

30 April 2024

NOTICE OF PROPOSED RULE CHANGES

The Independent Education Union of Western Australia, Union of Employees wishes to alter the rules of the State registered Union.

A meeting of the Union's Executive on the 18 April 2024 voted unanimously in favour of each proposed rule change.

Rule 18(a) and (b) of the Rules of The Independent Education Union of Western Australia, Union of Employees requires all members be informed of the proposed rule changes and the reasons for the proposed changes.

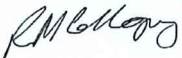
The overall purpose of these rule changes is to align the rules of the State Registered Organisation with those of the Federal Registered Organisation's Western Australia Branch. IEU members in WA are members of both organisations. However, the rules governing the organisations are separate, requiring two sets of elections for each organisation for two separate committees of management. The offices themselves are also misaligned.

To better align the rules of both organisations – and to eventually be eligible to conduct just one set of elections – the Executive has approved the changes listed in the Schedule. You can access this Schedule – which explains each proposed rule change in detail and the rationale behind each individual change – at:

www.ieuwa.org.au/notice-of-rule-change

In compliance with both Rule 18 of the Independent Education Union of Western Australia, Union of Employees and s62(3)(b) of the Industrial Relations Act 1979, any member may object to the proposed alterations by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission (via registry@wairc.wa.gov.au) within twenty-eight (28) days of the issuing of this notice to members.

Yours in unity,



Rebecca Collopy
Secretary

SCHEDULE – PROPOSED RULE CHANGES AND RATIONALE

Rule Number	Rule Change	Rationale for Change
Rule 2: Registered Office	<p><i>Amended so as to read:</i></p> <p>"The Registered Office of the Union shall be situated at 20/63 Knutsford Avenue, Rivervale WA 6103 in the state of Western Australia, or any such other place as the Executive may from time to time determine."</p>	<p>To reflect current location of the Union, and clarify that future alteration of the Registered Office is a decision for the Union's Executive.</p>
Rule 3: Constitution	<p><i>Deleted and replaced with the following:</i></p> <p>(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:</p> <p>(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;</p> <p>(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;</p> <p>(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);</p> <p>(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;</p> <p>(e) teachers employed in or by any non-government social or community organization, or any non-government educational institution or body;</p> <p>(f) any person employed or appointed as an officer or elected as an official of the Union;</p> <p>(g) without limiting the generality of the other Parts of this Rule or being limited thereby, independent</p>	<p>To align the eligibility for membership of the Union of Employees with that of the WA Branch. It does so by aligning the wording for eligibility and exclusion with that of Rule 2 – Constitution – of the Federal Rules of the Independent Education Union of Australia, albeit omitting references to matters pertaining specifically to other states and matters pertaining to workplaces no longer in existence.</p>

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:-

(i) 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;

(ii) as a cleaner in Western Australia;

(iii) in Western Australia as a housekeeper, janitor, caretaker, handyperson, grounds person, gardener, greenkeeper, security employee, laundry employee, domestic employee or catering employee (including cooks, chefs, kitchen hands and waiters), or canteen assistant;

(iv) as a licensed and/or registered plumber;

(v) by an employer who employs that person as part of their business as a contractor in the building, building maintenance and construction industries.

(vi) 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

	<p>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);</p> <p>(vii) 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;</p> <p>(viii) 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.</p>	
<p>Rule 5: Objectives</p>	<p><i>Deleted and replaced with the following:</i></p> <p>The objectives of the Union shall be:</p> <ol style="list-style-type: none"> (1) To promote and advance the interests of the members in all matters having a bearing upon or in relation to their employment. (2) To encourage and initiate whatever may tend toward improvement of the status, training and qualifications of all members of the Union. (3) To formulate, insofar as may be found desirable, the professional usages and customs of the industry of the Union and to formulate, protect and extend, when necessary, the beneficial privileges of members of the Union generally. (4) To mediate in regard to and, if possible, to reconcile and settle disputes affecting members of the Union. (5) To monitor all legislative or other proposals which may affect members in the discharge of their professional duties, or their status or interests generally. (6) To publish or support newsletter, newspaper, magazine, electronic or social media communications in the interests of the Union. (7) To devise a scheme or system of providence against the exigencies of old age, sickness, death or misfortune for the benefit of members and/or their dependants. (8) To promote the general welfare of members: to regulate, protect and improve the conditions of labour, and the relations between employers and employees. (9) To provide legal assistance in defence of members' rights at the Union's sole and absolute discretion. (10) To establish special funds for carrying out the objects of the Union and to ensure that at all times there are sufficient funds to meet and pursue the objects of the Union. (11) To establish social clubs in connection with the Union and to adopt such other methods for furthering the social enjoyment of the members as may be deemed proper. (12) To acquire property, to borrow or invest moneys, and to enter into any mortgage, charge or other security. 	<p>To align the objectives of the Union with the Federal Union. The listed objectives as amended are identical to those listed in Rule 5 of the Federal IEUA's rules, save for references to the Commonwealth, which are amended here to refer to the State of Western Australia.</p>

