

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, Andrew Davey of 636 Northcliffe Drive, Kembla Grange, 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, South Western District.

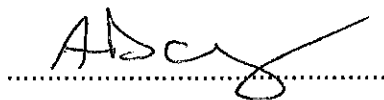
1. I am the District Secretary of the South Western District of the Mining and Energy Union.
2. The Mining and Energy Union ("MEU") is an organisation of employees registered under the *Fair Work (Registered) Organisations) Act 2009*.
3. I am authorised to give this notice of particulars of alterations to the Rules of the South Western District of the MEU and to make this declaration as required by regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
4. The South Western District 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 South Western District of the MEU, in particular Rule 7 and Rule 12. The actions taken under the rules to make this alteration included the following:
 - (a) On 23 September 2024 and in accordance with Rule 7(ii) of the South Western District Rules, I caused the District Board of Management (BOM) members to be notified of a BOM meeting on 28 October 2024 and issued an 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 28 October 2024, the proposed Rules change was presented to the BOM for their consideration. A copy of the proposed Rules changes are attached and marked Annexure 'A1'.
 - (c) On 28 October 2024, following a meeting of the District Rules Committee and in accordance with rule 7(iv) and Rule 12 of the District Rules, a quorum of the District BOM discussed the proposed Rules changes and voted in favour of the proposed Rules changes. A copy of the resolution is Annexure 'A2'.
 - (d) On 4 November 2024, and in accordance with Rules 7(iv) and 12(iii) of the South Western District Rules, I caused a copy of the resolution of the proposed Rule change marked Annexure 'A2' to be provided to the South Western District Lodges for endorsement. The Lodges were requested to return their votes by not later than 31 December 2024.
 - (e) At close of business on 31 December 2024, in accordance with Rule 7(iv) all members of the Lodge membership attending Lodge meetings voted in favour of the proposed Rule changes.
6. On behalf of the South Western District 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 MEU post on its website a notification in relation to the Rules change 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.



Andrew Davey
District Secretary
South Western District
Mining and Energy Union
23 January 2025

Annexure 'A1'

Transitional Rule Deletions

7 – BOARD OF MANAGEMENT

(i) Elections

(a) The Committee of Management of the South Western District Branch shall be the South Western District Branch Board of Management (referred to in these Rules as the “Board of Management” or “Board”).

(b) On and from the first day of July following the General Election conducted in 2024 and every four (4) years thereafter as provided for by Union Rule 17(xvii) the Board of Management shall be composed of the District President, District Vice-President (A), District Vice-President (B), Honorary District Vice-President Far West Region, District Secretary, District Councillors and representatives of Lodges elected on a regional basis.

(c) The geographical Lodge areas within each of the regions referred to within this sub-Rule and the number of representatives from each such Lodge area shall be determined prior to each election by the Board of Management. Lodge representatives shall be nominated and elected by and from such Lodge areas. For the purpose of determining Lodge representation the District Branch shall be divided into the following Regions:

Southern Region - all areas south of Sydney

Western Region - Blue Mountains, Lithgow and Mudgee

Far West Region - Far West New South Wales and including all metalliferous mining members wherever they work in the District.

The District Secretary shall advise the National Returning Officer appointed for the purpose of the conduct of such election pursuant to the Ballot Rules of the Union, of the determination of the Board of Management.

(d) Board of Management representatives shall be elected every four years according to the Ballot Rules of the Union. Board of Management representatives shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.

(e) Where the Board of Management determines to fill any extraordinary vacancy which occurs in an elected position within the District Branch shall be filled by the holding of an election in accordance with the Ballot Rule 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:

- (A) Twelve (12) months; or
- (B) Three quarters of the office whichever is 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.

