

Form F68 Application for Consent to the Alteration of Eligibility Rules of an Organisation

IN FAIR WORK AUSTRALIA

FWA use only

FWA Matter No.:

APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisation) Regulations 2009—paragraph 121(1)(b)

Applicant Organisation

Name:	CPSU, the Community and Public Sector Union		
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		Postcode:	2000
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The Applicant applies for consent to the alteration of the eligibility rules of the organisation to the following:

2 - CONSTITUTION AND ELIGIBILITY FOR MEMBERSHIP

Persons shall be eligible for membership of the Union under either Part I, Part II or Part III of this Rule.

PART I

A.1 Without in any way limiting or being limited by subrules B, C, D, E, G and H, the following persons are eligible for membership of the Union;

- (i) any person employed, usually employed or qualified to be employed by;
 - (a) the Commonwealth;
 - (b) the Northern Territory;
 - (c) the Australian Capital Territory;
 - (d) a body corporate established for a public purpose, whether in whole or in part, by or under a law of the Commonwealth, the Australian Capital Territory or the Northern Territory other than any local Government body established under the Local Government Act (Northern Territory) or other Local Government legislation in the Northern Territory;
 - (e) by a company or other body corporate incorporated under a law of the Commonwealth or of a State or Territory, being a company or other body corporate in which the Commonwealth, the Northern Territory or the Australian Capital Territory has a controlling interest;
 - (f) any other authority or body (whether corporate or not) being an authority or body that is financed in whole or in substantial part, either directly or indirectly by money provided by the Commonwealth except;
 - (A) moneys paid as consideration in a commercial transaction, for the provision of goods or services to the Commonwealth,

- (B) moneys paid by way of bounty or like payment,
- (C) moneys paid to a State or States of the Commonwealth, or
- (D) moneys paid to a Local Authority, City, Municipality, Town, Borough, Shire or like statutory authority which includes electricity, road, transport and port authorities and water or drainage boards,
- (E) an authority or body that is financed in whole or in substantial part, either directly or indirectly, by money provided by the Commonwealth, pursuant to;
 1. the Community Youth Support Scheme, or
 2. the Supported Accommodation Assistance Program, or
 3. the Family Day Care Services component of the Children Services Program, or
 4. the Family Support Program, or
 5. the Grant in Aid Ethnic Social Welfare Workers Program, or
 6. the Youth Services or Welfare Services components of the ACT Community Development Program,

or any program, scheme or fund directly replacing any one of the above.

- (g) any person employed as a customer service representative or telephone operator or any person employed as a supervisor of the foregoing by a business or part of a business which performs a call centre function for
 - (A) the Commonwealth;
 - (B) the Northern Territory;
 - (C) the Australian Capital Territory;
 - (D) a body corporate established for a public purpose, whether in whole or in part, by or under a law of the Commonwealth, the Australian Capital Territory or the Northern Territory other than any Local Government body established under the Local Government Act (Northern Territory) or other Local Government Legislation in the Northern Territory;
 - (E) a company or other body corporate incorporated under a law of the Commonwealth or of a State or Territory, being a company or other body corporate in which the Commonwealth, the Northern Territory or the Australian Capital Territory has a controlling interest;

to the extent that employees in that business or part of that business are performing those functions.

- (ii) any officer or employee of the Union, or
- (iii) any person who is an employee and who occupies a Statutory Office created under a law of the Commonwealth or the Northern Territory or the Australian Capital Territory or an Office established by the Executive of the Commonwealth, the Northern Territory or the Australian Capital Territory, or
- (iv) all persons employed in the telecommunications industry as defined in Rule 3E by any authority, corporation or other body (other than a person employed by the Crown in the right of a State, or by a statutory authority established under any Act of a Parliament of a State, or by any company in which 50% or more of the shares are held by the Crown in the right of a State).

- 2. Notwithstanding the provisions of subrule 4 A.1, the following persons are not eligible for membership of the Union

- (i) any person employed by:
 - (a) deleted
 - (b) the Australian Shipping Commission trading as Australian National Line;
 - (c) the Australian National Airlines Commission;
 - (d) the Australian National University;
 - (e) Banks established under the Commonwealth Banks Act and Reserve Bank Act;
 - (f) Qantas Airways Ltd;
 - (g) Universities and Colleges of Advanced Education other than colleges of Advanced Education in the Northern Territory or the Australian Capital Territory;
 - (h) the Australian Wheat Board;
 - (i) deleted
 - (j) the Territory Insurance Office.
- (ii) persons employed as a/an:
 - (a) tradesman;
 - (b) artisan;
 - (c) draftsman, technical assistant or technical officer;
 - (d) deleted;
 - (e) mail officer or linesman;
 - (f) telecommunications technician, telecommunications technical officer or telecommunications electrical worker;
 - (g) postmaster;
 - (h) telegraphist;
 - (i) deleted
 - (j) deleted
 - (k) labourer;
 - (l) primary or secondary school teacher and teachers in non- government early childhood centres, business colleges, language schools or other private educational academies;
 - (m) ships painter or docker;
 - (n) nurse or nursing aide;
 - (o) driver, driver's assistant or conductor;
 - (p) railways employee other than as a senior officer, clerk, booking clerk, traffic inspector, assistant research officer, senior research officer;
 - (q) professional engineer;
 - (r) theatrical, film, television and video technicians;

- (s) professional scientific staff;
 - (t) child care workers, cleaners, domestics or domestic workers, gardeners;
 - (u) security officers, attendants, watchmen and/or like designations.
- (iii) (a) deleted
- (b) persons employed in the professional structures of the Industry for which professional qualifications are mandatory.
- (c) deleted
- (d) Persons employed by the Australian Postal Commission and the Australian Telecommunications Commission who are eligible for membership of the Australian Telephone and Phonogram Officers' Association in accordance with its conditions of Eligibility for membership as at 1st September 1986, other than persons employed in Manual Assistance Centres in the position of Manager (M.A.C.) at M.A.6 and M.A.7 levels where the position was previously classified as Traffic Officer.

B. Without in any way limiting, or being limited by, subrules A, C, D, E, G and H, the membership of the Union shall also consist of any officer, employee or temporary employee of the Public Service of the Commonwealth, the Public Service of the Northern Territory and of the Australian Capital Territory, any public institution, authority or statutory corporation of the Northern Territory and of the service of any public institution or authority of the Commonwealth together with any authority, corporation or body engaged in the telecommunications industry as defined in Rule 3E, designated as:

- (1) (a) administrative assistant (Darwin Institute of Technology) (all grades), administrative class (AI, A3, A4, A5) (NTPS), assistant (all grades), assistant (audiometry), assistant (canvassing), assistant cashier, assistant (computing), assistant (estimating), assistant keeper of relics, assistant moisture tester (dairy export), assistant publications officer, assistant senior overseer (telegraphs), assistant stamper (dairy export), assistant (stamp sales), assistant stationer, assistant (stationery etc.), assistant welfare officer, attendant and reader, attendant (all grades), attendant (legislative assembly), cabinet and ministerial officer, cashier, checker, checker-in-training, claims officer (all grades), clerical and administrative officer 1, 2 and 3 (Northern Territory Power and Water Authority), clerical assistant (all grades), clerk (fourth division), computing assistant, counter officer (all grades), courier, depot clerk, deputy principal attendant, district employment officer, employment officer, examiner, field assistant, gazette officer, indexer, indexer-in-charge, junior assistant, keeper of printed records, library assistant, medical records officer (Northern Territory Public Service) (all grades), messenger, methods assistant, ministerial messenger, ministerial officer, museum assistant (all grades), officer-in-charge, overseer (stamp sales), overseer (telegraphs) (all grades), overseer (telegraph accounts), postal assistant, postal clerk, principal attendant, principal attendant (legislative assembly), publications officer, purchasing officer, school assistant (all grades), senior assistant (stamp sales), senior attendant, senior attendant (legislative assembly), senior checker, senior clerical assistant, senior computing assistant, senior examiner, senior indexer, senior messenger, senior overseer (telegraphs), senior employment officer, senior storemen, senior stores supervisor (all grades), social development assistant, social development officer (all grades), stationer, storeman, stores assistant, stores officer, stores supervisor, superintendent, supervising checker, supervisor (stationery etc.), tip-staff, truancy officer,
- (b) assistant security officer (Weapons Research Establishment Salisbury and Department of Defence Canberra), assistant (transport), assistant transport officer, battery manager, chief custodial officer (Belconnen and Quamby Remand Centres), chief protective service inspector, conveyancing assistant, custodial officer (Belconnen and Quamby Remand Centres), custodial officer grade 3 (Quamby Remand Centre), field officer, inquiry officer (all grades), inspector traffic section, investigation officer (trades), licence inspector (all grades), motor driver, movements officer, movements officer (light transport), movements officer (heavy transport), movements officer (special services), officer-in-charge (outdoor inquiry), officer-in-charge (postal investigation), parking inspector (all grades), postal investigation officer (all grades), principal field officer, protective service inspector, protective service officer (all grades), protective service superintendent, searcher (all grades), senior assistant

(transport), senior field officer, senior field officer (collections), senior field officer (standards), senior inquiry officer, senior inspector traffic section, senior licence inspector, senior motor driver, senior postal investigation officer (all grades), senior protective service officer (all grades), senior statistical collections officer, senior transport inspector, senior vehicle tester, senior weights and measures inspector, statistical collections officer (all grades), supervising field officer, supply and transport officer (survey) (all grades), traffic officer, traffic officer (inspector) (NTPS), traffic inspector, transport foreman, transport inspector, transport officer, transport supervisor (all grades), vehicle tester (all grades), weights and measures inspector, weights and measures superintendent, works and service officer,

- (c) accounting machinist (all grades) accounting machinist controller (all grades), accounting machinist-in-charge (all grades), accounting machinist-in-training, accounting machinist supervisor (all grades), addressing machine operator, addressing machine operator-in-charge, assistant (typing - stenographic) (all grades), assistant private secretary, assistant reception, assistant (typing), card punch operator (all grades), communications operator (all grades), communicator (all grades), computer operator (all grades), court reporting typist (all grades), data preparation officer, data processing operator (all grades), data processing operator-in-training, EDP operator (all grades), electorate secretary, hansard typist, keyboard instructor (all grades), keyboard operator, machine operator, machine operator-in-training, machine tabulator, overseer, personal secretary, receptionist-typist, secretarial assistant, secretary/typist, senior accounting machinist, senior communications operator, senior computer operator (all grades), senior data processing operator, senior machine operator, senior machine tabulator, senior typist stenographer (all grades), steno-secretary (all grades), supervising card punch operator (all grades), supervising communications operator, supervising (accounting machinist) (all grades), supervisor (communications), supervisor (data processing) (all grades), supervisor typists (all grades), telephone supervisor (Northern Territory Public Service), telephonist, teleprinter operator, teleprinter operator-in-charge, teletype facilities control officer, telex service operator, trainee computer operator, typist (all grades), typist controller (all grades), typist controller (word processing) (all grades), typist (photo-litho), typist (secretarial), typist supervisor (all grades), typist-in-charge (all grades), typist-in-charge (photo-litho), word processing supervisor (all grades), word processing typist (all grades),
- (d) assistant cinematographer, assistant film cutter and biograph operator, assistant film processor, assistant photographer, assistant photography, assistant (plan printing) (all grades), assistant (printing) (all grades), assistant (projectionist), colour film printer, cutter (films), dark-room operator, film cutter and biograph operator (all grades), film officer, film processor, film processing supervisor (all grades), heliographer, officer-in-charge (photography and plan production), officer-in-charge (plan printing), overseer (printing room), printing supervisor, projectionist, projectionist (public relations), projectionist (16mm), photographer, photographer-in-charge, scheduling officer, section leader, senior film processor (all grades), senior assistant (photography), senior assistant (printing) (all grades), senior darkroom operator, senior photographer, small offset operator, supervisor (photography and plan production),
- (e) airport foreman (all grades), airport groundsman, airport labourer, airport plant operator, airport safety officer, animal attendant, area officer, assistant (animals) (all grades), assistant barracks officer, assistant stock inspector, barracks officer, boring inspector, boring superintendent, building superintendent, caretaker, chainman, in Victoria Barracks in the State of Victoria only cleaners of all designations, custodian (buildings), district stock inspector, divisional stock inspector, drill foreman, drilling overseer, drilling superintendent, farm assistant (all grades), fisheries inspector, foreman animal attendant, foreman (ground maintenance), gardening overseer (all grades), groundsman, groundsman-gardener, labourer groundsman, manager (swimming pool), pastoral inspector, ranger, senior airport groundsman, senior assistant (farm), senior boring inspector, senior chainman (all grades), senior driller, senior farm assistant, senior fisheries inspector, senior groundsman, senior pastoral inspector, senior ranger (all grades), senior stock inspector, station hand, stock inspector, supervisor (agriculture), supervisor (animals), supervisor (farm), supervisor (tree surgery), surveying assistant (all grades), surveying assistant supervisor (all grades), trainee ranger, water control officer (all grades), water control supervisor,
- (f) assistant conservator, airport fire officer (all grades), assistant welfare branch, assistant radio inspector, assistant technical cataloguer, chief fire protection officer, chief health inspector, chief health surveyor, chief quarantine inspector, conservator, dental assistant, dental mechanic, dental technician, dental therapist in the Australian Capital Territory, fire protection officer, fire safety officer (all grades), health inspector, health surveyor, hydrometer tester, inspector, inspector (fire

services), inspector (property), inspector (technical) (all grades), instructor (all grades), instructor (counter disaster), laboratory assistant, laboratory attendant, manager welfare branch, manual arts instructor, meatworks standards officer (all grades), medical laboratory assistant, music instructor, night switch operator (Snowy Mountains Hydro-electric Authority) (all grades), observer (all grades), observer (radio), pharmacy assistant, power station control room operator, power station plant operator, power station supervisor, power station unit operator, property inspector, quarantine inspector, radio monitor, regional fire officer, regional health inspector, regional health surveyor, safety instructor (Department of Defence), senior health inspector, senior health surveyor, senior inspector, senior inspector (property), senior instructor, senior observer (radio), senior operator (Snowy Mountains Hydro-electric Authority), senior power station supervisor, senior technical cataloguer (all grades), senior technical

officer, senior technical officer (medical laboratory) (all grades), senior technical officer (science) (all grades), senior supervisor communications, station officer (Department of Defence Woomera), supervising technical cataloguer (all grades), supervisor (property), technical assistant (all grades), technical cataloguer, technical officer (all grades), technical officer (medical laboratory), technical officer (science) (all grades), trainee observer, trainee technical officer (medical laboratory), trainee technical officer (science), training instructor, wool sample inspector, wool standards officer,

- (g) assistant catering adviser, assistant food services, assistant manager (Bars) (Joint House), assistant manager (Dining Rooms) (Joint House), assistant supervisor, assistant supervisor (food services), cafeteria manager (all grades), catering adviser (all grades), catering officer, cafeteria supervisor (all grades), deputy housekeeper (Joint House), deputy matron, food processor (all grades), food service adviser (all grades), food service manager (all grades), home liaison officer, home management instructress, housekeeper (Joint House), house manager (Joint House), matron N.T., senior assistant supervisor, supervisor, supervisor food processing, supervisor (food services),
- (h) assistant chief preventive officer, boat-hand, boatman, chief investigator, chief preventive officer (all grades), coxswain, engine driver, head lightkeeper, inspector, investigator, locker, lightkeeper, marine officer, master of launch, preventive officer, preventive officer-in-training, quarantine assistant (all grades), senior investigator, senior master of launch, senior preventive officer (all grades), senior quarantine inspector, supervising investigator, supervising preventive officer.

(2) (deleted)

(3) Together with any officer or employee who is employed by the Australian Postal Commission and who is employed in any designation specified in Part (1) of this rule.

(4) Together with any officer or employee who is employed by the Australian Telecommunications Commission and/or any other authority, corporation or body engaged in the telecommunications industry as defined in Rule 3E who is employed in any designation or like designation specified in Part (1) of this Rule or designated as a message bureau operator or supervisor.

(5) Together with any Industrial Officer or Research Officer or other employee of the Union.

