

## Proposed Change for the Victorian District

### District Rule 11 -Lodges

As previously **AGREED** by the Central Council, the National Office has been drafting Rule changes 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.

The newly created s 350C(1) of the Act states:

*A workplace delegate is a person appointed or elected, in accordance with the rules of an employee organisation, to be a delegate or representative (however described) for members of the organisation who work in a particular enterprise.*

From 1 July 2024, all enterprise agreements must have a delegates' rights clause. The Fair Work Commission has issued a mandatory delegates' rights term for all Modern Awards.

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 a Health 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 **deletions are in blue, and strikethrough**, except when there's a change in capitalisation of the word or numbering and the **additions are in red**. There are also explanatory comments to provide further explanation for the proposed changes.

## 11 – LODGES

### 11(A) *FORMATION OF LODGES*

- (1) The District Executive shall take whatever steps are necessary to establish Lodges of the District at all ~~workplaces~~ **power stations, mines, sites, or other enterprises** in the District.

- (2) 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.
- (3) Where there is no Lodge at a ~~workplace~~ power station, mine, site, or other enterprise 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 ~~workplace~~ power station, mine, site, or other enterprise, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District. The announcement shall state that officers of the Lodge will be elected at the foundation meeting in accordance with District Policy.
  - (a) Any foundation meeting shall be chaired by a member of the District Executive.
  - (b) The foundation meeting shall be conducted according to the Standing Orders for District Lodge meetings.
  - (c) The foundation meeting shall elect a Lodge Committee, officers and representatives as required by these Rules.

11(B) *WHERE THERE ARE NO LODGES*

- (1) Any member of the Union who works at a ~~workplace~~ power station, mine, site, or other enterprise where there is no Lodge of the District, shall pay to the District Secretary or a person authorised by the District Board of Management, all subscriptions, fines, fees, and levies which shall be determined as payable by them by the District Executive or District Board of Management.
- (2) Where there are less than twenty-five members at a ~~workplace~~ power station, mine, site, or other enterprise, they may form a Lodge but shall be under the direct supervision of and managed by the District Executive rather than a Lodge Committee.

11(C) *MANAGEMENT OF LODGES*

- (1) Subject to Rule 11(B)(2), each Lodge shall be managed by a Lodge Committee consisting of:
  - (a) Where the Lodge consists of both Mine and Power Station workplaces;
    - (i) a Lodge President (Mining);
    - (ii) a Lodge President (Energy);
    - (iii) a Lodge Secretary;
    - (iv) a Lodge Assistant Secretary; and
    - (v) such number of ordinary Lodge Committee members determined in accordance with Rule 11(C)(2).
  - (b) In all other Lodges;
    - (i) a Lodge President;
    - (ii) a Lodge Secretary; and

- (iii) such number of ordinary Lodge Committee members determined in accordance with Rule 11(C)(2).
- (2) The number of ordinary Lodge Committee members shall be determined annually, prior to the calling of nominations of the Lodge Committee elections, by a meeting of the Lodge members. Such determination shall endeavour to provide each distinct work group within the Lodge with proportionate representation on the Lodge Committee and shall not become policy until submitted to and approved by the District Board of Management.
- (3) All members of the Lodge Committee, including Lodge Presidents, shall have equal voting power on all questions put to a meeting of the Lodge Committee.
- (4) More than half of the number of Lodge Committee members, including more than half of the Lodge Executive Officers must be present at each meeting of a Lodge Committee and shall be the quorum.
- (5) The Lodge may appoint from time to time an elected Health and Safety Representative (HSR) as a member of the Lodge Committee.
- (6) The Lodge Secretary or Lodge President must notify the District Secretary in writing of the outcome of the Lodge election or appointment as soon as practicable.
- (7) 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.

