

Fair Work (Registered Organisations) Act 2009
s.159 – Alteration of other rules of organisation

Fair Work (Registered Organisations) Regulations 2009
reg 126 – Alteration of other rules of organisation

**NOTICE OF PARTICULARS OF AUTHORISATION AND
DECLARATION OF AUTHORISED OFFICER**

I, Grahame Kelly of Level 11, 215 Clarence Street, Sydney, in the state of New South Wales, union official, give notice of the following matters in relation to the rules of the Mining and Energy Union.

1. I am the General Secretary of the Mining and Energy Union.
2. The Mining and Energy Union (“**the MEU**”) is an organisation of employees registered under the *Fair Work (Registered) Organisations) Act 2009*.
3. I am authorised to give this notice of particulars of alterations to the Rules of the MEU and to make this declaration as required by regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
4. The MEU has sought to alter its rules. Particulars of the alterations the subject of this notification are annexed to this declaration and marked “**Annexure ‘A’**”.
5. I declare that the alterations particularised in **Annexure ‘A’** were to the best of my knowledge made in accordance with the Rules of the of the MEU, in particular Rule 9 and Rule 16. The actions taken under the Rules to make this alteration included the following:
 - (a) On 11 October 2023 and in accordance with Rule 9(ii)(f) of the MEU Rules, I caused each Central Council member to be notified by email of a meeting of the Central Council to be held on 1 December 2023, along with a copy of the meeting agenda.

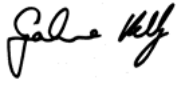
Lodged by:

Mining and Energy Union
215-217 Clarence Street
Sydney NSW 2000

Telephone: 02 9267 1035
Email: ajacka@meu.org.au
Website: meu.org.au

- (b) On 30 November 2023, following a meeting of the Rules Committee, I caused the MEU Central Council members to be notified by email of a proposed resolution regarding a Rule change to the MEU National Rules to allow for the addition of a Female Central Councillor and to allocate their election to be from the Northern District and the QLD District. A copy of the proposed Rule change is attached at **Annexure 'A1'**.
 - (c) At a meeting on 1 December 2023, and in accordance with Rule 16 of the MEU Rules, a Rules Committee report was tabled and discussed, and a quorum of the Central Council unanimously voted in favour of the proposed Rule changes to allow for Female Central Councillors. A copy of the resolution is attached at **Annexure 'A2'**.
6. On behalf of the MEU, I provide consent for the correcting of any other typographical, clerical or formal errors associated with this application, provided that the errors are first notified to the MEU Board of Management for comment. I confirm that I am authorised to give the aforementioned consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009*.
- (a) I note that a typographical error was identified when completing this notice that showed that changes to the number of rules and subsequent cross-references were not required as "(c)" in sub-Rule 9(i) should have been located beside the sub-Rule (1). This is marked in **Annexure A3**.
 - (b) I also note a typographical error in cross-referencing at sub-Rule 16(iv) which references "sub-Rule 15(iii)" where it should reference "sub-Rule 16(iii)".
 - (c) On Friday 19 January 2024, I notified the MEU Board of Management of the typographical errors note in paragraph 6(a) and 6(b) above. By 4pm on Monday 29 January 2024, a majority of the MEU Board of Management confirmed and supported the corrections to the typographical errors.
7. I have requested that the MEU post on its website a notification in relation to the rule changes the subject of this notice and declaration as soon as practicable following the lodgement of the notice.

8. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



.....
Grahame Kelly
General Secretary
Mining and Energy Union

30 January 2024

ANNEXURE A

Annexure A1

Note: Any deletions are in blue, and strikethrough. Where there is a change in capitalisation of the word or additions to the current Rules they are marked in red.