Provided however, that the following shall be excluded -

- (a) engineering and architectural technical assistants and technical officers other than those engaged in laboratory work,
- (b) technical officers employed on external plant work associated with the installation and maintenance of telephone, telegraph and radio plants in the Australian Postal Commission and/or the Australian Telecommunications Commission, and/or Aussat Ltd.,
- (c) photographers, the greater part of whose duties is to take and prepare photographs for reproduction in newspapers and magazines,
- (d) employees eligible for membership in the Printing and Kindred Industries Union employed in the establishment of the Australian Government Printer and the Northern Territory Public Service, Department of Transport and Works, Government Printing Office,

- (e) employees of the Australian Postal Commission and/or the Australian Telecommunications Commission and/or Aussat Ltd. designated as telephonists, telex service operator and supervisor (telephone),
- (f) technical assistants, technical officers and senior technical officers employed by the Commonwealth Scientific and Industrial Research Organization.
- (g) employees of the Territory Insurance Office.
- (h) any person working in or in connection with the telecommunications industry eligible for membership of the Metal and engineering Workers Union in accordance with its conditions of eligibility rule as at 1 July 1991 unless that person was eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment in accordance with its conditions of eligibility rule as at 1 July 1991.

C. Without in anyway limiting, or being limited by, subrules A, B, D, E, G and H, the membership of the Union shall also consist of any persons employed by the Australian Broadcasting Corporation with the exception of Actors, Dancers, Vocalists, Musicians, Journalists and persons employed in the following positions:

Deputy General Manager, Assistant General Manager, Assistant General Manager (General), Controller of Technical Services, Controller, News Services, Controller of Programmes, Controller, Management Services, Controller of Finance, Federal Director of Television Programmes, Federal Director of Radio Programmes, Federal Director of Programme Services, Director of Music, Director, Drama and Features (Radio), Director, Drama (Television), Director of Talks, Director of Light Entertainment, Director of Education, Director of Rural Broadcasts, Director of Personnel, Director of News (Radio), Director of News (Television), Director, Sporting Broadcasts, Director, Planning (Radio), Director of Overseas Services, Director, Organisation and Methods, Director of Branch Operations (Television), Director of Operations (Radio), Assistant Federal Director, Television Programmes, Assistant Director of Music (Programmes), Assistant Director of Music (General), Assistant Director of Drama and Features (Radio), Assistant Director of Light Entertainment, Assistant Director of Education, Assistant Director of Rural Broadcasts, Federal Budget Officer, Federal Supervisor, Religious Broadcasts, Federal Supervisor, Production Facilities, Federal Supervisor, Children's Sessions, Federal Talks Supervisor (General Talks), Federal Talks Supervisor (News/Talks), Federal Concert Manager, Chief Film Officer, Head of Special Projects, Head of Science Programmes, Head of Secretariat, Supervisor, Buildings Planning, Superintendent, Office Services, Superintendent, Training and Welfare, Administrative Officer (Concerts), Administrative Officer (Industrial), Manager for Victoria, Manager for Queensland, Manager for South Australia, Manager for Western Australia, Manager for Tasmania, Manager for Papua/NewGuinea, Assistant Manager for Victoria, Assistant Manager for Queensland, Assistant Manager for South Australia, Assistant Manager for Western Australia, Assistant Manager for Tasmania, Director of Programmes, NSW, Director of Programmes, Vic, News Editor, Victoria, Supervising Engineer, NSW, Supervising Engineer, Vic

PROVIDED THAT such members, who have been elected or appointed as Officers or Organisers of the Union shall continue to be financial members of the Union.

D. Without in any way limiting, or being limited by, subrules A, B, C, E, G and H, the membership of the Union shall also consist of:

- (a) Any person holding a certificate of competency as meat inspector and employed in such capacity in the Australian Public Service, shall be eligible for membership on written application.
- (b) Any person from time to time employed in the inspection and/or grading and/or packing of dried and/or fresh and/or canned fruits and/or dehydrated and/or canned and/or frozen vegetables and/or fish and/or fish products by any Australian Government Department or branch.

E. Without in any way limiting, or being limited by, subrules A, B, C, D, G and H, the membership of this Union shall also consist of:

(1) Any person with professional qualifications permanently or temporarily employed in:

- 1. The Australian Public Service;
- 2. The Public Service of the Northern Territory;
- 3. The Public Service of the Australian Capital Territory;

4. The service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not; or
5. The service of any public institution or authority of the Northern Territory Government whether such service is in the Northern Territory Public Service or not, in a professional capacity approved by the National Council on the recommendation of the Division Council shall be eligible for membership.

The following professions are approved:

1. Engineers:
 - (a) civil;
 - (b) mechanical;
 - (c) electrical;
 - (d) mining;
 - (e) marine;
 - (f) military;
 - (g) lighthouse;
 - (h) ship construction.
2. Architects and quantity surveyors.
3. Chemists.
4. Analysts and metallurgists.
5. Meteorologists.
6. Surveyors.
7. Draughtsmen.
8. Medical Officers, including surgeons.
9. Actuaries and statisticians.
10. Barristers and solicitors.
11. Biochemists.
12. Valuers:
 - (a) those persons who at the 1st day of January 1940 were classified as assistant valuer, valuer, senior valuer or chief valuer;
 - (b) those persons who may be appointed as valuers:
 - (i) who have graduated in architecture, surveying, agriculture or allied professions;
 - (ii) who are members of the Institute of Valuers; or
 - (iii) who have practised as valuers for a period of at least twelve years.
13. Any avocation requiring qualifications of a standard equivalent to those required for any of the foregoing professions, and which may be approved by the National Council on the recommendation of the Division Council.

Nothing in this subrule shall affect the rights of existing members.

- (2) In addition to the professions included in Rule 4E(1) above, the following professions are also approved:

14. Agricultural Economist.
15. Agricultural Scientist.
16. Anthropologist.
17. Arboriculturist.
18. Assayer.
19. Bacteriologist.
20. Bibliographer.
21. Biologist.
22. Botanist.
23. Dentist.

24. Diplomat.
25. Economist.
26. Engineer:

- (a) Aeronautical
- (b) Chemical
- (c) Electronic
- (d) Radio
- (e) Communications

27. Entomologist.
28. Forester.
29. Geologist.
30. Geophysicist.
31. Histologist.
32. Librarian.
33. Mathematician.
34. Mycologist.
35. Naval Architect.
36. Palaeontologist.
37. Pedologist.
38. Psychologist.
39. Scientist.
40. Social Worker.

41. Surveyor:

- (a) Engineer and Ship
- (b) Nautical and Ship

42. Timber Technologist.
43. Veterinarian.
44. Educationist.
45. Geographer.
46. Physicist.

(3) (deleted)

(4) Any persons permanently or temporarily employed in:

1. The Australian Public Service;
2. The Public Service of the Northern Territory;
3. The Public Service of the Australian Capital Territory;
4. The service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not; or
5. The service of any public institution or authority of the Northern Territory Government whether such service is in the Northern Territory Public Service or not,

shall be eligible for Associate Membership under the following conditions:

1. A candidate for Associate Membership shall produce evidence that:
 - (a) he/she is not less than 16 years of age;
 - (b) his/her standard of education is sufficient to admit him/her to a course of tertiary education;
 - (c) he/she is undergoing a course of training leading to a professional qualification; and

(d) he/she is recommended for admission as an Associate member by two members of the Union.

2. An Associate Member shall submit, annually, a statement of progress of his/her course of training to the Professional Division Secretary. If an Associate Member fails to submit a statement, or if his/her progress is not satisfactory, the Professional Division Secretary shall remove his/her name from the Register of Associate Members.
3. The Professional Division Secretary shall, unless special reasons are shown to warrant a further extension, remove from the Register the name of an Associate Member who has not become eligible for ordinary membership under Rule 4E within eight years of the date of his/her admission.
4. An Associate Member may attend and vote at all meetings of the Union, take part in the debates, vote in all elections for which he/she is eligible, stand for election for any office in the Union, and be co-opted to any Committee.
5. On becoming eligible for admission as an ordinary member under Rule 4E, he/she shall cease to be an Associate Member and automatically become an ordinary member. He/she shall from that date be liable for all moneys due and payable by an ordinary member under these rules.

F. Notwithstanding anything to the contrary in sub-rules A, B, C, D, E and I:

(1) Persons shall not be eligible for membership of the Union if those persons:

- (a) are engaged in technical, trades or production functions, including persons performing supervisory or managerial duties directly related to those functions, in or in connection with electronic, electrical, or mechanical work in the telecommunications industry, Australian Postal Corporation and the Department of Transport and Communications;
- (b) are performing operator functions including persons performing supervisory or managerial duties directly related to those functions in the telecommunications industry and the Australian Postal Corporation;

unless those persons are eligible for membership of the Union in accordance with its conditions of eligibility rule as at 27 March 1992.

(2) Persons who are employed by employers engaged in or in connection with:

- (a) the manufacture and distribution of cables and other conductors for the transmission of energy, or
- (b) processes connected with or incidental to such manufacture and distribution,

shall not be eligible for membership of the Union unless such persons were eligible for membership of the Union as at 19 November 1991;

- (3) Persons employed directly in supervising and/or operating and/or installing and/or maintaining and/or servicing an internal telecommunications system and are eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union pursuant to Rule 5, Part 1 and Part 2 of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information services Union's rules as at 20 November 1991 shall not be eligible for membership unless the person was also eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment in accordance with its conditions of eligibility for membership rule as at 20 November 1991.
- (4) Persons employed to service, repair, maintain, structurally alter and/or assemble business equipment (excluding typewriters) in the telecommunications industry and are eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports Community and Information Services Union pursuant to Rule 5, Part 3 of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union's rules as at 20 November 1991 shall not be eligible for membership unless the person was also eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment in accordance with its conditions of eligibility for membership rule as at 20 November 1991. Without limiting the generality of the foregoing, the term "business equipment"

shall be deemed to include inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

- (5) Persons shall not be eligible for membership of the Union if those persons are engaged in technical, trades or production functions, including persons performing supervisory or managerial duties directly related to those functions, in or in connection with electronic, electrical or mechanical work in the electrical, electrical contracting and telecommunications industry, including telecommunications manufacturing and servicing unless those persons are eligible for membership of the Union in accordance with its conditions of eligibility rule as at 27 March 1992.
- (6) Any person eligible for membership of the Australian Postal and Telecommunications Union in accordance with its conditions of eligibility for membership rule as at 18 October 1991 shall not be eligible for membership unless that person was also eligible for membership of the Australian public Sector and Broadcasting Union, Australian Government Employment in accordance with its conditions of eligibility for membership rule as at 18 October 1991.
- (7) Any person eligible for membership of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia in accordance with its conditions of eligibility for membership rule as at 18 August 2000 Shall not be eligible for membership unless that person was also eligible for membership of the Community and Public Sector Union in accordance with its conditions of eligibility for membership rule as at 18 August 2000.
- (8) Persons engaged in any of the following:
 - (i) providing postal services, and/or
 - (ii) receiving, sorting, despatching, processing or delivering mail, and/or
 - (iii) providing, installing or maintaining telecommunications services including persons performing the functions which are specified in the communications officer structure as set out in clause 51 of the Telecom/APTU Award as at 30 August 1991, and/or
 - (iv) driving, and/or
 - (v) storing goods and materials, and/or
 - (vi) labouring, patrolling, gardening or cleaning, and/or
 - (vii) cooking, general kitchen duties or serving food, and/or
 - (viii) drafting, and/or
 - (ix) overseeing or supervising any of the above services or functions.

shall not be eligible for membership unless:

- (a) that person is performing tasks which if performed by that person in employment with either the Australian Telecommunications Corporation or the Australian Postal Corporation (or any successor thereto) as at 18 October 1991 would make that person eligible for membership of the Australian Public Sector and broadcasting Union, Australian Government employment, or
 - (b) that person would have been eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment in accordance with its conditions of eligibility for membership rule as at 18 October 1991.
- (9) This sub-rule has no application to persons eligible for membership under sub-rules G and H of this Rule.
- G. Without in any way limiting, or being limited by, subrules A, B, C, D, F and H, the persons eligible for membership of this union shall also include:

All persons engaged or employed in the utilization, operation, control, maintenance, installation, inspection, accounts, rates, instruction, repair and service of apparatus used for radio telegraphy, radio telephony, radio television, radio facsimile, radio signals, cable operations, cable technology, cable engineering, teleprint

operation, radar operation, beam and cable accounting and checking, and/or any of their kindred or associated branches as applied to the land, sea, or air; and shall include all persons engaged or employed as marine radio operators, assistant marine radio operators, junior marine radio operators, marine radio inspectors, marine radio technicians, marine radio engineers who carry out installations, service and maintenance of radio apparatus on any vessel, and all radio engineers, radio technicians, radio mechanics, control room operators and panel operators engaged on

broadcasting stations (other than those under the control of the Australian Broadcasting Commission), and all radio engineers, radio technicians, radio operators, operators-in-charge, radar operators, radio examiners, radio inspectors engaged in aeradio stations throughout Australasia and the Islands of the Pacific (Department of Civil Aviation). All superintendent radio engineers, radio station masters, senior radio operators, radio operators, radio technicians, radio mechanics, riggers and assistant riggers engaged on coastal radio service stations throughout Australasia and the Islands of the Pacific, and all radio engineers, radio technicians, radio mechanics, riggers, assistant riggers, and cadets or apprentices engaged on beam wireless transmitting or receiving stations throughout Australasia and the Islands of the Pacific. All superintendents, supervisors, assistant supervisors, house engineers, supervising technicians, technicians, senior telegraphists, telegraphists, junior telegraphists, senior despatch clerks, despatch clerks, counter clerks, service clerks, accounts clerks, rates clerks, invoice clerks, phonogram clerks, bundlers or messengers engaged or employed in beam wireless and cable receiving or transmitting offices of Overseas Telecommunications Commission, Australia, or any branch or depot of such offices throughout Australasia and the Islands of the Pacific. All observers, observers (radio) and senior observers (radio) employed by the Bureau of Meteorology, Department of the Interior. All radio officers, engaged on any aircraft flying within Australasia and the Islands of the Pacific and beyond, and engaged or employed by any Company, Corporation, Commission, Department or Establishment in Australasia or the Islands of the Pacific, who carry out operations or services from the Australian mainland. All instructors engaged in any school or college where wireless or radio theoretical or practical instruction is given or taught, together with other persons whether employed in any of the abovementioned occupations, who are officers of the Union and have been admitted as members thereof.

Provided that nothing herein shall be taken as covering employees engaged in the manufacture of radio apparatus or appurtenant elements or in the maintenance, installation and/or servicing of radio elsewhere than in transmitting, receiving, aviation, radio service depots and/or telegraphic or cable stations, not including the fabrication or erection of masts, machinery, or other gear used in connexion therewith.

H. Without in any way limiting, or being limited by, subrules A, B, C, D, E, F and G shall also consist of:

(i) persons employed by the Commonwealth Scientific and Industrial Research Organisation in the following occupations or industrial pursuits whether in a trainee, practitioner, specialist or managerial capacity:

scientist, engineer, architect, librarian, scientific services officer and translator

or who are engaged in occupations or industrial pursuits the duties of which involve the possession of qualifications equivalent to those involved in these occupations or industrial pursuits.

(ii) persons employed by the Commonwealth Scientific and Industrial Research Organisation in the following classifications, designations, occupations or industrial pursuits whether in a practitioner, specialist, managerial, or trainee capacity:

(a) Senior Technical Officer which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of senior technical officer, senior technician, principal technical officer, principal technician, chief technical officer or chief technician by whatever name called.

(b) Technical Officer or Technician which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of technical officer or technician by whatever name called.

(c) Technical Assistant (Laboratory) or Assistant (Laboratory Services) which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of technical assistant (laboratory), assistant (laboratory services), technical assistant, laboratory assistant, or laboratory services assistant by whatever name called.

- (d) Library Officer or Assistant Library Officer which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of library officer, assistant library officer, library technician or library assistant by whatever name called.
- (e) Photographer or Graphic Designer which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of photographer or graphic designer by whatever name called.
- (f) Information Officer which expression shall, without limiting the generality thereof, include employees designated as or usually performing the duties of information officer by whatever name called.
- (g) Persons whose duties require them to possess qualifications or skills equivalent to those involved in the foregoing classifications, designations, occupations or industrial pursuits.

who are engaged in research or research support, which expression shall, without limiting the generality thereof, include the dissemination or application of research outcomes to industry; together with such other persons, whether employed in the industry or not, as have been appointed or elected officers of the Union and admitted as members of such.