#### 11(D) *ELECTION OF LODGE COMMITTEE MEMBERS*

Subject to Rule 11(B)(2) and Rule 11(C)(2) Lodge Committee positions, with the exclusion of Lodge President who is elected according to Rule 7(B), shall be elected annually by Lodge Ballot in accordance with the following:

- (1) Lodges consisting of both Mine and Power Station workplaces
  - (a) For the purposes of Lodge elections, Lodge members shall be classified as either Mine or Power Station members and further as required, into work groups. This classification shall be carried out by the Lodge Committee and submitted to the District Board of Management for its approval.
  - (b) The Lodge President (Mining) shall be elected from and by the Lodge Mine members.
  - (c) The Lodge President (Energy) shall be elected from and by the Lodge Power Station members.
  - (d) The election of Lodge Secretary and Lodge Assistant Secretary shall be combined under the nomination of Lodge Secretary and shall be elected from and by all Lodge members. Where the first placed candidate so elected for Lodge Secretary is classified as:
    - (i) a Mine member, the Assistant Secretary shall be the next placed candidate classified as a Power Station member, or where no such candidate exists, the second placed candidate; or

- (ii) a Power Station member, the Assistant Secretary shall be the next placed candidate classified as a Mine member, or where no such candidate exists, the second placed candidate;

provided that the first placed candidate may choose to take the Assistant Lodge Secretary position instead and thus the second successful candidate the Lodge Secretary position.

- (e) Lodge Ordinary Committee members shall be elected by and from such work group or industry sector as such positions exist within that Lodge.
- (2) All other Lodges
- (a) The Lodge President and Lodge Secretary positions shall be elected from and by all Lodge members.
  - (b) For the purposes of the Lodge ordinary Committee member elections, Lodge members shall be classified into such work groups or occupations as are required. This classification shall be carried out by the Lodge Committee and submitted to the District Board of Management for its approval. Lodge ordinary Committee members shall be elected by and from such work group or industry sector as such positions exist within that Lodge.

#### 11(E) *DUTIES OF LODGE COMMITTEE*

- (1) 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.
- (2) Lodge Committees shall endeavour to protect and improve the working conditions and living standards of all members.
- (3) Lodge Committees shall comply with, and put into effect, all resolutions that are carried by a majority vote of their Lodge members. Resolutions carried by a majority of Lodge members may only be revoked by another Lodge member resolution receiving a majority vote.

#### 11(F) *LODGE MEETINGS*

- (1) All Lodge meetings shall be conducted according to the Standing Orders of the Union.
- (2) Subject to Rule 5(B) and 5(C), 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 of any question the chair shall have a casting vote. The chair shall normally be the Lodge President. Where a Lodge has two Presidents, the two Presidents will take alternate turns chairing meetings unless the two Presidents agree otherwise.
- (3) The maximum time between successive meetings of Lodges shall be four calendar months.
- (4) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Boards or by such other means as may be convenient.
- (5) 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, or Union or District Policy and shall not become operative until submitted to and approved by the District Board of Management.

11(G) *POWERS AND DUTIES OF LODGE PRESIDENT*

Lodge President(s) shall preside at all Lodge meetings and in conjunction with the Lodge Secretary ensure that the Rules of the Union, the District and the Lodge are carried out. Lodge Presidents shall act as advocates and spokesmen for their Lodge and generally act in the interests of the membership.

11(H) *POWERS AND DUTIES OF LODGE SECRETARY*

- (1) The Lodge Secretary shall, in conjunction with the Lodge President(s) ensure that the Rules of the Union, the District 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 and a register of agreements made with the employer ~~at the workplace~~.
- (2) The District shall provide each Lodge Secretary with the necessary books, equipment or facilities required to record Lodge information.
- (3) To produce their Lodge books/records to the District Executive Officers and District Board of Management when called upon to do so.
- (4) All books, tickets, records, information (electronic or otherwise) and documents held by any Lodge Officers or members relating to the District shall be the property of the District and shall be surrendered to the District Executive upon demand. Where a Lodge has closed, the Lodge Secretary of such Lodge shall forward to the District Secretary all District and Lodge books/records in his possession.
- ~~(5) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules the District Board of Management may expel them.~~
- (5) To produce the Lodge books/records for inspection when called upon by a majority of the members of the Lodge.
- (6) To keep the Lodge books/records in accordance with the system approved by the District Board of Management.
- (7) To administer and keep records of any Lodge funds in a manner consistent with District methods.

