

**HSU NSW/ACT COUNCIL MEETING HELD AT SYDNEY MASONIC CENTRE,
GOULBURN STREET, SYDNEY ON TUESDAY 25TH JUNE 2013 AT 10.01 A.M.**

ATTENDANCE: G Hayes, J Chester, W Lloyd, R Henderson, R Dunn, G Reilly, L Twyford, L Snow, J Holgate, C Lee, S Davis, A Wilcock, S Haynes, G Partridge, L Burns, C Charles, D Turley, L Martin, S Joseph, D Neumann, P Iffland, S O'Riley, S Fraser, P Reid, M Pike and A Lillicrap.

CHAIRPERSON: M Sterrey (President)

APOLOGIES: B Harris

Moved S Joseph/R Dunn that the apologies be accepted.

Motion put and carried.

VISITORS: A McDonald, T Stevanja, B Cornwell, W Boon, I Knight and S Champness.

Moved L Martin/D Turley that the visitors as listed above be admitted to the meeting.

Motion put and carried.

DECLARATION OF INTEREST:

Nil

MINUTES: Moved D Turley/D Neumann that the Union Council minutes of 27th March 2013 be received and adopted.

Motion put and carried.

BUSINESS ARISING

Councillor C Charles advised that the council members' contact details that was requested at the last meeting was not provided.

SECRETARY'S REPORTS:

I can now report that I have had the ability to attend each local health district at least one and a half times and this is consistent with my pledge of being in each Local Health District three times every year.

The Union is growing and over recent times we have seen with the continued focus on growth and development further enhancement in membership numbers. These improved numbers have been established due to the investment of staff across the board but particularly so in the Aged Care area.

We have had the ability to meet with state and federal Government ministers including Tanya Plibersek, Mark Butler, Bill Shorten and at the state level Jillian Skinner, Mike Baird and Greg Pearce. We also met with members of the Shooters Party. With respect to sponsorship Councillors would have noticed that very few sponsors if any had maintained relationship with the Union however I can report now that Hesta State Super and My Credit Union have now sought to build relationship and undertake advertising and conference activity with us. The property and fees review are well under way and it is envisaged that committed steps in these areas will occur over the next 6 months.

The National Union continues to work collaboratively albeit at embryonic stages and there is a view from other State Unions that further rule changes are required to ensure consistency of approach and equity with respect to decision making. The Queensland Branch is also an issue apparently being dealt with between NSW and the National Union with the view to decreasing costs and increasing membership within Queensland.

The Holiday Cabins at Jarvis Bay will continue to be a main function of the HSU and at this time I can report that following negotiations with the RTBU we will be in a position to decrease the fee by approximately 10%.

With respect to savings we can identify that shifting current car parking locations will deliver an annual saving with excess of \$25,000. We will continue to look at ways where savings can be enhanced by reduction in expenditure.

I have been requested to meet with the Nurses Association over concerns relating to potential demarcation issues. These concerns harboured by the Nurses are shared by myself and whilst Nurses wished to raise this as a concern it is my intention to advise them to vacate their strategies or we will pursue demarcation.

In terms of Aged Care Lindy Twyford and I have appeared before a Senate Committee with respect to Aged Care funding. We have also had the ability to meeting with Mark Butler to address HSU concerns relating to 457 visas.

In terms of Ambulance we have recently seen activity on behalf of other Unions supporting EMPSA and their potential affiliation to Unions NSW. It is quite remarkable that an Organisation that relied on the Government changing legislation several times would include in its first survey of members a question that would ask what conditions they are prepared to trade for a wage increase.

The Aged Care and Ambulance divisions are taking form and with the introduction of new staff in the Aged Care Area full autonomy will be delivered to that division. Equally so with the formation of the Aged Care and Ambulance Committee's decision making with respect to their particular interests will become more focussed within those particular groups.

In terms of industrial activity we have seen a range of EBA's being negotiated, issues with RPA Security, Royal North Shore Hospital PPP, Ambulance Helicopter insurances continues, NEPT across the LHD and Ambulance Sectors, Rural Rostering Disputes within Ambulance, Junior Medical Officer remote recalls and EMPSA jurisdictional registration challenges.

Currently and of particular importance is the 2.5% annual increase that is affected by the wage fixing principles and is currently subject to litigation by the HSU, PSA and Unions NSW.