	<p>(13) To take advantage of the machinery provided by legislation for the prevention and settlement of industrial disputes and for the determination and settlement of questions relating to conditions of employment.</p> <p>(14) To secure preference of employment for members of the Union.</p> <p>(15) To do all things that may be for the advancement and benefit of the members and/or each of them.</p> <p>(16) To act in the capacity of Trustee for the purpose of furthering any of the objects of the Union.</p> <p>(17) To affiliate to, federate with, amalgamate with, or otherwise combine with any trade or industrial union, or association, or association of trade unions or any other organisation having objects similar in whole or in part to the objects of this Union.</p> <p>(18) To establish Branches, Sub-Branches, Districts or Sections of the Union throughout the State of Western Australia.</p> <p>(19) To establish and maintain one united Union of teachers in non-government schools and educational institutions throughout Western Australia.</p> <p>(20) To protect and advance the industrial and professional interests of teachers and other staff employed in non-government schools and educational institutions.</p> <p>(21) To support the existence of non-government schools and to support the right of access of such schools to public funding on an equitable and accountable basis.</p> <p>(22) Act as an agent for and behalf of members or non-members, other unions, associations, persons or groups of persons whether those persons are members of the union or not or whether those persons are eligible for membership of the union or not.</p> <p>(23) To promote, determine, fund and take action on issues of concern and social justice, both within Australia and internationally.</p> <p>(24) To ensure that its members enjoy the same civil rights, human rights and rights to freedom from discrimination as are enjoyed by other citizens.</p> <p>(25) To speak authoritatively for members.</p> <p>(26) To uphold the rights of labour and to represent members in the peak councils of the trade union movement and in international forums or organisations.</p> <p>(27) To develop and support relationships with international education bodies which promote the profession and work in the best interests of members.</p> <p>(28) To promote the participation of women in the Union and to encourage their representation in its elected offices.</p> <p>(29) To co-operate with, promote and assist industry-based superannuation funds committed to enhancing members' retirement incomes.</p> <p>(30) To represent members on and participate in education organisations and bodies.</p> <p>(31) To do all things necessary to achieve any and/or all of the above objects.</p>	
<p>Rule 6: Admission to Membership</p>	<p><i>Deleted and replaced with the following:</i></p> <p>"Application for membership shall be in accordance with the provisions contained in Rule 6 of the Federal Rules of the IEUA."</p>	<p>This change allows for the eligibility requirements for membership to be aligned to those of the Federal Union.</p>
<p>Rule 7: Termination of Membership</p>	<p><i>Deleted and replaced with the following:</i></p> <p>Resignation of Leadership</p> <p>(1) A member of the Union may resign from membership by written notice addressed and delivered to the Secretary.</p>	<p>The purpose of this change is to align the criteria for resignation from the union with the criteria in the federal rules (per Rule 21 of the IEUA).</p>

	<p>(2) A notice of resignation from membership takes effect:</p> <p>(a) Where the member ceases to be eligible to become a member of the Union.</p> <p>(i) on the day on which the notice is received by the Union; or</p> <p>(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;</p> <p>whichever is later; or</p> <p>(b) in any other case:</p> <p>(i) at the end of two weeks after the notice is received by the organisation; or</p> <p>(ii) on the day specified in the notice;</p> <p>whichever is the later.</p> <p>(3) Any dues payable and not paid by a former member in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.</p> <p>(4) A notice delivered to the person mentioned in subclause (1) shall be taken to have been received by the Union when it was delivered.</p> <p>(5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with subclause (1).</p> <p>(6) A resignation from membership of the Union is valid even if it is not effected in accordance with this section if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.</p>	
<p>Rule 8: Federal Union</p>	<p><i>That this rule is deleted and subsequent rules are renumbered accordingly.</i></p>	<p>The purpose of this change to reflect that prospective members simultaneously join both the state and the federal organisation, and are member of both.</p>
<p>Rule 9: Executive</p>	<p><i>Deleted and replaced with the following:</i></p> <p>(1) The governing body of the Union shall be the Executive.</p> <p>(2) The Executive shall consist of one (1) President, one (1) Vice-President, one (1) Secretary, one (1) Deputy Secretary and eight (8) Ordinary Executive members.</p> <p>(3) 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 Rules of the IEUA.</p> <p>(4) Members of the Executive are not precluded from holding an office as Branch Delegate to Federal Council by virtue of holding any other office of the Union.</p> <p>(5) The time for the election of members of the Branch Executive shall be that time fixed in accordance with Rule 17(h) of the Rules of the IEUA for the election of Branch delegates to Federal Council.</p> <p>(6) During the counting of the election the determination of positions shall be in the order of President, then Vice President, then Secretary, then Deputy Secretary and then Ordinary Member.</p> <p>(7) Where a candidate nominates for several positions, and is elected to the higher position, this shall take precedence over the nomination for the lower position.</p>	<p><i>The purpose of this change is to align the rules establishing an Executive of the IEUwa with the parallel rule for the IEUA WA Branch. In practice, it confirms the Secretary will now be an elected position, and establishes the office of Deputy Secretary. With the exception of some minor wording changes, the wording here is identical to Rule 6 of the WA Branch (Branch Conference and the Election of Delegates). However, Rule 6.10 – a transitional rule pertaining to the election of an inaugural Deputy Secretary – is omitted.</i></p>

