



# Last-ditch bid to stop super union

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Employers are challenging the merger of the militant maritime union and construction unions in the Federal Court in a fresh push to stop the super-union.

The Australian Mines and Metals Association launched the bid for a judicial review of the merger on Friday after losing an appeal in the Fair Work Commission last month.

However, the employer group will be the only one funding the appeal after the Master Builders Association, a previous joint appellant, declined to pursue the case in order to focus on the federal election.

The case, run by law firm Herbert Smith Freehills and barrister Stuart Wood, QC, comes as employers argue the Construction, Forestry, Maritime, Mining and Energy Union has been emboldened since the merger to expand its coverage.

Industry sources said the Maritime Union of Australia had become more aggressive in seeking to cover platforms in the offshore resources industry, traditionally represented by the Australian Workers Union.

The militant construction union also pushed for coverage of the textile industry in Queensland, using the merger, which included the textile workers union in a separate division, to justify right of entry to employers.

The mines and metals group has

previously raised concerns that the merger would lead to an "imminent escalation of unlawful conduct" that could threaten business "from pit to port".

AMMA director of workplace relations Amanda Mansini said the employer group had a duty to the broader economy to ensure the merger was tested in the courts.

"AMMA has a duty to employers and employees in the national resources and energy industry, as well as the broader Australia economy, to ensure an amalgamation including two of what several judges have called Australia's most recidivist law-breaking unions, is fully considered by a court of law," she said.

"AMMA has consistently maintained that this merger failed to meet legal requirements, and that this otherwise untested point of law would ultimately require interpretation by the courts in the federal jurisdiction."

The merger of the two militant unions in March created a 144,000-strong union, with combined assets of \$310 million and annual revenue of \$146 million.

AMMA and the MBA previously argued on appeal that the CFMMEU merger was prohibited due to outstanding proceedings over industrial breaches and a contempt case against the MUA, which they argued was "quasi criminal" in nature.

However, a full bench rejected the challenge, finding that the cases were

civil proceedings under their ordinary meaning.

An MBA spokesman said it would not join AMMA in the appeal because it wanted to focus on campaigning to maintain the Australian Building and Construction Commission at the next election.

It is understood that, even if it is successful, the appeal will face further hurdles due to the practical difficulties in unwinding the CFMMEU after amalgamation.

CFMMEU national secretary Michael O'Connor said AMMA was interfering with the democratic rights and decision-making of union members.

"Our members made their voices clear when they overwhelmingly voted in support of this merger, creating a strong, independent, diverse and progressive union," he said.

"Employers should butt out and stop trying to overturn the democratic decisions of members about the future of their union."



The AMMA says it has a duty to the broader economy to ensure the merger is tested in the courts. PHOTO: PETER BRAIG