- (f) Notwithstanding paragraph 7(i)(e) above, where an office of Lodge representative referred to in Rule 7(i)(c) is vacant because no nomination was received by the returning officer in the conduct of an election for that office, the Board of Management may abolish the office and create a new office of Lodge representative in lieu of the abolished office. The new office shall:
 - (A) be filled by the holding of an election in accordance with the Ballot Rule of the Union;
 - (B) be elected by and from an electorate determined by the Board of Management, at the time the new office is created, within the same Region as the abolished office; and
 - (C) have a term of office that expires at the time that the abolished office would have otherwise expired. For the avoidance of doubt, that term of office cannot be for longer than 4 years.

(ii) Meetings

- (a) The Board of Management shall meet at least three times a year. One meeting shall be held in March, and two more spread evenly throughout each year. The March meeting shall be the Annual General Meeting. The Board of Management shall meet at such other times as the District Branch Executive may deem necessary.
- (b) At least one representative from each of the Lodge areas in addition to at least two District Branch Executive Officers must be present at each meeting of the Board and shall be the quorum.
- (c) On and from the first day of July following the General Election conducted in 2024 and every four (4) years thereafter as provided for by Union Rule 17(xvii) the District President, District Vice-President (A), District Vice President (B), Honorary District Vice-President Far West Region, District Secretary, District Councillors and each of the Lodge representatives 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 or be fined the sum of ten dollars.
- (d) Any officer or representative absenting himself/herself from any meeting of which he/she has been duly notified, by the District Secretary, in writing, at least seven days before the date of the meeting, without giving an explanation which is accepted by the majority of the members

attending and voting at the next subsequent meeting of the Board, may be fined a sum not exceeding two hundred dollars as the Chair may direct.

- (e) A special meeting of the Board of Management may be convened by a majority of the District Branch Executive, or upon written request to the District Secretary or District President to call such special meeting signed by at least one representative from each of at least three Lodge areas. Upon receipt of such a request, the District Secretary or the District President shall convene a meeting of the Board.
 - (f) The District Secretary shall issue or cause to be issued to Board members, a notice of the date of the Board of Management meeting at least fourteen days prior to the date of the meeting. He/she shall issue or cause to be issued an agenda paper to members of the Board at least fourteen days prior to the meeting of the Board of Management.
 - (g) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (iii) Lodge Business
- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the District Secretary to be submitted to the next following meeting of the District Branch Executive or of the Board of Management.
 - (b) Each Lodge Secretary shall forward to the District Branch Secretary within twenty-eight days from receiving same, the decision of his/her Lodge on any business that may be sent to it for its consideration by the District Branch Executive or Board of Management. The decision of any Lodge failing to comply with this Rule shall be null and void.
- (iv) Endorsement of Decisions
- (a) The minutes of the Board of Management, along with any matters that the Board of Management specifically requires to be considered (hereafter referred to as "Board Resolutions") for endorsement or as required by the Rules shall be sent to the Lodges of the District Branch following a meeting of the Board of Management.
 - (b) The executive committee of each Lodge shall submit the Board Resolutions to meetings of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Board Resolution. The Lodge Secretary shall send a return of the votes, signed and dated by him/her on which the District Secretary sent the Board minutes to the Lodges.
 - (c) A Board Resolution shall become the binding policy of the District Branch if an aggregate majority of the members of the District Branch attending

and voting at Lodge meetings which consider the Board of Management resolutions, vote in favour of the Board Resolution.

(v) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall be as follows:

