

**HSU NSW COUNCIL MEETING HELD AT SHELLHARBOUR WORKERS CLUB,
SHELLHARBOUR ON WEDNESDAY 27TH MARCH 2013 AT 10.30 A.M.**

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

CHAIRPERSON: M Sterrey (President)

APOLOGIES: S Davies, D Turley, P Iffland, B Harris, R Dunn, P Reid and K Hicks

Moved J Chester/C Lee that the apologies be accepted.

Motion put and carried.

VISITORS: A McDonald, T Stevanja, M Senthil, A Hall, B Cornwell and W Boon.

DECLARATION OF INTEREST:

None

MINUTES: Moved S Joseph/S Haynes that the Union Council minutes of 23rd January 2013 be received and adopted.

Motion put and carried.

SECRETARY'S REPORTS:

In the last four weeks I have attended the following Sub branches as part of my commitment to the membership of being available, consultative and inclusive. This sub branches include: Tamworth, Armidale, Canberra, Queanbeyan, Bankstown, St George, Sutherland, Wollongong, Shellharbour, St Vincent's, St Vincent's Private, Sydney and Randwick. It is important to note that there is an underlying apathy built from a perception of being disempowered. Members don't comprehend that while each Sub Branch stands alone they are of 30,000 members and that this force of numbers must be exercised to be able to achieve outcomes. Currently I am highlighting the Cuts Campaign as well as building a campaign in relation to Front Line Services. As Delegates would be aware the O'Farrell Government consistently speaks of front line services at the expense of the HSU membership. This situation has been highlighted with the Minister as well as the Deputy Director General of Health with a view to developing a dialogue that will ensure that all health employees are treated with respect and equality.

Delegates would also be aware that the Journey insurance has been implemented and received quite favourably by the members. However it does continue to exemplify the issue of communication. Delegates would note that the Union uses a range of communication however; developing an interest within the membership to receive that communication is our major challenge.

In terms of Court issues we are still progressing with Mylan, Seymour and Williamson in the Supreme Court. The case of Mylan the Federal Court has been referred to the Supreme Court however could subject to appeal. Correspondence has been issued to David Langmead in relation not recognising a Deed that was formed with the HSUEast. Similarly it is understood that the National Union has received correspondence in relation to other deeds however, this is not formally brought to NSW Union's attention.

I can advise the Union has employed Greg O'Donohue as an Industrial Officer, Kate Murphy as a temporary Research officer and Stuart Miller and Jonathan Milman as Organisers. The training program is currently being established and dates should be publicised in coming weeks.

The Union will start to build on the preparations for the Delegates day at Darling Harbour which will be held on the 24th June 2013. At this forum members will have the opportunity to contribute to the restructure of the Union and make comment on priorities and how the new divisional structures should take effect.

Three other matters of importance:

The rapidly approaching bargaining round which should be tied in with staff establishment levels as well as considerations in relation to cutting fees as well as declaration of property. The National Executive has recently been held and there is a range of matters I will give a further report on that had effect to the NSW Union.

ASSISTANT SECRETARY/TREASURER'S REPORT:

The Assistant Secretary/Treasurer reported that the Fees Review Committee and the Property Review Committee had met to begin their tasks. It is likely that for the Property Review, recommendations will emerge gradually as their deliberations proceed rather than waiting for the recommendations to all come out at the end, as the Review is likely to take a considerable period of time and the property market is likely to change in that time. The Assistant Secretary/Treasurer outlined the factors that will need to be taken into account in assessing the HSU property portfolio, including the nature and size of each asset, locality, state of the market in that area, valuation, fit out costs, sale versus lease.

The HSU had won a major victory in the IRC with the reinterpretation of a clause in awards for JMO which allowed for payment of 1 hour's overtime for taking calls after hours, whilst on call. Previously the Ministry of Health refused to pay the hour's pay on the basis that those people taking the calls were not dealing with remote technology. However, the IRC has stated that such calls do count as time worked involving a clinical appraisal for medical officers

The auditor's report for the period 1 July 2012 to 30 Sept 2012 has been finalised and was presented to the Union Council.

At the meeting of the Union Committee on the 22nd January 2013, a decision was taken to publish the first edition of the new union magazine. A printer was being sought. A decision was also taken by the Union Committee to gain quotes for the next one to two years for six editions per year.

FINANCE REPORT:

As per attached.

AGENDA ITEM 1 – LEGISLATION CHANGES FOR EMPSA

Council members may be aware that the Union is defending the HSU's rights to representation of Ambulance members by opposing registration for EMSPA, a group of disgruntled ambulance paramedics which was borne out of a major case and other issues in 2008. This group has very little in terms of structure and their financial capacity to maintain a lot of the conditions, which have been hard fought and won over the last 50 years, would be extremely difficult. The Union is before the Industrial Relations Commission however, in light of that one day prior to the hearing the Minister for Industrial Relations has made an amendment to the Industrial Relations General Regulations 2013 which attempts to open a pathway for registration of EMSPA despite the matter being arbitrated.

RESOLUTION

Moved S O'Reilly/J Holgate the Union Committee notes this extraordinary intervention by the State Government and endorses the Union supporting its members through the current arbitration process.

Motion put and carried.

AGENDA ITEM 2 - LITIGATION

Currently the Union is involved in litigation against 3 former employees. The litigation is contained within the NSW Industrial Commission, The Federal Court and the Supreme Court. Carroll & O'Dea Lawyers are continuing to act on behalf of the Union in these matters and over the coming months it is anticipated the hearing dates will be set soon.

