

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, Ricky Gale of 215-217 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, Tasmanian District Branch.

1. I am the Honorary District President of the Tasmanian 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 Tasmanian 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 Tasmanian 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 A1**’.
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 Tasmanian District of the MEU, in particular Rule 12. The actions taken under the Rules to make this alteration included the following:
 - (a) On 16 December 2024, and in accordance with Rule 7(ii)(f) of the Tasmanian District Rules, I caused the Tasmanian District 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.

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 16 December 2024 and in accordance with Rule 7 of the Tasmanian District Rules, I caused the Tasmanian District Board of Management members to be notified by email of a proposed resolution regarding a Rule change to allow for changes to Rule 1 – Name and Rule 11 – Lodges. A copy of the proposed Rule changes is attached and marked **Annexure 'A1'**.
- (c) At a meeting on 19 December 2024, and in accordance with rule 7(ii), and Rule 12 of the Tasmanian District Rules, following a meeting with the Rules Committee, a quorum of the Board of Management unanimously voted in favour of the proposed Rule changes of the Tasmanian District to allow for changes to Rule 1 – Name and Rule 11 – Lodges. Attached marked **Annexure 'A2'** is a copy of the resolutions.
6. On behalf of the Tasmanian 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 Tasmanian 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.



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Ricky Gale
Honorary District President
Tasmanian District
Mining and Energy Union

20 December 2024

Annexure A

Annexure 'A1'

Proposed Change for the Tasmanian District

The deletions are in blue, and strikethrough, except when there's a change in capitalisation of the word or a change in numbering and the additions are in red.

District Rule 1 – Name

The name of the District Branch shall be the Mining and Energy Union, Tasmanian **District** Branch (hereinafter referred to as the "District Branch").

District Rule 11 – Lodges

(i) Formation of Lodges

- (a) The State Executive Officer shall take whatever steps are necessary to establish Lodges of the District Branch at ~~all workplaces~~ **mines, sites, or other enterprises** in the District coming within the eligibility of the Union. A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (b) Where there is no Lodge at a ~~workplace~~ **mine, site, or other enterprise** or where a new ~~workplace~~ **mine, site, or other enterprise** has started work and the State Executive Officer is of the opinion that a Lodge should be formed, the State Executive Officer shall announce, in whatever way is best suited to the circumstances of the **mine, or other enterprise**, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting **in accordance with District Policy**.
- (c) The foundation meeting shall be chaired by the State Executive Officer.
- (d) The foundation meeting shall be conducted according to the Standing Orders for District Branch Lodge meetings.
- (e) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Management of Lodges

- (a) Each Lodge shall be managed by a Committee consisting of a Lodge President, Lodge Secretary and such other members as the Lodge shall determine from time to time.
- (b) The Committee shall be elected by the Lodge at least once every 4 years.

- (c) The Lodge may appoint an elected Health and Safety Representative (HSR) as a member of the Lodge Committee.
- (d) The Lodge Secretary must notify the State Executive Officer of the outcome of the Lodge election or appointment as soon as practicable.
- (e) Two-thirds of the members of the Lodge Committee shall form a quorum.
- (f) All Lodge meetings shall be conducted according to the Standing Rules of the Union.
- (g) All members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge except that in the event of equal voting on any question the Chair shall have a casting vote.
- (h) Lodges shall meet at least quarterly, or otherwise as determined by the Lodge Committee.
- (i) Any member of a Lodge failing to attend a meeting of the Lodge may be fined ten dollars for each offence, but a member shall have the right to make an appeal for the remission of his fine at the next monthly meeting of his Lodge.
- (j) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
- (k) Any fine imposed on members for non-attendance at a meeting shall be paid before any appeal is entertained by the Lodge.
- (l) Fines for non-attendance shall be paid into the District Branch fund.
- (m) Lodges shall be empowered to exempt any member from attendance at Lodge meeting owing to infirmity or other reasonable cause.
- (n) Each Lodge shall have power to make By-laws for its own guidance and control of its members. Such By-laws shall not be in contravention of the ~~Union Rules of the Union~~ or the District Branch, ~~or Union or District Policy~~ and shall not become operative until submitted to and approved by the District Branch Board of Management.
- (o) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules, they may be fined, suspend or expelled by the Board of Management.

(iii) Powers and Duties of Lodge President

The Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary, ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interest of the membership.

(iv) Powers and Duties of Lodge Secretary

- (a) The Lodge Secretary shall, in conjunction with the Lodge President ensure that the Rules of the Union, the District Branch and Lodge are carried out. The Lodge Secretary shall be responsible for records of the Lodge including a minute book for recording resolutions of Lodge meetings and a register of agreements made with the employer.

- (b) Upon request, the District Branch shall provide each Lodge Secretary with the necessary information in which shall be enrolled the names of all members of the Lodge with an account of all monies received and expended to ascertain the financial status of the members of the Lodge.
- (c) When entering the names of members in the Lodge register the Lodge Secretary shall also enter the date and time when all new members start work.
- (d) Each Lodge Secretary shall produce the Lodge Books to the Branch Officers and District Branch Board of Management when called upon to do so.
- (e) All books, tickets and documents held by any Lodge Officers or members relating to the District Branch shall be the property of the District Branch and shall be surrendered to the State Executive Officer upon demand. Where a Lodge has closed the Lodge Secretary of such Lodge shall forward to the State Executive Officer all Branch and Lodge Books in the Lodge's possession.

