

Mr Peter Murray
General Secretary
CFMEU Mining and Energy Division
PO Box Q1641
SYDNEY NSW 1230

**Post Election Report For: Construction, Forestry, Mining and Energy Union
Mining and Energy Division
Victorian District Branch
Elections E2008/194 and E2008/197**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Workplace Relations Act 1996 requires the AEC to provide a written report on the conduct of the election to the Industrial Registrar and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members. Further, Regulation 141(4) of the Workplace Relations (RAO) Regulations requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Michael Pryor
Returning Officer

Workplace Relations Act 1996 – Schedule 1

POST ELECTION REPORT

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION
MINING AND ENERGY DIVISION
VICTORIAN DISTRICT BRANCH

ELECTION/S COVERED IN THIS REPORT

Election Decision Nos: *E2008/194 and E2008/197*

RULES

Rules used for the election: [105N-MIN: Incorporates alterations of 21/12/2007 in matter R2007/358]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: No ballot required

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

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Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Michael Pryor
Returning Officer

15 July 2008

**CONSTRUCTION, FORESTRY, MINING AND ENERGY
UNION**

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

Results of the election for the following office conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/197

DISTRICT BOARD OF MANAGEMENT

Emergency Services Lodge President

Candidate

LEIGHTON, Brett

I declare Brett LEIGHTON elected

Michael Pryor
Returning Officer

15 July 2008

Mr Peter Murray
General Secretary
CFMEU Mining and Energy Division
PO Box Q1641
SYDNEY NSW 1230

**Post Election Report For: Construction, Forestry, Mining and Energy Union
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Workplace Relations Act 1996 – Schedule 1

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MINING AND ENERGY DIVISION
VICTORIAN DISTRICT BRANCH

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Michael Pryor
Returning Officer

15 July 2008

**CONSTRUCTION, FORESTRY, MINING AND ENERGY
UNION**

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

Results of the election for the following office conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/194

DISTRICT BOARD OF MANAGEMENT

Contractors Lodge President

Candidate

DRAPER, Wayne

I declare Wayne DRAPER elected

Michael Pryor
Returning Officer

15 July 2008

**CONSTRUCTION, FORESTRY, MINING AND ENERGY
UNION**

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

Results of the election for the following office conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/194

DISTRICT BOARD OF MANAGEMENT

Contractors Lodge President

Candidate

DRAPER, Wayne

I declare Wayne DRAPER elected

Michael Pryor
Returning Officer

15 July 2008

**CONSTRUCTION, FORESTRY, MINING AND ENERGY
UNION**

MINING AND ENERGY DIVISION

VICTORIAN DISTRICT BRANCH

DECLARATION OF RESULT

Results of the election for the following office conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/197

DISTRICT BOARD OF MANAGEMENT

Emergency Services Lodge President

Candidate

LEIGHTON, Brett

I declare Brett LEIGHTON elected

Michael Pryor
Returning Officer

15 July 2008



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Peter Murray
General Secretary
CFMEU Mining & Energy Division
1st Floor
365 Sussex St
Sydney NSW 2000

Dear Mr Murray

**Re: Arrangements for the conduct of an Election
(E2008/194)**

A copy of the Registrar's decision in relation to the above matter is enclosed.

The Registrar is making arrangements, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours sincerely

A handwritten signature in black ink that reads 'David Vale'.

David Vale
for Deputy Industrial Registrar

13 June 2008

Workplace Relations Act 1996
s.189 RAO Schedule - arrangement for conduct of an election

Construction, Forestry, Mining and Energy Union
(E2008/194)

B. R. JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 13 JUNE 2008

DECISION

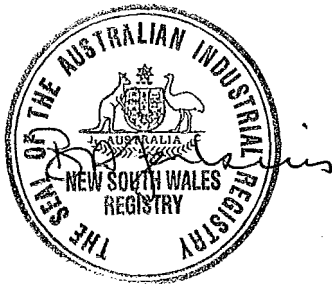
[1] On 11 June 2008 the Construction, Forestry, Mining and Energy Union, Mining and Energy Division lodged in the Industrial Registry the prescribed information in relation to an election for the following office in the Victorian District Branch:

District Board of Management

Lodge Representatives

Contractors Lodge President (1)

[2] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1 of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2008/194

RE: Construction, Forestry, Mining and Energy Union

Positions:

See Decision

Relevant Information: Vacant position, direct voting system, first past the post

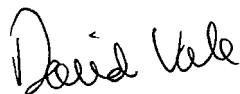
Contact: Peter Murray
General Secretary

Phone: (02) 9267 1035

A copy of the decision is enclosed.

We have also been informed by the above organisation that an election for the position of 'Emergency Services Lodge President' for the same Branch as the election above is forthcoming.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au



David Vale
for Deputy Industrial Registrar

13.06.2008

VALE, David

From: VALE, David
Sent: Friday, 13 June 2008 1:21 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2008/194 Decision
Attachments: CFMEU E2008_194 electoral commissioner through_13.06.08.pdf

Dear AEC,

Please find attached the decision for Election E2008/194.

Yours sincerely,

David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au

VALE, David

From: VALE, David
Sent: Wednesday, 11 June 2008 3:57 PM
To: 'industrial.elections@aec.gov.au'
Subject: E2008/194
Attachments: CFMEU - Vic. Election E2008_194 11.06.2008.pdf; CFMEU Mining & Energy R2008_229 and R2008_238.doc

Dear AEC Officer,

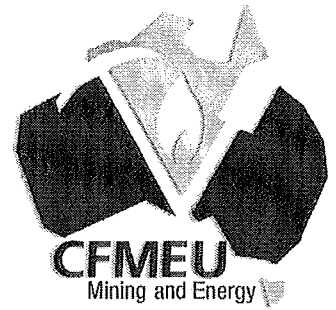
Please find attached the prescribed information (and a copy of the current rules book) regarding a request for the conduct of an election for a vacant position for the Construction, Forestry, Mining and Energy Union – Mining & Energy Division, Victorian District Branch.

Yours sincerely,

David Vale

Assistant Team Manager
Statutory Services
Australian Industrial Registry

Phone: 02 8374 6509
Email: david.vale@air.gov.au



11 June 2008

The Registrar
Australian Industrial Registry
80 William Street
EAST SYDNEY NSW 2011



Dear Registrar

Re: CFMEU Mining & Energy Division – Victorian District Branch Election

Please find attached a Statement and Notice of Prescribed Information under Regulation 136 of the Act regarding an election for CFMEU Mining and Energy Division - Victorian District.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Peter Murray".