- (a) Subject to Union Rule 22, to hear any appeal from any Lodge or members thereof.
- (b) To consider the financial position of the District Branch and transact any business that may be placed before them by the District Branch Executive Officers.
- (c) To make, impose, order and enforce and levies, fines, fees or subscriptions on all members of the District Branch not in conflict with the Rules of the District Branch or the Rules of the Union for any one or more of the Objects set out in Rule 3.
- (d) To determine any matter or report referred to it by the District Branch Executive or by any Lodge or to settle any disputes internally and between Lodges. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.
- (e) From time to time to alter, amend, rescind or make standing orders for the regulation of the conduct of the business and proceedings of this District Branch and of the Lodges of the District Branch.
- (f) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District Branch.
- (g) To receive and adopt or otherwise deal with the Annual Report of the District Branch.
- (h) Subject to Union Rule 22, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1,000.00) on any Lodge or one hundred (\$100.00) on any member.
- (i) To have control of the management and publication of the Official Organ of the District Branch.
- (j) To determine the location of District Vice-President (A) and District Vice-President (B) for the purpose of the election of District Vice-President (A) and District Vice President (B) taking into account the operational needs and financial position of the District Branch in the calendar year before the General Election, other than for the General Election conducted in 2024, where:
 - (A) The location of District Vice-President (A) shall be Lithgow; and
 - (B) The location of District Vice-President (B) shall be Mudgee.

- (k) From time to time, determine if the position of District Vice-President (C) is required for the effective operation of the District Branch. Should the position be created by this sub-rule the position shall be filled by the holding of an election in accordance with Union Rule 17, and the Board will determine the location of the District Vice- President (C) taking into account the operational needs and financial position of the District Branch. The term of office will end on the day immediately prior to the day specified in Union Rule 17(xiv)(a).
 - (l) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.
- (vi) Voting other than at Meetings Assembled
- (a) If the District President or District Secretary consider it advisable to submit any matter to a vote of the Board of Management at any time when it is inconvenient to call the Board of Management together, the District Secretary may submit a resolution dealing with the matter to the members of the Board of Management, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.
 - (b) The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirement set out in sub-Rule 7(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
 - (c) The matter shall be recorded in the minutes on the next Board of Management meeting held following the vote.

~~Rule 7A – BOARD OF MANAGEMENT – TRANSITIONAL RULE~~

~~This Rule applies in the period from the date that the General Manager of the Fair Work Commission certifies the alterations to Rule 7 of South Western District Branch Rules identified at sub-rule (i) below until the day immediately prior to the day specified in Union Rule 17(xiv)(a). That period will be referred to in this rule as the Transitional Period.~~

- ~~(i) — (a) — Rule 7(i)(b); and~~
- ~~(b) — Rule 7(ii)(c).~~
- ~~(ii) — In the Transitional Period, the Board of Management shall be composed of the District President, District Vice-President Western, District Vice-President Southern, District Vice- President Metalliferous, District Secretary, District Councillors and representatives of Lodges elected on a regional basis.~~
- ~~(iii) — In the Transitional Period, the District President, District Vice-President Western, District Vice-President Metalliferous, District Vice-President Southern, District Secretary, District Councillors and each of the Lodge~~

~~representatives 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 or be fined the sum of ten dollars.~~

8 – DISTRICT BRANCH EXECUTIVE

- (i) Executive Officers
 - (a) On and from the first day of July following the General Election conducted in 2024 and every four (4) years thereafter as provided for by Union Rule 17(xvii) the District Branch Executive shall consist of the District President, District Vice-President (A), District Vice-President (B), Honorary District Vice-President Far West Region and District Secretary.
 - (b) Notwithstanding anything else contained in these Rules, whenever the position of District Vice-President (C) is filled the holder of that office will be an Executive Officer of the District Branch and a member of the Board of Management, including with a deliberative vote at any meeting of the Board.
 - (c) This sub-rule applies on and from the first day of July following the General Election conducted in 2024 and every four (4) years thereafter as provided for by Union Rule 17(xvii).
 - (d) Other than the Honorary District Vice-President Far West Region, the Executive Officers shall be elected by the whole membership of the District Branch.
 - (e) For the General Election conducted in 2024, the Honorary District Vice-President Far West Region shall be nominated by members engaged in or in connection with the metalliferous mining industry in the County of Yancowinna and voted on by members in the Far West Region. For each election thereafter, the Honorary District Vice-President Far West Region shall be nominated and elected by only the members of the Far West Region.
 - (f) Each of the Executive Officers shall be elected every four years according to the Ballot Rules of the Union. Each of the Executive Officers shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.
 - (g) Each Executive Officer shall remain in office unless he/she resigns his/her position by writing delivered at least one month in advance of the intended date of resignation, or unless removed from office.
 - (h) A person elected to office in the District Branch shall not be dismissed from office other than in accordance with Union Rule 22.
 - (i) The Executive Officers shall remain financial members of the District Branch and shall retain full membership rights of the Lodges of which they were members at the time of their election to the District Branch Office. In

the event of an officer's Lodge closing the officer shall become a financial member of another Lodge as directed by the Board of Management.

