

NOTICE

CICS 7 of 2023

NOTICE is given of application CICS 7 of 2023 by The State School Teachers' Union of W.A. (Incorporated) to the Commission in Court Session of the Western Australian Industrial Relations Commission for an alteration to the Heading, Rule 1 – Name, Rule 3A – Definitions, Rule 4 – Membership, Rule 12 – Dispute Resolution Committee, Rule 20A – Control of Funds and Rule 31 – Elections: General Provisions of its registered rules (**the Rules**).

The proposed alterations are detailed below. Proposed alterations are shown as ~~strikethrough~~ for deletions and underlining for additions.

Existing Heading

RULES OF THE STATE SCHOOL TEACHERS' UNION OF W.A. (INCORPORATED)

Proposed Heading

RULES OF THE STATE SCHOOL TEACHERS' UNION OF W.A. (~~INCORPORATED~~)

Existing Rule 1

1 – NAME

The Union shall be called “The State School Teachers' Union of W.A. (Incorporated)”.

Proposed Rule 1

1 – NAME

The Union shall be called “The State ~~School~~ Teachers' Union of W.A. (~~Incorporated~~)”.

Existing Rule 3A

3A – DEFINITIONS

In these rules, unless the contrary intention appears:

“**AEU**” means the Australian Education Union.

“**Agent**” in the context of elections conducted pursuant to these rules, means the member of a group or team who is appointed by the group or team members to act on their behalf.

“**Electoral Commissioner**” means the Electoral Commissioner of the Western Australian Electoral Commission.

“**executive committee**” means the committee of management of the union.

“**executive member**” means a member of the union’s committee of management.

“**member**” means an eligible, financial member of the union.

“**office**” means

(a) The office of president, senior vice president, vice president, general secretary or executive member;

(b) The office of State Council delegate.

“**officer**” means a person elected to an office within the union.

“publication” means the union journal known as the ‘Western Teacher’ or any other official union publication which may appear from time to time and shall include the official website of the union.

“rules” means the rules of the State School Teachers’ Union of WA (Incorporated).

“senior officer” means the President, Senior Vice-President, Vice-President and General Secretary of the union.

“union” means the State School Teachers’ Union of WA (Incorporated).

“AEU WA Branch” means the Western Australian branch of the Australian Education Union.

Proposed Rule 3A

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“AEU” means the Australian Education Union.

“Agent” in the context of elections conducted pursuant to these rules, means the member of a group or team who is appointed by the group or team members to act on their behalf.

“Electoral Commissioner” means the Electoral Commissioner of the Western Australian Electoral Commission.

“executive committee” means the committee of management of the union.

“executive member” means a member of the union’s committee of management.

“member” means an eligible, financial member of the union.

“office” means

- (a) The office of president, senior vice president, vice president, general secretary or executive member;
- (b) The office of State Council delegate.

“officer” means a person elected to an office within the union.

“publication” means the union journal known as the ‘Western Teacher’ or any other official union publication which may appear from time to time and shall include the official website of the union.

“rules” means the rules of the State School Teachers’ Union of W.A. ~~WA~~ (Incorporated).

“senior officer” means the President, Senior Vice-President, Vice-President and General Secretary of the union.

“union” means the State School Teachers’ Union of W.A. ~~WA~~ (Incorporated).

“AEU WA Branch” means the Western Australian branch of the Australian Education Union.

Existing Rule 4

4 – MEMBERSHIP

The State School Teachers' Union of W.A. (Incorporated) shall consist of an unlimited number of persons employed or usually employed in the following categories:-