Peter Murray
General Secretary
CFMEU Mining & Energy Division

Attach.

CFMEU Mining & Energy | t: +61 2 9267 1035 | f: +61 2 9267 3198 | e: info@cfmeu.com.au

www.cfmeu.com.au | Level 1, 365 Sussex Street, Sydney NSW 2000 | PO Box Q1641, Sydney NSW 1230 Australia

Statement and Notice of Prescribed Information Under Regulation 136

I, Peter Murray, General Secretary of the Construction, Forestry, Mining and Energy Union, Mining and Energy Division, make the following statement:

I am authorised to lodge the following prescribed information concerning a forthcoming election in the CFMEU Mining and Energy Division, Victorian District, and

I confirm the following information is being lodged under subsection 189(1) of the RAO Schedule.

The name of the position for which an election is required:

Contractors Lodge President

The reason for the election is to fill a vacant position.

The electorate is the members of the CFMEU Mining & Energy Division – Victorian District Branch. The voting system will be direct voting and first past the post.



Peter Murray
General Secretary
CFMEU Mining & Energy Division



VICTORIAN DISTRICT BRANCH

1 - NAME

The name of the District Branch shall be the Victorian District Branch of the Construction, Forestry, Mining and Energy Union, Mining & Energy Division (hereinafter referred to as the "District"). A reference to the "Union" shall be a reference to the Construction, Forestry, Mining and Energy Union and a reference to the "Division" shall be a reference to the Construction, Forestry, Mining and Energy Union, Mining and Energy Division.

2 - CONSTITUTION

The District shall consist of an unlimited number of persons, otherwise eligible for membership of the Union, who, in Victoria:

- 2(A) are engaged as employees or as employees of contractors, in or in connection with any of the following industries:
- (1) mining or exploration;
 - (2) power generation, co-generation, transmission and distribution;
 - (3) oil, gas, coal, shale;
 - (4) nuclear; and
 - (5) chemical production.
- 2(B) have been elected as paid officers of the District; or
- 2(C) as a working class Member of Parliament.

3 - OBJECTS

The objects of the District shall be, by all lawful means:

- 3(A) To improve the conditions and to protect the interest of the members of the District by:
 - (1) increasing the proportionate share of the wealth to the workers; and
 - (2) endeavouring to educate and organise for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange.
- 3(B) To discuss, consider and put into force, when approved, any scheme for the better guidance and extension of Australian industrial organisation.
- 3(C) In order to further or ensure the better advocacy of workers or for any other purpose which the Board of Management may deem proper, to support, own in whole or part and/or subsidise any newspaper or any other publication advocating the cause of workers and their community.
- 3(D) To secure the election of such working class representatives in Parliament that are committed to promote such legislative enactments as will ensure the protection and improvement of the social and industrial interests of Australian workers.
- 3(E) To obtain legislative enactments:
 - (1) for the more efficient management and inspection of workplaces; and
 - (2) to preserve the lives, health and welfare of workers.
- 3(F) To take steps to obtain compensation and justice for accidents where the employer is liable or negligent.
- 3(G) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who died from any cause.
- 3(H) To prevent, if possible, by conference or otherwise any threatened cessation of work and to endeavour by conciliatory measures to uphold the Rules of the District, failing which, to provide ways and means for the support of members involved.
- 3(I) To secure the prices and/or wages for which members may at all times be engaged or contract and to prevent illegal or improper stoppage or reduction of member's wages.
- 3(J) Generally to do all acts, matters or things that are reasonably considered to be in the best interests of the members, or further any or all of the objects of the District.
- 3(K) To do any other act provided for in the Rules of the District.

4 - MEANS

Where necessary or convenient for the purpose of carrying out or furthering all or any of the objects of the District, the District may:

5 - MEMBERSHIP

- 4(A) raise funds by entrance fees, subscriptions, donations, levies, contributions, dues, loans or otherwise for the purpose of applying and/or investing the same in any manner;
- 4(B) take, subscribe for or otherwise acquire, hold or divest any interest, shares, debentures, stock or other security of any company or trust; and
- 4(C) purchase, take on lease or in exchange, hire or otherwise acquire or sell any real or personal property or any rights or privileges.

5 - MEMBERSHIP

5(A) *APPLICATIONS*

- (1) All persons working in any capacity or doing any work falling within the scope of Rule 2 shall be eligible for membership of the District.
- (2) A candidate for membership of the District shall apply for membership to the District Secretary or Lodge Secretary at the place in which he works, in writing on the form prescribed and supplied by the District for that purpose. A member or employee of the District shall witness the signature of the candidate on the application form.
- (3) Where the District Secretary or Lodge Secretary receive a membership application, the District Secretary or Lodge Secretary, as the case may be, shall sign and date the membership application form on the day they receive them.
- (4) Subject to Rule 5(A)(5), a candidate for membership shall be deemed to be a member of the District from the date of receipt of the membership application form by the District Secretary or Lodge Secretary as the case may be.
- (5) Notwithstanding anything hereinbefore contained;
 - (a) The District Secretary may decide against the admission to membership of any candidate. In such case, the District Secretary shall immediately refer any such application to be considered and approved or not approved by the District Board of Management.
 - (b) In the event of a membership candidate being referred on in accordance with Rule 5(A)(5)(a), the candidate shall not become a member of the District until the District Board of Management has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District from the date of the District Secretary's letter of notification to the candidate.
 - (c) Where the District Board of Management decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership, the candidate shall be a member of the District from the date of the Central Council's decision.
- (6) When a candidate is admitted to membership of the District, the new member's name, address, date of birth and date of admission shall be:

5 - MEMBERSHIP

- (a) entered in a register to be called the Lodge Register of Members, of the appropriate Lodge, which shall be kept by each Lodge Secretary;
 - (b) entered in a register to be called the District Register of Members, which shall be kept by the District Secretary; and
 - (c) submitted to the General Secretary of the Division for entry in the Division Register of Members.
- (7) It shall be the responsibility of the person or body who approves a candidates membership to submit the new member's name address and date of admission in accordance with Rule 5(A)(6).
- (8) Membership of the District shall be subject to Rules 5(B) and 5(C).
- (9) Membership of the District also means membership of the Division and the Union.
- (10) The District Branch shall inform each candidate for membership, in writing, of:
- (a) the financial obligations arising from membership; and
 - (b) the circumstances, and the manner, in which a member may resign from the organization."

