

HSU NSW/ACT COUNCIL MEETING HELD AT WESLEY CONFERENCE CENTRE, 220 PITT STREET, SYDNEY ON MONDAY 25TH AUGUST 2014 AT 10.47A.M.

ATTENDANCE: L Snow, S Haynes, P Mitchell, P Iffland, S Fraser, S Davis, S O'Riley, G Reilly, J Catlin, J Chester, J Holgate, A Wilcock, S Joseph, C Charles, D Turley, G Partridge, D Neumann, L Twyford, L Burns, A Lillicrap, G Hayes and M Sterrey.

CHAIRPERSON: M Sterrey (President).

APOLOGIES: W Lloyd, R Henderson, M Pike, L Martin, L Bush and P Reid.

Moved L Burns/S Haynes that the apologies be accepted.

Motion put and carried.

OBSERVERS: I Knight, A McDonald, A Lewis, S Champness, Dr Senthil, A Dowsley and B Cornwell.

Moved J Holgate/A Wilcock that the observers as listed above be admitted to the meeting.

Motion put and carried.

PROXY: L Bush
Secretary carried the proxy for L Bush.

DECLARATION: I Knight – Item 5, Life Membership.

MINUTES: Moved D Turley/P Mitchell that the Union Council minutes of 19th May 2014 be received and adopted.

Motion put and carried.

SECRETARY'S REPORTS:

2014 HSU Election

I can advise that the Queensland election has been finalised and as the Acting Secretary of the Queensland Branch my duties are now complete. The Queensland Branch has a struggle to grow however; NSW Union will assist through the embryonic stages of that Branch.

In terms of the NSW elections the ballot will open on 9th September and close on 10th October 2014. At this point in time there is only one full team

Anti-privatisation Campaign

The Union has now held 2 thank you day picnics that have been designed to recognise HSU members' contribution to the health sector and to build confidence and activism to progress

the campaign as it goes forward. The next thank you day picnic will be held at Liverpool on 31st August 2014.

Royal Commission

I can advise that the last 4 weeks has been fully engaged with the Royal Commission, the anti-privatisation campaign and administration with respect to the election.

The Royal Commission has sourced a range of documents in connection with enquiries regarding related entities internal processes pre and post-merger. They have also requested information on other organisations involved in HSU elections. All these details has been supplied all be at that some information requested dates back 7 years has been given a timeframe of one and half working days to produce said documents.

2.5% Wage Increase

Members would aware that the Union won the 2.5% increase in the NSW Industrial Relations Commission. This was appealed and the Union won the appeal. The Government then appealed the matter to the Supreme Court which in turn supported the Government's position. Your Union now intends to appeal that decision to the High Court of Australia. It is an outrage that the wage fixing principles only allow 2.5% increases an now further insult by the employer superannuation contribution component is now absorbed into the 2.5%.

EBA

Discussions are continuing with respect to the Staff Enterprise Bargaining Agreement. At this point in time agreement has been reached to make the Agreement retrospective to the 1st July 2014 however, it is not envisaged that the full agreement will be completely negotiated prior to November.

Conference Rule Change

Throughout my meetings with members across the State there is a clear interest in re-engaging the Annual Conference of the Union. Members see this as a forum to discuss concerns and to meet and learn from other members with respect to industrial matters. Therefore it is with this in mind that a Rule Change has been developed that will be bought to the next meeting of Council for consideration.

Visits

In terms of membership visits I can advise that the Secretary has been visiting around the State 3 to 4 times and each smaller centre has at least had one visit. I can also advise that the Assistant Secretary/Treasurer's tour showing members the financial records of the Union has been conducted and has been well received.

RESOLUTION

Moved S Fraser/C Charles that the Secretary's report be received and noted.

Motion put and carried.