(a) **FULL MEMBERS:**

- (i) Teachers employed by or on behalf of the state of Western Australia including teachers employed in pre-school centres in Western Australia provided that such teachers hold or are enrolled for the purpose of obtaining a teaching academic qualification.
 - (ii) Teachers, lecturers or trainers employed by any institution providing technical and further education in Western Australia.
 - (iii) Any person employed by any of the employers or in any of the places referred to in sub-rule (a)(i) or (a)(ii) of this rule who is employed as an education officer, guidance officer, counsellor or demonstrator.
 - (iv) Teachers employed in a temporary capacity by a technical and further education institution.
 - (v) Teachers employed by and in a Community College in Western Australia.
 - (vi) School teachers who are employed on a part-time (fractional) basis in the supervision and/or coordination of student teachers during their periods of practice teaching in schools provided that they are eligible for membership of the Union within one of the preceding paragraphs of this subrule.
 - (vii) Any person elected to an office in the State School Teachers' Union of Western Australia.
 - (viii) Any employee of the SSTUWA (Inc) provided that such persons are not eligible for membership of the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.
 - (ix) Persons who are qualified to be and desire to be employed in any of the categories of persons specified in subrules (i) - (v) of this rule. Notwithstanding the above, any person who is not registered with the relevant employer as available for work, and has not worked as a teacher for at least two years and who no longer has a contract of employment with the relevant employer shall not be eligible for membership under this subrule.
- (b) **HONORARY LIFE MEMBERS:** Any member of the Union who has rendered long and meritorious service to the Union may, upon retirement, be appointed as an Honorary Life Member. For the purpose of such an appointment it shall be necessary that nominations be received and approved by the Executive and published in The Western Teacher or other authorised publication of the Union at least three months prior to the opening of State Council.
- (c) **HONORARY MEMBERS:** Exchange teachers who are members of a teachers' organisation in the State or country from which they have come may be appointed by the Executive as Honorary Members of this Union.
- (d) **SPECIAL CATEGORY MEMBERSHIP:** Persons who are not trained teachers but who because of their special expertise are placed in charge of a class in any area of the educational service may become Special Category Members.

- (e) **RETIRED TEACHER MEMBERS:** Teachers retired from the Department of Education and Training because of age or invalidism may be admitted as Retired Teacher Members at the discretion of the Executive.
- (f) **ASSOCIATE MEMBERS:** The following persons are eligible:-
 - (i) Retired employees of the Union.
 - (ii) Former members, including all categories who are not eligible for any other form of membership.

Proposed Rule 4

4 – MEMBERSHIP

The State School Teachers' Union of W.A. (~~Incorporated~~) shall consist of an unlimited number of persons employed or usually employed in the following categories:-

(a) FULL MEMBERS:

- (i) Teachers employed by or on behalf of the state of Western Australia including teachers employed in pre-school centres in Western Australia provided that such teachers hold or are enrolled for the purpose of obtaining a teaching academic qualification.
- (ii) Teachers, lecturers or trainers employed by any institution providing technical and further education in Western Australia.
- (iii) Any person employed by any of the employers or in any of the places referred to in sub-rule (a)(i) or (a)(ii) of this rule who is employed as an education officer, guidance officer, counsellor or demonstrator.
- (iv) Teachers employed in a temporary capacity by a technical and further education institution.
- (v) Teachers employed by and in a Community College in Western Australia.
- (vi) School teachers who are employed on a part-time (fractional) basis in the supervision and/or coordination of student teachers during their periods of practice teaching in schools provided that they are eligible for membership of the Union within one of the preceding paragraphs of this subrule.
- (vii) Any person elected to an office in the State School Teachers' Union of Western Australia W.A.
- (viii) Any employee of the SSTUWA (~~Inc~~) provided that such persons are not eligible for membership of the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.
- (ix) Persons who are qualified to be and desire to be employed in any of the categories of persons specified in subrules (i) - (v) of this rule. Notwithstanding the above, any person who is not registered with the relevant employer as available for work, and has not worked as a teacher for at least two years and who no longer has a contract of employment with the relevant employer shall not be eligible for membership under this subrule.

- (b) **HONORARY LIFE MEMBERS:** Any member of the Union who has rendered long and meritorious service to the Union may, upon retirement, be appointed as an Honorary Life Member. For the purpose of such an appointment it shall be necessary that nominations be received and approved by the Executive and published in The Western Teacher or other authorised publication of the Union at least three months prior to the opening of State Council.
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 - (iii) Retired employees of the Union.
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Existing Rule 12

12 – DISPUTE RESOLUTION COMMITTEE

- (a) A Dispute Resolution Committee consisting of three members shall be empowered to consider and to make recommendations to the Executive in relation to:
 - (i) charges under Rule 11;
 - (ii) any dispute a member or members may have concerning the application or interpretation of any rule or the registration of any proposed rule of the SSTUWA (Inc):
- (b) Subject to Rule 11, the Executive may confirm, quash or vary a recommendation made to it by the Dispute Resolution Committee.
- (c) The three members shall be selected by lot from a list of twelve financial members.
- (d) The names of twelve financial members shall be determined by ballot at the last meeting of State Council each year.
- (e) Neither a member of Executive nor the General Secretary may sit on the Dispute Resolution Committee.
- (f) Upon notification of a dispute under sub-rule (a)(ii), the Dispute Resolution Committee must convene for the purpose of hearing the dispute not more than 21 days after receipt of the notification, and provide all relevant parties to the dispute at least seven days' notification of the hearing date.

