

Appendix 1 – District Rules & Policy Amendments/Additions

Northern District Rules Change: District Vice President (E)

Amend the Rules of the Northern Mining and NSW Energy District Branch by inserting a new Rule 8(v)(k) and 10(i)(b) and amending 10(ii)(b)(1) with numbering adjusted where applicable. The changes are marked in red.

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 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) 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 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 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 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 Representative of 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 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), and whenever the position is filled

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 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.

- (d) A special meeting of the Board of Management may be convened by a majority of the District Executive, or upon written request to the District Secretary or District President to call such special meeting signed by at least one (1) representative from a majority of Lodges. Upon receipt of such a request the District Secretary or the District President shall convene a meeting of the Board of Management.
 - (e) The District Secretary shall issue or cause to be issued to the Board of Management members a notice of the date of the Board of Management meeting and an agenda paper at least fourteen (14) days prior to the date of the meeting, but no failure to notify will of itself vitiate a meeting.
 - (f) Voting otherwise than at meetings assembled
 - (1) If the District President or District Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule subject to a Rules Committee report being provided, 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, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.
 - (2) 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 requirements set out in Sub-Rule 8(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
 - (3) The matter shall be recorded in the minutes on the next Board of Management Meeting held following the vote.
 - (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 Executive or of the Board of Management.

- (b) Each Lodge Secretary shall forward to the District Secretary within twenty-eight (28) days, or such other period as may be determined by the Board of Management, from receiving same, the decision of the Lodge on any business that may be sent to it for its consideration by the District Executive or the Board of Management. The decision of any Lodge failing to comply with the Rule shall be null and void, unless an extension is granted by the District Secretary.

(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 Union Rules shall be sent to the Lodges of the District Branch following a meeting of the Board of Management.
- (b) The Lodge Executive or Lodge Committee members shall table the minutes of the Board of Management and shall submit those Board Resolutions to be specifically considered for endorsement to meetings of the Lodge membership for voting. The Lodge Secretary shall record the number of votes for and against each Board Resolution so submitted.
- (c) The Lodge Secretary shall provide a return of the votes, to the District Secretary within twenty-eight (28) days, or such other period as may be determined by the Board of Management, of the date on which the District Secretary sent the Board of Management minutes to the Lodge.
- (d) A Board Resolution that has been submitted to the Lodges for voting 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 Resolutions, vote in favour of the resolution.

(v) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall extend to any action taken that is consistent with the Objects of the District Branch and Union, and shall include the following:

- (a) Subject to Union Rule 22, to hear any appeal from any Lodge or members.
- (b) To consider the financial position of the District Branch and transact any business that may be placed before them by the District Executive.
- (c) To make, impose, order and enforce any levies, fines, fees or subscriptions on all members of the District Branch not in conflict with the Rules of this 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 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) on any Lodge, or five hundred dollars (\$500) on any member, or to suspend or expel any Lodge or member.
- (i) To have control of the management and publication of the Official Organ of the District Branch.
- (j) To make changes to the Rules of the District Branch in accordance with Rule 14.
- (k) From time to time, to determine if the office of District Vice-President (E) 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. The term of office will end on the day immediately prior to the day specified in Union Rule 17(xiv)(a).
- (l) If any Lodge Officer or member fails to comply with the Rules the Lodge Officer or member may be expelled by the Board of Management in accordance with Union Rule 22.
- (m) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

9 – 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.

10 – DISTRICT EXECUTIVE

- (i) District Executive Officers
 - (a) The District Executive shall consist of the District President, District Vice-President (A), District Vice-President (B), District Vice-President (C), District Vice-President (D), District Secretary, District Check Inspector (A) and District Check Inspector (B), who shall be full-time Officers attached to the District Branch.
 - (b) Notwithstanding anything else contained in these Rules, whenever the position of District Vice-President (E) 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) The District Executive Officers shall be elected by the membership of the District Branch each four (4) years according to the Ballot Rules of the Union. The Officers shall take office for a term of four years (4) in accordance with the Union Rules.
- (d) Each Officer shall remain in office unless the Officer resigns their position by writing delivered at least one (1) month in advance of the intended date of resignation, or unless removed from office.
- (e) A person elected to office in the District Branch shall not be dismissed from office other than in accordance with Union Rule 22.
- (f) The District Executive Officers and other full time 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 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.
- (g) No member shall be eligible for any District Branch Office unless the member has been a member continuously for at least twelve (12) months prior to the closing date of nominations.
- (h) No member may contest for more than one (1) District Branch Office in the same election. If a member is nominated for more than one (1) position, the member must indicate to the Returning Officer which position they wish to contest prior to the closing of nominations.
- (i) Any member of the District Branch shall be eligible for the office of District Check Inspector (A) or District Check Inspector (B) provided the member has fulfilled the requirements of the specific and relevant NSW Black Coal Mining Industry Safety legislation, as determined from time to time by the Board of Management, have appropriate qualifications in mine rescue or indicate a preparedness to obtain such qualifications and has other appropriate qualifications as determined by the Board of Management.

(ii) Duties of District Executive Officers

(a) The District President

- (1) The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch. In the case of equal voting at a Board of Management meeting the District President shall have the casting vote.
- (2) The District President shall co-operate with the other District Executive Officers in carrying out the Objects of the District Branch and, if necessary, in the absence of the District Secretary, act in the District Secretary's stead.
- (3) The District President shall as far as possible, observe that the Rules are carried out by the District Branch Lodges.

- (4) The District President shall receive such remuneration as shall be agreed upon from time to time between the District President and the Board of Management.
- (b) The District Vice-Presidents
 - (1) Each of District Vice-President (A), District Vice-President (B), District Vice-President (C) and District Vice-President (D), **and whenever the position is filled District Vice-President (E)** shall co-operate with the other District Executive Officers in carrying out the Objects of the District Branch; and
 - (2) In the absence of the District President the Board of Management shall designate one (1) of the District Vice Presidents who shall exercise all functions of the District President's position; and
 - (3) In the absence of the District Secretary the Board of Management may designate one (1) of the District Executive Officers as a trustee who shall exercise all functions of the Trustee position.
 - (4) Each District Vice-President shall, as far as possible, observe that the Rules are carried out by the District Branch Lodges.
 - (5) Each District Vice-President shall receive such remuneration as shall be agreed upon from time to time between the District Vice President and the Board of Management.