ASSISTANT SECRETARY/TREASURER'S REPORT

- During the Finance road shows, members seemed to be engaged and they tendered to ask questions which were encouraging. They were interested in hearing about the turnaround of finances and the strategy that the Union now has. The Assistant Secretary offered to visit workplaces where Councillors are located to discuss the finances with members.
- Insurance claims – we have made a few insurance claims in recent times in regards to coronial enquiries. The Union has been looking after members who have been required to answer questions to the Coroner. The Royal Commission legal costs are mounting up and we are making a claim against the Association Insurance Policy. There is some dispute about the claim at the moment and we are still battling with the insurance company to get the claim through. The lawyers are now involved in helping us press our claim.
- Property at Level 3, 370 Pitt Street has now been settled. It fell through a few times over the course of the last ten months and we managed to get it back on track. One of the parties that fell away at the very beginning has since come back to purchase the property. All the proceeds from the sale of Level 3, 370 Pitt Street will go towards paying off debt which will further reduce the HSU's debt to \$6.4m. With other debt management actions, the Union will save \$680,000 per annum on interest repayments.
- The Union has also sold the Newcastle property for \$500,000, again the proceeds of that will go towards paying off debt.
- Furniture from the Newcastle office that was left behind is now being stored in Wollongong office. The office is now getting a lot of use from the Organisers living and working in the region.

RESOLUTION

Moved G Partridge/P Iffland that the Assistant Secretary/Treasurer's report be received and adopted.

Motion put and carried.

FINANCE REPORT:

As per attached.

RESOLUTION

Moved S O'Riley/ L Twyford that the finance report be received and adopted.

Motion put and carried.

Suspension of Standing Orders was moved by S Haynes/G Reilly to allow Selwyn Black from Carroll & O'Dea to speak on Item No. 4 – Litigation Section 128 Certificate.

INDUSTRIAL DEPARTMENT REPORT – AYSHE LEWIS

As per attached.

RESOLUTION

Moved J Catlin/D Neumann that the Industrial report be received and adopted.

Motion put and carried.

The Council adjourned for lunch at 12.50pm.

Council resumed after lunch at 1.40pm.

AGENDA ITEM 1 – DRAFT AUDITED FINANCIAL STATEMENTS 2013/2014

As per attached.

RESOLUTION

Moved J Chester/S Joseph that the Health Services Union NSW Council receives the Auditor's Report for the period ended 30 June 2014 and that the President (Mark Sterrey), Secretary (Gerard Hayes) and the Assistant Secretary-Treasurer (Andrew Lillicrap) be authorised as the designated Officers, to sign the Council's certificate. Further, that the Financial Statements be made available to members of the Health Services Union NSW in accordance with the rules, by being placed on the HSU website.

Motion put and carried.

AGENDA ITEM 2 – LITIGATION MYLAN MATTER NO 123943 & JENSEN MATTER NO. 131096

The matter with respect to Mylan and Jensen has been subject to several hearings in relation to admissible evidence. Mylan is arguing to prevent evidence from Williamson being able to be used and this matter is progressing through a Section 128 application.

In relation to the Jensen matter Affidavits have been sought from previous and current Councillors with respect to details relating to the uplift in salaries and the procedures that were applied to that process. Further hearings dates will be set in the near future following a brief of evidence being compiled.

RESOLUTION

This item is for information purposes only.

AGENDA ITEM 3 –LITIGATION McMILLAN & DOWNING MATTER 133941

The Union has attended the Court on 6th August 2014 and the time frame for McMillan to file a defence has now relapsed and effectively McMillan has not filed a defence.

With respect to Downing he has filed a partial defence and at this time has no legal representation. The Union has served notices to admit particular evidence that was gained following subpoena which included the Police and neither defendant filed a Notice of Objection. Downing has made certain Admissions and currently is seeking to have those

Admissions withdrawn. Submissions with respect to this are returnable by 27th August 2014. The Union has filed and served on McMillan and Downing an application for judgement against them. This application is also returnable on the 27th August 2014.

RESOLUTION

Moved D Turley/L Snow that Council notes the ongoing legal process with respect to McMillan and Downing and it requires further report back on the outcome of proceedings with respect to judgements being made against the respective defendants.

Motion put and carried.