- I. Any person who is eligible for membership of the Union under the provisions of any of the subrules in Rule 3 and the preceding subrules in Rule 4 shall not be excluded from membership of the Union by any other subrule in Rule 3 and the preceding subrules in Rule 4.
- J. Notwithstanding anything to the contrary in sub-rules A, B, C, D, E, F, G, H and I, employees of the Australian Federal Police are not eligible for membership of the Union unless:
 - (i) they are declared or appointed to be Protective Services Officers or Special Protective Services Officers; or
 - (ii) they perform administrative and/or clerical functions and were members of the CPSU as at 30 June 2004.

To avoid doubt, persons declared or appointed to be Protective Service Officers or Special Protective Service Officers are eligible for membership of the Union under this part of the rules, but nothing in this part or in any other part of the rules will make eligible for membership any person who is employed or engaged by the Australian Federal Police as a police officer.

- K. Notwithstanding anything to the contrary in subrules A, B, C, D, E, F, G, H and J all persons employed by the First Licensed carriers as defined hereunder, in or in connection with the telecommunications industry shall not be eligible for membership of the Union.

"First Licensed carriers" means the holders for the time being of:-

- (a) the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in the Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or
- (b) any licence granted following the revocation of either of the licences referred to in (a) above and any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.

- L. Notwithstanding anything to the contrary in sub-rule G, all persons employed or engaged in the function of ROV Pilots/Technicians in or in association with the operation, utilisation, control, maintenance, installation, repair and service of remotely operated sub sea vehicles and associated equipment shall not be eligible for membership of the Union.
- M. Notwithstanding anything to the contrary in sub-rules A, B, C, D, E, F, G, H, I and J all persons employed by Telecom Technologies Pty Limited shall not be eligible for membership of the Union.
- N. Notwithstanding anything to the contrary in these rules, persons employed by a CSL Company, other than persons wholly or substantially employed in:

- (i) engineering and engineering-related trades, supervisory and drafting classifications as are eligible for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union as at 26 June 1996;
- (ii) electrical and plumbing trades and trades assistant duties as are eligible for membership of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia as at 26 June 1996;
- (iii) plant operating duties as are eligible for membership of the Construction, Forestry, Mining and Energy Union as at 26 June 1996; and
- (iv) catering and canteen work (except canteen management) as are eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union as at 26 June 1996;

shall be eligible for membership of the Union.

For the purposes of this sub-rule, "CSL Company" means and includes:

- (a) CSL Limited;
 - (b) Filtron Pty Ltd; and
 - (c) a company in which CSL Limited has a controlling interest and which is created from operation of CSL Limited as at 26 June 1996; and
 - (d) the Animal Health Division of CSL Limited sold to Pfizer on 26th March 2004.
- O. 1. Notwithstanding anything to the contrary in these rules persons will be eligible for membership of the union;
- (a) if they are performing work that was previously performed by a body listed in part (2) below at the date specified for that body; and
 - (b) they would have been eligible for membership of the union had they been performing the work whilst employed in or by a body listed in part (2) below at the date specified for that body.
2. (a) Federal Airports Corporation as at 7 May 1998.
- (b) Airservices Australia (at the date of gazettal).
- (c) Centrelink (at the date of gazettal).
- (d) Medibank Private (at the date of gazettal).

NOTE: A copy of the agreement between the ASU and CPSU which is exhibit ASU 2 in proceedings in matter D2001/23 may be inspected at any of the Registries of the Industrial Registrar.

3. Provided that where an employee is performing catering, trolley conveyance, cleaning or carparking functions at an airport, and
- (a) those functions were previously performed by the Federal Airports Corporation, and
 - (b) those functions are subsequently performed by a contractor;
- then an employee who performs those functions, and is employed by such a contractor, shall not be eligible to be a member of the union, and;
4. Notwithstanding the foregoing, where an employee is performing airside safety security functions at an airport they shall be eligible to be members of the union.

The term "airside safety" in this sub-rule shall mean the care and maintenance and safety checking of airport facilities within the airside perimeter, but shall not include contract security in the airport terminal or public thoroughfares around the terminal. The airside safety security functions referred to are those functions within the airside perimeter which were previously performed by the Federal Airports

Corporation and which functions are subsequently performed by a contractor. Airside safety security functions shall include security functions which are part of, or incidental to airside safety.

P. Notwithstanding anything to the contrary in these rules, any person employed or engaged in the provision of Commonwealth employment services shall be eligible for membership of the union. For the purposes of this sub-rule, "Commonwealth employment services" means any service, benefit, program or facility that is provided by, or on behalf of, a body or organisation which is a Provider under a Job Network Employment Services Contract in or in connection with the performance of that contract.

(a) Provided that a person employed by a Job Network Services Contract Provider:

- (i) who is eligible to be a member of the Australian Municipal, Administrative, Clerical and Services Union; and
- (ii) who performs the substantial amount of his or her work other than in or in connection with the performance of a Job network Employment Services Contract;

shall not be eligible for membership of the union.

NOTE: A copy of the agreement between the CPSU and the ASU which is Exhibit ASU 1 in matter D2002/8 may be inspected at any of the Registries of the Industrial Registrar.

(b) Notwithstanding the provisions of sub-rule P persons eligible for membership of The Association of Professional Engineers, Scientists and Managers, Australia under its Rules 3.1, 3.2 and 3.9 who are employed or engaged by a Provider to provide services for the recruitment of professional engineers or scientists or who are employed or engaged in the provision of information technology services to a Provider under a Job Network Employment Services Contract shall not be eligible for membership under subrule P.

(c) The provisions of rule 3.13.3.6 of the rules of The Association of Professional Engineers, Scientists and Managers, Australia shall not operate to exclude from membership of The Association of Professional Engineers, Scientists and Managers, Australia persons who are eligible for membership of the union under subrule P.

(d) Notwithstanding the terms of subrule P, any person employed by IBM Global Services Australia Ltd or IBM Australia Ltd in the provision of information technology services to a Provider under a Job Network Employment Services Contract shall not be eligible for membership of the union under subrule P.

(e) To avoid doubt, the exclusions in subrules (b) and (d) above have no application to eligibility under any other subrules other than sub-rule P.

Q.1 Despite anything to the contrary in these rules, the following persons are eligible for membership of the Union:

(i) persons employed by:

(A) Sensis Pty Ltd but excluding any employee who is eligible to become a member of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union and whose employment is subject to the Sensis Advertising & Design Agreement 2003-2004 AG828506 PR938287 and any successor or replacement agreement whether certified, lodged, registered or however constituted; or

(B) Invizage Pty Ltd.

(ii) persons performing work as customer service representatives or telephone operator or a sales representative or a supervisor of the foregoing in Teletech International or any subsidiary of the company within the meaning of the Corporations Act who in the past or are currently performing work for the Commonwealth;

(iii) persons performing work as customer service representatives or telephone operator or a sales representative or a supervisor of the foregoing in Stellar or Sirius or any subsidiary of the companies with the meaning of the Corporations Act;

- (iv) subject to the proviso in subrule F(7), persons employed as labour hire employees who, if they were employees performing work of the kind which they usually perform as labour hire employees, would be eligible for membership of the union under sub-paragraph (i) or (ii) of this subrule, or Rule 2 Part A.1(i)(g) or A.1(iv).

Q.2 Provided that persons eligible to be members of the CEPU and employed as tradesman, artisan, draftsman, technical assistant, technical officer, mail officer, linesman, telecommunication technician, telecommunications technical officer, telecommunications electrical worker, postmaster, telegraphist or theatrical, film, television and video technician will not be eligible under this rule.

PART II

SECTION I

In this section -

- (a) References to "this rule" (or similar expressions) shall be construed as referring to this Section only of this rule and shall not be construed as limiting the scope of Section II hereof.
 - (b) References to persons not being eligible for membership of the Union (or similar expressions) shall be construed as limited to such persons not being eligible for membership under this Section of this rule.
- (A) The Union shall consist of an unlimited number of employees employed by -
- (i) the Crown in right of any State or States;
 - (ii) any statutory body representing the Crown in right of any State or States;
 - (iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in right of any State or States;
 - (iv) any company or corporation in which at least fifty per centum of the issued shares are held by or for on behalf of or in the interest of the Crown in right of any State or States or if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interest of the Crown in right of any State or States

in or in connection with any one or more of the industries of:

Brickmaking and quarrying

Building and construction

Harbours including dockyards jetties and coastal waters excluding the industry of shipping

Engineering

Finance and investment in commercial or private undertakings or projects and purposes of a non-governmental character excluding the industries of banking and credit unions

Housing including without limiting the generality thereof the acquisition planning survey subdivision improvement sale or lease of land construction of residential premises for sale or lease and management of developed properties

Insurance but in Queensland, to the extent only of persons who are:-

- (i) permanent employees of the Queensland Government or (in relation to the Crown in the right of the State) of a Crown Corporation, Crown Instrumentality or Minister representing the Crown; and
- (ii) (a) employed in Suncorp Insurance and Finance as that body operated on 1 October, 1991 or any Public Sector successors of that body to the extent that such successor performs the functions of that body, or

- (b) employed in the Workers' Compensation Board of Queensland as that body operated on 1 October, 1991 or to public sector successors of that body to the extent that such successor performs the functions of that body.

Manufacturing for commercial or private undertakings of purposes of a non-governmental character

The storage, conveyance and marketing of dairy and farm produce, fish, meat, grain, coal and coke but excluding the sale of any of the foregoing commodities by wholesale or retail

Medical officers and paramedical officers excluding legally qualified Medical Practitioners or persons studying or training to obtain such qualifications

Mining

Power and fuel supply and sale excluding the manufacture distribution or sale of gas however defined provided that this exclusion shall not apply to salaried employees of The Pipelines Authority of South Australia

Printing and publishing provided that the Union shall maintain but not extend its industrial coverage of employees who are covered by Federal or State Awards and Agreements or State or Federal Determinations in the printing industry

Regional Development and redevelopment including without limiting the generality thereof the acquisition planning survey subdivision improvement sale or lease of land for mixed commercial residential and public use

Theatrical and amusements of any kind whether outdoor or indoor or in or about theatre halls sports exhibitions and agricultural shows but not so as to include employees not engaged in administrative and clerical duties and excluding the industry of professional musicians

Tourism including without limiting the generality thereof the acquisition planning survey restoration improvement management and promotion of Zoological and National Parks, places of historic interest, resorts and tourist attractions generally excluding the transport of passengers or goods by land water or air

Universities and colleges of advanced education but not including academic staff

Water conservation and irrigation including without limiting the generality thereof the storage transport inspection control metering and sale of water

(B) The Union shall also consist of an unlimited number of employees employed by -

- (i) The Crown in right of any State or States;
- (ii) any statutory body representing the Crown in right of any State or States;
- (iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or on behalf of or in the interest of the Crown in right of any State or States;
- (iv) any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of any State or States or if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interest of the Crown in right of any State or States

and which employees are engaged in any one or more of the industrial pursuits of

Architects and Naval Architects

Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers

Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors

Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators

Medical officers including paramedical officers excluding legally qualified Medical Practitioners or persons studying or training to obtain such qualifications

Tracers

Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Supervisors of Engineering Production, Planners of Engineering Production, Construction or Maintenance Work, Weather Officers

Technical Assistants and Technical Officers

Social Welfare Work, Child Care, Provision of Social Services, Charity Work and without limiting the generality of the foregoing probation and parole services including rehabilitation programme management, youth and community services, ethnic affairs, drug referral and rehabilitation, child and family care services, retarded persons services, mental health services and counselling in institutions, community centres and crisis service areas

Non-academic staff employed by Universities and Colleges of Advanced Education

(C) The Union shall also consist of such other persons (not being any persons employed by any employer excluded in Rules 3(A) or 3(B)) as are officers of the Union or who may lawfully be or become members of a registered organisation of employees having the constitutional coverage and eligibility for membership set forth in sub-rule (A) and (B) of rule 3. Constitution of the rules of the Union. .

(D) In the State of New South Wales the Union shall also consist of -

- (a) Employees of the Crown in Right of the State of New South Wales; for the purposes of this Constitution the term "employees of the Crown" without limiting the ordinary meaning of the term shall include employees of any person, firm, board, trust, company or corporation employing persons on behalf of the Government of the State; and
- (b) Foreman Engineers and Administration Officers exercising supervisory duties employed by the Board of Fire Commissioners; and
- (c) (i) Employees who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged or usually engaged in any of the following callings or avocations whether as principal or assistant employees or employees in training in a public or private hospital or public dental clinic, namely:

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer (other than Medical Technologist), Bio-Medical Engineer, Physician, Surgeon, Psychologist, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupational Therapist, Music Therapist, Dietician, Librarian, Medical Record Librarian (or Administrator), Social Worker, Physiotherapist, Welfare Officer, Health Education Officer, Alcoholism Counsellor, Nurse Counsellor, Chiropodist (or Pediatrist); together with such other employees who are engaged or usually engaged in the callings or avocations of Welfare Officer, Health Education Officer, Nurse Counsellor and Alcoholism Counsellor, Chiropodist (or Pediatrist), whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of an institution deemed by the employer to be of similar standing.

- (ii) Employees of any organisation registered or exempt from registration under the Charitable Collections Act, 1934, as amended, who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged or usually engaged in any of the following callings or avocations whether as principal or assistant employees or as employees in training, namely:

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer (other than Medical Technologist), Bio-Medical Engineer, Physician, Surgeon, Psychologist, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupational Therapist, Music Therapist, Dietician, Librarian, Medical Record Librarian (or Administrator), Social Worker, Physiotherapist, Welfare Officer, Health Education Officer, Alcoholism Counsellor, Nurse Counsellor, Chiropodist (or Pediatrist), Child Care Officer, Library Officer or Remedial Gymnast;

together with such other employees who are engaged or usually engaged in the callings or avocations of Welfare Officer, Health Education Officer, Nurse Counsellor, Alcoholism Counsellor, Chiropodist (or Pediatrist), Child Care Officer, Library Officer or Remedial Gymnast, whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of an institution deemed by the employer to be of similar standing but excluding employees howsoever qualified who are engaged or usually engaged in the callings or avocations of Child Care Officer, Library Officer or Remedial Gymnast in a Domiciliary institution operated by an organisation registered or exempt from registration as aforesaid.

- (iii) Employees who are engaged or usually engaged in the callings or avocations whether as principal or assistant employees or as employees in training of School Dental Therapist, Dental Chairside Assistant or Dental Technician in a public hospital or by an organisation registered or exempt from registration under the Charitable Collections Act, 1934, as amended, or a public dental clinic.

- (iv) Provided that in the case of the callings or avocations of Nurse Counsellor, Alcoholism Counsellor, Child Care Officer, Welfare Officer and Health Education Officer;

- (I) The certificate referred to above shall require at least two years full-time or three years part-time post Higher School Certificate level study.
- (II) The institution referred to above is reasonably and properly 'deemed' by an employer.
- (III) The employees are or should be reasonably and properly designated and classified as Nurse Counsellor, Alcoholism Counsellor, Child Care Officer, Welfare Officer and Health Education Officer respectively.

- (d) Persons employed by -

- (i) Colleges of Advanced Education;
- (ii) The University of New South Wales, the University of Newcastle, the University of Wollongong or any Universities formed from a College of these Universities;

- (iii) Agriculture Colleges;

including in each case

Foreman, Laboratory Craftsmen and those employed in a supervisory capacity

- (iv) Persons employed by, or usually employed by or on behalf of The University of Sydney, Macquarie University and the University of New England in or in connection with one or more of the following industries or industrial pursuits

General Library Assistants, Library Assistants, Senior Library Assistants, Assistant Librarians, Librarians, Librarians-in-Charge, Senior Librarians, Library Technicians, Assistant Library Technicians and Library Officers.

- (e) The employees of the United Dental Hospital of Sydney.

- (f) Employees of the administrative, clerical and general staff of the Legislative Assembly and of the Legislative Council.
- (g) Senior executives, managers - country branches, inspectors, sales supervisors, engineers, laboratory staff, floor and production management and senior clerical officers employed by the New South Wales Egg Corporation.
- (h) Persons in the Departments of Education or Technical and Further Education, Colleges of Advanced Education and in such other Departments, Sub-Departments or Institutions who are employed by any New South Wales Education Commission or its agents.
- (i) Associates to Justices.
- (j) Without in any way limiting the application of paragraphs (a) and (c) hereof:

- (i) Persons employed in regional offices of any Department of State or corporation or body established by statute of the State of New South Wales administering or providing health services in the State of New South Wales and including such persons whose employment fulfils a function of such a regional office but who, due to the nature of their duties, are not employed within the precincts of that office.
- (ii) Persons employed in or by area or community health services (howsoever called) other than persons engaged in non- professional duties in,
 - (a) a State Public Hospital;
 - (b) a community health centre located within the precincts of a State Public Hospital; or
 - (c) an area health service (not being a community health centre) located outside the precincts of a State Public Hospital.

