

IN THE FAIR WORK COMMISSION

Fair Work Act 2009 (cl.95, Schedule 1)

Matter Number: AM2024/6

Matter: Variation of modern awards to include a delegates' rights term

Submissions of the Mining and Energy Union

Introduction

1. The MEU makes these submissions pursuant to the Statement and Directions of the Full Bench of 23 December 2025 and in response to the proposed term (**Proposed Term**) annexed to the Full Bench's Statement as Attachment C.
2. The MEU has reviewed the submissions of the Australian Council of Trade Unions (ACTU). By way of emphasis, these submissions focus on the issue raised by ACTU at [25]-[30] of its submissions, viz. that the Proposed Term does not adequately '*make available*' the rights afforded by s 350C of the *Fair Work Act 2009* (Cth) (**FW Act**) in relation to an employer who is not the employer of a workplace delegate but who employs workers that a workplace delegate is entitled to represent.¹ The MEU otherwise adopts and endorses the submissions of the ACTU.
3. The MEU respectfully submits that this issue must be resolved to ensure that the Proposed Term '*provides for*' the exercise of the rights of workplace delegates and constitutes a '*delegates' rights term*' within the meaning of the FW Act and as interpreted by the Full Federal Court in *CFMEU v Australian Industry Group; MEU v Australian Industry Group* [2025] FCAFC 187 (*CFMEU v AIG*).

The Proposed Term does not '*make available*' the rights contained in s.350C in relation to an employee of an employer who is not the employer of a workplace delegate

Relevant aspects of the Full Court's reasoning in CFMEU v AIG

¹ See *CFMEU v AIG* [2025] FCAFC 187, [16], [72], [109].

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4. In *CFMEU v AIG* at [13]-[16], the Full Court described the meaning of a delegates' rights term and the Commission's statutory function in making such award terms (emphasis added):

[13] The Commission's task as described by cl 95(2) of Sch 1 to the Act was to "make a determination varying the modern award to include a delegates' rights term". A delegates' rights term is defined by s 12 of the Act as "a term in a fair work instrument that provides for the exercise of the rights of workplace delegates". The note to that definition provides, "the rights of workplace delegates are set out in s 350C, and a delegates' rights term must provide at least for the exercise of those rights". **We accept, as the applicants contend, that the ordinary meaning of "provide for" is to "furnish or supply" or "to make arrangements for supplying" or to "make available, to yield, afford": see Macquarie Dictionary (online) definitions 1 and 6; Oxford English Dictionary (online) definition II.6.**

[14] **The delegates' rights term is a term that furnishes, supplies or makes available the rights set out in s 350C. Such a term is necessary, and may be bespoke, because s 350C does not deal with all of the practical and procedural matters that may be relevant to the exercise of those rights. Accordingly, the Commission's task was to make a determination varying an award to include a term that furnished, supplied or made available the rights provided for by s 350C.**

[...]

[16] That approach to the Commission's task is also consistent with the scheme of the Act whereby ss 149E, 205A and 273(6) provide respectively for a modern award, enterprise agreement and workplace determination to include a delegates' rights term for workplace delegates covered by those instruments. Each instrument will furnish, supply or make available the rights in a manner appropriate for that instrument. **By make available, we mean make the rights available to the delegate to exercise and the imposition of corresponding obligations, as the result of the inclusion of the term in the awards.**

5. The above passage establishes the following:
- a. For a term to be a '*delegates' rights term*' within the meaning of s 12 of the FW Act, it must at least '*provide for*' the rights in s 350C of the FW Act.
 - b. To '*provide for*' is to '*make available*'.
 - c. To '*make available*' is to furnish rights upon workplace delegates and to, where necessary, impose corresponding obligations on employers to facilitate the exercise of those rights.

d. The FW Act does not deal with all practical matters that may be relevant to the exercise of the rights in 350C, and when inserting delegates' rights terms into the modern awards, the Commission is to address these limitations.