AGENDA ITEM 4 – LITIGATION SECTION 128 CERTIFICATE

The Union has been seeking a Section 128 certificate to enable Michael Williamson to supply an affidavit that would assist in the prosecution of other parties with the privilege against self-incrimination. A recent hearing before Justice Hammerschlag decided it was almost certain that he would give the Certificate with respect to oral evidence being supplied at the hearing but, he was not of the view that he was entitled to give a certificate in relation to Affidavit of evidence.

Advice from Counsel indicates it may be hazardous and counterproductive to the success of the Union case if Williamson does not have a written statement. If the case is to proceed by oral evidence then it is likely the other parties would be allowed to proceed in the same way and would limit the amount of preparation that could be conducted with respect to written submissions.

The recommendation of Counsel is that the Union should appeal any decision that would not allow for a 128 Certificate to be issued that does not include evidence being supplied by affidavit. This does come at some cost but in terms of the ongoing litigation it is important step in the process.

RESOLUTION

Moved J Catlin/J Holgate that the Union Council notes the ongoing legal action with respect to Mylan and Jensen and potentially others and notes the significance of obtaining written affidavits so a case can be thoroughly prosecuted. It is with this in mind that Union Council endorses an appeal with respect to any decision made by Justice Hammerschlag that would prevent him issuing a Section 128 Certificate with respect to affidavit evidence. Subject to further advice from Council that the Secretary be authorised with Union's instruction to pursue further appeal based on this advice.

Motion put and carried.

AGENDA ITEM 5 –LIFE MEMBERS

Life membership of the Union is an honour that is bestowed upon members who have given service to the Organisation and fellow members over a long period of time. These members contribute consistently to the outcomes achieved by the Union and assist greatly in enhancing and protecting members' conditions of employment.

On a day to day basis and in a period that spans many years these members consistently support the vision of the Union and actively engage management in a range of different levels because of their belief in a collective and organised workforce.

The Union not only acknowledges the efforts of these members' but also sincerely appreciates their contribution to the ongoing struggle that faces HSU members.

RESOLUTION

Moved D Turley/P Iffland the Union Council proudly acknowledges and thanks the following members:

Patricia Baskerville, Janice Brown, Denis Banjery, Yula Boulton, Dixie Campton, Denys Cato, Lyne Franklin, Rodney Goodlock, John Hodges, Valerie Iglewski (posthumously), Shane Johnston, Wayne Rawson, Edna Schaeffer and Mario Schneider, and in doing so bestows life membership upon these members.

Motion put and carried.

AGENDA ITEM 6 – ANTI PRIVATISATION CAMPAIGN

Council notes that Baird Liberal Government's commentary and intent to introduce privatisation into NSW Public Health. Steps in this direction have already been embarked upon through Health Share Warehousing, Northern Beaches Hospital and Life House.

The Premier has recently made comments referring to the Fiona Stanley Hospital in WA where all services except for medical and nursing are contracted out. Council recalls the Port Macquarie experience and the relationship between the Public Sector and Mayne Health which ultimately failed. The Council also notes the disparity and lack of transitional opportunities with regards to wages accruals, accrued leave, superannuation and as such endorses the Union spending \$750,000 to conduct a campaign that will promote and educate the community in relation to the integral contributions of our members (who make up 45% of the health workforce) to NSW Health system.

RESOLUTION

Moved S Davis/L Twyford the Union Council endorses the expenditure of \$750,000 to campaign against the Baird Government's intention to privatise whole or parts of NSW Public Health Sector.

Motion put and carried.

AGENDA ITEM 7 – ROYAL COMMISSION INTO TRADE UNIONS

The Royal Commission into Trade Unions continues to progress. The Health Services Union will be before the Commission again on the week commencing the 25th August 2014. The Commission has required submissions to be made and the Secretary has undertaken that on behalf of the Union. The Secretary will be giving evidence before the Royal Commission during that week.

The Royal Commission has a broad view in relation to any matters from governance to election processes and funding. The Union has supplied submissions in relation to these enquiries.

RESOLUTION

This item is for information purposes only.

AGENDA ITEM 8 – NOMINATION OF ANDREW LILICRAP FOR HARVARD TRADE UNION PROGRAM

Unions NSW annually select two Trade Union Officials to undertake the Harvard Trade Union training course. This course is designed to view alternative approaches to industrial relations as it incorporates students from different countries and different industrial backgrounds.