For the purposes of this sub-paragraph the term "non- professional" duties shall mean duties other than those performed by the persons described in paragraph (D)(c) of this rule.

- (iii) Persons, other than those described in paragraph (D)(c) of this rule, employed at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunisation Centre whilst such establishments are operated at locations not within the precincts of a Public Hospital by which such persons are employed.
- (iv) Persons employed in or by or in connection with the administration of:
 - The Drug and Alcohol Authority
 - New South Wales State Cancer Council
 - The United Hospitals Auxiliary
 - The Institute of Psychiatry
- (v) Persons employed in or by or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales.
- (vi) For a period of three years from the making of an order pursuant to the Health Administration Act, 1982, persons other than those referred to in sub-paragraphs (i) - (iv) hereof, who by virtue of that order would not otherwise be eligible for membership in the Union, provided that at the time of the making of the order such persons were members of the Union.

Provided that nothing in this paragraph shall render eligible for membership in the Union persons engaged in the professions of nursing or mental nursing employed as trained nurses, trainees and assistants in nursing.

- (k) Without limiting the generality of the foregoing paragraphs hereof, persons employed in or in connection with the provision of or rendering of medical and/or para-medical services in penal or like establishments deemed or proclaimed to be a prison pursuant to the Prisons Act, 1952, to persons incarcerated or otherwise detained.

- (l) Persons employed at the Sydney Entertainment Centre in administrative, clerical, technical, professional or managerial capacities, including employees of any lessee of the Centre for operation as a place of entertainment, provided such persons are not employed to perform front-of-house activities nor engaged in any other capacity in or in connection with the selling of goods.
- (m) Employees of the Australia Music Centre Ltd., and of any successor, assignee or transferee of the business and/or functions of the said corporation or any part thereof.
- (n) Without limiting the generality of any of the foregoing paragraphs hereof, all employees of the Joint Coal Board and any successor in law to it or any legal entity, whether corporate or unincorporated and whether or not owned by or on behalf of the Crown in right of the State of New South Wales, carrying on the functions described in the Coal Industry Act 2001 (NSW).
- (o) Employees of the Totalizer Agency Board of N.S.W. performing duties for which the commencing salary is above the highest salary level for Branch Assistant Manager.
- (p) Persons employed as barristers, solicitors, barristers and solicitors, lawyers, legal officers, attorneys, patent attorneys or in any other position or under any other title for which the holder is required to possess legal qualifications or be registered as a legal practitioner or hold a practising certificate as a legal practitioner.
- (q) Employees of Coleambally Irrigation Co-operative Limited, Jemalong Irrigation Limited, Lower Murray Irrigation Limited, Murray Irrigation Limited, Murrumbidgee Irrigation Limited and any successor in law to any of the aforesaid, employed as administrative and clerical staff, clerks, clerical officers, professional officers (excluding professional engineers), channel attendants, senior channel attendants, senior operations officer, operations manager, works manager, weeds inspectors, mechanical inspectors, mechanical service officers, technical officers, operations superintendents, engineering assistants, field officers environmental, field officers water distribution channel attendants (excluding field officers employed to carry out general labouring duties).
- (r) Employees of the Museum of Contemporary Art.
- (s) Persons employed or engaged to work in:
 - (i) any private correctional facility, other than the Junee Correctional Centre; and
 - (ii) prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals

Provided that nothing in this sub-paragraph will render teachers or nurses eligible for membership of the Union.

Provided further that nothing in this sub-paragraph will render employees eligible for membership of the Union who are:

- (a) not directly employed or engaged by operators of correctional facilities or prisoner transport activities; and
- (b) who are employed, or who become employed, performing either construction, refurbishment or installation work in private prisons or the maintenance or repair of private prison transport vehicles.
- (t) Persons who are, or usually are, employees in the New South Wales electricity supply industry, supplying electricity directly or indirectly to the public in a professional or para-professional capacity requiring theoretical or technical knowledge of accountancy, economics, engineering, law, medicine, science, or surveying or requiring specially acquired knowledge other than that required for crafts, trades or purely clerical work.
- (u) Persons employed in the generation and transmission of electricity in New South Wales in a professional (but for Professional Engineers), administrative, clerical or salaried technical position.

This sub-rule was inserted in matter no D2012/221 following an undertaking made by the CPSU pursuant to s158(5) of the *Fair Work (Registered Organisations) Act 2009* (Cth) in the terms of the "ASU/CPSU NSW Electricity Agreement 2013" executed on 16 July 2013.

- (v) **Persons employed or to be employed by companies or organisations who are successors to and/or performing the roles, functions or responsibilities of the Home Care Service of New South Wales, other than those employed in classifications covered by the *Care Worker Employees – Department of Family and Community Services – Ageing, Disability and Home Care (State) Award 2014* as it was at 31 October 2014.**

(E) In the State of South Australia the Union shall also consist of an unlimited number of persons -

- (a) Employed permanently or temporarily in the Public Service within the meaning of the Government Management and Employment Act, 1985.
- (b) Employed by or under any Board, Trust, Commission, Commissioner, Committee, or other public or statutory authority, appointed by the South Australian Government.
- (c) Employed as Timekeepers, Foremen, or Inspectors in any department of the Public Service of South Australia.
- (d) Employed on annual salary in any hospital or institution by or under the control of the South Australian Government.
- (e) Employed by the Board or Committee of Management of the Adelaide Children's Hospital Incorporated, The Queen Victoria Hospital Incorporated, Lyell McEwin Hospital Incorporated, The Julia Farr Centre Incorporated, Minda Home Incorporated and any Hospital or Health Centre Incorporated under the South Australian Health Commission Act 1975-1976 as amended and any other public or country community hospital or health centre.
- (f) Employed as Executive Officers or in administrative, managerial or in a professional capacity by the Foundation for Multi Disciplinary Education in Community Health.
- (g) Employed as nurses by the following State Government Hospitals - The Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Flinders Medical Centre, The Modbury Hospital, the Whyalla Hospital, Port Pirie Hospital, Port Augusta Hospital, Port Lincoln Hospital, Mount Gambier Hospital, Walleroo Hospital, Ru Rua Nursing Home.
- (h) Employed as nurses who are Public Servants within the meaning of the Government Management and Employment Act, 1985 and in particular but without limiting the generality thereof, senior mental health nurses.
- (i) Employed as nurses pursuant to direct Ministerial appointment (but not persons employed by "subordinates" of any Minister in respect of whom the Minister's consent only is required) and in particular, but without limiting the generality thereof, nurses employed pursuant to s.6 of the Alcohol and Drug Addicts (Treatment) Act 1961-1971.
- (j) Employed as nurses in the following psychiatric hospitals and institutions, Enfield Hospital, Glenside Hospital, Hillcrest Hospital, Willis House, Palm Lodge, the Psychiatric Day Hospital, Strathmont Hospital who were members of the Union as at 17 April, 1980, who remain members continuously thereafter.
- (k) Employed as nurses by the Health Commission, any community health centre, the Queen Victoria Hospital, Minda Home, country community hospitals who were members of the Union as at 17 April, 1980, who remain members continuously thereafter.
- (l) Employed as Dental Nurses.
- (m) Notwithstanding anything contained in this rule, persons employed by the State Transport Authority of South Australia in a supervisory, clerical, administrative or inspectorial capacity who are members of the Federation as at 20th day of August, 1993 for so long as they remain members of the Federation and engaged in a supervisory, clerical, administrative or inspectorial capacity within the STA of SA.
- (n) Employed in any capacity by The Crippled Children's Association of South Australia Incorporated, excluding persons eligible for membership of the Australian Nursing Federation.

- (o) For the purpose of giving effect to the orders made on 9 May 1997 and recorded in Print P0067, with effect from 1 October 1997 and subject to further order of the Commission to vary or set aside the orders, employed in any administrative, clerical, managerial, or professional capacity by United Water International Pty Ltd, provided that any person employed by United Water International Pty Ltd:
- (i) in any technical capacity, other than those persons who were members of the Union at 12 November 1996 and who retain that membership;
 - (ii) in any supervisory positions in non-clerical or non-administrative structures, including positions designated as "plant superintendent", other than those persons who were members of the Union at 12 November 1996 and who retain that membership;
 - (iii) as Managing Director or those Executive Managers that report directly to him or her, other than those persons who were members of the Union at 12 November 1996 and who retain that membership; and
 - (iv) who is eligible for membership of the Union only by virtue of this paragraph and who is eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union of Australia other than those persons who were members of the Union at 12 November 1996 and who retain that membership

shall not be eligible for membership of the Union.

- (F) In the State of Tasmania the Union shall also consist of an unlimited number of persons employed in a permanent or temporary capacity by -

- (a) the State;
- (b) a State Authority which means any persons or body of persons or Authority, whether corporate or unincorporate, which is constituted or established under the authority of any Act or under Royal prerogative for the State of Tasmania;
- (c) a State public hospital which means any hospital receiving aid from the State that is prescribed as a State public hospital and with which a board is charged with the management, maintenance, and regulation. Provided that nothing in this paragraph shall render eligible for membership of the Union any person employed on the general staff and/or nursing staff of a State public hospital in the State of Tasmania.

- (G) In the State of Victoria the Union shall also consist of -

- (a) Persons employed in the Public Service of Victoria or employed in any State instrumentality or other undertaking carried on by public authorities, commissions, or corporations under any State charter, statute, enactment, or proclamation of the State of Victoria and including any such person transferred or on loan to the Public Service of another State or to any instrumentality or other undertaking carried on under any statute, charter or enactment or proclamation of any State.
- (b) Notwithstanding anything contained in this rule, persons employed by the Rural Water Corporation, Wimmera Mallee Rural Water Authority, Southern Rural Water Authority, Gippsland Rural Water Authority, Goulburn Murray Rural Water Authority and Sunraysia Rural Water Authority where the functions and activities of those bodies were undertaken by the Rural Water Corporation as at 22 November 1993.
- (c) Persons employed by the Australian Council of Educational Research.
- (d) Persons registered as dental therapists under the Dental Practices Act 1999 or licensed as dental therapists under the Dentist Act 1972, wherever employed.

- (e) Persons employed or engaged in:

- (i) any private correctional facility, including but not limited to Fulham Correctional Centre, Port Phillip Correctional Centre and the Melbourne Custody Centre; and
- (ii) prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals

Provided that nothing in this sub-paragraph will render managers, teachers or nurses eligible for membership of the Union

Provided further that nothing in this sub-paragraph will render employees eligible for membership of the Union who are:

- (a) not directly employed or engaged by operators of correctional facilities or prisoner transport activities; and
 - (b) who are employed, or who become employed, performing either construction, refurbishment, or installation work in private prisons or the maintenance or repair of private prison transport vehicles.
- (f) Employees engaged to perform work in or in connection with traffic law detection, prosecution and enforcement, court or warrant enforcement, or the collection or enforcement of other criminal or civil court orders not related to traffic law infringement, by any person, corporation or business entity, that undertakes, or is contracted to the Government of the State of Victoria to undertake such work.

Provided that the coverage enabled by this sub-paragraph does not extend to the following classes of employees:

- (i) persons employed to perform electrical/electronic work (including work covered by the National Electrical, Electronic and Communications Contracting Industry Award 1998) in the manufacture, installation, maintenance and service of traffic law detection devices and equipment including traffic lights, traffic cameras, speed cameras and radar equipment.
 - (ii) persons employed in or in connection with education institutions including pre-schools, schools, technical and further education, universities, adult education or associated research, or persons employed as teachers or teachers' aids in detention centres or correctional facilities.
 - (iii) persons employed or engaged in local government in work involving traffic or parking by-law enforcement.
- (H) In the State of Western Australia the Union shall also consist of an unlimited number of persons -
- (a) employed as an officer under and within the meaning of the Public Service Act, 1978-1980, or
 - (b) employed under the Forests Act, the Main Roads Act, or any Act now in force or hereafter enacted whereby any Board, Commission or other body is constituted to administer any such Act, or
 - (c) otherwise employed in any of the established branches of the Public Service of the State of Western Australia including State trading concerns, business undertakings and government institutions controlled by boards.
 - (d) employed by the person or persons that own or operate Acacia Private Prison in the State of Western Australia.

Exclusions

Notwithstanding anything hereinbefore contained

- (i) Any person who is employed by any instrumentality of the Crown including without limiting the generality of the foregoing the following instrumentalities:-

Victorian Instrumentalities

Ballarat Water Board
Bendigo Water Board
Road Construction Authority of Victoria
Dandenong Valley Authority
Gas & Fuel Corporation

Port of Geelong Authority
Geelong Water Board
Latrobe Water Board
Melbourne Harbour Trust
Melbourne & Metropolitan Board of Works
The Metropolitan Transit Authority
Port of Melbourne Authority
State Transport Authority
State Electricity Commission of Victoria

Hospital & Charities Commission
Housing Commission

Western Australian Instrumentalities

Fremantle Port Authority
Main Roads Department
Western Australia Railways
State Energy Commission

South Australian Instrumentalities

Electricity Trust of South Australia
South Australian Housing Trust
The Pipelines Authority of South Australia

Tasmanian Instrumentalities

Marine Board of Burnie
Marine Board of Devonport
Marine Board of Hobart
Hydro-Electric Commission
Port of Launceston Authority
Hobart Regional Water Authority
Tasmanian Department of Transport

New South Wales Instrumentalities

Electricity Commission
Urban Transit Authority
Hunter District Water Board
Department of Main Roads
Maritime Services Board
Metropolitan Water, Sewerage and Drainage Board
Department of Motor Transport
Water Resources Commission
State Rail Authority
Traffic Authority of N.S.W.

and is or has been a Corporate Member or Graduate Member of The Institution of Engineers, Australia, or has passed the prescribed examinations for or is the holder of qualifications published by The Institution of Engineers, Australia, as granting eligibility for Graduate or Corporate membership of the said Institution or in respect of whom The Institution of Engineers, Australia, has given written notification that his qualifications would render him eligible for Graduate or Corporate Membership of the said Institution shall not be eligible for membership of the Union.

- (ii) Any person who is employed in the tourist promotion section of the Public Transport Commission of N.S.W., the tourist promotion section of Victorian Railways, the Mt. Buffalo Chalet operated by the Victorian Railways or the tourist section of the marketing division of the N.S.W. Public Transport Commission shall not be eligible for membership of the Union.
- (iii) Any person employed by:

Australian National Railways Commission
 Melbourne and Metropolitan Board of Works
 Road Construction Authority of Victoria
 Hydro-Electric Commission of Tasmania
 Australian Mineral Development Commission
 Electricity Trust of South Australia
 State Electricity Commission of Victoria
 Port of Geelong Authority
 Melbourne Harbour Trust
 Port of Melbourne Authority
 The Metropolitan Transit Authority
 Metropolitan Transport Trust of Tasmania
 State Energy Commission of Western Australia
 Maritime Services Board of N.S.W.
 Melbourne Wholesale Fruit and Vegetable Market Trust
 Pest Plant Control Boards in the State of South Australia
 Vertebrate Pest Control Boards in the State of South Australia [Provided that Pest Plant Control Boards and Vertebrate Pest Control Boards shall neither mean nor include any or all of the Pest Plant Commission, the Vermin Control Administration Committee or the Vertebrate Pest Control Authority each in the State of South Australia]
 Totalizator Board of Victoria
 Totalizator Agency Board of South Australia as a casual employee

shall not be eligible for membership of the Union.

- (iv) Any person employed in a professional capacity by:

Public Transport Commission of N.S.W.,
 Commissioner for Motor Transport, N.S.W.,
 Victorian Railways Board,
 Railway Construction Board, Victoria,
 Transport Commission, Tasmania,
 Western Australian Government Railways Commission,
 State Transport Authority of South Australia (Rail Division)

shall not be eligible for membership of the Union.

