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Union 'stalking horse' accused of destroying evidence

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A wharfie heading a major legal challenge against the only stevedore without an agreement with the militant maritime union has admitted smashing his mobile phone after receiving discovery orders to find out if he was a "stalking horse" for the union.

Victoria International Container Terminal has called for the Federal Court to throw out a bid to overturn its landmark non-MUA agreement after claiming it had exposed a "tangled web of deceit and half truths" by the applicant, employee and Maritime Union of Australia member Richard Lunt.



Stockpiled trucks for two weeks at the Port of Melbourne in 2017.

The MUA sees VICT's agreement as a threat to industry conditions and is funding Mr Lunt's challenge because, VICT alleges, the union would be barred from objecting to the deal itself two years after Fair Work approved it.



Richard Lunt, a MUA member, said "there were things on that phone that I didn't want anyone else to see". **Supplied**

Mr Lunt has denied he is acting under the control of the union but, under cross-examination, admitted he had "got rid of" his Samsung phone a few months after receiving a court order to produce material relating to his communications with the MUA.



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When asked how he did that, he said he "smashed it and turfed it" because "there were things on that phone that I didn't want anyone else to see".

The Samsung was one of three phones over a two-year period that "no longer existed", with Mr Lunt claiming his iPhone ended up in a council bin and his Nokia fell down a drain.

But Mr Lunt argued he did not destroy evidence because he said the Samsung phone's messages were deleted by a technician during a repair job.

VICT seized on the revelation to label Mr Lunt "an evasive and dishonest witness" and that the attack on the VICT agreement is "entirely a Construction, Forestry, Maritime, Mining and Energy Union agenda".

VICT operates the heavily automated Webb Dock terminal in Melbourne under an agreement with the Australian Maritime Officers Union that avoids the MUA's restrictive conditions and has been seen as an unprecedented challenge to the union's dominance of the waterfront.

In an email to Mr Lunt tendered in court, MUA deputy national secretary Will Tracey said the agreement "undermines generations of struggle by waterside workers".

'Lost but now found'

Mr Lunt launched his action after the MUA's picket in 2017 failed to secure agreement changes and instead resulted in \$125,000 in fines against the MUA and [an ongoing damages claim](#) for more than \$8 million.



He claims the VICT agreement was not genuinely agreed to because it was voted up by just five people, largely management, while VICT says eight people voted and they were not all management.

In submissions to the court, VICT argued Mr Lunt had a close relationship with the MUA after the union paid him \$40,000 to bail him out of bankruptcy in 2015.

Mr Lunt entered bankruptcy after he was hit with a costs order from his failed unfair dismissal claim against Qube, where Fair Work Commission deputy president Val Gostencnik discovered [a listening device in a conference room](#) during conciliation in the case.

Mr Lunt claimed the bug, taped underneath a table in the room, was his friend's and that it had dropped out of his bag. He then headed to the toilet with the bug, did not return and failed to show up for further hearings.

Barrister Stuart Wood QC told the court "after he was bailed out of bankruptcy [Mr Lunt] was in debt to the union, and to an extent he was willing to do what they wanted. He was lost but now found."

VICT declined to comment and the MUA did not respond before publication. A decision has yet to be handed down on the strike-out application.



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