	<p>The order of positions shall be President, Vice President, Secretary, Deputy Secretary and then Ordinary Member.</p> <p>(8) The Executive shall meet at least twice every year. The quorum for these meetings shall be one half of those at that time holding membership of the Executive.</p> <p>(9) A member shall be eligible for election as a member of the Executive if:</p> <p>(a) the member is financial at the date of closing of nominations; and</p> <p>(b) the member has been a financial member for a period of twelve months.</p> <p>(10) The Executive shall take office from 1st December in the year in which the election is held and shall hold office for three years or until new elections are held in accordance with these rules.</p> <p>(11) Any casual vacancy in the Branch Executive shall be filled by the same method, the necessary changes being made, as utilized in Rule 19(b) and (c) of the Federal Rules.</p>	
<p>Rule 9: Executive</p>	<p><i>That the text of Rule 9(10) – relating to the powers of Executive – be deleted and replaced with Rule 9(12):</i></p> <p>The Executive shall have power to control and manage the business and affairs of the Union subject always to the Union's Rules, and without limiting the generality of this power shall have power to:</p> <p>(a) Take such steps as it shall consider necessary to carry out the objects of the Union insofar as it is within the power, under the Rules, for the Union to do so, and to raise or spend such funds as are necessary to carry out the objects;</p> <p>(b) Direct the policy of the Union;</p> <p>(c) Rescind, amend or add to these Rules including rules to constitute, reform, or dissolve sub-branches, sections and local committees and to determine or vary their powers and duties;</p> <p>(d) Hear and determine all appeals that are submitted in accordance with the Rules;</p> <p>(e) Fix salaries, allowances and honoraria for Union officials and employees, and any delegate or person appointed by the Union to do any work on behalf of the Branch;</p> <p>(f) Appoint a Union Returning Officer for the conduct of any elections required by these Rules provided that:</p> <p>(i) the Executive shall so appoint a Returning Officer who shall hold office until a successor is duly appointed,</p> <p>(ii) the Returning Officer shall have absolute control of any election,</p> <p>(iii) the Branch Returning Officer may or may not be a member of the Union, and</p> <p>(iv) the Returning Officer shall not be the holder of any office in, or be an employee of, the Union or any Branch of the Union;</p> <p>(g) Appoint delegates to organisations or bodies to which the Union is affiliated;</p> <p>(h) Receive and adopt or otherwise deal with the Annual Report;</p> <p>(i) Fix fees, subscriptions and levies in accordance with Rule 5 of the Rules of the Federal Union;</p> <p>(j) Institute and/or defend legal proceedings in matters affecting the affairs of the Union;</p> <p>(k) Decide on the service of any log of claims upon an employer or otherwise participate in the Western Australian Industrial Relations System, in respect of</p>	<p>The purpose of this change is to align the powers of the IEUwa Executive with those of the WA Branch Executive. The text of this change mirrors Rules 7 – Powers of the Branch Executive – of the WA Branch rules, with the exception of the removal of wording related to “Branch” and the Federal Industrial Relations system, with the latter being amended to “Western Australian Industrial Relations system” accordingly.</p>