National Rules:

9 – CENTRAL COUNCIL

- (i) *Composition of Central Council and Extraordinary Vacancies:*
- (a) *The Committee of Management of the Union shall be the Central Council, which shall be the supreme governing body of the Union.*
- (b) *The Central Council shall be composed of the General President, the General Vice President/s, the Vice Presidents, the General Secretary, ~~the two (2) Affirmative Action~~ Female Central Councillors, and representatives of the District Branches.*
- (1) *Each District Branch shall be entitled to one (1) representative for any number of members up to two thousand (2,000) and that representative shall be the District Branch President or, where the District Branch President is not a full-time District Branch official, the next most senior officer who is a full-time District Branch official. If the District Branch has no full-time official, the most senior officer. Where the membership of a District Branch exceeds two thousand (2,000), it shall be entitled to a further representative for each additional two thousand (2,000) members or part thereof. Except as provided for in sub-Rule 9(i)(e), the number of representatives required shall be calculated by the General Secretary by reference to the membership records maintained by the Union pursuant to the RO Act as at the end of the financial year immediately preceding the relevant election.*
- (2) *There shall be one (1) position of ~~Affirmative Action~~ Female Central Councillor – Northern Mining & NSW Energy District and one (1) position of Female Central Councillor – Queensland District. The positions ~~of Affirmative Action Councillor is~~ are open only to female members of the Union, ~~irrespective of the~~ in the respective District Branch in which they are employed. Elections for the position of ~~Affirmative Action~~ Female Central Councillor shall be conducted by the National Returning Officer in accordance with Rule 17. Where there is more than one (1) nomination for the ~~Affirmative Action~~ Female Central Councillor position in a District Branch, a ballot of all members of ~~the respective~~ all District Branches will be conducted. The term of office for the ~~Affirmative Action~~ Female Central Councillor shall be four (4) years.*
- (c) ~~(d)~~ *Except as provided for in sub-Rule ~~9(i)(c)(2) 9(i)(b)(2) and sub-Rule 9(i)(e) 9(i)(d)~~ each District Branch shall cause an election of its own representatives to be held every four (4) years in accordance with Rule 17, utilising the*

National Returning Officer to conduct the ballot. Members of ~~the~~ Central Council shall take office in accordance with Rule 17.

- (d) ~~(e)~~ This sub-Rule shall apply at the conclusion of the second financial year after the calculation of representatives under sub-Rule ~~9(i)(e)~~ 9(i)(b):
- (i) The General Secretary shall recalculate the number of District Branch members of each District Branch based on the records maintained by the Union pursuant to the RO Act as at the end of the financial year.
 - (ii) Each District Branch shall be entitled to a further representative for an increase of membership of between two thousand and one (2,001) and four thousand members (4,000) in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).
 - (iii) Each District Branch shall be entitled to a further representative for each two thousand (2,000) members or part thereof above four thousand (4,000) members in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).
 - (iv) Any additional position created by this sub-Rule shall be filled by the holding of an election in accordance with Rule 17.
 - (v) Any member elected under this sub-Rule shall hold office for the remainder of the term for which Branch Councillors were elected under sub-Rule 9(i)(c).
- (e) ~~(f)~~ Any extraordinary vacancy which occurs in an elected position within the Union shall be filled by the holding of an election in accordance with Rule 17, and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected provided that where the remainder of the term does not exceed:
- (a) twelve (12) months or;
 - (b) three quarters (3/4) of the office, whichever is greater the Central Council or any District Branch Committee of Management, depending on the nature of the office, may appoint by resolution any eligible member of the Union or the District Branch to act in that office for the remainder of the term.

22 – OFFENCES AND PENALTIES

- (iii) Any charge laid pursuant to sub-Rules (i) and (ii) shall be made in writing and shall be made to the General Secretary in the case of the National Officers ~~and the Affirmative Action Councillor~~ or shall be made to the relevant District Branch Secretary in any other case. The General Secretary or the District Branch Secretary shall give notice of the charge to the Central Council or the Board of Management as the case may be. Such Officer may, if they think fit, and shall, if directed by Central Council or, in the case of the District Branch Secretary, by the Board of Management,

appoint a Committee of up to three (3) independent persons to investigate and report on the charge to the relevant body. The person charged shall have full freedom to make a verbal and/or written response to the charge, and bring material or witnesses as may be relevant to the charge, to the investigating Committee.