(j) The office of District Vice-President Far West Region will be an honorary position unless:

(a) the membership of the Far West Region exceeds 2,000 members. In those circumstances, the Board of Management must determine that the position will either be full-time or part-time; or

(b) in other circumstances, the Board of Management may determine that the position will either be full-time or part-time.

(ii) Duties of Executive Officers

(a) The District President

The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch. He/she shall cooperate with the other District Branch Officers in carrying out the Objects of the District Branch and may direct, as required, a District Vice-President or District Check Inspector to work in different locations subject to workloads and strategic priorities of the District as a whole. He/she shall as far as possible, observe that the Rules are carried out by the District Branch Lodges. In the case of equal voting at Board of Management meetings the District President shall have the casting vote. The District President shall receive such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

(b) The District Vice-President (A), (B), (C)

Each District Vice-President (A), District Vice-President (B) and District Vice-President (C) shall co-operate with the other District Branch Officers in carrying out the Objects of the District Branch. Each District Vice-President shall be paid such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

(c) In the event that the District President is absent and unable to fulfil his/her duties, he/she may appoint, in writing, a District Vice-President (A), (B) or (C) to exercise all functions of the District President's position. If no such appointment is made, a properly constituted meeting of the District Branch Executive will appoint a District Vice-President (A), (B) or (C) to exercise all functions of the District President's position.

In the event that the District Secretary is absent and unable to fulfil his/her duties, he/she may appoint a District Vice-President (A), (B) or (C) to exercise all functions of the District Secretary's position. If no such appointment is made, a properly constituted meeting of the District Branch Executive will appoint a District Vice-President (A), (B) or (C) to exercise all functions of the District Secretary's position.

A District Vice-President cannot be appointed to act concurrently in the position of both District President and District Secretary.

(d) The Honorary District Vice-President Far West Region

The Honorary District Vice-President Far West Region shall co-operate with the other Branch Officers in carrying out the Objects of the District Branch and in particular shall be responsible for the servicing and representing of the membership in the Far West region. The Honorary District Vice-President Far West Region shall receive such remuneration as shall be agreed from time to time with the Board of Management.

(e) The District Secretary

The District Secretary's duties shall be to keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same, copies of which shall be submitted to the members of the District Branch through the Annual General Meeting of the Board of Management and to Lodge members through the Lodge Secretaries. He/she shall also cause to be kept a register of members of the District Branch under the headings of the respective Lodges to which members belong. The District Secretary shall attend all Board of Management meetings and take minutes of same. The District Secretary shall zealously attend to all correspondence, watch the interests of the members and do all in his/her power to advance the members' position generally. He/she shall strictly observe the Rules of the South Western District Branch. He/she shall be empowered with the concurrence of the other District Executive Officers to call special meetings of the Board of Management in cases of emergency and shall vote at all Board meetings. He/she shall be under the control of the Board of Management and receive for his/her salary such remuneration as shall be agreed from time to time with the Board of Management, such remuneration to be based on District average earnings.

He/she shall, as far as possible observe that the Rules are carried out by the District Lodges and from time to time examine the books and accounts of the District Branch and generally keep himself/herself acquainted with the financial transactions of the District Branch. He/she shall prepare and forward to the Registrar all returns which may be required by law.

(iii) Meetings of the District Branch Executive

(a) The District President or District Secretary may convene a meeting of the District Branch Executive at any time by oral or written communication to the other members of the District Branch Executive.