The Union is also involved in litigation and potential litigation contained within the jurisdiction of Fair Work Australia. These matters are progressing at different rates and resolutions will be sought with the appropriate legal advice.

RESOLUTION

Moved M Pike/L Burns that the report be received and noted.

Motion put and carried.

Secretary introduced Michael Doherty, Special Counsel from Maurice Blackburn Lawyers to the Council meeting who spoke at length on and about the consequences of what a Liberal led Government could do to the Unions if they won the forthcoming elections. He advised the Unions would be targeted regarding corruption and bad governance. The Royal Commission if implemented would have unlimited access to governance of the Unions. To improve these, Unions need to have a whole range of policies i.e. the use of internet etc and not to dwell on the past but to move forward. He suggested that the Secretary and President should be included in the Finance Committee as having 3 officials on the Committee would not be an issue.

Mr Doherty further advised that as HSU is a State registered Union it could not be subject to a Royal Commission. He also advised the Councillors to always debate the agenda items and to continue the level of debate that was held on the day. The Royal Commission could summon to issue documents from Unions' ruling body meetings etc. Social media comments could also be used in the Royal Commission.

Councillor J Holgate enquired as to what was the role of the Audit and Finance Committee. Secretary advised that the Finance Committee was a sort of review committee which actively gets involved in the financial processes of the running of the Union.

AGENDA ITEM 3 – POTENTIAL ROYAL COMMISSION

As Councillors are aware the HSU has been at the foundation of changes to the Fair Work Act and other areas of interest throughout the NSW and Federal Parliaments. There is a real possibility that in coming months a Royal Commission into Trade Unions could be established and it is with this in mind that the Union should prepare for any advances in this Area.

RESOLUTION

Moved S Joseph/L Snow that the Secretary takes all necessary steps to prepare the Union and put it in the best position pending any potential enquiry.

Motion put and carried.

AGENDA 4 – FAIRWORK AUSTRALIA RULES REQUIREMENTS

The National Union is currently working with legal counsel to prepare the National body for the necessary Rule changes that need to be applied to be able to be compliant with the Fair Work Act. The required changes go to governance and in particular declarations. It should be noted the NSW Rules currently reflect these changes. Once the Rules have been drafted the proposed Rule changes will be an agenda item at the May National Council meeting.

RESOLUTION

Moved L Burns/S O'Reilly that the Union Council notes the efforts of the National Union at this time.

Motion put and carried.

AGENDA ITEM 5 – RULE CHANGE FOR THE AUDIT & FINANCE COMMITTEE

As Councillors may be aware the Union is being closely scrutinised in relation to its financial conduct and that scrutiny will continue over the coming years through appropriate reporting measures and/or potential enquiries. It is with this in mind that it is incumbent upon the Senior Officers of the Union to be fully ofay with all matters relating to financial decision making and implementation of the same. This Rule change allows for the consistency with most other Industrial Organisations with respect to their approach to finance as well as ensuring enhanced good governance of the Union.

RESOLUTION

Moved L Snow/S Haynes that the Union Council endorses the necessary Rule changes to expand the Audit and Finance Committee by 2 Officers, those Officers being the President and the Secretary of the Union.

Motion put and carried.

AGENDA ITEM 6 – MEMBERS COMPLAINT POLICY

The Union from time to time does receive complaints from members who are not satisfied with the approach of the Union. Up until now these matters have been generally dealt with by the Ombudsman without any internal dispute resolution or enquiry. The Members Complaint Policy should remedy complaints by allowing independent staff and officials to review the matter prior to escalation to the Ombudsman. It is anticipated that this approach would minimise distress and promote issues being resolved in a more expedient manner.

RESOLUTION

Moved L Martin/S Joseph that Council recognises the need to deal with member complaints seriously and as thoroughly as possible and endorses the introduction of the Member Complaints Policy. Attached is a copy of the policy.

Motion put and carried.

Council adjourned for lunch at 12.45pm.

Council resumed after lunch at 1.25pm.

AGENDA ITEM 7 – PROPERTY REVIEW – PROPOSED SALE OF SUITE 1003 & CAR SPACES 32 & 34, 370 PITT STREET

RESOLUTION

Moved L Burns/S Haynes that the Health Services Union NSW Council recommends that management move forward with obtaining independent valuations for Suite 1003 and Lots 32 & 34 car spaces located 370 Pitt Street and engage Drake Property to facilitate marketing the sale of these assets. Any final approval for the sale of the abovementioned assets is to be granted by the Union Council subject to the sale value exceeding the valuation received.

Motion put and carried.

AGENDA ITEM 8 – AUDITED FINANCIAL STATEMENTS FOR THE PERIOD 1 JULY 2012 TO 30 SEPTEMBER 2012

As per attached.

RESOLUTION

Moved G O'Reilly/A Wilcock that the report be received, noted and adopted.

Motion put and carried.

GENERAL BUSINESS

1. Councillor C Charles advised that contact sheets were without Councillors photos.
2. Councillor S Joseph advised that membership issues such as resigned members were not available on the blackberries. Secretary advised that data base classifications are updated, and he would advise Jodie and Adam to forward the requested information to the respective Sub Branches.
3. Councillor D Neumann advised that when Slater & Gordon were called to get a copy of the Will she was advised that they were stored in Melbourne. D Neumann enquired if there was a time limit on Wills. Secretary advised that he had received lots of complaints from members about Slater & Gordon. Secretary further advised that the Union will put out tender seeking legal services for the Union. Councillor S Haynes also requested that Slater & Gordon to visit Bathurst and Orange.

There being no other general business the meeting closed at 2.33 p.m.

Chairperson