5(B) *SUBSCRIPTIONS AND FEES*

- (1) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules of the District, Division and/or Union.
- (2) A candidate for membership of the District shall be required to pay an entrance fee on their admission to membership. The District Board of Management shall determine the entrance fee. All entrance fees shall be payable to the District for use by the District in accordance with the District Rules.
- (3) Subscriptions, fines, fees and levies owing by a member of the District may be paid to the District Secretary, a person authorised by the District Board of Management or by such other means as determined by the District Board of Management.
- (4) Subject to Rule 5(C), any member owing subscriptions, fines, fees or levies for more than fourteen days shall not be entitled to any of the privileges of membership, including the right to vote, and shall be liable to be sued for the recovery of amounts owed.
- (5) Any member deemed unfinancial under Rule 5(B)(3) shall be deemed to have become a financial member of the District again from the date of the completion of payment by them of all amounts owing. Continuity of membership shall be restored from the date of payment of all sums owing.
- (6) District membership subscriptions shall be set by the District Board of Management and shall be payable for 52 weeks of the year.
- (7) Employees otherwise eligible to join the District that are under eighteen years of age and not in receipt of adult wages/salaries may elect to be half members and hence pay half subscriptions, fees and levies.

- (8) Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.

5(C) *SICK AND UNEMPLOYED MEMBERS*

- (1) There shall be a register called the District Quarterly Register of Unemployed and Sick Members. The register shall be kept updated by the District Secretary.
- (2) Any member unable to pay subscriptions, fees or levies by reason of their being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred on them by these Rules, may apply to be entered on the District Quarterly Register of Unemployed and Sick Members.
- (3) Applications for registration in the District Quarterly Register of Unemployed and Sick Members:
- (a) must be in writing, signed by the applicant, witnessed by a member of the District and submitted to the District Secretary. Where the applicant is a member of a Lodge, the application shall also include the name of such Lodge;
 - (b) be signed and dated by the District Secretary as they are received and be submitted to the District Board of Management for its consideration;
 - (c) Where approved by the District Board of Management, the District Secretary shall enter the applicant's name, address and the date of approval in the District Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three months from the approval of his/her application.
- (4) Members, whilst entered on the District Quarterly Register of Unemployed and Sick Members shall be:
- (a) exempt from subscriptions, fees and levies applicable to such period;
 - (b) entitled to the privileges of membership and to vote on all matters affecting the District, excepting upon any matter which would or might involve the declaration of a strike or in a stoppage of work or in the making of a levy upon other members.
- (5) In respect to the District Quarterly Register of Unemployed and Sick Members the District Board of Management shall have the power to:
- (a) review persons listed on the Register from a list presented by the District Secretary once in each quarter;
 - (b) remove the name of any member from the District Quarterly Register of Unemployed and Sick Members for any reason it thinks fit; and/or
 - (c) prescribe a period for which a member shall be ineligible for registration in the District Quarterly Register of Unemployed and Sick Members.

6 - ENTITLED TO VOTE

5(D) *RESIGNATIONS*

- (1) A member may resign from membership by written notice addressed and delivered to the District Secretary;
- (2) A notice of resignation from membership takes effect;
 - (a) Where the member ceases to be eligible to become a member of the District;
 - (i) on the day on which the notice is received by the District; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is the later, or
 - (b) in any other case:
 - (i) at the end of two weeks after the notice is received by the District; or
 - (ii) on the day specified in the notice;whichever is the later.
- (3) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the District in a court of competent jurisdiction as a debt due to the District.
- (4) A notice of resignation delivered to the District Secretary shall be considered as received by the District when it was delivered.
- (5) A notice of resignation that has been received by the District is not invalid because it was not addressed and delivered in accordance with Rule 5(D)(1) above.
- (6) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District that the resignation has been accepted.

5(E) *CLEARANCES*

- (1) Members moving from this District to another District shall obtain a District clearance from the District Secretary, who shall be the only person entitled to issue a District clearance. The District clearance shall be stamped with the seal of the District.
- (2) The District Secretary shall at all times be empowered to refer any application for a district clearance to the District Executive.

6 - ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any question shall be, all financial members working in the industries shown in Rule 2 in addition to all members registered on the District Quarterly Register of Unemployed and Sick Members according to Rule 5(C).

7 - BOARD OF MANAGEMENT

The Board of Management of the Victorian District shall be the Victorian District Board of Management.

7(A) COMPOSITION

The District Board of Management shall be composed of:

- (1) The District Executive, being:
 - (a) the District President;
 - (b) the District Vice President; and
 - (c) the District Secretary.
- (2) Lodge Representatives as follows (where such Lodge exists):
 - (a) Energy Brix Lodge President;
 - (b) Hazelwood Lodge President (Mining);
 - (c) Hazelwood Lodge President (Energy);
 - (d) Loy Yang Mine Lodge President;
 - (e) Loy Yang Power Station Lodge President;
 - (f) Yallourn Lodge President (Mining);
 - (g) Yallourn Lodge President (Energy); and
 - (h) Other elected representatives of Lodges or groups of members as determined by the District Board of Management.

Except that whilst a Lodge President holds a District Executive position, a Lodge Committee member of that same Lodge shall hold the position of Lodge Representative on the District Board of Management instead of the Lodge President. Such Lodge Committee member shall be elected by collegiate vote of that Lodge Committee.
- (3) Such District Central Councillors as determined by the Rules of the Division.

7(B) ELECTIONS

- (1) Upon any determination of the District Board of Management pursuant to Rule 7(A)(2)(h), the District Secretary shall advise the Returning Officer appointed for the purpose, of the requirement of an election pursuant to the Ballot Rules of the Division.
- (2) Representatives to the District Board of Management shall be elected every four years in accordance with the Ballot Rules of the Division and shall take office as and from the first day of the month following the declaration of their election.

7 - BOARD OF MANAGEMENT

- (3) The District Executive positions shall be elected every four years according to the Ballot Rules of the Division and shall take office as and from the first day of the month following the declaration of their election.
- (4) Subject to Rule 7(B)(5), any extraordinary vacancy that occurs in an elected position within the District Board of Management shall be filled by the immediate holding of an election in accordance with the Ballot Rules of the Division. The member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected.
- (5) Where the remainder of the term applicable to Rule 7(B)(4) is less than three years, then the District Board of Management may appoint by resolution any eligible member of the District to act in that office for the remainder of the term. Where the vacancy is a Lodge Representative referred to in Rule 7(A)(2)(a) to (g) and an appointment is made by the District Board of Management, such appointee will be determined by the collegiate vote of the relevant Lodge Committee.