Northern Mining & NSW Energy District Rules:

8 – BOARD OF MANAGEMENT

(i) Elections

- (a) The Committee of Management of the District Branch shall be the Board of Management.*
- (b) The Board of Management shall be composed of the District Executive Officers, the District Central Councillors, **including the Female Central Councillor**, such number of Mining Lodge representatives and Energy member representatives as shall be determined from time to time by the Board of Management, and one (1) **District Branch Female affirmative action Representative**.*
- (c) (1) The District Central Councillors shall be elected every four (4) years.*
- (2) In accordance with the Union Rules, the first Central Councillor elected shall be the District President; and*
- (3) Where the Rules of the Union require more than one (1) Councillor on the Central Council from the District Branch the Board of Management shall determine from which of the membership (Open Cut Section, Underground Section and Energy) of the District Branch the respective Councillor or Councillors shall be nominated from prior to each election.*
- (4) **There shall be one (1) Female Central Councillor on the Central Council from the District Branch.***
- (5) ~~(4)~~ The District Central Councillors elected shall take office in accordance with the Union Rules.*
- (d) The Mining Lodge representatives shall be elected in equal numbers from the Open Cut and Underground Sections of Mining outside of the Gunnedah Coalfields and one (1) shall be elected as a Mining Lodge representative who is a member at a Lodge in the Gunnedah Coalfields. The representatives shall be elected every four (4) years and shall take office in accordance with the Union Rules.*
- (e) The Energy member representatives shall be elected in numbers equal to the representatives for each of the Open Cut and Underground Sections of*

Mining, from Energy. The representatives shall be elected every four (4) years and shall take office in accordance with the Union Rules.

- (f) *Where a position is required by the Rules to be elected from Mining or Energy, the persons nominating a candidate for election must also come from **the** same membership category, but the position is to be elected by the whole of the membership of the District Branch.*
- (g) *Nominations for the **District Branch Female affirmative action Representative and Female Central Councillor** will be called from female members only, although this does not preclude female members from holding any other Board of Management, District Executive or Central Councillor positions. Any member can nominate a candidate for the **District Branch Female affirmative action Representative or Female Central Councillor** positions and the election will be of the whole of the membership of the District Branch. The **District Branch Female affirmative action Representative and Female Central Councillor** shall be elected every four (4) years and shall take office in accordance with the Union Rules.*
- (h) *A member eligible for election may only nominate for one (1) elected position at any time.*
- (i) *Where the Board of Management determines to fill any extraordinary vacancy which occurs in an elected position within the District Branch it shall be filled by the holding of an election in accordance with the Ballot Rules of the Union and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected, provided that where the remainder of the term does not exceed:*

(1) *Twelve (12) months; or*

(2) *Three-quarters of the office;*

Whichever is the greater;

The Board of Management may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.

- (j) *The failure to fill the designated **District Branch Female affirmative action Representative or the Female Central Councillor** positions (**one or both**) shall not prevent the Board of Management from carrying out or conducting the business of a District Branch.*

(ii) *Meetings*

- (a) *The Board of Management shall meet at least three (3) times a year. One (1) meeting shall be the Annual General Meeting and will be held between March and May each year and two (2) more spread evenly throughout each year. The Board of Management shall meet at such other times as the District Executive may deem necessary. The location of meetings will be the*

Registered Office of the District Branch, unless otherwise determined by the Board of Management.

- (b) More than half of the members of the Board of Management shall form a quorum, with a majority of those present being made up from Mining Lodge representatives, Energy member representatives, the **District Branch Female affirmative action Representative** and the Central Councillors (excluding the District President).
- (c) The District President, District Vice-President (A), District Vice-President (B), District Vice-President (C), District Vice-President (D), District Vice President (E), District Secretary, District Central Councillors, **including the Female Central Councillor**, District Check Inspector (A), District Check Inspector (B), each of the Mining Lodge representatives, each of the Energy member representatives and the **District Branch Female affirmative action Representative** shall have a deliberative vote at any meeting of the Board of Management. The District President shall, in the event of the Board of Management being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting.