Proposed Rule 12

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 - (i) charges under Rule 11;
 - (ii) any dispute a member or members may have concerning the application or interpretation of any rule or the registration of any proposed rule of the SSTUWA ~~(Inc)~~:
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Existing Rule 20A

20A – CONTROL OF FUNDS

- (a) The Union must open one or more accounts in the name of the State School Teachers' Union of WA (Incorporated) with one or more financial institutions from which all expenditure of the Union is made and into which all funds received by the Union are deposited.
- (b) Subject to any restrictions imposed at a general meeting or at a meeting of the State Council, the Executive may approve expenditure on behalf of the Union.
- (c) The Executive may authorise an Officer or Officers to expend funds on behalf of the Union up to a specified limit without requiring approval from the Executive for each item on which the funds are to be expended.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Union must be signed by:
 - (i) Two members of the Executive; or
 - (ii) One member of the Executive and a person authorised by the Executive.
- (e) All funds of the Union must be deposited in to the Union's account within 5 working days after their receipt.

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- (f) All funds of the Union must be deposited in to the Union's account within 5 working days after their receipt.

Existing Rule 31

31 – ELECTIONS: GENERAL PROVISIONS

- (a) Elections for Senior Officers and Executive Committee members shall be conducted by the Western Australian Electoral Commission under the direction of a Returning Officer appointed under the provisions of the Electoral Act 1907.
- (b) Elections for branch officers, branch delegates to District Council, delegates to State Council, and Union committees elected at State Council shall be conducted by the SSTUWA Returning Officer in accordance with the provisions of Rule 32 – SSTUWA Returning Officer and Assistant Returning Officer, Rule 33 – Elections: Branch Officers, District and State Councils, Union Committees, and Rule 34 – Elections for Senior Officers and Executive Members (g) – (k), and (m) – (w).
- (c) Only members of the union who are financial at the date on which nominations close, and have been continuously financial for two years immediately preceding that date, shall be eligible to stand for election as a Senior Officer or Executive Member. For the purposes of this rule, any member who has been a financial member of a teaching union in another state and has transferred such membership to the union within 3 months of commencing employment shall be eligible to stand for election after one year's continuous financial membership immediately preceding the close of nominations.
- (d) The provisions of the Rules of the State School Teachers' Union of WA (Inc) shall apply to the conduct of any election conducted under (a) and (b) of this rule.
- (e) All election material is required to be authorised; such authorisation must include the name and address of any persons authorising election material to be included on all such material.
- (f) In any election, no candidate or member, or employee shall use any logo or letterhead of the Union in electoral material; no senior officer, executive

member or employee of the Union shall use that office or position to endorse electoral material on behalf on any candidate.

- (g) No candidate or member, or employee shall make use of any resources of the Union for the production and/or distribution of electoral material unless
- (1) such use is expressly authorised by this rule; or
 - (2) the opportunity for such use is
 - (i) expressly authorised by the Executive; and
 - (ii) available equally to all candidates in the relevant election; and
 - (iii) notified in writing to all candidates in the relevant election sent to the address appearing on each candidate's nomination form within three working days after the close of nominations.
 - (3) For the purposes of this rule, "resources of the Union" includes, but is not limited to, branch capitation fees, membership databases – including attendance lists collected by the union at member meetings – photocopying or printing facilities, email lists, email facilities, staff time, stationery, and stamps.
 - (4) Should candidates wish to include authorised election material as an advertisement in the "Western Teacher," this shall be charged at normal advertising rates. Such advertising shall be confined to the period of the election i.e. from the calling of nominations until the declaration of the poll.

Proposed Rule 31

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A copy of the Rules of the organisation and the proposed rule alterations may be inspected in the Registry on Level 17, 111 St Georges Terrace, Perth WA.

Any organisation/association registered under the *Industrial Relations Act 1979* (WA), or any person who satisfies the Commission in Court Session that they have a sufficient interest or desires to object to the application may, having given notice of that objection within the time and in the manner prescribed, appear and be heard in objection to the application.

Pursuant to regulation 69(5) of the *Industrial Relations Commission Regulations 2005* (WA) a notice of an objection in the approved form ([Form 1A – Multipurpose Form](#)) must be filed within 21 days of this notice. A [Form 1A – Multipurpose Form](#) is available on the WAIRC website at www.wairc.wa.gov.au under Applications & Forms.

REGISTRAR BASTIAN

9 June 2023