7(C) MEETINGS

- (1) The District Board of Management shall meet at least three times each year, including a meet at such other times as the majority of the District Executive or the District Board of Management may deem necessary.
- (2) A special meeting of the District Board of Management shall be convened by either the District President or District Secretary upon receipt of a written request to do so signed by at least one District Board of Management Lodge Representative from each of at least three Lodges, and stating the agenda items to be raised.
- (3) More than half of the number of District Board of Management members, including at least half of the District Executive Officers must be present at each meeting of the District Board of Management and shall be the quorum.
- (4) All members of the District Board of Management shall have a deliberative vote at any meeting of the District Board of Management. In the event of the Board being equally divided on any question, the District President shall be entitled to a casting vote.
- (5) At all meetings of the District Board of Management every Board member in attendance shall vote either for or against any proposition put to the meeting.
- (6) Any District Board of Management member absenting himself from any meeting, of which they have been duly notified by or on behalf of the District Secretary at least fourteen days before the date of the meeting, may be called upon to give an explanation at the next subsequent meeting of the District Board of Management.
- (7) The District Secretary shall issue or cause to be issued to District Board of Management members, a notice of the date of the District Board of Management meeting at least fourteen days prior to the date of the meeting. The District Secretary shall also issue or cause to be issued a meeting agenda to members of the District Board of Management at least fourteen days prior to the meeting of the District Board of Management. Such fourteen day periods may be reduced where special circumstances exist and the District Executive agrees to do so.

7(D) *LODGE BUSINESS*

Any Lodge having business for the consideration of the District, after having dealt with the same matter locally, shall forward it to the District Secretary for inclusion in the agenda of the next meeting of the District Executive or of the District Board of Management.

7(E) *ENDORSEMENT OF DECISIONS*

- (1) All business transacted by the District Board of Management shall be confirmed before the meeting concludes and copies of the confirmed minutes shall be forwarded to each of the Lodges of the District.
- (2) The Executive Committee of each Lodge shall submit the confirmed resolutions of the District Board of Management for endorsement or otherwise of the Lodge membership at the next meeting of the Lodge.
- (3) Each Lodge Secretary shall record the number of votes for and against each District Board of Management resolution. Each Lodge Secretary shall forward a return of such votes, signed and dated by them to the District Secretary within twenty-eight days of receiving the confirmed resolutions. The votes of any Lodge failing to comply with this Rule shall be null and void.
- (4) A resolution of the District Board of Management shall become the binding policy of the District if an aggregate majority of the members of the District consider and vote in favour of the District Board of Management resolution.

7(F) *POWERS AND DUTIES OF THE DISTRICT BOARD OF MANAGEMENT*

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

- (1) To hear any appeal from any Lodge or member.
- (2) To consider the financial position of the District and transact any business that may be placed before them by the District Executive.
- (3) To make, impose, order and enforce any levies, fines, fees or subscriptions on any or all members of the District not in conflict with the Rules of the District or the Rules of the Division for any one or more of the objects set out in Rule 3 of these Rules.
- (4) To determine any matter or report referred to it by the District Executive or by any Lodge or to settle any disputes between the membership.
- (5) 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 and of the Lodges of the District.
- (6) New District Rules may be made and any of the Rules of the District may be altered, amended, added to or rescinded by the District Board of Management in accordance with Rule 12.
- (7) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District.
- (8) To refer any matter to the Central Council for its consideration.

8 - DISTRICT EXECUTIVE

- (9) To receive and adopt or otherwise deal with the Annual Report of the District.
- (10) To inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1000.00) on any Lodge or one hundred (\$100.00) on any member subject to a general right of appeal.
- (11) To expel any Lodge Officer or member who fails to comply with the Rules of the District, Division or Union subject to a general right of appeal.
- (12) To have control of the management and publication of the journal of the District.
- (13) To consider and decide upon any application for membership referred to it by the District Secretary or by any Lodge of the District.
- (14) And generally to do all acts, matters and things that are reasonably considered to be in the best interests of the District.

8 - DISTRICT EXECUTIVE

8(A) EXECUTIVE OFFICERS

- (1) The District Executive shall consist of the District President, the District Vice-President and the District Secretary.
- (2) Each officer shall remain in office for their elected term unless they either die, resign their position in writing, delivered at least one month in advance of the intended date of resignation, or are dismissed from office in accordance with Rule 8(A)(3).
- (3) A person elected to office in the District shall not be dismissed from office unless found guilty by the District Board of Management of:
 - (a) misappropriation of the funds of the District;
 - (b) a substantial breach of the Rules of the Union, Division or District;
 - (c) gross misbehaviour;
 - (d) gross neglect of duty; or
 - (e) has ceased according to the Rules to be eligible to hold office.
- (4) Where dismissal of an officer under Rule 8(4)(3) is contemplated the District Board of Management shall appoint an Investigating Committee of three District Board of Management members to investigate and report on the case. The Investigating Committee shall present the officer under investigation with a written statement of the charges alleged against them. The officer shall have full freedom to make a verbal and/or written response to the charges, to both the Investigating Committee and the meeting of the District Board of Management, which hears the report of the Investigating Committee. There shall elapse a period of not less than one month, or any greater period the District Board of Management may determine, between the delivery to the officer concerned of the written statement of charges against them, and the hearing by the Investigating Committee of the officer's response to the charges. The officer may, if he wishes, waive all or part of the

minimum period of notification. The decision of the District Board of Management shall not take effect until endorsed by an aggregate District majority of members attending and voting at Lodge meetings at which the business of that District Board of Management meeting is considered.

- (5) The Executive Officers shall remain financial members of the District and shall retain full membership rights of the Lodges of which they were members at the time of their election to District Office. In the event of an officer's Lodge closing the officer shall become a financial member of another Lodge as directed by the District Board of Management.
- (6) No member shall be eligible for any District Executive Office unless they have been a member continuously for at least 12 months prior to the closing date of nominations.
- (7) No member may contest for more than one District Executive Office in the same election. If a member is nominated for more than one position they must indicate to the Returning Officer which position they wish to contest, prior to the closing of nominations. Where a member is nominated for more than one District Executive Office, and fails to withdraw the excess nominations before the close of nominations, the Returning Officer shall disregard all but the highest office nomination. In such case, the office of District President shall be considered higher than that of District Secretary which shall be considered higher than District Vice-President.