Finally it is important to note that the Union has been accepted back to Unions NSW and currently I am working on the issues with the ACTU that will see our re-admittance at a national level.

RESOLUTION

Moved L Twyford/S O'Reilly that the Secretary's report be received and noted.

Motion put and carried.

ASSISTANT SECRETARY/TREASURER'S REPORT:

Assistant Secretary/Treasurer advised that there were a number of tenders going out at the moment. They include the legal services tender, the Customer Relationship Management software tender that is the Memforce program. Work is also proceeding on the insurance tender. Most of our insurance comes up for expiry at the end of September. The broker that we are using at the moment has been with us for many years. The Union will be seeking the services of brokering services, so we will assess the quality of the brokers that come forward. Out of that we will select two or three and then ask those brokers to go and seek out the best possible policies. These tenders are required from both a probity point of view and testing the market as we should do on a regular basis. In these cases this hasn't been done for many years.

The new HSU Website is now up and running. The website has been designed, developed and gone live in just 8 weeks. This was needed due to the planned cut off of the old website by the HSUs previous IT provider. The new website can continue to grow and develop and extra pages added as required. It's now properly scaled for an ipad and will be refashioned for mobile phone. It's all part of the package that we paid and incurs no additional cost.

The Audit and Finance Committee has been meeting and the minutes have been sent out earlier to the Council. We will include those in the Council papers from now on a regular basis.

RESOLUTION

Moved L Snow/J Holgate that the Assistant Secretary's report be received and noted.

Motion put and carried.

FINANCE REPORT:

As per attached.

RESOLUTION

Moved P Iffland/L Burns the finance report received and noted.

Motion put and carried.

AGENDA ITEM 1 – MEMBERSHIP

Membership within the HSU has grown by a net increase of 2% in the last 7 months. Much of this growth has been in the Aged Care Sector and is also due to additional resources being placed within the Aged Care Team. I can advise that a Team Leader/Divisional Manager is currently being recruited as well as an Organiser in the Aged Care Sector to further exploit growth within the Division.

RESOLUTION

Moved R Henderson/W Lloyd that the report be received and noted.

Motion put and carried.

AGENDA ITEM 2 – LEVELS 3 & 4, 370 PITT STREET, SUBDIVISION VERSUS SALE

Advice received to date from Drake Property has been along the lines of a subdivision of Level 3 and 4, 370 Pitt St with a view to later selling or leasing them as smaller suites. It is generally considered that smaller suites are ultimately easier to sell or lease at the southern end of the city, as there are many Asian businesses and small solicitors in that market. It is a different market to the other end of the city, where larger suites or whole floors are utilised by large corporate firms.

RESOLUTION

Moved J Chester/G Reilly that subject to the market testing contained in the independent valuations received by the HSU for Level 3 and Level 4, 370 Pitt St Sydney and two car spaces in the building, that Union Council decides to sell the properties at Level 3 and Level 4, 370 Pitt St, Sydney plus the two car spaces. That the offer contained in the letter from Drake Property of 12 June 2013 (attached) be used as the basis for negotiations.

Motion put and carried.

AGENDA ITEM 3 – UNIONS NSW

The efforts of the Union, Union Committee and Council have been recognised by way of the recent announcement that the HSU NSW has had its suspension lifted from Unions NSW. This unanimous decision was taken following an independent review conducted by KPMG and the financial officers of Unions NSW.

RESOLUTION

Moved C Charles/C Lee that Union Council acknowledges the decision of Unions NSW and endorses a full delegation to attend the Unions NSW meeting of the first week of July.

Motion put and carried.

AGENDA 4 – EMPSA

As the Council would be aware the Union undertook legal activity with respect to an application by EMPSA to be registered as a trade Union within the NSW Industrial Relations Commission. The NSW Industrial Relation Commission has approved EMPSA's application despite a series of anomalies that have been raised during the case. An appeal to decision is an opportunity however, in all likelihood any technicalities that was raised would be accommodated by the Commission or indeed subject to legislative changes by the NSW Government.

RESOLUTION

Moved A Wilcock/S Davis that Union Council notes the advice that NSW Industrial Relations Commission has registered EMPSA as a Trade Union and in doing so acknowledges any form of appeal would be futile and will not be in the interest of Union's membership.

