

Inquiry into Stella Maris

Supplementary Submission from Matthew Gardiner

18th February 2014

1. In an email received from Gregory Ian Lade, being an authorised officer representing the Stella Maris Inquiry, on the 17th February 2014, I was asked for further information on the following:
 - a. *“At point 6 of your submission, you speak about the ITF and the MUA paying money into the use and upkeep of the site etc. We have received a submission from the ITF which is silent on the issue of funding. As we understand it, the ITF did provide monies to assist in the building of the accommodation block on the site and that when the Apostleship of the Sea gave up the lease and was compensated for improvements, the ITF Benevolent Fund (Listed in the UK as a charity) received full payment to compensate for their investment. Are you able to provide and other evidence of funding?”*
 - b. *“At point 7 re discussions with the Catholic Church, are you able to provide and further details such as names of persons that had those discussions?”*
 - c. *“As mentioned in my phone call this date, some comment is made that Unions in general have had a long association with the now heritage listed old railway house that sits on the Stella Maris site. Can you just explain that a bit further as I understand that the house was used from construction to about 1976 as a primary residence for Railway employee and their families?”*
 - d. *“At point 9 you state that you were informed that the site was redeveloped and included a “Workers Club”. Do you mean that it was officially known as a ‘Workers Club’ or that workers drank at the Club?”*
 - e. *“At point 17 you say that 38 Woods Street has five owner (sic) with Unions NT only own a small portion. Can you advise who the other owners are and what percentage of the building they own? I understood from my conversation with you during the afternoon of the 13 February, you indicated that the Harold Nelson Holdings owned about half.”*
2. I also received a letter, by email, from Commissioner Lawler on the 17th February, requesting:
 - f. *“I am interested in paragraph 16 of your submission where you indicate there are ‘numerous communications between Unions NT and Departmental representatives’. I would be interested to examine these communications, and establish if they took place before the offer to lease Stella Maris was made to Unions NT on 3 August 2012.”*

3. In response to these questions I will answer to the best of my knowledge.
4. In regards to point (a.) and (b.) this information was relayed to me through discussions with the Maritime Union of Australia representative in the Northern Territory, Mr. Mick Killick, around 2006.
5. From my recollections of those discussions with Mr. Killick, it was understood that substantial amounts of monies were involved and representatives from the ITF, whose names I do not recall, may have met with Bishop Hurley and others in regards to the future funding of the site.
6. In response to question (c.), while not many records about my predecessor Unions survive from prior to 1970's, evidence shows that our Union organised workers who were employed by the Railways in the NT.
7. My Union, from information found in Bernie Brian's 2001 PhD Thesis (*see attachment 1*), traces its heritage in the Northern Territory back to 1911, when a local branch of the Australian Workers Association (AWA) was founded at the then Palmerston Council Hall in what is now known as Darwin.
8. In 1913, Robert Toupein, future Mayor of Darwin Town Council, and Harold Nelson, future inaugural NT Federal House of Representatives Member, both had been working for the Railways and holding leadership positions in the recently founded branch of the Australian Workers Union (after amalgamation of the AWA and AWU) with them as Secretary and Organiser respectively.
9. The Union over an extended period of time have organised the workers who worked for North Australian Railways and at the wharf, which was then also under control of the North Australian Railways, (later to Vesteys then later again back to the Railways) with industrial unrest with strikes at the Wharf, Railways and Sorting Sheds in regards to an improvement in wages and employment practices commonplace over that period.
10. During the period of the First World War there was recorded that many members of the AWU, including the then Chairman (now referred to as President), Jack Burton enlisted, forsaking his job on the NT Railways to undertake his patriotic duty.
11. There are records of industrial disputes with Railway workers from 1915 including claims put to the NT Administration on behalf of Railway Engineers in 1917 culminating in the first time an Arbitration Court judge to visit the NT.
12. In 1918 during the "Gilruth Rebellion" both on the public marches on Government House on the 17th December and 26th December when crowds reportedly of over 1000 people attended included many North Australian Railway of the Union with Robert Toupein and Harold Nelson recognised as leaders of this dispute against the Administrator of the NT.