8(B) *DUTIES OF EXECUTIVE OFFICERS*

- (1) The District President's duties shall be to:
 - (a) Preside at all meetings of the District Board of Management or other meetings called by the District;
 - (b) Co-operate with the other District Executive Officers in carrying out the objects of the District;
 - (c) In conjunction with the other District Executive Officers, transact the general business of the District;
 - (d) Assist, where required, the District Secretary in the conduct of their duties;
 - (e) If necessary, in the absence of the District Secretary, act in their stead;
 - (f) Strictly observe the Rules of the District and as far as possible, observe that the District Lodges carry out the Rules;
 - (g) Ensure that one or more members of the District Executive attend Lodge meetings; and
 - (h) In the case of equal voting at District Board of Management meetings, have the casting vote.
- (2) The District Secretary's duties shall be to:
 - (a) Keep a correct account of all monies received and expended and have prepared a yearly Balance Sheet of same, copies of which shall be submitted to the members

of the District through the Annual General Meeting of the District Board of Management and to Lodge members through the Lodge Secretaries;

- (b) Cause to be kept a register of members of the District under the headings of the respective Lodges to which members belong;
 - (c) Attend all District Board of Management meetings and take minutes of same;
 - (d) Co-operate with the other District Executive Officers in carrying out the objects of the District;
 - (e) Zealously attend to all correspondence, watch the interests of the members and do all in their power to advance the members' position generally;
 - (f) Strictly observe the Rules of the District and as far as possible observe that the Rules are carried out by the District Lodges;
 - (g) Be empowered, with the concurrence of the other District Executive Officers, to call special meetings of the District Board of Management in cases of emergency and shall vote at all District Board of Management meetings;
 - (h) Be under the control of the District Board of Management;
 - (i) From time to time examine the books and accounts of the District and generally keep acquainted with the financial transactions of the District; and
 - (j) Prepare and forward to the Registrar all returns that may be required by law.
- (3) The District Vice-President shall co-operate with the other District Executive Officers in carrying out the objects of the District and in the absence of the District President shall exercise all functions of the District President's position.

8(C) *MEETINGS OF THE DISTRICT EXECUTIVE*

- (1) The District President or District Secretary may convene a meeting of the District Executive at any time by oral or written communication to the other members of the Executive.
- (2) A quorum of any meeting of the District Executive shall be three.
- (3) The chairman of any meeting of the District Executive shall have a deliberative but not a casting vote.
- (4) Where matters are due to be decided by the District Executive and an officer cannot be present, they may, if they wish, record a vote by post, facsimile or electronic mail. In such an event the decision of the majority shall be valid as had they assembled.

8(D) *POWERS OF THE DISTRICT EXECUTIVE*

The District Executive shall, subject to the review of their actions by the next ensuing meeting of the District Board of Management have the care, control, custody superintendence, management and administration in all respects of the District. All acts of the Executive done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, until such acts shall be reversed or altered, or otherwise dealt with by the next ensuing meeting of the District Board of Management.

The powers of the District Executive shall include the following:

- (1) To suspend any member of the District Executive or of the District Board of Management or representative of the District on any Board or body for any:
 - (a) breach or infringement of the Rules of the Division or District;
 - (b) misconduct or dereliction of duty;
 - (c) misapplication respecting the whole or any part of the funds, monies or other property of the Division or District; or
 - (d) non-compliance with or disobedience of any request or order contained in any resolution of the Central Council or the District Board of Management;
 - (e) and to inflict any fine not exceeding one hundred dollars.
 - (f) Where action is taken by the District Executive under this Rule there shall be a general right of appeal by the member, representative, councillor or body affected, to the District Board of Management. This Rule shall be read subject to Rule 8(A)(3).
- (2) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for or represent the District or any of its members in any Court or proceedings, legal or otherwise.
- (3) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
- (4) To demand, receive and keep possession of all books, records and accounts of the District.
- (5) To demand, or cause to be made, an audit of the books, records and accounts of the District.
- (6) To engage any persons, agents or other assistance that in its opinion are necessary for the proper carrying on of the District business and to pay such wages, salaries and allowances, as it shall deem proper.
- (7) To enter into, and make any industrial agreements on behalf of the District and its members subject to the instruction of the District Board of Management and members in accordance with these Rules.
- (8) To establish regional offices of the District where necessary to properly service the membership.
- (9) To call meetings of the District Board of Management, a Lodge or aggregate meetings of the members of the District at any time necessary and to attend such meetings.
- (10) To have the powers of the District Board of Management as set down in these Rules.

10 - FINANCE AND PROPERTY

- (11) To submit such matters as may appear to it to be of sufficient importance, to the District Board of Management for decision or directly to the members of the District for decision by Ballot.

8(E) *REMUNERATION*

District Executive Officers shall receive such remuneration as shall be agreed upon from time to time between the Officer and the District Board of Management.

9 - DISTRICT CENTRAL COUNCILLORS

- 9(A) There shall be such number of District Central Councillors as may be determined from time to time by Central Council in accordance with the Rules of the Division.
- 9(B) The District Central Councillor shall be the District President ex officio, where the Rules of the Division require only one representative of the Victorian District on the Central Council.
- 9(C) Where the Rules of the Division require more than one representative on the Central Council from the District, the additional District Central Councillor or Councillors shall be part time officers elected every four years according to the Ballot Rules of the Division.
- 9(D) The elected District Central Councillor or Councillors shall take office as and from the first day of the new term of office following the declaration of their election.
- 9(E) The duties of a District Central Councillor shall be:
- (1) to attend meetings of the Central Council of the Division as the representative of the Victorian District;
 - (2) to attend and address Lodge meetings and other meetings of members at the direction of the District Board of Management;
 - (3) to attend meetings of the District Board of Management;
 - (4) District Central Councillors shall be responsible to the District Board of Management and the District Executive.
- 9(F) The District Central Councillors elected under these Rules shall be subject to Rules 7(B)(4), 7(B)(5), and 8(A)(5).