Unions NSW undertake a competitive selection process and those Unions who are successful generally have an enhanced view and approach to industrial relations through this exposure.

RESOLUTION

Moved D Turley/L Burns that Andrew Lillicrap is endorsed as the HSU nominee to attend the Harvard Industrial Relations training course that commences in January 2015.

Motion put and carried.

AGENDA ITEM 9 – SALE OF LEVEL 3, 370 PITT STREET, SYDNEY

The sale of Level 3, 370 Pitt Street had occurred and is now settled, but during the settlement, the lawyers thought that some of the wording of the resolution may not have been explicit enough. The original resolution was passed last year. The Purchaser's lawyers seemed to want a more precise resolution, to avoid any doubt about the authority to make the sale.

The Union has given undertakings that whatever issues Land & Property Information (LPI) might have, the Union will liaise and deal with them to make it all happen. For abundant caution the resolution has been worded by the Union's lawyers.

RESOLUTION

Moved S O'Riley/J Catlin that the Assistant Secretary-Treasurer, Andrew Lillicrap is authorised to execute all documents necessary to give effect to the sale of the property Level 3, 370 Pitt Street, Sydney including but not limited to the Contract and Transfer. This authority is retrospective and relates to the Contract for Sale entered into on the 9th day of April 2014 for the sum of \$3,800,000 between the Health Services Union NSW as Vendor and Metro Group Australia Pty Limited and Toffany Pty Limited as Purchaser.

Motion put and carried.

GENERAL BUSINESS**COAL DUST IMPACTS ON CHILDREN AND TEACHERS NEWCASTLE HARBOUR**

Moved C Charles/P Mitchell there are about 23,000 children and around 1,000 teachers attending schools within 500 metres of the coal train corridor in the Hunter Region, and there are at least 9 schools within a kilometre of the coal stockpiles next to Newcastle Harbour. Fine particulate pollution emitted from the trains carrying coal is exceeding the health standards more often than not. The proposed fourth coal loader will exacerbate an already dire situation. No studies have been done on the health impacts on coal-affected communities, despite repeated calls, for decades, for such a study because of cancer clusters, chronic and acute respiratory illnesses, cleft palates etc.

The HSU calls on the government to support the people of the Hunter by requiring all coal wagons be covered, and to reject the necessary proposed fourth coal loader for Newcastle Harbour.

Our Union members live in the community that is directly affected by our proximity to the coal transport. As health practitioners we are well able to understand the implication of increased particulate pollution on the health of community members. We could hardly claim to be unaware of the evidence that adults in coal mining communities have been found to have:

- Higher rates of mortality from lung cancer, chronic heart, respiratory and kidney diseases
- Higher rates of cardiopulmonary disease, chronic obstructive pulmonary disease (COPD) and other lung diseases, hypertension, kidney disease, heart attack and stroke, and asthma
- Increased probability of a hospitalisation for COPD (by 1% for each 1,462 tons of coal mined), and for hypertension (by 1% for each 1,873 tons of coal mined).
- Poorer self-rated health and reduced quality of life
- And that children and infants in coal mining communities have been found to have:
- Increased respiratory symptoms including wheeze, cough and absence from school with respiratory symptoms although not all studies reported this effect
- High blood levels of heavy metals such as lead and cadmium
- Higher incidence of neural tube deficits, a high prevalence of any birth defect, and a greater chance of being of low birth weight (a risk factor for future obesity, diabetes and heart disease)”
- (Health and Social Harms of Coal Mining in Local Communities 2012 Spotlight on the Hunter Region, Ruth Colagiuri, Johanne Cochrane and Senham Girgis, Health and Sustainability Unit, The Boden Institute of Obesity, Nutrition, Exercise and Eating Disorders, University of Sydney).

The NSW Teachers’ Federation and the Nurses and Mid Wives Association have passed similar resolution.

Motion put and carried.

There being no other general business the meeting closed at 2.50 p.m.

Chairperson