Motion put and carried.

AGENDA ITEM 5 – QUEENSLAND BRANCH

Following discussions with the National President HSU NSW has indicated that the growth and development of the Queensland Branch should be a responsibility of NSW. While this Branch is subject to orders by the Supreme Court with respect to administration logistically it would be more sensible for NSW to assist in redeveloping the Queensland Branch from a service, growth and administrative perspective. The Union has up until the 2014 elections to establish a Branch Committee of Management and appropriate administrative processes.

This initiative will entail a significant saving for the National Union at the same time as utilising staff that are within the Queensland vicinity.

RESOLUTION

Moved G Partridge/S Joseph that the Union Council endorses the NSW initiative to assist and support the Queensland Branch of the HSU and accepts responsibility to develop appropriate governance and financial systems.

AMENDMENT

Moved D Turley/S Joseph that the Union Council endorses the NSW initiative to assist and support the Queensland Branch of the HSU and accepts responsibility to develop appropriate business plan, governance and financial systems.

Motion as amended put and carried.

AGENDA ITEM 6 – AGED CARE

The Union has representations with respect to the Aged Care Division at the level of the Federal Minister for Health, the Hon Mark Butler as well as the Senate enquiry into Aged

Care. The Union has been well represented by Lindy Twyford on both occasions. Lindy has also shared the inaugural meeting of Aged Care representatives that will ultimately become the Advisory Council in Aged Care. The Union can also advise that the position of Aged Care Team Leader/Divisional Manager as well as Aged Care Organiser have been advertised to further support Aged Care members.

RESOLUTION

Moved L Twyford/P Reid the Item be received, noted and that Council endorses a further investment into Aged Care and staffing.

Motion put and carried.

Council adjourned for lunch at 12.45pm.

Council resumed after lunch at 1.25pm.

AGENDA ITEM 7 – FEES REVIEW

The Union is progressing with the commitment to review fees and the Fees Review Committee has met on at least two occasions. The reduction in fees can be done in a range of manners ranging from an equal fee cut for all members to a tiered or a sector approach. These opportunities are being reviewed and once a proposal has been developed will be forwarded to Council for its consideration.

RESOLUTION

Moved S Haynes/M Pike that the report be received and noted.

Councillor Claire Charles advised that Terms of Reference should be implemented for all Sub-Committees and the draft should come to Council for approval. The Draft Terms of Reference should be discussed at the Council so that Council can formalise it. It is a basis for good governance. Till we see a draft document the Council cannot decide on it.

AGENDA ITEM 8 – ADMIN REVIEW

An Administrative review has been undertaken with respect to staff working in the membership, mailing and reception areas. There has been a clear disparity with respect to rates of pay and responsibilities as per attached. There have been inconsistencies with conditions with respect to hours of employment, as well as sick leave entitlements and particularly rates of pay that in many situations reflect that of a training rate. While there is no EBA established for this group, steps have been taken within the review to correlate wages and conditions with that reflective of the membership.

RESOLUTION

Moved S O'Reilly/L Burns the Union Council endorses the revised rates of pay and approves the retrospective starting date of the new salary to be 13 May 2013. With the exception of the Office Manager who is still subject to consultation as she is on maternity leave.

Motion put and carried.

AGENDA ITEM 9 – RETIRED MEMBERS DIVISION

The Union has an increasing amount of interest in developing a Retired Members Division. This interest ranges from members who would like to continue with the industrial and political contributions to the Union as well as other members who seek to maintain Union benefits such as funeral. This is a way of continuing to protect members as well as to evolve a Division that will ultimately be able to assist with further benefits as they get older.

RESOLUTION

Moved M Pike/P Iffland the Council endorses the Secretary to take all necessary steps to produce a report that will outline the benefits and financial implications of developing a retired Members Division.

Motion put and carried.

ITEM 10 – MEDIA TENDER

Union Council approved as an interim process the appointment of Mountain Media to undertake media activities for the Union. This has been in place for the past 5 months and it is now appropriate to put out expressions of interest for media services going forward. Media has become a vital component to the Organisation and certainly will be required as the Union continues to grow, develop and rebuild.

RESOLUTION

Moved L Martin/B that the Union Council endorses that the Secretary seek expressions of interests by way of advertising in the Sydney Morning Herald for appropriately qualified and experienced media organisations to assist the Union in its media activities.