6. At [109], the Full Court concluded that (emphasis added):

[...] **delegates' rights terms must proceed on the basis that the workplace delegate is entitled to represent the industrial interests of all members of the organisation, and persons eligible to be members, who work in the enterprise** or regulated business in which the delegate works, regardless of whether they are employees of the delegate's employer.

7. Thus, the *delegates' rights term*, which is inserted into the awards, must;

- a. Entitle a workplace delegate to represent the industrial interests of all members of the workplace delegate's organisation who work in the enterprise.
- b. Furnish rights upon workplace delegates and, where necessary, impose corresponding obligations on employers to facilitate the exercise of those rights.

Implications of the Court's reasoning for the Proposed Term

8. The Proposed Term contains a right for workplace delegates to represent workers who work in the enterprise or regulated business in which the delegate works. However, it does not impose a corresponding obligation on employers to facilitate their employees being represented by a workplace delegate.

9. Given the Full Court's reasoning at [13]-[16] of *CFMEU v AIG*, to 'provide for' at least the rights contained in s 350C, the Commission ought to impose obligations on employers to facilitate their employees being represented by a workplace delegate.

10. Such an obligation needs only extend to employers other than the employer of the workplace delegate, because the obligation in s 350A of the FW Act not to hinder, obstruct or prevent a workplace delegate from exercising a right under a delegates' rights term operates against the employer of the workplace delegate. Consequently, although a workplace delegate may represent an employee of a

different employer within the same enterprise, the Proposed Term (when read with the FW Act) does not oblige that other employer to permit the workplace delegate to exercise their representational rights in relation to that employee.

11. In the MEU's respectful submission, a purported delegates' rights term which fails to oblige an employer of employees other than the workplace delegate to allow a workplace delegate to exercise their representational rights in relation to that employee does not '*provide for*' the rights in s 350C(2) of the FW Act.
12. In light of the above, the MEU seeks the inclusion of an additional sub-clause into the Proposed Term to the following effect:

XX.11 Workplace Delegates

- a. This subclause applies to an employer who is not the employer of a workplace delegate in circumstances where that workplace delegate seeks to exercise rights in relation to the industrial interests of eligible workers.
- b. The workplace delegate is entitled to exercise the rights provided in section 350C of the Act.
- c. An employer must not:
 - i. unreasonably fail or refuse to deal with a workplace delegate; or
 - ii. knowingly or recklessly make a false or misleading representation to a workplace delegate; or
 - iii. unreasonably hinder, obstruct or prevent the exercise of the rights of a workplace delegate under clause XX.

An illustrative example

13. The circumstances to which the right to represent in s 350C(2) of the FW Act is directed are demonstrated in Mr Brodie Bruncker's evidence and are conveniently illustrated by reference to the Broadmeadow mine in Queensland's Bowen Basin:
 - a) The workforce at the Broadmeadow mine comprises workers engaged predominantly by five entities, namely BM Coal Alliance Pty Ltd, Broadmeadow Mining Services Pty Ltd, Lunar Mining Services Pty Ltd,

ADS Mining Services and Minova Global (together, the **Broadmeadow Employers**).²

b) The members of the Broadmeadow Lodge Committee are engaged by the mine operator, Broadmeadow Mining Services Pty Ltd.³ However, the Broadmeadow Lodge has members employed by each of the Broadmeadow Employers.⁴ The Lodge Committee are, in accordance with the MEU's rules, delegates for all members of the Lodge.⁵

c) Absent enforceable rights of representation and corresponding obligations on employers to recognise that representation, a delegate's ability to represent a worker depends entirely upon the discretion of that worker's employer.⁶

14. Parliament, recognising the contemporary reality of multi-employer enterprises such as Broadmeadow mine, conferred upon workplace delegates (in this case, the Lodge Committee) the right to represent any worker at the enterprise (Broadmeadow mine), irrespective of their employer. Parliament directed the Commission to '*provide for*' that right by inserting a delegates' rights term into modern awards (including the Black Coal Mining Industry Award 2020). When read in conjunction with the FW Act, this term ought to oblige all employers not to unreasonably hinder a delegate in representing members of their organisation. To not do so would not '*make available*' the delegate's right to represent employees of an employer, other than those employed by the same employer as the workplace delegate. Rather, the ability to represent such an employee would only be available when the employer allows it to occur.