- (v) Employees of Municipal County Shire Councils Trusts or other Local Government Authorities (other than employees of the Sydney Cove Redevelopment Authority), Water Supply Boards or Trusts (other than employees of the New South Wales Water Resources Commission, the Metropolitan Water Authority of Western Australia and the Metropolitan Water Board of Tasmania), Sewerage Boards or Trusts (other than employees of the New South Wales Metropolitan Waste Disposal Authority), Road Boards (other than employees of the New South Wales Department of Main Roads and the Western Australian Main Roads Department), employees (other than administrative or clerical staff) of any Western Australian Park Reserve Racecourse or Cemetery Board or Trust and employees of Port Authorities in the State of Queensland (other than the Port of Brisbane Authority)

shall not be eligible for membership of the said Union.

- (vi) Any person employed by a College of Advanced Education in any State as a member of the academic staff (which shall include Directors, Principals, Deputy and Assistant Directors or Principals, by whatever name called) shall not be eligible for membership of the said Union provided that the following Agriculture Colleges in the State of New South Wales shall not be regarded as Colleges of Advanced Education:

C B Alexander Agriculture College, Tocal
 The Murrumbidgee College of Agriculture

- (vii) Any person employed by,

- I. The Crown in the actual operation of a system or systems of public transportation of persons and/or goods, wares, merchandise or any material whatsoever;
- II. Any,

- (a) statutory body representing the Crown;
- (b) instrumentality or authority whether corporate or unincorporate acting under the control of or for or behalf of or in the interest of the Crown;
- (c) company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown;

which has as its function the actual operation of a system or systems of public transportation of persons and/or goods, wares, merchandise or any material whatsoever; or has as one of its functions the actual operation of such a system or systems of public transportation but only those persons employed in or in connection with the operation of these system or systems; shall not be eligible for membership of the Union.

- III. (A) The foregoing exclusion however shall not render ineligible for membership employees of the following statutory bodies, departments or ministries, notwithstanding that such statutory bodies, departments or ministries did not in the past operate or are not at present operating a system or systems of public transportation:-

- (a) Western Australian Coastal Shipping Commission
- (b) Albany Port Authority
- (c) Bunbury Port Authority
- (d) Esperance Port Authority
- (e) Fremantle Port Authority
- (f) Geraldton Port Authority
- (g) Port Hedland Port Authority
- (h) State Transport Commission (WA)
- (i) Ministry of Transport (Victoria)
- (j) Road Traffic Authority (Victoria)
- (k) Commissioner for Motor Transport or Department of Motor Transport (N.S.W.)
- (l) Department of Transport (S.A.)
- (m) Any statutory body, department or ministry which in the future assumes the current functions of any of the employers specified in such paragraphs (a) to (l) hereof.

- (B) Provided further that if any of the bodies, departments or ministries specified or referred to in (A) hereof operates a system of public transportation the persons employed in or in connection with the actual operation of that public transportation system shall not be eligible for membership of the Union.

(viii) The following persons shall not be eligible for membership of the Union in the State of New South Wales:

- (a) Persons employed by Colleges of Advanced Education, the University of New South Wales, the University of Newcastle, the University of Wollongong and any University formed from a college of those Universities whose ordinary duties consist of work usually performed by watchmen, caretakers, cleaners, tea attendants, together with persons (other than foreman, laboratory craftsmen and those employed in a supervisory capacity) employed as carpenters, joiners, tile-layers, bricklayers, tuck-pointers, slaters, roof-tilers, shinglers, ridgers, cement-tilers or roof-fixers, painters, decorators, sign-writers, glazers, glass-cutters, paper-hangers, plasterers, plaster fixers, granolithic floor-layers, plumbers, gasfitters or pipe-fitters.
- (b) Persons employed by the University of New South Wales, the University of Newcastle, the University of Wollongong and any University formed from a College of those Universities as academic staff.
- (c) Persons employed by the United Dental Hospital in the profession of nursing as trained nurses, trainees and assistants in nursing.
- (d) Persons employed by the Legislative Assembly and the Legislative Council as caretakers, cleaners, gatekeepers, lift attendants, tea attendants and watchmen.
- (e) Persons in New South Wales who are employed as -
 - (I) Teachers, supervisors, counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), engaged in pre-school, infant, primary or

secondary public education controlled by the Government or employed by the Education Commission;

- (II) Teachers, supervisors, counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), and trainee teacher advisers engaged in technical and further education or adult migrant education or employed in evening colleges;
 - (III) Education officers (performing teaching duties) and teachers working in the Department of Corrective Services;
 - (IV) Teachers seconded as officers of the Research and Guidance Branch of the Education Department.
- (f) Persons appointed to be members of the Police Force of New South Wales in a non-commissioned capacity.
- (g) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
- I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this subparagraph:

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described

- (h) Employees of the Totalizator Agency Board of N.S.W. in clerical classifications for which the commencing salary is at or below the highest salary level for Branch Assistant Manager.
- (i) Persons employed by any State Public Hospital in the retail sale of goods.
- (j) Persons employed in the Education Department in or in connection with the operation of school canteens and kiosks but not excluding persons so employed in an administrative, clerical, technical, professional or managerial capacity.
- (k) Persons wholly, mainly or principally engaged (and however designated) in the work of lift attending, porter's work, tea attendant, cleaning and related pollution control (except persons employed in a supervisory capacity above the level of leading hand and persons who perform mixed functions and a substantial part of whose duties comprise other work such as attendants, gardeners, general assistants, guides or messengers) and caretaking (except persons employed in a supervisory capacity above the level of leading hand and persons who perform mixed functions and a substantial part of whose duties comprise other work such as attendants, gardeners, general assistants, guides or messengers and also persons employed in or for a substantial part of their time in Court Houses, historic houses or Government House), or employed in child care centres, day nurseries, or pre-school kindergartens by the Department of Education or the Department of Technical and Further Education (other than teacher aides in pre-school kindergartens and nurseries within the grounds of public schools but excluding nursery cooks or nursery helps employed in the Department of Education Nursery Schools) or under the Youth Employment Scheme by Government Departments, other than by the Department of Corrective Services,

but not excluding ancillary staff in schools and persons employed in supervisory positions above the level of the officer in charge of such a child care centre, or persons employed in a professional, inspectorial, administrative, clerical or technical capacity, provided that no persons employed by the United Dental Hospital shall be excluded by reason of this paragraph.

- (ix) The following persons shall not be eligible for membership of the Union in the State of South Australia:
- (a) Salaried Medical Officers
 - (b) Storemen and Packers
 - (c) Ministerial Press Secretaries
 - (d) Persons employed by Minda Incorporated below the level of and including the occupation of charge attendant and persons employed by the Electricity Trust of South Australia in the occupation of caretaker, cleaner, watchman or security officer.
 - (e) Employees engaged or usually engaged as electrical fitters, armature winders, electrical mechanics, battery winders, railway electricians, telephone fitters, radio workers, cable joiners, linesmen and lamp trimmers, electrical labourers, electric crane attendants, rail welders and their assistants, electrical welders whose work is associated with the work of an electrician, electricians engaged or usually engaged or employed in running and maintaining electrical plants dynamo, motor attendants or the like.
 - (f) Nurses other than:
 - (I) Nurses employed by the following State Government Hospitals -

The Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Flinders Medical Centre, the Modbury Hospital, the Whyalla Hospital, Port Pirie Hospital, Port Augusta Hospital, Port Lincoln Hospital, Mount Gambier Hospital, Wallaroo Hospital, Ru Rua Nursing Home.
 - (II) Nurses who are public servants within the meaning of the Government Management and Employment Act, 1985 and in particular but without limiting the generality thereof, senior mental health nurses.
 - (III) Nurses who are employed pursuant to direct Ministerial appointment (but not persons employed by subordinates of any Minister in respect of whom the Minister's consent only is required) and in particular, but without limiting the generality thereof, nurses employed pursuant to S.6 of the Alcohol and Drug Addicts (Treatment) Act 1961-1971.
 - (IV) Nurses employed in the following psychiatric hospitals and institutions, Enfield Hospital, Glenside Hospital, Hillcrest Hospital, Willis House, Palm Lodge, the Psychiatric Day Hospital, Strathmont Hospital, who were members of the Union as at 17 April 1980, who remain members continuously thereafter.
 - (V) Nurses employed by the Health Commission, any community health centre, the Queen Victoria Hospital, Minda Home, country community hospitals, who were members of the Union as at 17 April 1980, who remain members continuously thereafter.
 - (g) Persons who are employed or are usually employed in any capacity whether permanent or casual in or in connection with:
 - (I) breweries, malt houses, bottling establishments, distilleries, wine cellars, wineries and spirit stores;
 - (II) aerated water, cordials, cider and ginger beer or other non-intoxicating beer factories and employees retailing to the public any of the products of these factories;
 - (III) hotels, wine saloons, wine bars, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit juice or flavour bars;

- (IV) marine stores or yards, cork cutting factories, bottle washing establishments, patent yeast and vinegar factories;
 - (V) clubs, restaurants, meeting houses and board and lodging and apartment houses, catering establishments;
 - (VI) race courses, football grounds, cricket, dog racing, coursing and other sports grounds, industrial canteens, motels and casinos.
- (h) Employees below the classification of foreman employed in the printing and kindred industries.
 - (i) Persons employed on a weekly or daily basis in the timber industry (provided that notwithstanding the generality of the foregoing, excluding persons employed as mill hands, saw men, timber graders or the like).
 - (j) Employees engaged or usually engaged in the process trade or business connected with or incidental to the manufacture, assembling or repairing of carriages, carts, wagons, trucks, railway cars, tram cars, motor cars, motor cycles, side cars, aircraft and other vehicles used in air transit and all other vehicles or parts thereof and whether in wood and/or metal and/or other material.
 - (k) Daily or weekly paid employees engaged in any of the following industries or callings:

Agricultural, horticultural, viticultural, construction or maintenance of roads, footpaths, aerodromes, bridges, reservoirs, lochs, drains, dams, weirs, channels, tunnels, school grounds or playgrounds, water and sewerage, land surveying and works and undertakings carried out by or on behalf of any local governing body.
 - (l) Persons employed or usually employed or engaged in or in connection with the industries or industrial pursuits of carpenters and joiners or as brick-layers, tuck pointers or in the trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibre, fibrolite or cement mixtures and accessories, malthoid, sisalkraft or bituminous roofing materials and all accessories made of the same or similar materials.
 - (m) Carpenters and joiners, including ship's carpenters and joiners.
 - (n) Persons employed or engaged in or in connection with the industries of driving and the transport of persons and/or passengers and/or goods, wares, merchandise or any material whatsoever by or on vehicle or animals or by aircraft or by motor steam, oil, electric or other mechanically propelled contrivances, drivers assistants and conductors of same and stable work wheresoever performed, all yard and garage cleaning, and other work in connection with driving and transport, including washing, greasing, oiling, cleaning, polishing, tyre fitting and general attendance of horse or mechanically propelled vehicles and mechanical contrivances, loading and unloading onto and/or from any vehicle.
 - (o) Persons employed as roof plumber drainers, gasfitters, sanitary plumbers, registered drainers, plumber welders mechanical services plumbers, water plumbers or the like.
 - (p) Persons employed in:
 - (I) making and/or repairing the whole or any part of any male or female garment or of any article of wearing apparel whatsoever and the dyeing, cleaning, repairing or pressing or ironing of any such articles;
 - (II) making and/or repairing the whole or any part of any description of umbrella;
 - (III) making and/or repairing any description of handkerchiefs, serviettes, pillow slips, pillow shams, sheets and table cloths, towels, quilts, aprons, mosquito nets, bed valances or bed curtains;
 - (IV) embroidering or otherwise ornamenting any of the abovementioned articles;
 - (V) the industry of a furrier;

- (VI) the making of chenille and the making and/or repairing of articles of all descriptions as are made of chenille.
- (q) Firefighters, control room operators, probationary firefighters, fire equipment servicemen and hose-room men.
- (r) Persons employed at the Australian Mineral Development Laboratory and the Electricity Trust of South Australia in a drafting capacity or a technical capacity.
- (s) Persons who are employed in South Australia -
 - (I) As teachers in any Government school, pre-school, child-parent centre or technical and further education institution;
 - (II) In a technical and further education institution and responsible for the co-ordination of teaching therein;
 - (III) As pre-school aides OR assistants in child parent centres.
- (t) The Commissioner, Deputy Commissioner, any Commissioned Officer and any other person who is a member of the Police Force of South Australia or who is undergoing training in order to qualify for appointment as a member of the Police Force of South Australia.
- (u) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph:

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described.

- (v) Persons employed by the Adelaide Festival Centre Trust in the retail sale of goods or the supply of food or drink for consumption on the premises or for take away, but not excluding persons so employed in an administrative, clerical, technical, professional or managerial capacity.
- (x) The following persons shall not be eligible for membership of the Union in the State of Western Australia:
 - (a) Persons employed as Clerical Officers in -
 - the State Engineering Works except those who are employed pursuant to the provisions of the Public Service Act;

- (b) Persons employed as Clerical Officers in positions which, on a salary basis, are less than the salary paid to the respective Public Service Classifications set out hereafter -

Western Australian Meat Commission Robbs Jetty,	C 11 6
Western Australia Coastal Shipping Commission,	C 11 10
Western Australian Egg Marketing Board,	C 11 7
Fremantle Port Authority,	C 11 10/11

- (c) Persons employed as Clerical Workers by -

the Minister for Water Supply, Sewerage and Drainage, or the Metropolitan Water Supply, Sewerage and Drainage Board, or the Minister for Works in connection with maintenance work in the field, on the job, or elsewhere away from Head Office.

- (d) Persons engaged as wharfinger, assistant wharfingers, officers in charge of goods sheds or clerks at the ports under the control of the Department of Marine and Harbours in Western Australia.

- (e) (deleted)

- (f) Persons appointed as Commission Agents by the Totalizator Agency Board.

- (g) Persons employed as Foreman except those who are employed by the Minister for Mines.

- (h) Persons employed as Police Officers, Police Cadets and Police Aides.

- (i) Persons employed as Marine Pilots.

- (j) Persons employed on an annual salary by the Western Australia Government Railways.

- (k) Persons employed on an annual salary in a clerical, inspectorial or professional capacity by the Chairman of the Metropolitan Transport Trust.

- (l) Persons employed in the profession or industry of nursing and being registered or entitled to be registered with the Nurses Board of Western Australia or as student nurses, other than those employed under the Public Service Act or by the Nurses Board of Western Australia.

- (m) Persons employed as Shift Engineers, Royal Perth Hospital.

- (n) Persons employed in the callings of foreman; laundryman; laundress; general hand; driver; gardener; security man; storeman; press operator; seamstress; sorter; cook; tradesman; dry cleaner; presser; cutter in the Hospital Laundry and Linen Service or other persons employed as Laundry Workers.

- (o) Persons employed in Doctors' surgeries.

- (p) Persons employed by the Western Australian Division of the Red Cross Society as Clerks.

- (q) Persons employed by the Spastic Welfare Association as Tradesmen who perform the usual trade duties.

- (r) Persons employed by universities as academic staff.

- (s) Any person employed by the University of Western Australia who has an academic salary nexus and academic status.

- (t) Any person employed by a university in the position of "The University Librarian".

- (u) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:

I Clerical duties

II Administrative duties

III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph:

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting and Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described.

(v) Persons employed by the Totalizator Agency Board of Western Australia in casual or part-time clerical duties.

(w) Persons employed as wages employees as storemen, storemen operator or storemen-in-charge at:

- (1) Building Management Authority
- (2) Education Supplies Branch
- (3) Fremantle Port Authority
- (4) Government Stores Department
- (5) Library Board of Western Australia
- (6) State Engineering Works
- (7) State Health Laboratory
- (8) State Housing Commission
- (9) WA Education Department
- (10) WA Institute of Technology
- (11) WA Meat Exports Pty Ltd
- (12) WA Potato Marketing Board
- (13) Police Department
- (14) Any other Government Store listed as a named respondent to the Storemen Government Award 1979, No 20/1969

(x) Persons in Western Australia who are employed as teachers, education officers, (performing professional duties requiring teaching qualifications) guidance officers, demonstrators or counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), -

(I) by the Education Department;

(II) in a technical and further education institution;

(III) in pre-school centres (provided that teachers in pre- school centres hold or are enrolled in a course leading to a teaching academic qualification); OR

(IV) in community colleges.

