

NOTICE

**CICS 8 of 2025**

NOTICE is given of application CICS 8 of 2025 by The Independent Education Union of Western Australia, Union of Employees to the Commission in Court Session of the Western Australian Industrial Relations Commission for an alteration to the following registered rules:

- Rule 3 – Constitution
- Rule 10 – Elections

The proposed rule alterations are annexed in the following pages of this notice for review.

This matter will be listed for hearing before the Commission in Court Session on a date to be fixed.

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 77A(3) 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](http://www.wairc.wa.gov.au) under Applications & Forms.

S KEMP  
REGISTRAR (DESIGNATE)

5 MAY 2025

## ANNEXURE – PROPOSED ALTERATIONS

The proposed alterations are detailed below:

### Existing Rule 3:

#### 3 - CONSTITUTION

Any person paid at an annual salary rate and employed within the State of Western Australia on the professional administrative or supervisory staff of any primary or secondary school and not being a person employed on the teaching staff of the Education Department under the School Education Act, 1999 or the regulations made under that Act, shall be eligible to join this Union provided that no person shall be a member of the Union who is not an employee within the meaning of the Industrial Relations Act, 1979.

And further provided that no person who is or who is eligible to be a member of the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers, Perth, as registered with the Court of Arbitration at the date of Registration of this Constitution shall be eligible to become a member of this Union.

**It is intended to delete the entirety of the contents of the existing Rule 3 and replace it with proposed new Rule 3 which is set out in underlined text below:**

#### 3 - CONSTITUTION

- (1) The Union shall consist of an unlimited number of persons howsoever described who are employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of:
  - (a) teachers, teacher-librarians and librarians including Principals and others exercising supervisory and/or counselling and/or advisory functions at schools and colleges conducted anywhere in Western Australia by any person, body, corporation, religious institution, or group or combination of persons other than schools and colleges conducted by the Government of a State or Territory or by the Government of the Commonwealth of Australia or conducted by a public body established by a Government of a State or Territory or the Commonwealth;
  - (b) without limiting the generality of the foregoing, any person engaged in any clerical or administrative capacity in any school, secondary college or post-secondary college within the terms of paragraph (a) above and any person acting in any capacity as an assistant, aide or helper to any person described in paragraph (a) herein;
  - (c) any person employed in any clerical capacity or administrative capacity or as an advisor, supervisor or educational officer by any Authority responsible for the conduct or supervision of a non-government school or any group of such schools (excluding, however, all employees of the Government of any State,

Territory or of the Commonwealth, and any Public or Statutory Authority, Board or Commission established by such Governments);

- (d) any persons (other than teachers, teacher-librarians, librarians, Principals and others exercising supervisory, counselling or advisory functions, or assistants, aides or helpers to them) employed to provide, or to assist in providing, educational instruction or employed in any other capacity in non-government schools or educational institutions;
  - (e) teachers employed in or by any non-government social or community organization, or any non-government educational institution or body;
  - (f) any person employed or appointed as an officer or elected as an official of the Union;
  - (g) without limiting the generality of the other Parts of this Rule or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union;
  - (h) all persons employed or principally employed as teachers, instructors, recreational specialists, howsoever called, employed in private correctional institutions, but excluding all persons employed as clerical staff, cleaners, maintenance staff, correctional officers, nurses, senior managerial staff, industrial staff, cooks, chefs and catering staff.
- (2) For the purposes of these Rules "a school" shall include a school for people with a physical or mental disability.
- (3) Provided that notwithstanding anything contained hereinbefore, no person shall be eligible for membership of the Union who is –
- (a) employed in or by any institution being a College of Advanced Education as defined by the Remuneration Tribunals Act 1973 (as amended) and the Tertiary Education Commission Act 1977 (as amended) or any Act replacing either such Act; or who is employed in or by the West Australian College of Performing Arts, other than school teachers who are employed on a part-time (non-fractional) basis in the supervision and/or co-ordination of student teachers during their periods of practice teaching in schools;
  - (b) employed or usually employed in or by any university or university college, other than school teachers who are employed on a part-time (non-fractional) basis in the supervision and/or co-ordination of student teachers during their periods of practice teaching in schools;
  - (c) employed in houses of religious and clerical formation;

- (d) employed in a non-government school or educational institution:-
- (e) throughout Western Australia by any cleaning, catering, security, laundry, gardening, building and/or domestic services contractor engaged to provide such services to any non government school or educational institution;
  - (i) as a cleaner in Western Australia;
  - (ii) in Western Australia as a housekeeper, janitor, caretaker, handyperson, groundsperson, gardener, greenkeeper, security employee, laundry employee, domestic employee or catering employee (including cooks, chefs, kitchen hands and waiters), or canteen assistant;
  - (iii) as a licensed and/or registered plumber;
  - (iv) by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries.
  - (v) a Bursar/Business Manager (however titled) employed in a senior managerial (or executive) position in a non-government school who has managerial responsibilities including the delegated authority to act for the employer from time to time in the recruitment and termination of staff; any managerial, industrial or legal staff (other than in a school) employed by any non-government educational authority, person, body, corporation, religious institution or combination thereof including Diocesan Directors of Education and Directors of Catholic Education Offices in Western Australia, (provided however that this exclusion shall not refer to any Principal of a school, nor any educational consultants, advisors or any educational officers whatsoever);
  - (vi) employed as a teacher, administrator, house parent and/or resident's aide, at a pre-school kindergarten or child-care centre and/or an Aboriginal Education Worker (provided however that this exclusion shall not apply to any teacher or other salaried officer employed at any non-government school) in the State of Western Australia;
  - (vii) a Principal or Deputy Principal (howsoever called), who as a condition of employment has or may from time to time have, the autonomous authority and responsibility to employ and dismiss teachers.

**Existing Rule 10:**

**10 - ELECTIONS**

(1) Election of the Executive

The method of election of members of the Executive shall be, the necessary changes being made, in accordance with the method of electing Branch delegates to Federal Council under Rule 17 of the Federal Rules of the IEUA.

(2) Vacancies in Executive

- (a) In the event of a vacancy in the Executive, the method for filling the vacancy shall be, the necessary changes being made, in accordance with the method of filling casual vacancies under Rule 19 of the Federal Rules of the IEUA.

**It is intended to alter existing Rule 10 by inserting proposed new sub rule 10(3) which is set out in underlined text below:**

**10 - ELECTIONS**

(1) Election of the Executive

The method of election of members of the Executive shall be, the necessary changes being made, in accordance with the method of electing Branch delegates to Federal Council under Rule 17 of the Federal Rules of the IEUA.

(2) Vacancies in Executive

- (a) In the event of a vacancy in the Executive, the method for filling the vacancy shall be, the necessary changes being made, in accordance with the method of filling casual vacancies under Rule 19 of the Federal Rules of the IEUA.

(3) Eligibility for Election

Each office within the Union may, from such time as the Executive may determine, be held by the same person who, in accordance with the rules of the Federal Union's Western Australian Branch, holds the corresponding office in that body.