Conclusion

15. The MEU is grateful for the opportunity to make submissions in relation to these matters and respectfully seeks leave of the Commission to participate in any further proceedings or processes that the Commission considers appropriate.

² The Witness Statement of Mr Brodie Bruncker (**Brunker Statement**), [22].

³ *ibid*, [24].

⁴ *ibid*, [23].

⁵ *ibid*, [12].

⁶ *ibid*, [14]-[17].

Mining and Energy Union
16 January 2026

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Witness Statement of Brodie Bruncker

On 15 January 2026, I, Brodie Bruncker, Trade Union Official, c/- Mining and Energy Union, 33 Milton Street, Mackay in the State of Queensland, say:

Introduction

1. In May 2024, I was elected as Vice-President of the Queensland District of the Mining and Energy Union (MEU). I have performed this role since 1 July 2024.
2. Immediately before I was elected District Vice-President, I was employed by Broadmeadow Mine Services Pty Ltd at the Broadmeadow Mine for a period of approximately 12 years. I worked as a mining contractor and permanent employee before obtaining my position with Broadmeadow Mine Services Pty Ltd.
3. Before commencing at Broadmeadow, I worked at various other underground mines in Queensland, including North Goonyella, Newlands, Carborough Downs and Moranbah North mines.
4. While working at Broadmeadow, I was a member of the MEU and served on the Lodge Committee of the Broadmeadow Mine Lodge. At various times, I held the Lodge President, Lodge Assistant Secretary and Lodge Treasurer positions. Below, I explain what Lodges and Lodge Committees are in the context of the MEU.
5. In my role as Queensland District Vice President, I am the MEU officer who has principal responsibility for advising and assisting the Coppabella and Hail Creek Lodges and their members. I regularly meet and converse with the Coppabella and Hail Creek Lodge Committees and the site management.
6. In my role as Queensland District Vice President, I maintain regular contact with the Broadmeadow Lodge. When the MEU officer who has principal responsibility for assisting the Broadmeadow Lodge is unable to assist them, I provide supplementary support and assistance.

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7. Unless I have otherwise identified, I make this statement based on my own knowledge, information, and belief.

Mining and Energy Union Queensland District Lodges and Delegates

8. The Queensland District's Lodge structure is set out in the Queensland District Branch rules (**Rules**), which are included in the Mining and Energy Union's registered rules. A copy of clause 12 of the Queensland District Branch rules as of 23 October 2025 is attached and marked **BB-1**.
9. As outlined by clause 12(i)(a) of the Rules, the Queensland District Branch Executive is to take necessary steps to establish Lodges at all mines, ports, power stations, sites or other enterprises in Queensland.
10. As outlined by clause 12(i)(b) of the Rules, Lodges are local groupings of members, established to enable members to participate effectively in the Union's affairs and to give collective expression to the interests, concerns and views of the members who make up the Lodge.
11. As outlined by clause 12(ii) of the Rules, Lodges are governed by the Lodge Committee. The Lodge Committee consist of at a minimum the Lodge President, Lodge Secretary and such number of Committee members as determined by the Lodge. Lodge Committee members are elected in accordance with District or Lodge Policy for a term not exceeding four years.
12. As outlined by clause 12(v) of the Rules, each Lodge Committee member is a Delegate with respect to members of the Lodge.
13. As outlined by clause 12(viii) of the Rules, Lodges are encouraged to enrol and develop ways to represent employees of contractors permanently based at the mine, port, power station, site, or other enterprise covered by the Lodge.

My experience representing workers while on the Lodge Committee

14. As stated above, before commencing as a full-time MEU official, I was a member of the Broadmeadow Lodge Committee, at which time I was a delegate for members of the Broadmeadow Lodge.
15. While a member of the Broadmeadow Lodge Committee, I would regularly be called on to support and/or represent workers, who were employed by either Broadmeadow Mine Services Pty Ltd or a contractor, during disciplinary meetings.