Motion put and carried.

INDUSTRIAL REPORT**HSU Lead the Fight against Government Attack on Public Sector Wages**

The HSU NSW has been heavily involved in the fight against the NSW Governments plans to reduce pay increases below 2.5% this financial year. In April this year, the O'Farrell government announced that it would reduce the amount NSW public sector employees could claim in the form of pay increases to 2.25%. This reduction of wages on offer is an attempt by the government to force public sector workers to fund the government's obligation to increase its compulsory superannuation contributions. The government argues that the 0.25% increase in superannuation is an employee related cost and as such must come from the 2.5% annual limit imposed by the current wages policy.

The HSU has joined the fight with all major NSW public sector unions to prohibit the government's attempts to reduce wages outcomes in this state. On 17 June 2013, the HSU NSW and the PSA presented a strong case explaining that the government's attempt to reduce wages claims by 0.25% is wrong at law and should not be allowed. The case was heard by a Full Bench of the NSW IRC and we await the outcome of in the next few days.

HSU NSW Lodge Applications to vary 21 NSW Public Health Awards

In April 2013 the HSU lodged 21 applications to vary all awards covering HSU members working in the public health sector. Because of the wording of the current NSW Public Sector Wages Policy, applications to vary awards in order for unions to claim the minimum 2.5% wage increase must be lodged before 30 June 2013. Any late applications will not be able to claim nor seek retrospective payment claims and as a result HSU, as with all other major public sector unions lodged applications around this date.

A Directions Hearing has already been conducted by the NSW IRC and pending the outcome of the decision regarding the 0.25% wages increase case dates will be set to hear our claim for a 2.5% wages increase. HSU NSW has received a guarantee from the Ministry of Health that any wage increase, if not granted before 30 June will be back paid to the first pay period on or after 1 July 2013. This guarantee has been given before the NSW IRC and as such is on the record, which is what the HSU has sought. The HSU will keep members up to date on developments as they arise.

NSW Government Introduces New Public Sector Employment Bill

On 23 May 2013 without any announcement, the O'Farrell government introduced a new Draft Bill into the Parliament. This new Bill aims to "reform" the manner in which the NSW public sector operates in NSW. Essentially all NSW public sector departments and agencies will come under the direct control of the newly established NSW Public Sector Commission.

This Commission will essentially be in a position to issue policies that will be binding on all NSW public sector employees. Bill will affect a wide range of public sector conditions such as merit selection and the ownership of positions to name but a few.

This will be a significant move from traditional practice as this Bill envisages that it will be binding on the teaching, transport, police and health services from September 2013. The change is so significant in that from September any change to public sector employees will have immediate effect on health employees. Effectively the Bill will limit our ability to negotiate better outcomes for members as there will no longer be a delay in implementing public sector policy changes.

The HSU has been working closely with other public sector unions to limit the effect of the Bill. Unions understand that with the current make-up of the NSW Parliament that we are limited in our ability to overturn the Bill, but are lobbying the cross benches in the hope of making significant amendments.

Competitive Unionism Approved by the NSW IRC

Despite running a strong and sound case aimed at preventing the success of EMPSA's application to register as a trade union, the NSW IRC approved their application to become a registered organisation in NSW. The outcome of this case was only possible after the direct involvement by the government on two occasions to amend the NSW Industrial Relations Act. The most significant amendment to the Regulations came on the eve of the case when the government amended the Regulations stating that the application be approved regardless of the deficiencies in the EMSPA application.

This is a significant victory by the NSW Government in its fight against trade unions in this state. HSU has assessed the decision and the overt interference and have made the decision not to appeal the outcome of the case. Following a meeting of the HSU Ambulance Delegates it has been decided that the HSU will fight this rogue organisation on the ground by doing what we do best and that is representing the members.

Ministry of Health Appeals against HSU Major Victory in the NSWIRC

It was reported in the last occasion to Council that the HSU achieved a major victory in March when Justice Staff handed down a landmark decision which to the benefit of our members employed as Resident Medical Officers (RMO's) and Medical Officers. The dispute was over the failure of the NSW Ministry of Health to pay overtime when doctors were required to perform overtime when recalled to work remotely after hours, despite provision provided for in the Award. The Ministry has appealed this historic decision on the grounds that they oppose the fact that His Honour defined what was or was not a remote call back.