(y) (i) Persons employed in the callings of cleaner; caretaker; lift attendant; window cleaner; watchman; charwoman; usher; doorgatekeeper; porter; janitor; cleaning and pollution control; attendant in ladies' retiring rooms; commissionaire; tea attendant; day or night patrolman; gardener; groundsman; gardener's labourer; maintenance labourer; home economics assistant; waiter; waitress; kitchen hand; maid; cook; horticulturist; domestic; trainee horticulturist; apprentice; security man

but not so as to exclude

persons employed for the purpose of undertaking professional, supervisory, technical, administrative and/or clerical functions including, notwithstanding the generality of the foregoing, maintenance assistants; general assistants; maintenance officers and curators.

- (ii) Persons employed in the callings of the keeper; aquarist or ranger in National Parks and Zoological Gardens.
- (iii) Persons employed in the callings of power-mower operator; tractor-mower operator or leading hand employed by the Building Management Authority Mowing Services.
- (iv) Persons employed in the occupation of teachers' aide.

but not so as to exclude

school assistants; technical assistants; library assistants; laboratory assistants and attendants.

- (v) Domestic work, including leading hands,

but not so as to exclude

persons employed for the purpose of undertaking supervisory, administrative and/or clerical functions or for the purpose of instructing in domestic work or persons employed as homemakers.

- (vi) Attendants, employed on wages, by the Trustees of the Western Australian Museum or the Board of the Art Gallery of Western Australia.
 - (vii) Persons employed in the callings of the first aid attendant or security officer by the State Energy Commission.
 - (viii) Persons employed in pre-school centres, child minding centres or day nurseries in the callings of Preschool Teacher or Qualified Child Care Worker or Unqualified Child Care Worker.
 - (ix) Persons employed in the calling of car park attendant other than persons employed by Universities or other tertiary education institutions in Western Australia.
- (z) Employees of the Western Australian Water Authority solely or substantially engaged in or in connection with labouring; operation of portable or non-portable machinery or equipment for construction or maintenance purposes; tradespersons leading hands (except salaried supervisors); blacksmith's striker; dresser; oxy or electric welding assistant; driving of motor transport, articulated vehicles or mechanical equipment; and employees solely or substantially engaged in the callings of alarm room attendant; watchman; radio control room operator; caretaker; supervising storeman; senior storeman; storeman in charge; storeman; water treatment plant operator; assistant on water treatment plant; testers (including testers in charge and senior testers); ganger; survey hand; chain man; instrument hand; senior instrument hand; senior catchment warden; catchment warden; ranger; senior ranger; and employees engaged as non-trades foreman or assistant foreman; supervising or senior foreman; and employees engaged on the construction and maintenance of country water supplies as water supply controller, electric pump attendant or pumping station attendant.
- (aa) Persons employed by:-
- (i) any Public or Private Hospital, or
 - (ii) the SLCG (Inc) or
 - (iii) Silver Chain Nursing Association (Inc.), or

- (iv) in establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, Ngal-a Mothercraft Training Centre, The Braille Hospital, Nadezda and Homes of Peace,

In the callings of

- (a) home help or home care aide (Silver Chain Nursing Association (Inc.) only); social trainer (Nulsen Haven and SLCG (Inc) only); cottage parent or assistant supervisor (SLCG only); nursing assistant; enrolled nurse; student enrolled nurse; dental technician (Perth Dental Hospital only); cleaner; domestic maid; gardener; handyman; housemaid; kitchen man; kitchen maid; laundry worker; dry cleaner; orderly; pantry maid; wardsmaid; yardsman; seamstress; washing-machine hand; boiler-firing orderly; shaving orderly; storeman; driver; bus driver; chef; cook; window cleaner; dry cleaner; steward; animal house attendant; gardener and propagator; senior gardener; head gardener; butcher; carpenter; butcher's assistant; car park attendant; laboratory attendant; waitress; cafeteria assistant; theatre orderly; theatre assistant; ward assistant; CSSD assistant; CSSD orderly; farm assistant; head orderly; bootmaker; housemother (Mount Henry, Olive Jones Nurses' Home, Fremantle and Country Hospitals only); telephonist and receptionist (Swanbourne-Graylands Hospital only); training assistant Spastic Welfare Association of W.A. (Inc.)

but not so as to exclude the callings of:

- (b) home help supervisors; supervising dental technician; cleaning services officer or supervisor; general services supervisor; curator; grounds' supervisor; maintenance officer; assistant food supervisor; food supervisor; food staff supervisor; laundry manager; linen service officer; assistant linen service officer; storeman-clerk; stores officer; catering and domestic supervisor; catering officer; animal house technician; garage supervisor; laboratory assistant; warden; physiotherapy assistant; occupational therapy assistant; farm supervisor; manager, orderly and/or transport services; and orthopaedic appliance worker or assistant.
- (bb) Employees of the Commissioner for Public Health in the Community Health and Child Health Services Branch of the Health Department in the calling of health worker or health worker (special).
- (cc) Person other than persons employed as officers under and within the meaning of the Public Service Act 1978 to 1980 (W.A.) employed
- (i) by any public or private hospital;
- (ii) by the Hospital Laundry and Linen Service;
- (iii) by the Western Australian School of Nursing or any service ancillary to the practice of medicine, including institutions or facilities all substantially engaged in providing medical laboratory services, radiological services, physiotherapy services, occupational therapy services, speech therapy services, social work services;
- (iv) by the Western Australian Division of the Red Cross Society;
- (v) by the Cerebral Palsy Association of Western Australia (Inc.);
- (vi) by the Silver Chain Nursing Association (Inc.);
- (vii) by the ACTIV Foundation (Inc.);
- (viii) by the dentists as dental therapists;
- (ix) by the Paraplegic-Quadriplegic Association of Western Australia (Inc.), Good Samaritan Industries or F.C.B. industries or facilities or services;
- (x) in Western Australia eligible for membership of the Health Services Union of Australia and whose class or grade of employment falls within the scope of the Nurses (WA Mental Health Services) Award 1991 as at 17 August 1992.
- (xi) The following persons shall not be eligible for membership of the Union in the State of Victoria:

- (a) Persons who are members of the Police Force of Victoria of the designations and/or ranks of Constable, Sub-Officer, Commissioned Officer or Commissioner of Police or who are undergoing a full-time course of training the object of which is to qualify such persons for employment as members of the Police Force of Victoria in one or more of the designations and/or ranks aforesaid or who are members of the Retired Police Reserve of Victoria.
- (b) Persons employed by the University of Melbourne as academic staff.
- (c) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph:

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described

Persons employed at the State Film Centre of Victoria.

- (d) Persons employed by any State Public Hospital in the retail sale of goods.
- (e) Persons employed by the State Transport Authority and the Metropolitan Transit Authority in the retail sale of goods.
- (f) Persons in Victoria who are -
 - (I) employed in technical schools of the Education Department or in technical and further education institutions or in teaching classes administered by such institutions as teachers, lecturers, emergency teachers, teacher librarians, instrumental musicians or in school to work transition programmes;
 - (II) employed as teachers in a Technical-High School or in a High School with a technical education component or a post-primary school;
 - (III) employed as student teachers by the Education Department in technical and further education institutions or in the Technical and Further Education Teaching Service or by a technical and further education institution;
 - (IV) registered by the Victorian Technical Teachers' Education Board or by the Technical and Further Education Teaching Service Registration Board and are employed by the Victorian Institute of Secondary Education or the Victorian State Board of Education or any Victorian Technical and Further Education Board to perform professional duties requiring teaching qualifications;

- (V) registered or eligible to be registered by the Technical Teachers' Registration Board, the Secondary Teachers' Registration Board or the Primary Teachers' Registration Board and are members of the Victorian Teaching Service employed in non-school positions to perform professional duties requiring teacher qualifications;
- (VI) registered by the Victorian Secondary Teachers' Registration Board and employed in the secondary schools of the Education Department as teachers, librarians, instrumental teachers, remedial teachers, language assistants or persons who are employed by the Victorian Institute of Secondary Education or the Victorian State Board of Education to perform professional duties requiring teaching qualifications or in school to work transition programmes;
- (VII) employed in the teaching service of the Education Department;
- (VIII) who teach or supervise teaching -
 - (i) in day training centres registered pursuant to the Mental Health Act 1959 (Victoria) or any Act in substitution or amendment thereof, or
 - (ii) in institutions in Victoria for the education of the socially, physically, sensorily, educationally or intellectually handicapped, or
 - (iii) in institutions conducted by the Victorian Institute of Education Administration.
- (g)
 - (i) Caretakers, cleaners, domestic arts maids, gardeners, home economics assistants, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas, such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by the Ministry of Education or Schools' Councils constituted pursuant to the Education Act 1975 as amended;
 - (ii) Caretakers, cleaners, gardeners, laundry workers, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by Colleges of Technical and Further Education pursuant to Section 3 of the Post Secondary Education Act 1978 as amended;
 - (iii) Caretakers, cleaners, gardeners, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas, such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by Colleges of Advanced Education constituted pursuant to the Post Secondary Education Act, 1978 as amended;
 - (iv) Persons who are employed under Section 41A of the Public Service Act, 1974 or any successor thereto and whose wages or conditions of service are governed by any of the following awards or any instrument successor thereto in relation to such employees in the administrative units listed hereunder or any successor thereto had such employees been employed in their present employment as at 11th November 1986. The awards referred to are:-
 - (a) The Award of the Cleaners' Conciliation and Arbitration Board; known colloquially as the Cleaners' Award.
 - (b) The Award of the Security Employees' Conciliation and Arbitration Board, known colloquially as the Security Employees' Award.

The Administrative Units referred to are:-

The Department of Property and Services, the Ministry for the Arts, the Law Department, the Ministry for Housing and the Department of Agriculture and Rural Affairs.

- (v) Parking Officers and community guardians employed under Section 41A of Division 8 of the Public Service Act 1974 and/or any successor thereto;
- (vi) Jury keepers (but not so as to exclude jury pool supervisors);
- (vii) Animal attendants, caretakers, cleaners, gardeners, security officers, zoological keepers employed by the Zoological Board of Victoria (other than administrative/clerical or above a level equivalent to that of leading hands);
- (viii) Dental Technicians and Dental Nurses employed by the Cancer Institute, the Royal Dental Hospital, Melbourne or by any hospital registered pursuant to the Health Commission Act, 1977 or other than as permanent or temporary officers of the Victorian Public Service by Community Health Centres;
- (ix) Persons employed in pre-school kindergartens, centres for day or part-day care of children, day or part day nurseries and children's play centres, employed other than as permanent or temporary officers of the Victorian Public Service or except where the functions of such undertakings are carried on within the Victorian Public Service or where such functions are transferred or relocated outside the Victorian Public Service or become carried on by persons redeployed from employment in or by the Victorian Public Service.
- (h)
 - (i) persons employed in the Public Service of Victoria in the classes or grades listed in Schedule 5 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic.) in psychiatric, intellectual disabilities and alcohol and drug services;
 - (ii) persons whose employment is within the jurisdiction of the Health professional Services Conciliation and Arbitration Board established pursuant to the Industrial Relations Act 1979 (Vic.) as at 31 July 1992;
 - (iii) persons whose employment is within the jurisdiction of the Health and Allied Services Conciliation and Arbitration Board established pursuant to the Industrial Relations Act 1979 (Vic) as at 31 July 1992;

EXCEPT FOR:

persons employed in the Public Service of Victoria in the classifications or grades listed in the Schedules 1-4 of the Salary Schedules who are members of the SPSF as at 12 August 1992 and who remain members of the SPSF and who become employees of another employer as a consequence of the process of integration of services currently provided by the Health Department of Victoria into the public hospital system.

- (j) Persons employed in the public and/or private health and community services sector in the State of Victoria who satisfy the conditions of eligibility for membership of the Health Services Union of Australia as at 18 April 1994.
- (xii) The following persons shall not be eligible for membership of the Union in the State of Tasmania:
 - (a) Persons who are members of the Police Force of Tasmania or who are undergoing a full-time course of training the object of which is to qualify such persons for employment as members of the Police Force of Tasmania
 - (b) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties

III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described

(c) Persons in Tasmania who are employed as -

(I) teachers, (including part time and/or relieving teachers, teacher librarians, student counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), supervisors and educational officers or any such other classification of employment incidental to education) engaged in kindergartens, pre-schools, infants, primary, secondary, senior secondary and technical and further education under the control of the Government of Tasmania and such teachers seconded as officers or permanently employed as officers of the Service and Guidance Services branches of the Education Department;

(II) employed as professional officers in the Education Department to perform professional duties requiring teaching qualifications;

(III) Recreation Officers in the Education Department;

(IV) part-time and/or temporary relieving teachers employed by the Government of Tasmania;

(V) teachers in training on Government studentships

(d) (i) persons employed in the Department of Education except professional, administrative, clerical, technical and supervisory (above the level of leading hand) staff, teacher aides (including, but not limiting the generality thereof, aide, audio-visual aide, kindergarten aide, kindergarten teacher's aide, teacher's aide, teachers assistant, library aide, bus aide, laboratory aide, library assistant, recreation assistant, visual aides assistant, library/home economic aide, childcare aide), office assistant, machinist, bus driver, driver, store-man, stores officer, material storeman, and employees at the Media Centre Hobart and the Science Centre, Hobart.

(ii) cleaners other than employed by the employing authority for public hospitals.

(iii) ferry workers employed by Transport Tasmania.

(iv) traffic wardens.

(v) persons employed by the employing authorities for boarding schools and/or student hostels.

(vi) persons performing work presently classified as utility officer in the Department of Education whether or not the same are included in paragraph (i) hereof.

(xiii) Nurses in Queensland shall not be eligible for membership other than nurses who were on 1 July 1991 financial members of the Queensland State Service Union of Employees and continuously remain financial members thereof thereafter.

SECTION II

The Union shall also consist of an unlimited number of persons employed, or usually employed by or on behalf of

- (a) The Crown in the right of the States of New South Wales and Queensland;
- (b) Any Statutory Corporation, Instrumentality, Authority, or other similar statutory body, whether corporate or unincorporate, established by the Crown in the right of the States of New South Wales and Queensland; and
- (c) The University of New South Wales (excluding the Medical School thereof);
- (d) Any educational institution in the State of Queensland designated as a University or College of Advanced Education;
- (e) The Master Misericordiae Hospitals in the State of Queensland; and
- (f) The Australian Red Cross Society (Queensland Division), Blood Transfusion Service.

and without limiting the generality of the foregoing shall include the following:

New South Wales

- (a) The Public Employment Industrial Relations Authority, or
- (b) The Water Conservation and Irrigation Commission, or
- (c) The Department of Main Roads of New South Wales, or
- (d) The Electricity Commission of New South Wales, or
- (e) The Maritime Services Board of New South Wales.