(b) A quorum of any meeting of the District Branch Executive shall be three.

(c) The chair of any meeting of the District Branch Executive shall have a deliberative but not a casting vote.

(d) Where matters are due to be decided by the District Branch Executive and an Executive officer cannot be present, he/she may, if he/she wishes record a vote by letter, facsimile, telegram, telephone, email, in writing, by

computer link and/or by any other means of communication. In such an event the decision of the majority shall be valid as had they assembled.

- (e) Despite any other Rule of the District Branch a District Executive meeting may be conducted by any method by which the members of the District Executive can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iv) Powers of the District Branch Executive

The District Branch Executive shall, subject to the review of their actions by the next ensuing meeting of the Board of Management have the care, control, custody and superintendence, management and administration in all respects of the District Branch. The powers of the District Branch Executive shall include the following:

- (a) To consider and decide upon any application for membership referred to it by the District Secretary or by any Lodge of the District Branch.
- (b) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for and represent the District Branch or any of its members in any Court or proceedings, legal or otherwise.
- (c) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
- (d) To demand, receive and keep possession of all books and accounts of the District Branch.
- (e) To demand, or cause to be made, an audit of the books and accounts of the District Branch.
- (f) To engage any servants or other assistance that in its opinion are necessary for the proper carrying on of the District Branch business and to pay such wages, salaries and allowances as it shall seem proper.
- (g) To enter into and make any industrial agreements on behalf of the District Branch and its members subject to the instruction of the Board of Management and members in accordance with these Rules.
- (h) To establish regional offices of the District Branch where necessary to properly service the membership.
- (i) To call the Board of Management together at any time necessary and to call aggregate meetings of the members of the Branch when necessary.
- (j) To have the powers of the Board of Management as set down in these Rules.

(vii) Attendance at Membership Meetings

- (i) A District Executive Officer shall be entitled to attend and participate at any meeting of members of the District convened or constituted pursuant to the Rules of the District Branch or the Union.
- (ii) A District Executive Officer shall not be entitled to vote at such meeting unless entitled to vote otherwise than pursuant to this Rule.

~~Rule 8A — DISTRICT BRANCH EXECUTIVE — TRANSITIONAL RULE~~

~~This rule applies in the period from the date that the General Manager of the Fair Work Commission certifies the alterations to Rule 8 of South Western District Branch Rules identified at sub-rule (i) below until the day immediately prior to the day specified in Union Rule 17(xiv)(a). That period will be referred in this rule as the Transitional Period~~

- ~~(i) — (a) Rule 8(i)(a);~~
- ~~(b) — Rule 8(i)(b);~~
- ~~(c) — Rule 8(i)(f); and~~
- ~~(d) — Rule 8(ii)(a) — (d).~~
- ~~(ii) — In the Transitional Period, the District Branch Executive shall consist of the District President, District Vice-President Western, District Vice-President Southern, District Vice-President Metalliferous and District Secretary.~~
- ~~(iii) — In the Transitional Period, the Executive Officers shall be nominated as follows:~~
 - ~~—— District President — from the Western Region only~~
 - ~~—— District Secretary — from the Southern Region only~~
 - ~~—— District Vice-President Western — from the Western Region only~~
 - ~~—— District Vice-President Southern — from the Southern Region only~~
 - ~~—— District Vice-President Metalliferous — from the Far Western Region only~~

~~The Executive Officers shall be elected by the whole membership of the District Branch every four years according to the Ballot Rules of the Union. The Officers shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.~~
- ~~(iv) — In the Transitional Period, the office of District Vice-President Metalliferous may be full-time or part-time. The office will be full-time unless:~~
 - ~~(A) — before the calling of nominations for an election for the office, the Board of Management determines that the office will be part-time;~~

~~or~~

~~(B) — the holder of the office of the District Vice-President Metalliferous requests, in writing, that the office be made part-time and that request is agreed to by a resolution of the Board of Management.~~