HSU lodge section 106 Application seeking better Protection for Aeromedical Paramedics.

For a number of years the HSU has been fighting to get a better outcome for paramedics working for the ASNSW Aeromedical Service. The issue in this case involves the fact that paramedics working on ASNSW helicopters find it prohibitive to get adequate life and/or

income protection insurance when they work on helicopters. Compared to the rest of the crew who man the aircraft (these people are not employed by the ASNSW) who are fully insured, paramedics are either under insured or have not life cover at all.

The issue is best illustrated by the Christmas Eve death of paramedic Mick Wilson in 2011. The HSU has been fighting for the ASNSW and/or the NSW government to provide adequate life insurance coverage for these members. To date both the employer and the government have failed to make adequate concessions and the HSU has lodged this action in the NSW Industrial Court to plead our case for this group of members.

HSU Fights Voluntary Redundancies in the Linen Service

The HSU has been fighting Health Share in its drive to shrink the size of its workforce by making large numbers of staff redundant. This drive to downsize is best illustrated in the actions taken by HealthShare at the Orange Linen Service. The HSU led our members at all Linen Services across the state to take action, by walking off the job across the state in May. Following an appearance in the NSW IRC HSU and HealthShare has met to discuss the issuing of voluntary redundancies and the fact that the employer uses them far too easily. It was agreed that in future before redundancies are discussed that the redeployment and retraining will be offered first, and only when all avenues have been exhausted would redundancies be offered.

Advocacy for Individual Members

The HSU NSW Industrial Department is currently involved in a number of activities relating to individual members across all four HSU Divisions. For example;

- Since the last report to the Council HSU has represented 8 members in the NSW IRC with unfair dismissal claims. All cases that have been in to the IRC have been resolved at conciliation were members have accepted for outcomes that they find beneficial to them.
- In the period since the last Council meeting there has been an increase in the number of unfair dismissal claims made in the Fair Work Commission tribunal. Currently HSU has five such claims prepared for Conciliation and has settled 2 other claims either at or before conciliation
- The HSU Industrial Department has represented numerous members in Disciplinary matters with their employers.

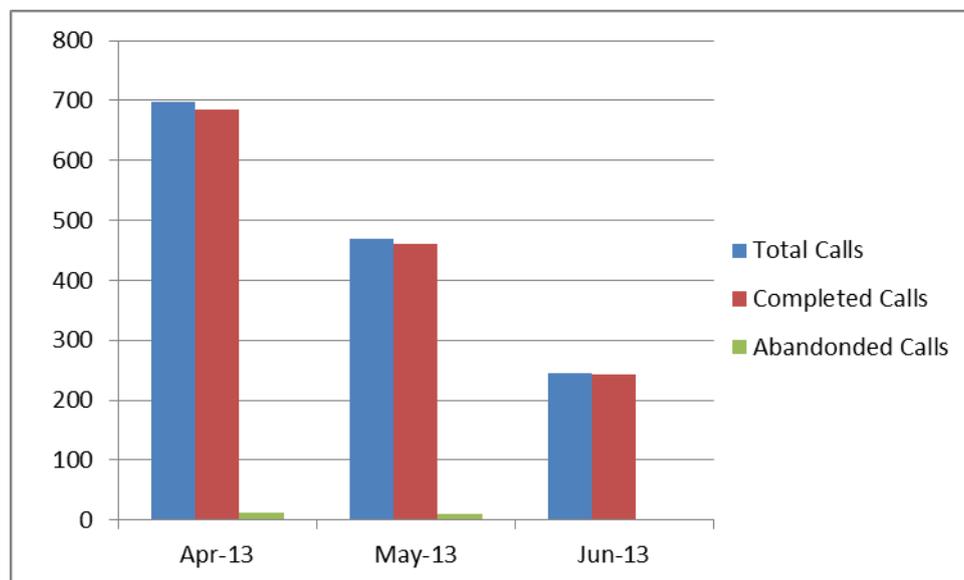
Activities of the HSU NSW Member Services Unit

The following is an activity report of the HSU Member Services Unit. I would like to note that the number of calls for the month of June is not complete as the month is not complete and figures for week commencing 17 June not completed. In summary, the table below highlights the following:

- For the June quarter, which takes in the period from the last Council meeting to date a total of 1412 call came through the HSU 1300 telephone number.
- A total of 1387 calls where logged as completed, that is where the operator has accepted a call from the 1300 telephone number.