16. Generally, at the start of the meeting, the company representative would inform me that I was at the meeting as a support person and that I was not to speak during the meeting. From time to time during meetings, I would speak on behalf of the member. The employer's response to my advocacy was inconsistent; at times, they would allow me to speak, while other times they would insist that I remain silent.
17. Based on my experience as a delegate (outlined above), I expect that unless employers are compelled to allow a delegate to represent their employees, employers will respond inconsistently; sometimes delegates will be permitted to represent the employees, but not every time.

Contractor employees and Lodges

18. In my experience, it is common for a mine's Lodge Committee to exclusively consist of members engaged by the mine operator. This is the case even where there is a significant number of Lodge members employed by contractors.
19. From time to time, members employed by contractors will take on a Lodge role. However, this is uncommon because there is a perception that members who are engaged by contractors have less secure employment and thus, they are less inclined to take on a position that has the potential to put them at odds with their employer or the host site.
20. Three out of the five Lodges I have been heavily involved in, while being a Lodge Committee member or District Vice President, have members employed by contractors in the Lodge but not on the Lodge Committee. These lodges are:
 - a. Broadmeadow Lodge
 - b. Coppabella Lodge
 - c. Hail Creek Lodge

Broadmeadow mine and Lodge

21. Broadmeadow is an underground metallurgical coal mine located in Queensland's Bowen Basin. Broadmeadow is operated by a joint venture between the BHP and Mitsubishi corporate groups. The joint venture is referred to as the BHP Mitsubishi Alliance or BMA. Broadmeadow opened in 2005, and the Broadmeadow Lodge was established shortly thereafter.
22. The workforce at Broadmeadow is comprised of workers engaged by;
 - a. BM Coal Alliance Pty Ltd;
 - b. Broadmeadow Mining Services Pty Ltd;

- c. Lunar Mining Services Pty Ltd;
- d. ADS Mining Services;
- e. Undamine Industries;
- f. Move Industries;
- g. C-Res;
- h. HBT Mining Technology;
- i. Akkurat Pty Ltd
- j. PIMS Group;
- k. Minova Global; and
- l. Various other contractors.

23. The Broadmeadow Lodge has members engaged by;

- a. BM Coal Alliance Pty Ltd;
- b. Broadmeadow Mining Services Pty Ltd;
- c. Lunar Mining Services Pty Ltd;
- d. ADS Mining Services;
- e. Undamine Industries;
- f. Move Industries;
- g. C-Res;
- h. HBT Mining Technology;
- i. Akkurat Pty Ltd;
- j. PIMS Group; and
- k. Minova Global.

24. While there are workers in the Broadmeadow Lodge who are employed by contractors, typically, the Broadmeadow Lodge Committee are engaged by Broadmeadow Mining Services Pty Ltd.

Hail Creek mine and Lodge

25. Hail Creek mine is an open-cut metallurgical coal mine located in Queensland's Bowen Basin. Hail Creek mine is operated by Glencore. Hail Creek opened in 1982, and the Hail Creek Lodge was established in the same year.

26. The workforce at Hail Creek mine is comprised of workers engaged by;

- a. Hail Creek Coal Pty Ltd;
- b. Komatsu;
- c. Salmon Earthmoving;
- d. GPS ProTech;
- e. Dyno Noble;
- f. WorkPac; and

g. Various other contractors.

27. The Hail Creek Lodge has members engaged by;

- a. Hail Creek Coal Pty Ltd;
- b. Komatsu;
- c. Salmon earthmoving;
- d. GPS ProTech;
- e. Dyno Noble; and
- f. WorkPac.

28. While there are workers in the Hail Creek Lodge who are employed by contractors, typically, the Hail Creek Lodge Committee are engaged by Hail Creek Coal Pty Ltd.

Coppabella mine and Lodge

29. Coppabella mine is an open-cut pulverised coal injection coal mine located in Queensland's Bowen Basin. Coppabella mine is operated by Peabody. Coppabella opened in 1998, and the Coppabella Lodge was established in the same year.