~~(v) — In the Transitional Period,~~

~~Duties of Executive Officers~~

~~(a) — The District President~~

~~The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch. He/she shall cooperate with the other District Branch Officers in carrying out the Objects of the District Branch. He/she shall as far as possible, observe that the Rules are carried out by the District Branch Lodges. In the case of equal voting at Board of Management meetings the District President shall have the casting vote. The District President shall receive such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.~~

~~(b) — The District Vice-President Western~~

~~— The District Vice-President Western shall co-operate with the other District Branch Officers in carrying out the Objects of the District Branch and in the absence of the District President he/she shall exercise all functions of the District President's position and shall be paid such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.~~

~~(c) — The District Vice-President Southern~~

~~— The District Vice-President Southern shall co-operate with the other District Branch Officers in carrying out the Objects of the District Branch and in the absence of the District President and District Vice-President Western shall exercise all functions of the District President's position and if necessary, in the absence of the District Secretary, act in his/her stead. The District Vice-President Southern shall be paid such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.~~

~~(d) — The District Vice-President Metalliferous~~

~~— The District Vice-President Metalliferous shall co-operate with the other Branch Officers in carrying out the Objects of the District Branch and in particular shall be responsible for the servicing and representing of the membership in the Far West region. The District Vice-President Metalliferous shall receive such remuneration as shall be agreed from time to time with the Board of Management, such remuneration to be based on District average earnings.~~

~~(e) — District Secretary~~

~~— The District Secretary's duties shall be to keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same,~~

~~copies of which shall be submitted to the members of the District Branch through the Annual General Meeting of the Board of Management and to Lodge members through the Lodge Secretaries. He/she shall also cause to be kept a register of members of the District Branch under the headings of the respective Lodges to which members belong. The District Secretary shall attend all Board of Management meetings and take minutes of same. The District Secretary shall zealously attend to all correspondence, watch the interests of the members and do all in his/her power to advance the members' position generally. He/she shall strictly observe the Rules of the South Western District Branch. He/she shall be empowered with the concurrence of the other District Executive Officers to call special meetings of the Board of Management in cases of emergency and shall vote at all Board meetings. He/she shall be under the control of the Board of Management and receive for his/her salary such remuneration as shall be agreed from time to time with the Board of Management, such remuneration to be based on District average earnings.~~

~~———— He/she shall, as far as possible observe that the Rules are carried out by the District Lodges and from time to time examine the books and accounts of the District Branch and generally keep himself/herself acquainted with the financial transactions of the District Branch. He/she shall prepare and forward to the Registrar all returns which may be required by law.~~

11 – LODGES

(i) Formation of Lodges

- (a) The District Branch Executive shall take whatever steps are necessary to establish Lodges of the District Branch at ~~all~~ mines, ports, sites, or ~~worksites~~ other enterprises in the South Western District.
- (b) 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.
- (c) Where there is no Lodge at a mine, port, site, or other enterprise or where a new mine, port, site, or other enterprise has started work and the District Executive is of the opinion that a Lodge should be formed, the District Executive shall announce, in whatever way is best suited to the circumstances of the mine, port, site, 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 Guidelines.
- (d) Any foundation meeting shall be chaired by a member of the District Branch Executive.
- (e) The foundation meeting shall be conducted according to the Standing Orders for District Branch Lodge meetings.
- (f) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Where there are no Lodges

- (a) Any member of the Union starting work at a mine, port, site, or other enterprise workplace in the South Western District where there is no Lodge of the District Branch shall pay to the District Secretary or authorised delegate all subscriptions, contributions, fees, dues and levies which shall be determined as payable by him/her by the District Executive.
- (b) Where less than twenty-five members work at a mine, port, site, or other enterprise they may form a Lodge but shall be under the direct supervision of the District Branch Executive.

