconded: Michelle Owen

Carried

GIFT REGISTER 2021

No gift declarations were given for the September 8th 2021 meeting

Moved and Seconded:

'State Council notes there were no Gift Declarations made for September 8th 2021 State Council meeting.'

Carried

DIVISIONAL REPORTS

'State Council tables/recognises the Divisional reports and thanks those Assistant State Secretaries/Organisers/Officers for talking to their report and taking questions'

Moved: Anthony Anderson
Seconded: Noel Mitchell

Carried

VTHC Agenda Items

No VTHC agenda items for this meeting

Supplementary Items

No Supplementary items for this meeting

General Business

No General Business items for this meeting

Meeting Close 3:05pm

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Next State Council

10th December 2021