30. The workforce at Coppabella mine is comprised of workers engaged by;

- a. WorkPac;
- b. OneKey Resources;
- c. Peabody; and
- d. Various other contractors.

31. The Coppabella Lodge has members engaged by;

- a. WorkPac;
- b. OneKey Resources; and
- c. Peabody.

32. While there are workers in the Coppabella Lodge who are employed by contractors, typically, the Coppabella Lodge Committee are engaged by Peabody.



Brodie Bruncker
15 January 2026

12 – LODGES

The registered office of the District Branch shall be the 2nd Floor, 61 Bowen Street, Spring Hill, or such other place as may be decided upon by the Board of Management from time to time.

(x) Access to Accounts and Records

Each member of the District Branch or person having an interest in the funds, shall, at all reasonable times, have access to the accounts and records both of the Lodge of which he is a member and of the District Branch.

(xi) Travelling fares, wages and other expenses as prescribed from time to time shall be allowed to representatives to any other conference convened by the District Branch, Central Council and any other meeting or conference approved by the District Branch Executive or Board of Management and shall be defrayed by the Board of Management.

12 – LODGES

(i) Formation of Lodges

(a) The District Branch Executive shall take whatever steps are necessary to establish Lodges of the District Branch at all mines, ports, power stations, sites, or other enterprises in Queensland.

(b) A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.

(c) Where there is no Lodge at a mine, port, power station, site, or other enterprise, or a new mine, port, power station, site, or other enterprise has been commenced and the District Branch Executive, in consultation with the relevant members of the workplace, is of the opinion that a Lodge should be formed, the District Branch Executive shall announce, in whatever way is best suited to the circumstances of the mine, port, power station, site, or other enterprise, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting in accordance with District Policy.

(d) The foundation meeting shall be chaired by a member of the District Branch Executive, by a member of the Board of Management or by a member of Central Council.

(e) The foundation meeting shall be conducted according to the Standing Orders and Code of Conduct of the District Branch.

(f) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Management of Lodges

(a) Each Lodge shall be managed by a Committee consisting of, as a minimum, the Lodge President and Lodge Secretary. Lodges shall agree by a majority vote of Lodge members who voted to increase the number of members of the Lodge on the Committee if it is to be determined appropriate to the circumstances of the Lodge.

(b) The Lodge President and Lodge Secretary positions shall be elected annually by means of an election conducted by the Lodge Returning Officer, in accordance with Lodge or District Branch policies, provided that a longer term of office may be agreed by a majority vote of Lodge members. However, the term of office of Lodge Committee members shall not exceed four years. Any additional positions determined by the Lodge, as above, shall be elected in accordance with Lodge policies.

- (c) The Lodge may appoint an elected Site Health and Safety representative as a member of the Lodge Committee.
- (d) The Lodge Secretary must notify the District Secretary of the outcome of the Lodge election or appointment as soon as practicable.
- (e) The Lodge President shall preside at all meetings, except where she/he is unavailable due to a genuine absence and have both a deliberative and a casting vote.
- (f) The majority of members of the Committee, including either the Lodge President or Lodge Secretary shall form a quorum.
- (g) All Lodge meetings shall be conducted according to the Standing Orders and Code of Conduct Policy of the District Branch.
- (h) Each Lodge shall have power to make by-laws and policies for its own guidance and control of its members. Such by-laws and policies shall not be in contravention of the Rules of the Union or the District Branch and policies of the Union or the District Branch and shall not become operative until submitted to and approved by the District Branch Executive.
- (i) Notwithstanding sub-rules (a) and (b) above, where a Lodge has not filled either the office of Lodge President or Lodge Secretary because no nominations were received for the office, a Lodge may have a Committee of either a Lodge President or Lodge Secretary. In such circumstances either the Lodge President or Lodge Secretary may perform the role of both offices. Where there is a Lodge Committee of only one person, any request for funds from the District Branch by the Lodge President or Lodge Secretary must be endorsed by another member of the Lodge.
- (j) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules, she / he may be fine, suspended or expelled by the Board of Management.