10 - FINANCE AND PROPERTY

- 10(A) The District Fund shall consist of:
- (1) any real or personal property of which the District by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
 - (2) the amounts of entrance fees, subscriptions, fines, fees or levies received by the District, less so much of those amounts as is payable by the District to the Central Office of the Division;

- (3) any interest, rents or dividend derived from the investment of the Fund;
- (4) any superannuation or long service leave fund operated or controlled by the District for the benefit of its officers or employees;
- (5) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District for the benefit of its members or employees;
- (6) any property acquired wholly or mainly by expenditure of the money of the Fund or derived from other assets of the Fund; and
- (7) the proceeds of any disposal of parts of the Fund.

10(B) *DISTRICT EXECUTIVE CONTROL*

Subject to the control of the District Board of Management, the property and funds of the District shall be under the control of the District Executive.

10(C) *USE OF FUNDS*

- (1) The funds of the District shall be applied and/or invested in such lawful manner as the District Board of Management may decide, including, without limiting the generality of this sub-clause:

- (a) deposit on current account or fixed deposit with any financial institution;
- (b) the mortgage of real or personal estate;
- (c) the subscription for or purchase of shares in any company;

Funds so applied shall only be realised on the authority of the District Executive or on the authority of the District Board of Management.

- (2) All monies shall be banked in the names of the trustees to the credit of the District.
- (3) Monies shall be drawn from the funds of the District only by cheque signed by two Executive Officers of the District.
- (4) All fees, fines, subscriptions and levies received by the District Secretary or other persons in accordance with these Rules shall pass through the District Office and all monies so received from the above sources shall be immediately recorded in the books and banked to the credit of the District by the District Secretary without deduction.
- (5) All monies withdrawn from the funds shall be applied only to carrying out the objects mentioned in Rule 3 of these District Rules and to payments to the Division.
- (6) When levies are ordered to be collected in accordance with these Rules such levies shall be collected from members as ordered by the District Executive or by the District Board of Management.
- (7) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District unless the District Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District and that, in relation

to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the District Board of Management.

10(D) *BOOKS AND RECORDS*

The District Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or by the District Board of Management.

10(E) *FINANCIAL YEAR*

The financial year for the accounting purposes of the District shall end at 31 December in each year.

10(F) *TRUSTEES*

- (1) The Trustees shall be the District President, the District Vice-President and the District Secretary of the District.
- (2) The Trustees shall, under the direction of the District Board of Management, prosecute, or if more convenient, direct any officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District and they may themselves institute, or if more convenient, may direct any officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Division's or any of the District's property; or doing or neglecting to do any act so as to render himself or themselves liable to proceedings in reference to the Division's affairs, or the affairs of the District.
- (3) All funds, investments and other property of the District shall be vested in the Trustees as joint tenants and be held by them in trust for the members of the District.
- (4) The Trustees and/or the District Board of Management shall without prejudice to any further power and duties conferred by these Rules and by statute, be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The District Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District or authorise the Trustees to institute such proceedings.
- (5) The Trustees shall have power:
 - (a) To receive monies or other property paid, delivered or conveyed to them as Trustees of the District and to expend monies without distinction between capital and income.
 - (b) To invest, sell, exchange or otherwise dispose of investments or other property of the District and to deal with the funds of the District including purchase or otherwise acquiring of property out of the funds of the District.

- (c) To lend and advance money or give credit to any person or corporation; to guarantee, and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or corporation: and otherwise to assist any person or corporation. This Rule shall be subject to Rule 10(C)(7).
 - (d) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District in any way, and to purchase, redeem or pay off any such securities.
 - (e) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District and for the purposes of the District and to carry on any business of the District.
- (6) For the purposes of exercising a power listed above, the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity. The powers conferred by this Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.
- (7) The Trustees shall be fully and effectually indemnified out of the funds of the District in respect of any personal liability incurred in a proper exercise of the powers given by this rule or by law and shall not be liable to the District or any of its members for loss incurred in a proper exercise of such powers.

10(G) *AUDITOR*

- (1) There shall be one auditor who shall be a duly qualified Chartered Accountant.
- (2) The auditor shall be elected annually by the District Board of Management and shall be eligible for re-election.
- (3) The auditor's duties shall be to audit the accounts at the end of the financial year or when required by the District Board of Management. He shall also audit Lodge Books when authorised to do so by the District Executive Officers.
- (4) On all occasions the auditor shall furnish a report as to the state of the books and such report will be submitted to the members together with the Balance Sheet.
- (5) Should at any time the position of Auditor become vacant, it shall be filled in accordance with Rule 10(G).
- (6) The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping of and presentation of accounts to the District Board of Management and to the membership, shall be according to the

10 - FINANCE AND PROPERTY

requirements, forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the Workplace Relations Act 1996.

10(H) *SEAL*

The Seal of the District shall be held by the District Secretary and shall be used by the District Secretary for all purposes of the District for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of District Executive as the District Executive may decide.

10(I) *REGISTERED OFFICE*

The registered office of the District shall be 14 Hazelwood Road, Morwell, Victoria or such other place as may be decided upon by the District Board of Management from time to time.

10(J) *ACCESS TO BOOKS*

Each member of the District shall have access at all reasonable times, to the books of the District on applying to the District Secretary.

10(K) *PERSON TO SUE*

The District Secretary shall be the person to sue or be sued for and on behalf of the District.

10(L) *POLITICAL FUNDS*

- (1) The District Board of Management shall be empowered to recommend to the members of the District a voluntary payment per annum for a Political Fund. Monies derived from this source shall be paid into the District Office by each Lodge Secretary and such monies so received shall be paid into a fund which shall be used only for political purposes.
- (2) Contributions to the Political Fund shall not be a condition of admission to or of membership of the District. A member who does not contribute to this fund shall not be excluded from the benefits of the District by reason of his failure to so contribute to the Political Fund. Only those members who contribute to the Political Fund shall be allowed to enjoy the privileges for which the fund is created.

10(M) *PAYMENT OF OFFICERS AND DELEGATES*

All Officers and Delegates when performing work for the District shall be paid out of the funds of the District, such remuneration as may be determined from time to time by the District Board of Management, provided that where there has been a determination by the Central Council of the Division of the level of such remuneration, Officers and Delegates shall be paid in conformity with that determination. Travelling, lost time and other expenses shall also be allowed to representatives to the District Board of Management as prescribed from time to time by the District Board of Management.

10(N) *FINES*

All fines for violation of the District Rules shall be paid into the General Fund of the District unless otherwise provided for.

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 in the District.
- (2) Where there is no Lodge at a workplace and the District Executive is of the opinion that a Lodge should be formed, the Executive shall announce, in whatever way is best suited to the circumstances of the workplace, 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.
 - (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 Division who works at a workplace 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, 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.