Queensland District Rules:

8 – BOARD OF MANAGEMENT

- (i) Elections
 - (a) The Queensland District Branch shall be controlled and directed by the Board of Management, (within the Queensland District Branch Rules generally referred to as “the Board of Management”) which is the Committee of Management of the Branch.
 - (b) The Board of Management shall be composed of the District President, District Senior Vice-President, District Secretary, District Central Councillors, **including the Female Central Councillor**, and representatives of Lodges and members elected on a Divisional basis and one **(1) District Branch Female Affirmative Action Representative**. For the purposes of this rule, members of the District Branch who are not members of a Lodge are referred to as “State Members”.
 - (c) Representation from the Lodges and State Members on the Board of Management shall be based on one representative per Division. The number of Divisions on the Board of Management shall be determined by the Board of Management at the Annual General meeting of the Board in the year preceding a General Election. There shall be no less than five Division based representatives on the Board of Management, unless the membership of the District Branch falls to below 2,000 members, in which case the Board of Management may determine to have a smaller number of Division representatives.

- (d) *The Board of Management shall allocate each Lodge and each State Member to a Division taking into account, as far as practical, the geographic location of Lodges, the industries and callings of members and the general aim of achieving an approximate parity of voting members in each Division. Nominations for a Division representative will be called from only those members allocated to that Division and the election will only be made by members allocated to that Division.*
- (e) *Division representatives shall be elected every four years according to the Ballot Rules of the Union.*
- (f) *There shall be one (1) position of District Branch Female ~~Affirmative Action~~ Representative, and one (1) position of Female Central Councillor although this does not preclude female members from holding any other Board of Management, District Executive or Central Councillor positions. The positions of District Branch Female ~~Affirmative Action~~ Representative and the Female Central Councillor ~~is~~ are open only to female members of the District Branch. Elections for the positions of District Branch Female ~~affirmative action~~ Representative and Female Central Councillor shall be conducted in accordance with the Union Rules. Where there is more than one (1) nomination for the District Branch Female ~~affirmative action~~ Representative or the Female Central Councillor position, a ballot of all members of the District Branch will be conducted. The term of office for the District Branch Female ~~affirmative action~~ Representative and the Female Central Councillor shall be four years.*
- (g) *Should any member of the Board of Management die or resign, or otherwise cease to be a member of the Board, the Division from which he or she was elected shall forthwith elect in her/his place another representative.*
- Until such an election is held the Board of Management shall have the power to appoint a member to fill the vacancy, provided however, that such representative so appointed shall hold office for the same period only as her/his predecessor could have done or until the Division shall elect another representative, and, in any event, for only so much of the unexpired part of the original period of office as does not exceed three quarters of the original period.*
- Any representative appointed under this sub-rule shall have the right to nominate in the election for representatives from her/his Division next following her/his appointment as a representative and to any other election of representatives.*
- (h) *When a new Lodge is formed the Board of Management shall allocate the Lodge to an existing Division. Provided that, in accordance with sub-rules 8(i)(c) and (d) above, the Board may allocate the new Lodge to a different Division for the purposes of a General Election.*
- (i) *A member eligible for election may only nominate for one (1) elected position at any time.*

(j) *The failure to fill the designated **District Branch Female affirmative action Representative or the Female Central Councillor** positions (one or both) shall not prevent the Board of Management from carrying out or conducting the business of the District Branch.*

(ii) *Meetings*

(a) *The Board of Management shall meet at least three times a year and in addition a meeting shall be held immediately upon the conclusion of District Convention in order to discuss and vote upon resolutions arising from the Convention. The Board of Management shall meet at such other times as the District Branch Executive may deem necessary. The Board of Management shall determine which of its meetings will be the Annual General Meeting.*

(b) *At least three Officers of the Board of Management, excluding the District Branch Executive Committee Officers and in addition at least two District Branch Executive Committee Officers must be present at each meeting of the Board to form a quorum.*

(c) *The District President, District Senior Vice-President, District Secretary, District Central Councillors, **including the Female Central Councillor**, each of the Lodge representatives and the Female Affirmative Action Representative shall have a deliberative vote at any meeting of the Board. The District President shall in the event of the Board being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting.*

Annexure A2

Central Council **RESOLVED** to **NOTE** the Rules Committee Report and **ENDORSE** the amendments to the MEU National Rules for the 2024 General Elections as provided to create two Female Affirmative Action Councillor positions, subject to changes being supported by the Northern Mining & NSW Energy District and the Queensland District.