(iii) Powers and Duties of Lodge President

Subject to the above, the Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interests of the membership.

(iv) Powers and Duties of Lodge Secretary

The Lodge Secretary shall, in conjunction with the Lodge President ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge Secretary shall be responsible for keeping the records of the Lodge including resolutions of Lodge meetings and a register of agreements made with the employer at the workplace.

(v) Powers and Duties of Lodge Committees

The Lodge Committee shall do whatever may be necessary to ensure that the health, lives and interests of their fellow workers are to the utmost protected.

Each member of the Lodge Committee shall, amongst his or her duties with respect to the Lodge, be a Delegate for members of the Lodge.

The Lodge Committee shall have power to strike a special levy to pay for Lodge expenses legitimately incurred in the conduct of Lodge business. Such special levy shall not be collected unless endorsed by a majority of members of the Lodge attending and voting at a meeting of the Lodge. The Committee of any Lodge, with the concurrence of such Lodge, may request that the

Board of Management fine any member whose conduct has been or is inconsistent with the Rules of the Union or decisions of the Lodge reached by majority vote.

(vi) Financial

- (a) Subscriptions, fines, fees, dues and levies owed by Lodge members shall be paid to the District Secretary or to the person authorised by the District Secretary to receive such funds.
- (b) All accounts and property of the Lodge shall be held by the District Branch.
- (c) Loans, grants and donations of any amount exceeding \$1,000 must not be made by the District Secretary, from monies held on account of the Lodge, unless endorsed by a majority of members of the Lodge who cast a vote and who are satisfied that:
 - (A) the making of the loan, grant or donation is in accordance with the Rules of the District Branch; and
 - (B) 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.
- (d) Notwithstanding sub-rule (c) above, the District Secretary may, from monies held on account of the Lodge, make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Lodge if the loan, grant or donation:
 - (A) was first approved by the Lodge Committee;
 - (B) is for the purpose of relieving the member or any of the member's dependents from severe financial hardship; and
 - (C) is subject to a condition to the effect that, if a majority of Lodge's members, who cast a vote, do not approve the loan, grant or donation, it must be repaid as determined by the Lodge members.

(vii) Strikes

- (a) No Lodge of this District Branch shall begin a strike before the Lodge's grievance has been considered by the Board of Management or the District Branch Executive.
- (b) In every case, before a strike is begun the District Branch Executive, in consultation with the Board of Management, shall offer to the employer or employees the option of settling the dispute by conciliatory means. If no settlement is reached by conciliation, the District Branch Executive in consultation with the Board of Management shall have free power to take whatever steps are necessary having regard to the Rules of the Union and the District Branch and the Commonwealth and State industrial laws.
- (c) No Lodge of the District Branch shall begin a strike unless a majority of Lodge members attending the voting at a meeting called to consider the question shall vote in favour of the strike.
- (d) The conduct of negotiations in any dispute shall be under the direction of the District Branch Executive and the Board of Management.
- (e) In the case of a strike conducted in accordance with these Rules, or a lockout by the employers, the District Branch Executive in consultation with the Board of Management shall have power to levy members of Lodges for support of the members on strike or locked out. Such levies shall not be collected unless endorsed by an aggregate District majority of

members of the District Branch attending and voting at meetings called to consider the question.

(viii) Employees of Contractors and Contractor Lodges

- (a) Existing Lodges are encouraged to enrol and develop ways to represent employees of contractors permanently based at the mine, port, power station, site, or other enterprise covered by the Lodge. However, the decision to enrol or not enrol employees of contractors remains a prerogative of the Lodge. Lodges may enrol and develop ways to represent employees of contractors subject to any reasonable qualifications the Lodge may decide. For example, the enrolment and representation of employees of contractors may be based on the preclusion of employees of contractors from voting on matters directly affecting only the employees of the mine operator and vice versa. The Board of Management or the District Branch Executive has the power to over-rule any Lodge policy that imposes an unfair or unreasonable restriction on the rights of Lodge members who are employees of contractors.
- (b) Subject to the approval of the District Branch Executive, or the Board of Management, employees of contractors may form Lodges specific to their contractor employer. Such a Lodge may be confined to a specific workplace or geographic location of an enterprise; or alternatively may cover more than one workplace of an enterprise at which the contractor operates. In deciding whether to approve or not approve the formation of such a Lodge, the District Branch Executive or Board of Management shall be guided by the objective of facilitating the greatest level of involvement of employees of contractors in the activities of the Union.