In Queensland

- (a) Chief Executives of State Government Departments under the Public Service Management Act 1988
- (b) General Manager, State Government Insurance Office.
- (c) Senates of Universities in Queensland.
- (d) The Councils of Colleges of Advanced Education in Queensland.
- (e) The Cane Prices Board.
- (f) The Council of the Queensland Institute of Medical Research.
- (g) The Chairman of the Metropolitan Public Abattoir Board.
- (h) Public Hospitals Boards in Queensland (Established under the Queensland Hospital Act).
- (i) The Parliamentary Services Commission.
- (j) The Queensland Corrective Services Commission.

in or in connection with any one or more of the following industries or industrial pursuits in:-

New South Wales

Agronomist
Agricultural Machinery Officer
Analyst
Architect

Architectural Assistant
Architectural Officer
Artist
Astronomer

Biologist
Biometrician
Botanist

Cartographer
Chemist
Computer
Curator
Dentist
Dental Therapist
Dietitian
District Officer
Draftsman

Engineers
Economist
Economic Research Officer
Editorial Staff
Education Officer
Engineering Analyst
Engineering Geologist
Engineering Assistant
Entomologist
Examiner of Title
Extension Officer

Field Officer
Forester and Assistant Forester

Geographer

Geologist

Health Inspector
Hydrogeologist
Hydrographers

Industrial Designer
Inspector of Mines and Collieries
Inspector
Interior Designer
Interpreter and Translator

Legal Officer
Librarian
Livestock Officer

Metallurgist
Music Teacher

Occupational Therapist

Pharmacist
Photogrammetrist
Photographic Field Officer
Psychologist
Physiotherapist

Planning Assistant
Planning Officer
Professional Assistant
Professional Officer
Public Relations Officer
Programmer

Quantity Surveyor

Rangers - (Graduates)
Research Officer
Research Scientist

Statisticians
Scientific Officer
Scientific Officer (Microbiologist)
Scientific Officer (Mycologist)
Scientific Officer (Virologist)
Search Officer
Soil Conservationist
Social Worker
Specification Writer
Speech Therapist
Student Welfare Officer
Supervising Dredgemaster
Surveyors
System Analyst

Technical Officer
Town Planner and Assistant Town Planner
Traffic Survey Technician
Training Co-Ordinators

Valuers and Assistant Valuers
Veterinary Officer
Visual Aids Officer
Vocational Guidance Officer

Water Rights Officer
Welfare Officer
Weeds Officer
Workshop Superintendent

Queensland

Accountants
Actuaries

Administrative Staffs of:
The Main Roads Board
The Commissioner for Trade
The Irrigation Commissioner
The Prickly Pear Land Commission
The General Manager of Government Sugar Mills
The Forestry Board

Administrative and Clerical Officers of the Government Printing Office
Advisers and their Assistants
Air Pilot, Premier's Department
Architects and their Assistants
Artists
Auditors

Barrier Fence Inspectors (for the purposes of the Barrier Fences Acts) Stock Routes and Pest Destruction
Branch, Department of Lands

Builders

Cane Testers

Cartographers

Civilian Testing Officers

Chemists and their Assistants

Computer Programmers

Crown Prosecutors

Dental Servicing Officers

Dental Therapists

Dentists

Designers

Dietitians/Nutritionists

Director and Managers, Queensland Cultural Centre Trust

Director and Deputy Director of Prosecutions

Dock Supervisors

Draftspersons and their Assistants

Economists

Editors

Education Officers

Electricians

Employees of the Queensland Tourist and Travel Corporation

Engineers and their Assistants

Experimentalists

Extension Officers

Finance Officers

Forepersons (excluding foreperson stevedores and foreperson carpenters)

Foresters

Gas Examiners

Geologists and their Assistants

Guidance Officers

Harbour Superintendents

Head Attendants - Asylums

Helicopter Pilot, State Emergency Service

Hydrologists and their Assistants

Hydrographers and their Assistants

Information Officers

Inspectors

Inspectors (for the purposes of the Stock Routes and Rural Lands Protection Acts) Stock Routes and Pest
Destruction Branch, Department of Lands

Inspectors of Weights and Loads

Instructors

Instrument Makers

Insurance Commissioner

Journalists

Legal Officers

Liaison Officers

Librarians and their Assistants

Librarians and their Assistants - professional

Management Services Officers

Map Mounters

Marketing Officers

Matrons
Medical Officers
Medical Records Administrators
Medical Records Administrators employed pursuant to the terms of the Professional and Technical Employees' Award - Public Hospitals, Queensland and the Queensland Radium Institute
Medical Specialists

Navigational Aids Attendants, Department of Harbours and Marine
Nurses

Occupational Therapists
Officers and Employees of the State Government Insurance Office (Queensland) appointed under the provisions of Sections 9 and 10 of the State Government Insurance Office (Queensland) Act 1960 - 1985, and officers and employees of any corporation which is constituted by an Act of the Queensland Parliament that preserves and continues in existence the State Government Insurance Office (Queensland) under a new name and title
Officers and employees of the Agent General's Office
Officers and employees of the Queensland Government Representative Office, Tokyo
Officers or employees of the Queensland Industry Development Corporation
Organisers - Rural Youth
Organisers - Adult Education
Overseers

Parliamentary Officers and Reporters employed under the Parliamentary and Reporting Staff Award - State

Patrol Officers
Patrol Superintendents
Personnel Officers
Pharmacists
Photographers and their Assistants
Photogrammetrists
Physicists
Physiotherapists
Planning Officers
Podiatrists
Printing Office Forepersons
Probation Officers
Processing Assistants
Programme Officers
Property Officers
Psychologists and their Assistants

Rangers - Forestry, and their Assistants
Rangers - Land, and their Assistants
Reception Officers Queensland Police Department
Regional Inspectors (Noxious Plants) (for the purposes of the Stock Routes and Rural Lands Protection Act)
Stock Routes and Pest Destruction Branch, Department of Lands
Research Officers
Residential Programme Officers
Residential Care Officers
Resource Officers

Scientists and their Assistants
Secretaries of Hospital Boards
Services Officers
Social Workers
Speech Therapists
State Public Servants
Statisticians
Supervisors and their Assistants
Superintendents
Systems Analyst
Surveyors

Teachers - Technical

Teachers - Manual Training
Technologists and their Assistants
Testing Officers
Technicians and their Assistants
Technical Advisers
Training Officers

Valuers and their Assistants
Veterinarians

Water Officers
Weighbridge Checking Officers
Welfare Officers
Works Officers

Provided that the addition by Application No. D30021 of 1990 of the following industrial pursuits to the above does not extend the coverage of the Union to persons employed in such pursuits by Regional Health Authorities in the State of Queensland, Mater Misericordiae Hospitals in the State of Queensland, or the Australia Red Cross Society (Queensland Division), Blood Transfusion Service:

Finance Officers

Librarians and their Assistants
Management Services Officers
Medical Records Administrators (other than persons employed pursuant to the Professional and Technical Employees' Award -

Public Hospitals Queensland and the Queensland Radium Institute)
Personnel Officers
Programme Officers
Services Officers

EXCEPT THAT notwithstanding anything hereinbefore contained it shall not include under Section II of this rule persons employed by:

- (a) The Public Transport Commission of New South Wales; or
- (b) The Department of Motor Transport of New South Wales; or
- (c) The Sydney Opera House; or
- (d) Brisbane City Council, Queensland Regional Electricity Boards, Queensland Electricity Commission, Northern Electricity Authority of Queensland, Southern Electricity Authority of Queensland, Brisbane Area Water Board, Queensland Electricity Generating Board, Far North Queensland Electricity Board, North Queensland Electricity Board, Mackay Electricity Board, Capricornia Electricity Board, Wide Bay-Burnett Electricity Board, South East Queensland Electricity Board, South Western Electricity Board; or
- (e) Any statutory corporation, authority, instrumentality, or other similar statutory body, whether corporate or unincorporate, which is an undertaking in the theatrical or amusement or motion picture production or processing industry; or
- (f) Municipal, county and shire councils or trusts or other local government authorities (other than employees of the Sydney Cove Redevelopment Authority) water supply boards or trusts (other than employees of the New South Wales Water Resources Commission), sewerage boards or trusts (other than employees of the New South Wales Metropolitan Waste Disposal Authority), road boards (other than employees of the New South Wales Department of Main Roads and the Queensland Main Roads Department) and electricity supply and/or generation authorities (other than professional, administrative, clerical or salaried technical staff of the Electricity Authority or the Electricity Commission of New South Wales
- (g) (i) Any Statutory Corporation, Instrumentality, Authority or other similar body whether corporate or unincorporate, engaged in or in connection with the operation of transport services for the carriage of passengers and/or goods by rail, road, air or water, or the registration and/or licensing of transport or road safety and without limiting the generality of the foregoing shall include the Public Transport Commission

of New South Wales, the Department of Motor Transport of New South Wales, the Queensland Government Railways or a successor, transmittee or assignee of any of the foregoing, but notwithstanding anything hereinbefore contained, this exclusion shall in no way affect coverage by the Union of employees of the Department of Main Roads, New South Wales.

- (ii) Save for employees of the Department of Main Roads, New South Wales, persons eligible for membership of the Australasian Transport Officers' Federation shall not be eligible for membership of the Union under Section II of this rule.
- (h) In respect only of the industrial pursuit of Professional Engineer, any instrumentality of the Crown and, in particular, but without limiting the generality of the foregoing, the following:
 - (i) New South Wales
Electricity Commission; Department of Government Transport; Hunter District Water Board; Department of Main Roads; Maritime Services Board; Metropolitan Water Sewerage and Drainage Board; Water Resources Commission; Public Transport Commission; Department of Motor Transport.
 - (ii) Queensland
Queensland Railways; all Harbour Boards;
- (i) Any university or College of Advanced Education as a member of academic staff

NOR under Section II of this rule persons members of or eligible to be members of:

- (a) The Gas Industry Salaried Officers' Federation; or
- (b) The Merchant Service Guild of Australia; or
- (c) The Professional Officers' Association, Australian Public Service; or
- (d) The Seamen's Union of Australia

NOR under Section II of this rule persons covered by awards to which the Federated Miscellaneous Workers Union of Employees of Australia Queensland Branch (state registered union of employees in Queensland) is a party and the Queensland Professional Officers' Association (state registered union in Queensland) is not a party.

Provided that The Union shall maintain but not extend its industrial coverage of employees who are covered by Federal or State awards and agreements or Federal or State determinations of the printing industry.

- (2) Any person who is employed, or usually employed, or qualified to be employed within the industries or industrial pursuits specified in this Section shall be eligible for membership of the Union.
- (3) Persons who may be elected to any office in the Union or who at the date of commencement of operation of this section of this rule held any office in the New South Wales Public Service Professional Officers' Association or the Queensland Professional Officers' Association shall be eligible for membership of the Union, whether or not employed or usually employed or qualified to be employed within the foregoing industries or industrial pursuits.
- (4) Notwithstanding any other provision of this Section a person who is not eligible for membership of an organisation of employees registered pursuant to the Conciliation and Arbitration Act, 1904, as amended, shall not be eligible for membership of the Union pursuant to this section.

NOR under Section 11 of this Rule shall nurses be eligible for membership other than nurses who were on the 1st day of July 1991 financial members of the Queensland State Service Union of Employees and who continuously remain financial members thereof.

SECTION III

- 1. Without in any way limiting or being limited by the provisions of sections I and II of this Rule the Union shall consist of an unlimited number of persons, other than academic staff, who are:

- (a) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Murdoch University, Edith Cowan University, the University of Western Australia, Curtin University of Technology and The University of Notre Dame Australia; or
- (b) Employees employed by Macquarie University; or
- (c) Employees employed by the University of Technology, Sydney or the University of Western Sydney; or
- (d) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New England; or
- (e) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Southern Cross University; or
- (f) Employees employed by the University of Sydney; or
- (g) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New South Wales and the University of Newcastle (other than employees employed by those two universities in their medical schools); or
- (h) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Charles Sturt University or the University of Wollongong; or
- (i) Employed in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Melbourne, or LaTrobe University or the Victorian College of Agriculture and Horticulture Limited; or
- (j) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Tasmania; or
- (k) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Adelaide; or
- (l) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Flinders University of South Australia; or
- (m) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of South Australia; or
- (n) Employees in professional and technical (except trades up to and including the level of leading hand) occupations (but not including administrative or clerical occupations) employed by the University of Queensland or Griffith University, or James Cook University of Northern Queensland, or Queensland University of Technology, or the University of Central Queensland, or the University of Southern Queensland; or
- (o) Employees in professional (other than engineering), administrative and clerical occupations employed by the University of New South Wales at the Australian Defence Force Academy; or
- (p) Employees in professional and technical (except trades up to and including the level of leading hand) occupations (but not including administrative or clerical occupations) employed by the Australian Catholic University in Queensland; or
- (q) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Australian Catholic University in New South Wales; or
- (r) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Canberra; or

- (s) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Northern Territory University.
 - (t) Employees in all professional, administrative, clerical, computing and technical occupations (not including catering, cleaning, security, parking attendants, caretakers and handy persons, gardening, child care, trades up to and including the level of leading hands, and health, fitness and leisure instructors and attendants, but including managerial positions) employed by student unions, associations, guilds or councils howsoever titled in higher education in New South Wales, Tasmania and Northern Territory.
 - (u) Employees in all professional (other than teachers), administrative, clerical, computing and technical occupations (except trades up to and including the level of leading hand) employed by any company or corporation or any successor to any company or corporation in which the controlling shareholding is held by or, if there are no issued shares, of which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interest of any university or consortium (however titled or described) of universities or any nominee or nominees of a university or universities or any successor or successors in law to that university or any successor or successors in law to that university or universities or part of that university or parts of those universities.
 - (v) Employees of Campus Living Villages Pty Ltd and Campus Living Funds Management Limited, and of any successor, assignee or transmittee of the business and/or functions of the said corporations or any part thereof, other than employees engaged in construction or employees, up to the level of leading hand, engaged in maintenance functions.
2. In the interpretation of the terms professional, administrative, clerical, technical and trades occupations which appear in this rule (with the exception of Rule 3, Section 3(1)(n)), assistance in the ascertainment of the meaning of those terms shall be given by consideration of the broad functions described in, and the indicative classifications set out in the demarcation agreement between The State Public Services Federation and the Federated Miscellaneous Workers Union relating to coverage of general staff in Higher Education dated 24 August 1990 [which agreement is set out as Schedule A to these Rules].
3. Notwithstanding anything contained elsewhere in these rules all professional, administrative, clerical, computing and technical (except trades up to and including the level of leading hand) occupations of non-academic staff employed by or in Howard Florey Institute, the Walter and Eliza Hall Institute, the Ludwig Institute and the Murdoch Institute but not so as to include persons registered or enrolled or entitled to be registered or enrolled by any nursing authority, nor assistants in nursing employed in New South Wales or Queensland; and, medical practitioners not engaged in research and/or teaching and medical practitioners engaged in a research and/or teaching capacity who are also employed by a teaching hospital; and, persons employed by the Victorian Clinical Genetics Service Ltd shall not be eligible for membership.

SECTION IV

Without in any way limiting or being limited by the provisions of Sections I, II or III of Part II of this Rule, the Union shall consist of an unlimited number of persons employed in or in connection with the administration of superannuation schemes operating for the benefit of persons eligible for membership of the Union; except persons eligible to be members of the Australian Municipal, Administrative, Clerical and Services Union employed to administer the:

Local Authorities Super Pty Limited (Vic), Quadrant Superannuation Fund (TAS), Local Government Super Scheme (SA/NT), West Australian Local Government Superannuation Plan (WA), Western Power Superannuation Fund (WA), Queensland Local Government Superannuation Scheme, Brisbane City Council Superannuation Plan, Queensland Electricity Supply Industry Employees Superannuation Scheme, Local Government Industry Superannuation Fund (NSW), Energy Industry Superannuation Scheme Pty Ltd (NSW) and successor funds.

PART III

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 under Part I or Part II of this Rule shall be eligible for membership of the Union.

PART IV

No restriction or qualification to the eligibility for membership under Part I of this Rule shall restrict or qualify eligibility under Part II of this Rule and no restriction or qualification to the eligibility for membership under Part II of this Rule shall restrict or qualify eligibility under Part I of this Rule.

3 - DESCRIPTION OF INDUSTRY IN CONNECTION WITH WHICH THE ORGANISATION IS REGISTERED

The Industry in connection with which the Union is registered is as described in Part I, Part II, and Part III of this Rule.

PART I

- A. Without in any way limiting, or being limited by, the provisions of subrules B, C, D, E, F and G, the industry in or in connection with which the organisation is registered is the Australian Public Service Industry, Australian Government boards, instrumentalities, corporations, commissions and statutory authorities industry, the Public Service of the Northern Territory Industry, Northern Territory Government boards, instrumentalities, corporations, commissions, statutory authorities Industry and the Public Service of the Australian Capital Territory Industry, and;
- B. Without in any way limiting, or being limited by, subrules A, C, D, E, F and G, the industry in connection with which the organisation is registered is employment by:
- (a) the Commonwealth;
 - (b) the Northern Territory;
 - (c) the Australian Capital Territory;
 - (d) a body corporate established for a public purpose, whether in whole or in part, by or under a law of the Commonwealth, the Australian Capital Territory or the Northern Territory other than any local Government body established under the Local Government Act (Northern Territory) or other Local Government legislation in the Northern Territory;
 - (e) by a company or other body corporate incorporated under a law of the Commonwealth or of a State or Territory, being a company or other body corporate in which the Commonwealth, the Northern Territory or the Australian Capital Territory has a controlling interest;
 - (f) any other authority or body (whether corporate or not) being an authority or body that is financed in whole or in substantial part, either directly or indirectly by money provided by the Commonwealth except:
 - (A) moneys paid as consideration in a commercial transaction, for the provision of goods or services to the Commonwealth,
 - (B) moneys paid by way of bounty or like payment,
 - (C) moneys paid to a State or States of the Commonwealth, or,
 - (D) moneys paid to a Local Authority, City, Municipality, Town, Borough, Shire or like statutory authority, which includes electricity, road, transport and port authorities and water or drainage boards.
 - (E) an authority or body that is financed in whole or in substantial part, either directly or indirectly, by money provided by the Commonwealth, pursuant to:
 - 1. the Community Youth Support Scheme, or
 - 2. the Supported Accommodation Assistance Program, or
 - 3. the Family Day Care Services component of the Children Services Program, or
 - 4. the Family Support Program, or
 - 5. the Grant in Aid Ethnic Social Welfare Workers Program, or

6. the Youth Services or Welfare Services components of the ACT Community Development Program,

or any program, scheme or fund directly replacing any one of the above.