Annexure A3

Note: **Updated following correction of a typographical error in MEU National Rule 9 sub-Rule numbering.** Any deletions are in blue, and strikethrough. Where there is a change in capitalisation of the word or additions to the current Rules they are marked in red.

National Rules:

9 – CENTRAL COUNCIL

- (i) *Composition of Central Council and Extraordinary Vacancies:*
- (a) *The Committee of Management of the Union shall be the Central Council, which shall be the supreme governing body of the Union.*
- (b) *The Central Council shall be composed of the General President, the General Vice President/s, the Vice Presidents, the General Secretary, ~~the two (2) Affirmative Action~~ **Female Central** Councillors, and representatives of the District Branches.*
- (c) (1) *Each District Branch shall be entitled to one (1) representative for any number of members up to two thousand (2,000) and that representative shall be the District Branch President or, where the District Branch President is not a full-time District Branch official, the next most senior officer who is a full-time District Branch official. If the District Branch has no full-time official, the most senior officer. Where the membership of a District Branch exceeds two thousand (2,000), it shall be entitled to a further representative for each additional two thousand (2,000) members or part thereof. Except as provided for in sub-Rule 9(i)(e), the number of representatives required shall be calculated by the General Secretary by reference to the membership records maintained by the Union pursuant to the RO Act as at the end of the financial year immediately preceding the relevant election.*
- (2) *There shall be one (1) position of ~~Affirmative Action~~ **Female Central** Councillor – **Northern Mining & NSW Energy District** and one (1) position of **Female Central Councillor – Queensland District**. The positions of ~~Affirmative Action Councillor~~ **is are** open only to female members of the Union, ~~irrespective of the~~ **in the respective** District Branch in which they are employed. Elections for the position of ~~Affirmative Action~~ **Female** Councillor shall be conducted by the National Returning Officer in accordance with Rule 17. Where there is more than one (1) nomination for the ~~Affirmative Action~~ **Female Central** Councillor position **in a District Branch**, a ballot of all members of ~~the respective~~ **all** District Branches will be conducted. The term of office for the ~~Affirmative Action~~ **Female Central** Councillor shall be four (4) years.*
- (d) *Except as provided for in sub-Rule 9(i)(c)(2) and sub-Rule 9(i)(e) each District Branch shall cause an election of its own representatives to be held every four (4) years in accordance with Rule 17, utilising the National Returning Officer to conduct the ballot. Members of ~~the~~ **Central** Council shall take office in accordance with Rule 17.*

- (e) *This sub-Rule shall apply at the conclusion of the second financial year after the calculation of representatives under sub-Rule 9(i)(c):*
- (i) *The General Secretary shall recalculate the number of District Branch members of each District Branch based on the records maintained by the Union pursuant to the RO Act as at the end of the financial year.*
 - (ii) *Each District Branch shall be entitled to a further representative for an increase of membership of between two thousand and one (2,001) and four thousand members (4,000) in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).*
 - (iii) *Each District Branch shall be entitled to a further representative for each two thousand (2,000) members or part thereof above four thousand (4,000) members in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).*
 - (iv) *Any additional position created by this sub-Rule shall be filled by the holding of an election in accordance with Rule 17.*
 - (v) *Any member elected under this sub-Rule shall hold office for the remainder of the term for which Branch Councillors were elected under sub-Rule 9(i)(c).*
- (f) *Any extraordinary vacancy which occurs in an elected position within the Union shall be filled by the holding of an election in accordance with Rule 17, and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected provided that where the remainder of the term does not exceed:*
- (a) *twelve (12) months or;*
 - (b) *three quarters (3/4) of the office, whichever is greater the Central Council or any District Branch Committee of Management, depending on the nature of the office, may appoint by resolution any eligible member of the Union or the District Branch to act in that office for the remainder of the term.*