~~Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules they may be expelled by the District Branch Board of Management.~~

- (f) The Lodge Secretary shall also produce the books for inspection when called upon by the majority of the Lodges of which he/she is Secretary.
- (g) The Lodge Secretary shall keep the Lodge Books in accordance with the system approved by the District Branch Board of Management.

(v) Duties of Lodge Committee

The Committee of each Lodge shall see that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters as affecting the interest of the Lodge.

Each member of the Lodge Committee shall, amongst his or her duties with respect to the Lodge, be a Delegate for members of the Lodge.

(vi) Private Agreements

- (a) No member of any Lodge in the Branch shall be permitted to enter into any private agreement with his employer without the sanction of the Lodge of which he is a member, and the Lodge shall be permitted to enter into any agreement with the employer without the sanction of the State Executive Officer and/or the District Branch Board of Management.

(vii) Members not to Work When mine is Idle

- (a) When a mine is idle members of this Branch shall not enter the mine unless with the permission of the State Executive Officer or District Branch Board of Management.

(viii) Expulsion or Suspension of Lodges

This Rule is to be applied using the principles outlined in Union Rule 22:

- (a) Any Lodge of this District Branch refusing to comply with the decision of the majority of the District Branch shall be suspended for a period of time or expelled from the District Branch and shall not be entitled to any benefits or privileges of the District Branch.
- (b) In cases of suspension or expulsion the Lodge shall pay all arrears before being readmitted to the District Branch.
- (c) Any Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council of the Union.

(ix) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the District Branch Board of Management a notice of motion asking for the resignation of a District Branch Officer unless some specific charge is laid against such Officer in writing and has been given the opportunity to attend the Lodge to vindicate themselves and no such motion shall be allowable unless at least fifty per cent of the Lodge are present or a ballot of the whole of the members of the Lodge has been taken.

(x) Delegates Other than at Lodges

- (a) To achieve or further the Objects of the District Branch and/or the Union, the State Executive Officer shall endeavour to nominate members of the District Branch to be elected as workplace Delegates in accordance with sub rule (b) to represent members at a particular mine, site, or other enterprise in the District Branch where the formation of a Lodge has not occurred to which the members are eligible to join.

(b) Election of Delegates

- (1) Where the State Executive Officer or a majority of members is of the opinion that a Delegate/s should be elected to represent members at the mine, site, or other enterprise the State Executive Officer shall call for nominations of a Delegate/s.
- (2) The call for nominations shall state that members who are nominated to be a Delegate will be elected at a meeting of members at the mine, site, or other enterprise in accordance with District Policy.
- (3) The term of a Delegate shall not exceed two years.
- (4) The State Executive Officer shall notify the Board of Management as soon as practicable.

(c) Appointment of Delegate/s

- (1) When the State Executive Officer is of the opinion that a Delegate/s should be appointed to represent members at the mine, site, or other enterprise where it is not viable to form a Lodge at this time, the Board of Management shall have the power to appoint any member/s at the mine, site, or other enterprise as a Delegate.
- (2) The term of an appointed Delegate shall not exceed two years.

- (3) The State Executive Officer shall notify the Board of Management as soon as practicable.
- (4) A Delegate appointed under this sub-rule may be removed from their position at the discretion of the State Executive Officer.

(d) Delegates Duties other than at Lodges

Delegates at a particular mine, site, or other enterprise shall:

- (1) Represent members or workers eligible to be members of the Union;
- (2) Work with other Delegates, the District Executive, and employees of the Union;
- (3) Ensure that the Rules of the Union, and the District Branch are carried out;
- (4) Generally act in the interests of the membership in accordance with the Rules of the Union and Policies of the Union as amended from time to time; and
- (5) Subject to Union Rule 22, if any Delegate or member fails to comply with these Rules, he/she may be fined, suspended or expelled by the Board of Management.

Annexure 'A2'

The District Board of Management **RESOLVED** to receive and **NOTE** the **RECOMMENDATION** from the District Rules Committee and **APPROVE** the amendments to Rule 1 – Name of the Tasmanian District Branch Rules of the Mining and Energy Union. The amendments include the addition of the word 'District' so as to read 'Tasmanian District Branch', to ensure consistency in the naming of all Districts of the Mining and Energy Union.

The District Board of Management **RESOLVED** to receive and **NOTE** the **RECOMMENDATION** from the District Rules Committee and **APPROVE** the amendments to Rule 11 - Lodges of the Tasmanian District Branch Rules of the Mining and Energy Union to make minor corrections to language and grammar and to introduce provisions for the election and appointment of MEU workplace delegates in response to the Federal Government changes to the *Fair Work Act 2009* (the Act) creating statutory rights for workplace delegates.