	employees who are, or are eligible to be, members of the Union.	
Rule 10: Duties of Officers	<p><i>Deleted and replaced with the following:</i></p> <p>(1) The duties of the Secretary shall:</p> <ul style="list-style-type: none"> (a) be the Chief Administrative Officer of the Branch; (b) subject to the Rules be empowered to make any decisions as necessary in the day to day affairs of the Branch including the serving of letters of demand and logs of claims; (c) be responsible for the employment and dismissal of administrative staff of the Union, in consultation with the President and Vice President; (d) have the right to define the duties and direct the work and function, subject to these rules, of the Union's officials and employees; (e) undertake necessary administrative action to implement Executive decisions and carry out the instructions of the Executive; (f) be responsible for keeping or causing to be kept all documents, papers, correspondence and records of the Union; (g) attend, where possible, all meetings of the Union's Executive and be responsible for the keeping of, or causing to be kept, correct minutes of the proceedings of such meetings; (h) be entitled to attend all meetings of the Union; (i) keep a register of Members of the Union; (j) inform Members of relevant meetings called in accord with these rules; (k) submit progress reports to the Union Executive and all other meetings of the Union as required or as determined by the Secretary to be necessary; (l) in the event of the President's absence from Executive meetings or other public meetings at which the Union is officially present inform the President of the business conducted at such meetings; (m) be the only authorised person of the Union in whose name Press or Public Statements shall be issued unless the Secretary delegates the authority; (n) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Union; (o) be responsible for seeing the books are in readiness and make the necessary arrangements for the annual audit of the Union; (p) keep or cause to be kept in appropriate books of account a correct statement of all monies received and expended by or on behalf of the Union; (q) present to each ordinary meeting of the Executive a financial statement showing the total income and expenditure, general account bank balance and balance of all investments, to the date of the statements; (r) present the accounts for each month to the Executive, for the ratification of payments made; (s) ensure that all cheques issued in the name of the Union shall be signed by at least two of the following: President, Branch Secretary, or Vice President, or any person authorised by the Executive; (t) present to the Executive a financial statement and balance sheet for the preceding financial year duly 	The purpose of this change is to align the duties of Officers of the Union with Officers of the WA Branch of the Federal Union. Except for the removal or replacement of references to "Branch", the text of this rule is identical to Rule 8 – Duties of Officers – of the Rules of the Independent Education Union of Australia WA Branch.

	<p>audited by qualified auditors appointed by the Executive;</p> <ul style="list-style-type: none"> (u) present to the Executive a budget for the next financial year for its deliberation; (v) ensure that payments from the funds of the Union are made in the manner specified in the Rules; (w) perform such other duties as may from time to time be determined by the Executive; (x) summons members by written notice to attend meetings called pursuant to these Rules. <p>(2) The President shall:</p> <ul style="list-style-type: none"> (a) preside, if possible, at all meetings of the Executive and preserve order so that business shall be conducted in due form, and with propriety and sign the minutes as appropriate following their confirmation; (b) attend such meetings of the Union that the President at his or her discretion determines; (c) through the Secretary convene meetings of the Executive; (d) have the power always, subject to the Rules, to refer a specific matter to the Executive; (e) where the President deems it necessary, conduct a vote through the Secretary of Executive members on any issue by post, telephone or any other means, provided that any information given to each member so voting shall be exactly the same in every respect; (f) perform all such other duties as may be prescribed by the Rules from time to time; (g) perform other such duties as may from time to time be determined by the Executive; (h) shall bring to the attention of the Branch any matter the President believes to affect the welfare of members; (i) have a casting vote in the event of tied vote. <p>(3) The Vice President shall:</p> <ul style="list-style-type: none"> (a) in the absence of the President, preside at all meetings of the Executive with the full powers of the President for such meetings; (b) perform such other duties as may from time to time be determined by the Executive; (c) assist the President as required; (d) perform all such other duties as may be prescribed by the Rules from time to time. <p>(4) The Deputy Secretary shall:</p> <ul style="list-style-type: none"> (a) assist the Secretary in the performance of his or her duties; and (b) in the absence of the Secretary, have all the duties and powers of the Secretary. <p>(5) The duties of Ordinary Members shall be to attend meetings of the Executive.</p>	
<p>Rule 10: Elections</p>	<p><i>Deleted and replaced with the following:</i></p> <p>(1) Election of the Executive</p> <p>The method of election of members of the Executive shall be, the necessary changes being made, in accordance with the method</p>	<p>The purpose of this change is to precisely align the methodology for both ordinary elections to Executive - and for filling casual vacancies in the Executive - with that of the Federal Union. As the</p>

	<p>of electing Branch delegates to Federal Council under Rule 17 of the Federal Rules of the IEUA.</p> <p>(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.</p>	<p>intention is to seek a s71 Certificate, having disparate rules for the conduct of elections and casual vacancies would be impractical.</p>
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