11(D) *ELECTION OF LODGE COMMITTEE MEMBERS*

Subject to Rule 11(B)(2) and Rule (2) Lodge Committee positions 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.

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 chairman shall have a casting vote. The chairman 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, Division or the District 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 Division, 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 Division, 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, a register of agreements made with the employer at the workplace, and a register of members of the Lodge.
- (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 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) If any Lodge Officer or member fails to comply with these Rules the District Board of Management may expel them.
- (6) To produce the Lodge books/records for inspection when called upon by a majority of the members of the Lodge.
- (7) To keep the Lodge books/records in accordance with the system approved by the District Board of Management.
- (8) 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 six 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 OR MEMBERS*

- (1) Any Lodge or member of this District refusing to comply with the decision of the majority of this District shall be 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 and/or members shall pay up all arrears before being readmitted to the District.

14 - BALLOTS

- (3) Any member or Lodge expelled or suspended under this rule shall have the right to appeal against the decision to the Central Council of the Division.

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

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.

12 - ALTERATION OF RULES

New District Rules may be made and any of the Rules of the District may be altered, amended, added to or rescinded by the District Board of Management.

- 12(A) Proposed new Rules shall be examined and reported on by a Rules Committee of members of the District Board of Management appointed from time to time as the occasion arises by the District Board of Management.
- 12(B) The report of the Rules Committee shall be discussed by the District Board of Management and the proposed rule changes submitted for approval by a majority of the members present and voting at that meeting of the District Board of Management and then submitted for the approval of the membership in the same manner as other District Board of Management resolutions.

13 - DISSOLUTION OF THE DISTRICT

While seven financial members remain in the District, the District shall not be dissolved. Should the number of members at any time fall below seven the District shall be dissolved. In the event of dissolution, all monies remaining, after payment of all just debts, shall be held in trust by the Central Council of the Division in a separate fund until such time as a new District containing seven or more members can be formed.

14 - BALLOTS

For the purposes of these Rules, "the Ballot Rules of the Division" shall mean the following Rules.

- 14(A) Each directly elected office in the District Branch shall be by secret ballot in accordance with the provisions of the Workplace Relations Act 1996 and pursuant to these Rules.
- 14(B) The District Branch Board of Management shall appoint a Returning Officer to conduct elections within the District Branch. Such Returning Officer shall not be the holder of any office in or be an employee of the District Branch.
- 14(C) (1) the Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations for election to an office having regard to:
- (a) the date of the expiration of the term of office of the holder of the office;
 - (b) the time required to lodge the nomination;

- (c) the time required to complete the election.
- 14(D) (1) the Returning Officer shall within the period of twenty-one (21) days before the date of commencement of the period for lodging nominations of candidates for an election for office within the District Branch cause to be published in the newspaper or papers a notice setting out
- (a) the title of the office;
 - (b) the form in which nominations are to be made
 - (c) the place for lodging nominations
 - (d) the times and dates of commencement and close of the period for lodging nominations, and inviting nominations of persons, eligible for election for the office under these Rules to stand as candidates for election to the office.
- (2) the Returning Officer shall determine the newspaper or newspapers in which the notice shall be published having regard to any particular region to which the functions of the office relate.
- 14(E) (1) a person is not eligible for election for an office unless the nomination is in writing and is signed by the person and 2 other financial members.
- (2) where the Returning Officer finds that document lodged at the place and within the period determined by the Returning Officer under paragraph (C) of this rule and purporting to be the nomination of a person as a candidate for an election to an office, is not a nomination in accordance with the provisions of this paragraph, the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within not less seven days after Returning Officer being so notified.
- (3) a person is not eligible for election unless the nomination of the person as a candidate for election is lodged at the place determined by the Returning Officer under paragraph (D)(1)(c) of this rule and within the period of lodging nominations under paragraph (C), or under paragraph (E)(2) this rule.
- 14(F) where on the expiry of the period for lodging the nominations of a candidate for election to an office, only one candidate is nominated for election for the office, the Returning Officer shall declare under paragraph (N) of this rule that the candidate has been elected to that office.
- 14(G) (1) The names and addresses of members of the District Branch who are entitled under the Rules to vote in an election shall form the roll of votes for the election.
- (2) The Returning Officer shall prepare a roll of voters who, on the fourteenth day before the date determined under paragraph (I)(1) of this Rule for the commencement of issuing ballot papers, are entitled to vote in the election.
- (3) The Returning Officer shall add to the roll of voters the names and addresses of persons who, after the day referred to in sub-paragraph (2) of this paragraph become entitled to vote in the election.

- (4) The Returning Officer shall delete from the roll of voters the names and addresses of persons who, after the day referred to in sub-paragraph (2) of this paragraph cease to be entitled to vote in the election
 - (5) The Returning Officer shall make the roll of voters in an election for an office available for inspection by members or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in sub-paragraph (2) and ends on the day on which the result of the election is declared.
- 14(H) (1) The Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election a private box at a post office being a private box used exclusively for that purpose.
- Access to the private box shall be under the exclusive control of:
- (a) persons authorised by the Australian Postal Corporation for the purpose;
 - (b) the Returning Officer; and
 - (c) persons authorised in writing by the Returning Officer for the purpose.
- 14(I) (1) Where more than one candidate is nominated for election for an office the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:
- (a) the date of expiration of the term of office of the holder of the office;
 - (b) the time required to send and return ballot papers by post; and
 - (c) the time required to complete the election.
- (2) As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue by posting by prepaid post, to each person:
- (a) whose name is on the roll of voters referred to in sub-paragraph (G)(2);
 - (b) whose name is, under sub-paragraph (G)(3) added to the roll; and
 - (c) whose name has not, before the issue of the ballot paper, been deleted from the roll under sub-paragraph (G)(4), at the address shown on the roll, a ballot paper in a sealed envelope.
- (3) Where in respect of an election the Returning Officer has issued a ballot paper to a person whose name is, after the issue of a ballot paper, deleted from the roll of voters the person shall be deemed to be entitled to vote in the election.
- (4) The envelope referred to in sub-paragraph (2) of this paragraph shall bear an instruction that, if it is not delivered to the addressee, it should be returned to a specified private box at a post office other than the private box referred to in paragraph (H)
- (5) Access to the private box referred to in sub-paragraph (4) shall be under the exclusive control of:

