

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, Shane Thompson of 67 Aberdare Road, Cessnock, 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, Northern Mining and NSW Energy District.

1. I am the District Secretary of the Northern Mining & NSW Energy District 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 Northern Mining & NSW Energy District Branch of the MEU and to make this declaration as required by regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
4. The Northern Mining & NSW Energy District Branch of 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 Northern Mining & NSW Energy District of the MEU, in particular Rule 8 and Rule 14. The actions taken under the Rules to make this alteration included the following:
 - (a) On 1 December 2023, and in accordance with Rule 8(ii)(e) of the Northern Mining & NSW Energy District Rules, I caused the Northern Mining & NSW Energy District

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

Board of Management members to be notified by email of the date of the upcoming Board of Management meeting, along with an agenda for the meeting.

- (b) On 5 December 2023, and in accordance with Rule 8(ii) of the Northern Mining & NSW Energy District Rules, I caused the Northern Mining & NSW Energy District Board of Management members to be notified by email of a proposed resolution regarding a Rule change to allow for the addition of a Female Central Councillor. A copy of the proposed Rules change is attached and marked **Annexure 'A1'**.
 - (c) At a meeting on 8 December 2023, and in accordance with rule 8(ii)(b), and Rule 14 of the Northern Mining & NSW Energy District Rules, following a meeting with the Rules Committee, a quorum of the Board of Management unanimously voted in favour of the proposed Rule change of the Northern Mining & NSW Energy District to allow for the addition of a Female Central Councillor. Attached marked **Annexure 'A2'** is a copy of the resolution.
6. On behalf of the Northern Mining & NSW Energy District Branch 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 District Branch 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*.
7. I have requested that the Northern Mining & NSW Energy District 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.



Shane Thompson
District Secretary
Northern Mining & NSW Energy District
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.

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.*

Annexure 'A2'

RESOLVED to **NOTE** the Report of the District Secretary and **ENDORSE** the amendments to the MEU District Rules for the 2024 General Elections as provided to create a District Female Affirmative Action Councillor position, subject to the changes being supported by the Northern Mining & NSW Energy District.