11(I) *DELEGATES*

- (1) Lodge Committees shall endeavour to have all work groups within their Lodge represented by Delegates. Accordingly, the Lodge Committee may, from time to time, call for nominations for Delegates from members.
- (2) Nominations for Delegates shall be in writing and signed by at least two financial members of the Lodge and be accepted by way of the signature of the nominee. Nominees shall be financial members of the Lodge.
- (3) Lodge Committees shall submit all eligible Delegate nominations for endorsement by a majority of members present at the next meeting of the Lodge. Endorsed nominations

shall then be submitted by the Lodge Secretary to the next meeting of the District Board of Management for its consideration.

- (4) Where the District Board of Management endorses a Lodge nomination for a Delegate, the District Secretary shall notify both the member and Lodge concerned in writing.
- (5) Authorised Delegates shall:
  - (a) remain informed of the concerns and issues affecting members in their work group and report same to the Lodge Committee;
  - (b) act as the advocate and spokesman for their work group; and
  - (c) generally act in the interests of all Lodge members.
- (6) All Lodge Committee and District Board of Management members shall ex-officio be Authorised Delegates for their Lodge.

#### 11(J) *STRIKES*

- (1) Before a stoppage of work takes place at any workplace, the Lodge Committee 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 Executive who shall inquire into and endeavour to bring about a satisfactory settlement of the dispute.
- (2) No Lodge or members of a Lodge shall cease work without the sanction of the District Executive.
- (3) Any Lodge or members of a Lodge failing to comply with these Rules shall not be financially supported by this District.
- (4) The District Executive Officers shall endeavour to settle any matters in dispute failing which they shall have the power to refer such dispute to the District Board of Management.
- (5) Notwithstanding anything contained in this Rule, the Lodge or members may where danger in the workplace is apprehended, cease work immediately without reference to the District Executive.

#### 11(K) *PRIVATE AGREEMENTS*

No member of any Lodge in the District shall be permitted to enter into any private negotiation or agreement with his employer without the sanction of the Committee of the Lodge of which they are a member and no Lodge shall be permitted to enter into any agreement with the employer without the sanction of the District Executive and/or the District Board of Management.

#### 11(L) *MEMBERS NOT TO WORK WHEN WORKPLACE IS IDLE*

When a workplace is idle, members of this District shall not enter the workplace unless with the permission of the District Executive.

#### 11(M) *EXPULSION OR SUSPENSION OF LODGES*

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

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

#### 11(N) *DEMAND BY LODGES FOR DISMISSAL OF OFFICER*

Subject to Union Rule 22, no Lodge shall send to the District Board of Management a notice of motion asking for the resignation of a District Officer, unless some specific charge is laid against such Officer in writing and he has been given the opportunity to attend the Lodge to vindicate himself 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 Lodge shall defray the cost of such a ballot.

#### 11(O) *DELEGATES OTHER THAN AT LODGES*

- (1) 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 11(O)(2)(b) to represent members at a particular power station, mine, site, or other enterprise in the District Branch where the formation of a Lodge has not occurred.
- (2) Election of Delegates
  - (a) Where the District Executive, or subject to the approval of the District Executive, a majority of members is of the opinion that a Delegate/s should be elected to represent members at the power station, mine, site, or other enterprise the District Executive shall call for nominations of a Delegate/s.
  - (b) 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 power station, mine, site, or other enterprise in accordance with District Policy.
  - (c) The term of a Delegate shall not exceed two years.
  - (d) Whoever conducts the election must notify the District Secretary in writing of the outcome of the election as soon as practicable.
- (3) Appointment of Delegate/s
  - (a) When a member of District Executive is of the opinion that a Delegate/s should be appointed to represent members at the power station, mine, 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 power station, mine, site, or other enterprise as a Delegate.
  - (b) The term of an appointed Delegate shall not exceed two years.

- (c) Whoever appoints the Delegate/s must notify the District Secretary in writing as soon as practicable.
  - (d) A Delegate appointed under this sub-rule may be removed from their position at the discretion of the District Executive.
- (4) Delegates Duties other than at Lodges

Delegates at a power stations, mines, sites, or other enterprises shall:

- (a) Represent members or workers eligible to be members of the Union;
- (b) Work with other Delegates, the District Executive, and employees of the Union;
- (c) Ensure that the Rules of the Union, and the District Branch are carried out;
- (d) 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
- (e) 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.