- (a) persons authorised by the Australian Postal Corporation for the purpose;
 - (b) the Returning Officer; and
 - (c) persons authorised in writing by the Returning Officer for the purpose.
- (6) The envelope referred to in sub-paragraph (2) shall contain:
- (a) a ballot paper showing the time and date of the close of the ballot, being a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
 - (b) an envelope addressed to the private box referred in paragraph 14(H) being an envelope that may be posted without expense to the voter;
 - (c) written instructions to the voter how to mark the ballot paper in order to record a formal vote in accordance with these Rules;
 - (d) any other document required for the conduct of the election.
- (7) The names of candidates for election for an office shall appear on the ballot paper for that election in the alphabetical order of the surnames of the candidates or, in relation to candidates whose surnames are identical, in the alphabetical order of their christian or given names.
- (8) The Returning Officer shall include on the ballot paper instructions to the voter that are substantially in accordance with the following form:
- (a) do not put on the ballot paper any mark or writing by which you can be identified;
 - (b) fold the ballot paper in a manner that conceals the way in which it is marked;
 - (c) place the ballot paper in the envelope that is supplied and that is addressed to the Returning Officer;
 - (d) seal the envelope and post it to reach the Returning Officer before the time of the close of the ballot. Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.
- (9) An application by a person for a duplicate ballot paper, or return envelope, for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by an evidence that is available of that non-receipt, loss, destruction or damage.
- 14(J) (1) The Returning Officer may, at any time before the close of the ballot for an election for an office and shall, as soon as practicable after the time of the close of the ballot:
- (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (H) received before the time of the close of the ballot;
 - (b) seal each of the containers;

- (c) endorse on each of the containers:
 - (i) the name of the District Branch and the title of the office;
 - (ii) the words "Ballot papers received from voters after the closing date;
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing; and
 - (d) keep each of the containers in safe custody until the containers are opened in accordance with paragraph (L).
- (2) The Returning Officer shall;
- (a) place unopened into a container or containers envelopes addressed to the private box referred to in paragraph (h) received after the time of the close of the ballot for an election for an office within the District Branch;
 - (b) seal each of the containers;
 - (c) endorse on each of the containers:
 - (i) the name of the District Branch and the title of the office;
 - (ii) the words "Ballot papers received from voters after the closing date;
 - (iii) the Returning Officer's signature;
 - (iv) the date of signing; and
 - (d) subject to Section 217 of the Industrial Relations Act, 1988 keep each of the containers in safe custody.
- 14(K) The Returning Officer shall, as soon as practicable after the time of the close of the ballot, open the sealed containers referred to in sub-paragraph (J)(1), withdraw the ballot paper from each envelope and without looking at the manner in which the ballot is marked, place each ballot paper in a ballot box, provided for the purpose for scrutiny in accordance with paragraph (I).
- 14(L) (1) The Returning Officer shall open the ballot box in which the ballot papers have been placed, withdraw each ballot paper and after rejecting informal ballot papers:
- (a) count the number of votes to ascertain which candidate is successful in the election to the relevant office;
 - (b) place into a container or containers the ballot papers admitted as formal, seal each of the containers and endorse on each of the containers:
 - (i) the name of the District Branch and the title of the office;
 - (ii) the words "Ballot papers admitted as formal";
 - (iii) the Returning Officer's signature; and

- (iv) the date of signing.
 - (c) place into a container or containers the ballot papers rejected as informal seal each of the containers and endorse on each of the containers;
 - (i) the name of the District Branch and the title of the office;
 - (ii) the words "Ballot papers rejected as informal";
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing; and
 - (d) subject to Section 217 of the Industrial Relations Act, 1988 keep each of the containers in safe custody.
 - (2) The Returning Officer shall reject as informal a ballot paper that;
 - (a) does not bear the initials of the Returning Officer or the facsimile of those initials that is referred to in paragraph (I)(6)(a);
 - (b) has upon it a mark or writing by which the voter can be identified; or
 - (c) is not marked substantially in accordance with the instructions referred to in paragraph (I)(6).
 - (3) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under paragraph (N) that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse the decision on the ballot paper.
- 14(M) (1) Each candidate nominated for election may, in writing, appoint a scrutineer in respect of that election, being a person other than a candidate, and may in writing, appoint another such person to carry out the functions of the scrutineer where the first mentioned person does not carry out those functions.
- (2) Subject to sub-paragraph (3), a scrutineer appointed under this regulation may:
 - (a) be present while the Returning Officer carries out the functions under paragraphs (K),(L) or (M); and
 - (b) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
 - (3) Where a scrutineer appointed under this sub-rule:
 - (a) interrupts the scrutiny otherwise than in accordance with sub-paragraph (2)(b); or
 - (b) fails to carry out a lawful request by the Returning Officer;

15 - TRANSITIONAL ARRANGEMENTS

the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

- (4) A scrutineer appointed under this paragraph shall comply with a direction by the Returning Officer under sub-paragraph (3).
- 14(N)
- (1) As soon as is practicable the Returning officer shall declare the result of an election by giving notice in writing to the District Branch in relation to which such election applies of the result.
 - (2) When declaring the result in respect of the election the Returning Officer shall also declare in respect of the election:
 - (a) the number of ballot papers issued (other than duplicate ballot papers);
 - (b) the number of duplicate ballot papers issued;
 - (c) the number of ballot papers admitted as formal;
 - (d) the number of ballot papers rejected as informal.

15 - TRANSITIONAL ARRANGEMENTS

Notwithstanding anything to the contrary in these Rules, the following arrangements shall apply during the Transitional Period:

- (a) The "Transitional Period" means the period commencing on the date of registration of these Rules until the commencement of the term of office of officers elected in the first election under these Rules after the Inaugural Election.
- (b) The "Inaugural Election" means the first election to be held after registration of these Rules.
- (c) The composition of the District Executive shall be varied as follows:
 - (i) the positions and duties of District President and District Secretary shall be combined into one position called District President/Secretary elected by and from the District membership;
 - (ii) there shall be a District Vice President (Mining) elected by and from those members in the mining sector; and
 - (iii) there shall be a District Vice President (Energy) elected by and from those members in the power station and briquette factory sectors.
- (d) All members transferring from the FEDFA Victorian Divisional Branch to the Victorian District of the Mining and Energy Division shall be exempt from any entrance fee and shall have their date of admission recorded as their joining date shown in the records of the FEDFA Victorian Divisional Branch.

END OF RULES