

## **Notice of Alteration – Northern Mining & NSW Energy District Rule Change**

The following amendments have been recommended by the Rules Committee to the District's Board of Management (BOM) Meeting held on 2 and 24 March 2017 and endorsed. The amendments were subsequently endorsed by the 2017 Delegates Annual General Meeting held on 23 and 24 March, 2017 and are being voted on by the District's Rank & File Members

### **Annual Review**

Each year, subject to workloads, a review of the District's Rules is undertaken to identify any necessary amendments and to provide a report for the Rules Committee to consider.

The District identified several clauses were minor grammatical errors required fixing or the addition of a missing word to ensure consistent terminology

In addition it was determined that the process for changing the Rules of the District could be better describe, so as to remove any potential ambiguity, such as stating clearly that the BOM has the power to change the Rules. Also the clarity around the process of Lodges endorsing decisions could be improved, as it relates to the changing of Rules and in its own right. Both of these changes resulted in subsequent renumbering of clauses.

### **Federal Rules Review**

The process of reviewing the State Rules with the Federal Rules, so as to ensure consistency wherever possible, has also identified a couple of minor amendments that should be considered to the Federal Rules.

#### **Rule 7(ii)(b)**

Minor amendment for grammatical reasons

(ii) *Meetings*

- (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~~ female affirmative action representative and the Central Councillors (excluding the District President).*

Grahame Kelly 14/5/2017 11:11 AM

**Comment [1]:** Grammatical

#### **Rule 8(ii)(c)(9)**

Minor amendment for grammatical reasons

(c) *The District Secretary*

- (9) *The District Secretary shall arrange for the instigation of legal action on behalf of any member who has a legitimate workers' compensation claim and shall refer to the Board of Management for consideration ~~of~~ any other litigation involving the District Branch.*

Grahame Kelly 14/5/2017 11:12 AM

**Comment [2]:** Grammatical

#### **Rule 11(i)(c)**

Minor amendment for consistency of terminology in referring to the District Executive

(i) *Formation of Lodges*

- (c) *Where there is no Lodge at a particular colliery, site, organisation, or in a particular region, as designated by the Board of Management from time to time 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 colliery, site, organisation, or region, that a meeting will be held of the eligible members for the purpose of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.*

Grahame Kelly 14/5/2017 11:13 AM

Comment [3]: Consistent terminology

### **Clarification on Rule Change Process**

To clarify the process to amend the Rules that operates in the District today we need to focus our amendments as follows:

- Clearly stating that the BOM has the power to amend the Rules [Rule 7(v)]; and
- Amend Rule 12 to advise that Rule 7(iv) Endorsement of Decisions does not apply

Also when considering options another potential area of misunderstanding arose in relation to which matters need to be considered by Rank & File Members as outlined in Rule 7(iv) and as such amendments are also proposed to clarify our current practise.

### **Rule 7(v) Powers and Duties of the Board of Management**

All of Rule 7(v) is included for context. Add in new sub-rule (j) and renumber old sub-rules (j) and (k) as follows:

#### *(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 shall include the following:*

- (a) 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.*
- (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) 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 12.*

Grahame Kelly 14/5/2017 11:10 AM

Comment [4]: Clarification and confirmation that the BOM has the power to change the Rules

~~(f)~~ (k) 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, except for Officials of the District Branch which is as provided by Rule 8(i)(d).

Grahame Kelly 14/5/2017 11:10 AM  
Comment [5]: Renumbering

~~(h)~~ (l) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

Grahame Kelly 14/5/2017 11:11 AM  
Comment [6]: Renumbering

**Rule 12 Alteration of Rules**

By specifically stating in Rule 12 that it operates with no reference to Rule 7(iv). Underlined words have only been relocated

*12 - Alteration of Rules*

- (a) New District Branch Rules may be made and any of the Rules of the District Branch may be altered, amended added to or rescinded by the Board of Management.
- (b) Proposed new Rules shall be examined and reported on by the Rules Committee of members of the Board of Management appointed from time to time by the Board of Management.
- (c) The report of the Rules Committee shall be discussed by or reported to the Board of Management and the proposed Rules changes submitted for approval by a majority of the members voting at that meeting of the Board of Management, or provided, if voting is conducted at otherwise than at a meeting assembled, that at least a quorum of the Board of Management returns their vote, ~~and provided that the provisions of Rule 8(iv) shall not apply in the application of this Rule.~~

~~(d) The provisions of Rule 7(iv) and Rule 8(iv) shall not apply in the application of this Rule.~~

Grahame Kelly 14/5/2017 11:14 AM  
Comment [7]: Clarity of Rules changing process with the majority of deleted words relocated to clause (d) below

Grahame Kelly 14/5/2017 11:15 AM  
Comment [8]: Clarity of Rules changing process by detailing that endorsement of decisions by Lodges is not required to change Rules of the District and also included relocated words from clause (c) so that Rule 12 reads better

**Clarification on Endorsement of Decisions by Lodges**

**Rule 7(iv) Endorsement of Decisions**

All of Rule 7(iv) is included for context. Amendments to Rule 7(iv)(a) (b) and (c) are to clarify how matters are referred to Lodges (and hence Rank & File Members) for consideration and voting. What is outlined is the current practise. It is also proposed to reformat the clause numbers for consistency.

*(iv) Endorsement of Decisions*

(a) All business transacted by the Board of Management ~~shall be confirmed before the meeting concludes~~ including any matters which the Board of Management considers need to be specifically considered for endorsement by Lodges and copies of the confirmed minutes shall be sent to the Lodges of the District Branch.

Grahame Kelly 14/5/2017 11:18 AM  
Comment [9]: Clarity – clearly explain that BOM determines matters that Lodges need to endorse

(b) The Lodge Executive Committee shall ~~table the minutes of the Board of Management and shall submit the confirmed those resolutions of the Board of Management confirmed 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 of Management resolution so submitted.

Grahame Kelly 14/5/2017 11:28 AM  
Comment [10]: Clarity – clearly explains that minutes of BOM and resolutions specially requested need to be tabled for endorsement by Lodge meetings and that votes should be recorded

(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.

Grahame Kelly 14/5/2017 11:19 AM  
Comment [11]: Renumbering

~~(d) (e)~~ A resolution of the Board of Management ~~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 of Management resolutions, vote in favour of the resolution.

Grahame Kelly 14/5/2017 11:19 AM  
Comment [12]: Renumbering

Grahame Kelly 14/5/2017 11:19 AM  
Comment [13]: Clarity – that binding policy is that which is endorsed by BOM and Lodges