13. In the early 1920's there was a formation of two local Unions, emerging from the previous local branch of the Queensland based AWU, these were the North Australian Industrial Union (NAIU) and the Northern Territory Workers Union (NTWU) both who had members in the Territory Railways. In fact in 1922, the North Australian Railway tried to block the registration of the NAIU in preference to the NTWU.
14. Both of these Unions were registered in the Arbitration court in 1923. Both Unions represented workers employed across the Northern Australian Railways and in 1927 these Unions amalgamated to form the North Australian Workers Union (NAWU).
15. In the Inter War Years there is continuing evidence of the Unions involvement with the Railways with numerous Industrial actions, Award applications and wage increases, leave provisions, handling allowances and disputes with the NAWU and Northern Australian Railways over these matters.
16. During the Second World War and the evacuation of Darwin, the NAWU kept a presence through its Waterside and Railway Workers. It is worth noting that the initial bombs that fell on 19th February 1942 in Darwin killed twenty two waterside workers also NAWU members most employed by the Northern Australian railways as either full time or casual workers. Unions still commemorate these workers with a small ceremony held every year at Stokes Hill wharf.
17. Those who worked for the Railways, during the War Years, when Darwin was under military control include Joseph (Yorky) Walker, Jack Meaney, Bert Field, Bill Ivanson, Bob Antony, Charlie Payne, George Gibbs, Bert Johnston, Ernie Marr, Charlie Anderson, Jack McGinnis, Jack Burton, Wally Lew Fatt, Joe Sevailos, William Ali Ahmatt, Gabe Hazelbane, Eddie Cubillo, Harry Hazelbane, Bert Graham and Murray Norris, many of whom were to be part of the leadership of the NAWU in the years preceding, during and after the War.
18. They worked in a variety of roles including Engine Drivers, Engineers, Gangers and Fettlers with both the Railways and the Civil Construction Corps (CCC) across the entire NT in construction, maintenance and running the railways during the years of the Second World War most of these Darwin based members were housed in Northern Australia Railways houses.
19. In the post war years the NAWU campaigned, applied for and won increases to the Awards for Railway employees in the NT.
20. In response to point (c) the Union has had long association with employees of the North Australian Railway, and later the Commonwealth Railways, who were Engineers, Drivers, Shunters, Guards, Porters, Fettlers, Loco Shed Workers, Workshop Workers, Construction Navvies, Sorting Shed Workers, Cleaners, Watchmen or Wharf workers with a large portion of those living in accommodation provided by their employer. Unfortunately due to the march of

progress and the destructive effects of nature there is little remaining of any of this accommodation, which has long been a part of our history besides the building on the site now known as Stella Maris.

21. In reference to point (d) in discussions with older Territorians the site at the Stella Maris was always referred to as “the Workers” or “Workers Club”, whether it was officially called that or took its name from the previously formed Workers Club off Cavenagh Street, I cannot say.
22. The current owners of the site at 38 Woods St referred to in point (e) showing that Unions NT and Harold Nelson Holdings are the smallest tenancies in the strata titled site. I fear that it was misheard and “part” was heard as “half”. This would be revealed through a simple titles search at the Land Titles Office (*see attachment 2*) with the following be shown:

a. Ground Floor		
i. Unit 4, 9 and 6	Group Training NT	869m ²
ii. Unit 7	Harold Nelson Holdings	142m ²
b. First Floor		
i. Unit 8	United Voice NT Branch	566m ²
ii. Unit 2	Unions NT	180m ²
iii. Unit 3	Community and Public Sector Union	389m ²

23. In regards to the question put from Commissioner Lawler in point (f) referring to para. 16 of my statement refer to the communications that took place between:

- i. Mr. John Coleman, Chief Executive of Lands, Planning and the Environment and Mr. Alan Paton, Secretary of Unions NT dated 28th May 2013.
- ii. Mr. Alan Paton, Secretary of Unions NT and Mr. John Coleman, Chief Executive of Lands, Planning and the Environment sent by email on 31st May 2013.
- iii. Mr. John Coleman, Chief Executive of Lands, Planning and the Environment and Mr. Alan Paton, Secretary of Unions NT, dated 1st July 2013.
- iv. Hon. Peter Chandler, Minister for Lands, Planning and the Environment and Ms. Avril Vaughan, Hall Payne Lawyers dated 22nd November 2013.
- v. Mr. Bryan Wilkins, Secretary Unions NT and Hon. Peter Chandler, Minister Lands, Planning and the Environment by email 3rd December 2013.
- vi. Ms. Kerry Heness, Personal Assistant to Hon. Peter Chandler and Mr. Bryan Wilkins, Secretary, Unions NT by email 3rd December 2013.
- vii. Ms. Kerry Heness, Personal Assistant to Hon. Peter Chandler and Mr. Bryan Wilkins, Secretary, Unions NT by email 17th December 2013.

I believe all of this correspondence is now in the possession of the Inquiry.

24. I have attached relevant documentation I have relied on to form this supplementary statement to the inquiry and am happy to discuss this further or any other questions that the Inquiry may have when I appear as a witness on the 11th March 2014.

Attachments

Attachment 1: [Brian, B., 2001, *The Northern Territory's One Big Union: The Rise and Fall of the North Australian Workers' Union 1911-1972*, Thesis submitted for the Degree of Doctor of Philosophy, NTU, Charles Darwin University Library.](#)

Attachment 2: [Unit Plan UP94/025, Compiled by Alan William Thorpe, Surveyor, 28 April 2000, NT Land Titles Office](#)