(iii) Management of Lodges

- (a) Each Lodge shall be managed by a Lodge Committee consisting of a Lodge President, Lodge Secretary, Lodge Treasurer and three other members.
- (b) The Lodge Committee shall be elected by the Lodge annually or up to a term not exceeding four years. The Board of Management may will make District Guidelines for the conduct of Lodge elections.

- (c) Three members of the Lodge Committee shall form a quorum.
- (d) The Lodge may appoint an elected Site Health and Safety representative as a member of the Lodge Committee.
- (e) The Lodge Secretary must notify the District Secretary of the outcome of the Lodge election or appointment as soon as practicable.
- (f) All Lodge meetings shall be conducted according to the Standing Rules of the Union. Despite any other Rule of the District Branch a Lodge meeting may be conducted by any method by which the members of the Lodge Committee can communicate each with each other, including but not limited to some or all members of the Lodge Committee participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (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) Despite paragraph (g) above, members of the Lodge will not have a right to vote on the content, approval, variation, or termination of an enterprise agreement, or proposed enterprise agreement applying at their mine, port, site, or other enterprise-workplace, unless they are covered, or proposed to be covered, by that agreement.
- (i) Lodges shall meet monthly or as determined by the Lodge Committee.
- (j) All meetings of the Lodge shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
- (k) Lodges shall be empowered to exempt any member from attendance at Lodge meetings owing to infirmity or other reasonable cause.
- (l) 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 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 Board of Management.
- (m) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules, he/she may be fined, suspended or expelled by the Board of Management.

(iv) Powers and Duties of Lodge President

The Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary and Lodge Treasurer 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 interests of the membership.

(v) Powers and Duties of Lodge Secretary

- (a) The Lodge Secretary shall, in conjunction with the Lodge President and Lodge Treasurer ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge Secretary shall be responsible for keeping the books and records of the Lodge including a minute book for recording resolutions of Lodge meetings, a register of agreements made with the employer at the mine, **port, site,** or other **enterprise** and a record of the contributions, fines, fees, levies and other monies paid by members of the Lodge.
 - (b) The District Branch shall provide each Lodge Secretary with the necessary books in which he/she shall enrol the names of all members of the Lodge with an account of all monies received and expended.
 - (c) When entering the names of members in the Lodge register, he/she shall also enter the date and time when all new members start work.
 - (e) Each Lodge Secretary shall produce his/her Lodge Books to the District Branch Executive Officers and Board of Management when called upon to do so.
 - (f) 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 District Branch Executive upon demand. Where a Lodge has closed, the Lodge Secretary of such Lodge shall forward to the District Secretary all Branch and Lodge Books in his/her possession.
 - ~~(g) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules, he/she may be expelled by the Board of Management.~~
 - (g) The Lodge Secretary shall also produce his/her books for inspection when called upon by the majority of the Lodges of which he/she is the Lodge Secretary.
 - (h) The Lodge Secretary shall keep the Lodge Books in accordance with the system approved by the Board of Management.
- (vi) Powers and Duties of Lodge Treasurer
- The Lodge Treasurer of each Lodge shall administer any financial matters associated with the Lodge and its members that are not otherwise administered by the District Secretary.
- (vii) 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 affecting the interests of the Lodge. Each member of that Lodge Committee shall, amongst his or her other duties with respect to the Lodge, be a delegate for members of the Lodge.
- (viii) Strikes
- (a) Before a stoppage of work takes place at any mine, **port, site, or other enterprise** the Committee of the Lodge shall fully investigate the cause

of the dispute and endeavour to effect a settlement. Failing a settlement being obtained by the Lodge Committee, the dispute shall be immediately referred to the District Branch Executive who shall inquire into and endeavour to bring about a satisfactory settlement of the dispute.

- (b) No Lodge or members of a Lodge shall cease work without the sanction of the District Branch Executive.
- (c) Any Lodge or members of a Lodge failing to comply with these Rules shall not be financially supported by the District Branch.
- (d) The District Executive Officers shall endeavour to adjust any matters in dispute failing which they shall have the power to refer such dispute to the Board of Management.
- (e) Notwithstanding anything contained in this Rule, the Lodge or members may where danger in the mine, **port, site,** or other **enterprise** is apprehended, cease work immediately without reference to the District Branch Executive.

