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ACTU seeking to smooth waters for maritime unions as merger looms

Thursday, August 17, 2017, 4:40pm

The ACTU has sought to broker discussions with two smaller maritime unions that are objecting to the planned merger of the CFMEU with the MUA and TCFU.

A Fair Work Commission hearing today heard the peak body has written to all five unions seeking to arrange talks, but this meeting is yet to occur.

Counsel for the AIMPE and AMOU, Bryce Cross, [argued](#) the Commission should not approve the holding of merger ballots because the name of the amalgamated union would cause confusion.

Cross said this would arise from the word "maritime" without reference to occupation or calling, such as a reference to integrated ratings.

He told the hearing – which took place in Sydney with a video link to Melbourne – that there was "active involvement" of the ACTU in the merger proposal.

The hearing before Deputy President Val Gostencik heard that the name of the new body would be the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU).

However, counsel for the CFMEU, MUA and TCFU, Tony Slevin, said the ACTU's involvement was confined to the eligibility rules of the merged entity, rather than its name.

Slevin said the name of the merged body, the CFMMEU, would not be similar to the AIMPE and AMOU.

The AIMPE and the AMOU have previously expressed concern that the amalgamated union could make a renewed attempt to change eligibility rules and encroach on their coverage.

But the CFMEU, MUA and TCFU have said the merger does not involve changes to eligibility rules.

Two employer groups, the Australian Mines and Metals Association and the Master Builders Association, have argued the three merger partners have not made valid applications for the ballot.

But the three unions have now provided further details on the approval of a scheme of amalgamation to overcome the points raised by the employer groups.

AMMA and the MBA note that counsel for the three unions made an oral request at an earlier hearing for the Commission to approve corrections to the scheme of amalgamation.

Their counsel, Stuart Wood QC, said today that s42(1) of the Fair Work (Registered Organisations) Act required that "each alteration of the scheme" must be approved by each committee of management.

He said this [raised questions](#) as to whether the Commission [has jurisdiction to amend](#) the scheme under s586 of the Fair Work Act.

In reply, Slevin said the changes to the scheme were corrections required as a result of two decisions by the Fair Work Commission general manager on union rules.

"It's not an alteration to the scheme under the Act."

Slevin thanked the employer groups for being "helpful" in considering the legal issues involved, but said the three unions "look after ourselves."

"This is union business."

In an [outline of submissions](#), the unions argue that the employers "have no right" to appear in the proceedings.

Slevin today gave an undertaking that the committees of management could approve the corrected scheme by August 28.

Deputy President Gostencik said he was mindful of providing as much time as necessary to prepare for the ballot and that he would deliver a finding no later than August 31.

He said the AEC had advised that any ballot would open on October 10 and close on December 5.

The hearing was adjourned.

The Turnbull Government this week introduced legislation to apply a public interest test on mergers, which would include consideration of past behaviour and breaches of industrial law.

[FWC home page for CFMEU/MUA/TCFU merger proposal](#)

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