(ix) Closure or Merger of a Lodge

- (a) When a Lodge drops below the required number of members to form a Lodge Committee in accordance with the Rules, they shall automatically be attached to the District Branch.
- (b) In the event of a total closure of a Lodge all assets will become the property of the District Branch and will be placed in the Legal and Assistance fund once all liabilities of the Lodge have been extinguished. Similarly, if a Lodge proposes to merge with another Lodge due to the amalgamation of workplaces or for other good reason, the District Branch Executive or the Board of Management shall approve such merger, provided it is not against the best interests of members.
- (c) Any decision to merge or dissolve an existing Lodge can only occur after a resolution of the Board of Management approving such merger.

(x) Delegates other than at Lodges

- (a) To achieve or further the Objects of the District Branch and/or the Union, the District Branch Executive shall endeavour to nominate members of the District Branch to be elected as workplace Delegates in accordance with sub rule (b) to represent members at a particular mine, port, power station, site, or other enterprise in the District Branch where the formation of a Lodge has not occurred.
- (b) Election of Delegates
 - (1) Where the District Branch Executive (or a majority of members is of the opinion that a Delegate/s should be elected to represent members at the mine, port, power station, site, or other enterprise in the District Branch Executive shall call for nominations of a Delegate/s.
 - (2) The call for nominations shall state that members who are nominated to be a Delegate/s will be elected at a meeting of members at the mine, port, power station, site, or other enterprise in accordance with District Branch Policy.

- (3) The term of a Delegate shall not exceed two years.
 - (4) Whoever conducts the election must notify the District Secretary of the outcome of the election as soon as practicable.
- (c) Appointment of Delegate/s
- (1) When a member of the District Branch Executive is of the opinion that a Delegate/s should be appointed to represent members at the mine, port, power station, site, or other enterprise where it is not viable to form a Lodge at this time, the District Branch Executive shall have the power to appoint any member/s at the mine, port, power station, site, or other enterprise as a Delegate.
 - (2) The term of an appointed Delegate shall not exceed two years.
 - (3) Whoever appoints the Delegate/s must notify the District Secretary as soon as practicable.
 - (4) A Delegate appointed under this sub-rule may be removed from their position at the discretion of the District Branch Executive.
- (d) Delegates Duties other than at Lodges
- Delegates at a particular mine, port, power station, site, or other enterprise shall:
- (1) Represent members or workers eligible to be members of the Union;
 - (2) Work with other Delegates, the District Branch Executive, and the employees of the Union;
 - (3) Ensure that the Rules of the Union, and the District Branch are carried out;
 - (4) Generally act in the interests of the membership in accordance with the Rules of the Union and Policies of the Union as amended from time to time; and
 - (5) Subject to Union Rule 22, if any Delegate or member fails to comply with these Rules, he/she may be fined, suspended or expelled by the Board of Management.

13 – ALTERATIONS TO RULES

- (i) Proposed new District Rules may be made and any of the Rules of the District Branch may be altered, amended, added to or rescinded upon an examination and a report being received from the District Secretary.
- (ii) The report of the District Secretary shall be discussed by the Board of Management and the proposed rules change submitted for approval by a majority of the members present and voting at that meeting of the Board of Management and then submitted for the approval of the membership in the same manner as other Board Resolutions.

14 – DISSOLUTION OF THE DISTRICT BRANCH

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

15 – MORTUARY BENEFIT FUND

- (i) There shall be a fund established by the District Branch known as the Mortuary Benefit Fund.