(ix) Private Agreements

- (a) No Lodge shall be permitted to enter into any agreement with an employer without the sanction of the District Branch Executive and/or the Board of Management.
- (b) The fine for violation of this Rule by a Lodge shall not exceed one hundred dollars.

(x) Members not to Work When Mine is Idle

- (a) When a mine is idle, members of this District Branch shall not enter the mine unless with the permission of the District Branch Executive.
- (b) The fine for violation of this Rule by a member shall not exceed one hundred dollars for each offence.

(xi) Expulsion or Suspension of Lodges

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

- (a) Any Lodge of the 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 by the Board of Management 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 re-admitted 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.

(xii) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the 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 he/she has been given the opportunity to attend the Lodge to vindicate himself/herself 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. The cost of such a ballot shall be defrayed by the Lodge.

(xiii) Notice Before Reduction and/or Alteration of Working Conditions

All Lodges shall demand fourteen days' notice before submitting to any alteration in the mode of working or to any reduction in the rates of pay.

(xiii) Delegates Other than at Lodges

(a) To achieve or further the Objects of the District Branch and/or the Union, the District Executive 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, port, 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 District Executive or a majority of members is of the opinion that a Delegate/s should be elected to represent members at the mine, port, site, or other enterprise the District Executive 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, port, site, or other enterprise in accordance with District guidelines.

(3) The term of a Delegate shall not exceed two years.

(4) Whoever conducts the election must notify the District Secretary as soon as outcome of the election as soon as practicable.

(c) Appointment of Delegate/s

(1) When a member of District Executive is of the opinion that a Delegate/s should be appointed to represent members at the mine, port, site, or other enterprise where it is not viable to form a Lodge at this time, the District Executive shall have the power to appoint any member/s at the mine, port, site, or other enterprise as a Delegate.

- (2) The term of the appointed Delegate shall not exceed two years.
 - (3) Whoever appoints the Delegate/s must notify the District Secretary as soon as practicable.
 - (4) A Delegate appointed under this sub-rule may be removed from their position at the discretion of the District Executive.
- (d) Delegates Duties other than at Lodges

Delegates at a particular colliery, site, organisation, 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 Board of Management **RESOLVED** to except the **RECOMMENDATION** from the **RULES COMMITTEE** to except the changes to the **South Western District Rules** to align with the newly created s 350C (1)

Of note, the Explanatory Memorandum when the legislation was being passed by Parliament states that the definition does not include employees in workplaces generally, as a person can only be a workplace delegate in respect of the enterprise or part of an enterprise where they work. Consequently, proposed changes have been made to Lodge Rules where the Rules refer to “workplace” and other words such as “organisation” or “particular region” as they would fall outside of the definition of “enterprise”.

The effect of the new laws is that for an MEU workplace delegate to have rights under the Act, an enterprise agreement and/or Modern Award they must be either elected or appointed under the Rules of the Union. Currently the Rules of the Union only allow for a member of the Lodge Committee who is elected under the Lodge Rules to be workplace delegate. There are no other Rules that allow for the election or appointment of a workplace delegate. The proposed Rules changes will allow for:

- a. the appointment by a Lodge of an elected Health and Safety Representative to the Lodge Committee making them a workplace delegate under the Rules of the Union; and
- b. the election or appointment of MEU workplace delegates in accordance with Rules of the Union who are not members of a Lodge.

There are also additional changes to District Lodge Rules dealing with Lodge Officers or members under the National Rule 22 for failing to comply with the Rules and some proposed changes in each of the District Lodge Rules for consistency and drafting corrections. The proposed changes will need to be “*submitted for the approval of the membership in the same manner as other Board Resolutions*”.

The removal of the Transitional Rules in place for the last Election.

MOVED and SECONDED