- In the June quarter 24 calls were recorded as being abandoned. A called deemed to be abandoned is one where the caller to the HSU 1300 telephone number has hung up.
- The HSU Industrial Team aims to eliminate the number of abandoned calls to zero and we are encouraged by the downward trend in such calls.
- Based on the number of calls made to the HSU 1300 telephone number and the number of calls completed, the Members Service Team completed 98.23% in the June quarter.
- Average talk time refers to the average time it takes for team members to complete a call. The average talk time for the June quarter was 8 minutes and 15 seconds per call.
- HSU Industrial team is looking at expanding the hours that members can contact the HSU for member enquiries. Currently members can only call the HSU between 9:00AM and 5:00PM; we are looking at expanding the hours to 8:00 AM to 6:00PM. To accommodate this, the team is looking at amending rostering within the team with the aim of expanding hours were members can contact the HSU.

Week Beginning	April 2013	May 2013	June 2013	Quarter Total	Quarter Average (p/mth)
Total Calls	697	470	245	1412	471
Completed Calls	684	460	243	1387	462
Abandoned Calls	12	10	2	24	8
% Calls Completed	98.13%	97.87%	99.18%	98.23%	
Average Talk Time	8.43	8.68	7.35		8.15



RESOLUTION

Moved D Neumann/L Burns that the industrial report be received and noted.

Motion put and carried.

GENERAL BUSINESS

A lengthy discussion was had by the Councillors on the next meeting being held in Orange. Some of the suggestions were:

- 2 day meeting.
- Travel by bus.
- To have the meeting at a major facility.
- Workers to come and meet Councillors after the meeting.
- Skype or video conference should be looked at too.
- To bring the meeting back to 109 Pitt Street.

Councillor C Charles advised that she had requested a copy of the contact list for all Councillors to be made available at the March meeting which was yet to be provided. The contact list for all Councillors and BCOM members was so they knew who each others are and what areas they sit in.

She also suggested that every Sub Committee that we put up needs to have Policy with it and it needs to be brought to Council for endorsement. This will also give a chance for general membership to join in and have an understanding of the Sub Committees.

Councillor Charles further enquired how the Complaints Committee was progressing. Secretary advised that Complaints Committee policies were there, if any complaint was made then the Complaints Committee gets generated. The Secretary further advised the Union can call on anyone from Council who wants to take part in the Complaints Committee.

A motion was moved by Councillors D Turley/S Fraser for a vote of thanks to the Secretary, President, Council and BCOM who worked tirelessly on the position of Union's ban being lifted by Unions NSW.

Motion put and carried unanimously.

Councillor S Joseph suggested that at the Delegates meeting the previous day the Concord Delegate suggested to get translators/(audio system) for members with hearing impaired. She suggested for future HSU Delegates/Conference meetings it would be great to add the (audio system) to be available for hearing impaired members. The Secretary advised the Union will endeavour to have these systems in place for the next major Union conference.

Councillor D Neumann enquired if Honorariums was being looked into. Secretary advised that he was doing some research into looking at other Unions on how their Executive was remunerated. He advised that he has obtained some figures from the National Executive from all the other HSU Unions. Also Unions NSW were requested to give some feedback if they may have on the honorariums that other Unions paid. The Secretary advised that he will get as much information as he could and the Council gets to discuss was to what is the best way for honorariums to be paid.

Councillors suggested formulating a Policy as it would help new Councillors coming in to be aware of how the Union compensates Councillors. The Secretary advised it needed to go a step further and implement a rule on the Honorariums.

There was a general discussion by the Councillors on the issue of Observers taking part in council meetings.

It was suggested to change the Rules to include the elected officials as Councillors that were not in the Branch Council. The Secretary advised that it could not be changed. He advised that there are Ordinary members of Council; there are Union Committee of Management and Branch Councillors. People were nominated on these particular areas on the ticket and that is how it stands.

Secretary further noted that he would advise more on the matter once he obtains legal advice.

There being no other general business the meeting closed at 2.27 p.m.

Chairperson