- (g) in a Statutory Office created under a law of the Commonwealth, the Northern Territory or the Australian Capital Territory or established by the Executive of the Commonwealth, the Northern Territory or the Australian Capital Territory.
- C. Without in anyway limiting, or being limited by, subrules A, B, D, E, F and G, the industry in connection with which the organisation is registered is the broadcasting and television industry in the Australian Broadcasting Corporation in accordance with the Australian Broadcasting Corporation Act, 1983.
- D. Without in any way limiting, or being limited by, subrules A, B, C, E, F and G, the industry in connection with which the organisation is registered is the employment of persons in -
1. The Australian Public Service;
 2. The Public Service of the Northern Territory;
 3. The Public Service of the Australian Capital Territory;
 4. The service of any public institution or authority of the Australian Government whether such service is in the Australian Public Service or not; or
 5. The Service of any public institution or authority of the Northern Territory whether such service is in the Northern Territory Public Service or not.
- E. Without in any way limiting, or being limited by, sub-rules A, B, C, D, F and G, the industry in connection with which the organisation is registered is the telecommunications industry.

For the purposes of these Rules, the telecommunications industry means:

- (a) Any business, or part of a business, whose principal function is carrying on the supply and/or installation and/or maintenance of telecommunication services as defined in the Telecommunications Act 1991 and includes any business whose principal function is the supply and/or installation and/or maintenance of value added telecommunications services; and/or
- (b) Any business, or part of a business, whose principal function is incidental, ancillary or complimentary to the supply and/or installation and/or maintenance of telecommunication services as defined in the Telecommunications Act 1991; and/or
- (c) Any business, or part of a business, whose principal function is carrying on the installation and/or maintenance of equipment and line as defined in the Telecommunications Act 1991.

Provided always that this definition does not extend to or include any business whose principle function is the manufacture and supply of equipment and line as defined in the Telecommunications Act 1991 whether or not such business also installs and maintains equipment and line as defined.

- F. Without in any way limiting, or being limited by, subrules A, B, C, D, E, and G, the Industry in or in connection with which the organisation is registered is the Radio Telegraphy, Radio Telephony, Radio Technology, Radio Television, Radio Facsimile, Radio Signals, Cable Operations, Cable Technology, Cable Engineering, Teleprinter Operation, Radio Operation, Beam and Cable Accounting and Checking Industry.
- G. Without in any way limiting, or being limited by subrules A, B, C, D, E and F, the industry in connection with which the organisation is registered is the scientific and industrial research industry.

PART II

SECTION 1

In this section -

- (a) References to "this rule" (or similar expressions) shall be construed as referring to this section only of this rule and shall not be construed as limiting the scope of Section II hereof.
 - (b) References to persons not being within the industries in or in connection with which the Union is registered (or similar expressions) shall be construed as limited to such persons not being within the industry in or in connection with which the Union is registered under this Section of this rule and shall not be construed as limiting in anyway the scope of Section II hereof.
- (A) The industries in or in connection with which the Union is formed are the activities undertaken by and carried on by or by employees of
- (i) The Crown in right of any State or States;
 - (ii) any statutory body representing the Crown in right of any State or States;
 - (iii) any instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in right of any State or States;
 - (iv) any company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of any State or States or, if there are no issued shares, in which the governing body by whatever name called includes nominees appointed by or for or on behalf of or in the interest of the Crown in right of any State or States.

Without limiting the generality of the foregoing these industries include:

Brickmaking and quarrying

Building and construction

Harbours including dockyards jetties and coastal waters excluding the industry of shipping

Engineering

Finance and investment in commercial or private undertakings or projects and purposes of a non-governmental character excluding the industries of banking and credit unions

Housing including without limiting the generality thereof the acquisition planning survey subdivision improvement sale or lease of land construction of residential premises for sale or lease and management of developed properties Insurance but in Queensland, to the extent only of persons who are:-

- (i) permanent employees of the Queensland Government or (in relation to the Crown in the right of the State) of a Crown Corporation, Crown Instrumentality or Minister representing the Crown; and
- (ii) (a) employed in Suncorp Insurance and Finance as that body operated on 1 October, 1991 or any Public Sector successors of that body to the extent that such successor performs the functions of that body, or
 - (b) employed in the Workers' Compensation Board of Queensland as that body operated on 1 October, 1991 or to public sector successor of that body to the extent that such successor performs the functions of that body.

Manufacturing for commercial or private undertakings or purposes of a non-governmental character

The storage, conveyance and marketing of dairy and farm produce, fish, meat, grain, coal and coke but excluding the sale of any of the foregoing commodities by wholesale or retail

Medical Officers and paramedical officers excluding legally qualified Medical Practitioners or persons studying or training to obtain such qualifications

Mining

Power and fuel supply and sale excluding the manufacture distribution or sale of gas however defined provided that this exclusion shall not apply to salaried employees of The Pipelines Authority of South Australia

Printing and publishing provided that the Union shall maintain but not extend its industrial coverage of employees who are covered by Federal or State Awards and Agreements or State or Federal Determinations in the printing industry

Regional Development and redevelopment including without limiting the generality thereof the acquisition planning survey subdivision improvement sale or lease of land for mixed commercial residential and public use

Social Welfare, Child Care, Provision of Social Services, Charity Work and without limiting the generality of the foregoing probation and parole services including rehabilitation programme management, youth and community services, ethnic affairs, drug referral and rehabilitation, child and family care services, retarded persons services, mental health services and counselling in institutions, community centres and crisis service areas

Theatrical and amusements of any kind whether outdoor or indoor or in or about theatre halls sports exhibitions and agricultural shows but not so as to include employees not engaged in administrative and clerical duties and excluding the industry of professional musicians

Tourism including without limiting the generality thereof the acquisition planning survey restoration improvement management and promotion of Zoological and National Parks, places of historic interest, resorts and tourist attractions generally excluding the transport of passengers or goods by land water or air

Universities and colleges of advanced education but not including academic staff

Water conservation and irrigation including without limiting the generality thereof the storage transport inspection control metering and sale of water

Architecture

Chemistry

Science

Surveying

Draughting including tracing

(B) Notwithstanding the foregoing and without limiting the generality thereof the industries in or in connection with which the Union is formed are also:

(1) In the State of New South Wales the industries carried on by and the activities undertaken by and carried on by

(a) employees of the Crown in Right of the State of New South Wales; for the purpose of this Constitution the term "employees of the Crown" without limiting the ordinary meaning of the term shall include employees of any person, firm, board, trust, company or corporation employing persons on behalf of the Government of the State; and

(b) Foremen Engineers and Administrative Officers exercising supervisory duties employed by the Board of Fire Commissioners; and

(c) (i) Employees who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged or usually engaged in any of the following callings or avocations whether as principal or assistant employees or employees in training in a public or private hospital or public dental clinic, namely:

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer (other than Medical Technologist), Bio-Medical Engineer, Physician, Surgeon, Psychologist, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupational Therapist,

Music Therapist, Dietician, Librarian, Medical Record Librarian (or Administrator), Social Worker, Physiotherapist, Welfare Officer, Health Education Officer, Alcoholism Counsellor, Nurse Counsellor, Chiropodist (or Pediatrist);

together with such other employees who are engaged or usually engaged in the callings or avocations of Welfare Officer, Health Education Officer, Nurse Counsellor and Alcoholism Counsellor, Chiropodist (or Pediatrist), whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of an institution deemed by the employer to be of similar standing.

- (ii) Employees of any organisation registered or exempt from registration under the Charitable Collections Act, 1934, as amended, who are graduates or graduands of a recognised university or who hold a diploma of a recognised body and who are engaged or usually engaged in any of the following callings or avocations whether as principal or assistant employees or as employees in training, namely:

Bacteriologist, Pathologist, Medical Scientist, Scientific Officer (other than Medical Technologist), Bio-Medical Engineer, Physician, Surgeon, Psychologist, Dental Scientist, Dentist, Optometrist, Oculist, Audiologist, Speech Therapist, Occupational Therapist, Music Therapist, Dietician, Librarian, Medical Record Librarian (or Administrator), Social Worker, Physiotherapist, Welfare Officer, Health Education Officer, Alcoholism Counsellor, Nurse Counsellor, Chiropodist (or Pediatrist), Child Care Officer, Library Officer or Remedial Gymnast;

together with such other employees who are engaged or usually engaged in the callings or avocations of Welfare Officer, Health Education Officer, Nurse Counsellor, Alcoholism Counsellor, Chiropodist (or Pediatrist), Child Care Officer, Library Officer or Remedial Gymnast, whether as principal or assistant employees or as employees in training and who hold a certificate of a technical college or of an institution deemed by the employer to be of similar standing but excluding employees howsoever qualified who are engaged or usually engaged in the callings or avocations of Child Care Officer, Library Officer or Remedial Gymnast in a Domiciliary institution operated by an organisation registered or exempt from registration as aforesaid.

- (iii) Employees who are engaged or usually engaged in the callings or avocations whether as principal or assistant employees or as employees in training of School Dental Therapist, Dental Chairside Assistant or Dental Technician in a public hospital or by an organisation registered or exempt from registration under the Charitable Collections Act, 1934, as amended, or a public dental clinic.

- (iv) Provided that in the case of the callings or avocations of Nurse Counsellor, Alcoholism Counsellor, Child Care Officer, Welfare Officer and Health Education Officer;

(I) The certificate referred to above shall require at least two years full-time or three years part-time post Higher School Certificate level study.

(II) The institution referred to above is reasonably and properly 'deemed' by an employer.

(III) The employees are or should be reasonably and properly designated and classified as Nurse Counsellor, Alcoholism Counsellor, Child Care Officer, Welfare Officer and Health Education Officer respectively.

- (d) Persons employed by -

(i) Colleges of Advanced Education;

(ii) the University of New South Wales, the University of Newcastle, the University of Wollongong or any Universities formed from a College of these Universities;

(iii) Agricultural Colleges;

including in each case

Foremen, Laboratory Craftsmen and those employed in a supervisory capacity.

- (iv) Persons employed, or unusually employed by or on behalf of The University of Sydney, Macquarie University and New England University in or in connection with one or more of the following industries or industrial pursuits General Library Assistants, Library Assistants, Senior Library Assistants, Assistant Librarians, Librarians- in-Charge, Senior Librarians, Library Technicians, Assistant Library Technicians and Library Officers.
- (e) The employees of the United Dental Hospital of Sydney.
- (f) Employees of the administrative, clerical and general staff of the Legislative Assembly and of the Legislative Council.
- (g) Senior executives, managers - country branches, inspectors, sales supervisors, engineers, laboratory staff, floor and production management and senior clerical officers employed by the New South Wales Egg Corporation.
- (h) Persons in the Departments of Education or Technical and Further Education, Colleges of Advanced Education and in such other Departments, Sub-Departments or Institutions who are employed by any New South Wales Education Commission or its agents.
- (i) Associates to Justices.
- (j) Without in any way limiting the application of paragraphs (a) and (c) hereof:
 - (i) Persons employed in regional offices of any Department of State or corporation or body established by statute of the State of New South Wales administering or providing health services in the State of New South Wales and including such persons whose employment fulfils a function of such a regional office but who, due to the nature of their duties, are not employed within the precincts of that office.
 - (ii) Persons employed in or by area or community health services (howsoever called) other than persons engaged in non-professional duties in,
 - (a) a State Public Hospital;
 - (b) a community health centre located within the precincts of a State Public Hospital; or
 - (c) an area health service (not being a community health centre) located outside the precincts of a State Public Hospital.

For the purposes of this sub-paragraph the term "non- professional" duties shall mean duties other than those performed by the persons described in paragraph (D)(c) of this rule.
 - (iii) Persons, other than those described in paragraph (B)(1)(c) of this rule, employed at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunisation Centre whilst such establishments are operated at locations not within the precincts of a Public Hospital by which such persons are employed.
 - (iv) Persons employed in or by or in connection with the administration of:
 - The Drug and Alcohol Authority
 - New South Wales State Cancer Council
 - The United Hospitals Auxiliary
 - The Institute of Psychiatry
 - (v) Persons employed in or by or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales.
 - (vi) For a period of three years from the making of an order pursuant to the Health Administration Act, 1982, persons other than those referred to in sub-paragraphs (i) - (iv)

hereof, who by virtue of that order would not otherwise be eligible for membership in the Union, provided that at the time of the making of the order such persons were members of the Union.

Provided that nothing in this paragraph shall render eligible for membership in the Union persons engaged in the professions of nursing or mental nursing employed as trained nurses, trainees and assistants in nursing.

- (k) Without limiting the generality of the foregoing paragraphs hereof, persons employed in or in connection with the provision of or rendering of medical and/or para-medical services in penal or like establishments deemed or proclaimed to be a prison pursuant to the Prisons Act, 1952, to persons incarcerated or otherwise detained.
- (l) Persons employed at the Sydney Entertainment Centre in administrative, clerical, technical, professional or managerial capacities, including employees of any lessee of the Centre for operation as a place of entertainment, provided such persons are not employed to perform front-of-house activities nor engaged in any other capacity in or in connection with the selling of goods.
- (m) Employees of the Australia Music Centre Ltd, and of any successor, assignee or transmittee of the business and/or functions of the said corporation or any part thereof.
- (n) Without limiting the generality of any of the foregoing paragraphs hereof, all employees of the Joint Coal Board and any successor in law to it or any legal entity, whether corporate or unincorporated and whether or not owned by or on behalf of the Crown in right of the State of New South Wales, carrying on the functions described in the Coal Industry Act 2001 (NSW).
- (o) Persons employed as barristers, solicitors, barristers and solicitors, lawyers, legal officers, attorneys, patent attorneys or in any other position or under any other title which the holder is required to possess legal qualifications or be registered as a legal practitioner or hold a practising certificate as a legal practitioner.
- (p) Employees of Coleambally Irrigation Co-operative Limited, Jemalong Irrigation Limited, Lower Murray Irrigation Limited, Murray Irrigation Limited, Murrumbidgee Irrigation Limited and any successor in law to any of the aforesaid, employed as administrative and clerical staff, clerks, clerical officers, professional officers (excluding professional engineers), channel attendants, senior channel attendants, senior operations officer, operations manager, works manager, weeds inspectors, mechanical inspectors, mechanical service officers, technical officers, operations superintendents, engineering assistants, field officers environmental, field officers water distribution channel attendants (excluding field officers employed to carry out general labouring duties).
- (q) Employees of the Museum of Contemporary Art
- (r) Persons employed or engaged to work in:
 - (i) any private correctional facility, other than the Junee Correctional Centre; and
 - (ii) prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals

Provided that nothing in this sub-paragraph will render teachers or nurses eligible for membership of the Union.

Provided further that nothing in this sub-paragraph will render employees eligible for membership of the Union who are:

- (a) not directly employed or engaged by operators of correctional facilities or prisoner transport activities; and
- (b) who are employed, or who become employed, performing either construction, refurbishment or installation work in private prisons or the maintenance or repair of private prison transport vehicles.

- (s) Persons who are, or usually are, employees in the New South Wales electricity supply industry, supplying electricity directly or indirectly to the public in a professional or para-professional capacity requiring theoretical or technical knowledge of accountancy, economics, engineering, law, medicine, science, or surveying or requiring specially acquired knowledge other than that required for crafts, trades or purely clerical work.
- (t) Persons employed in the generation and transmission of electricity in New South Wales in a professional (but for Professional Engineers), administrative, clerical or salaried technical position.

This sub-rule was inserted in matter no D2012/221 following an undertaking made by the CPSU pursuant to s158(5) of the *Fair Work (Registered Organisations) Act 2009* (Cth) in the terms of the "ASU/CPSU NSW Electricity Agreement 2013" executed on 16 July 2013.

- (u) **Persons employed or to be employed by companies or organisations who are successors to and/or performing the roles, functions or responsibilities of the Home Care Service of New South Wales, other than those employed in classifications covered by the *Care Worker Employees – Department of Family and Community Services – Ageing, Disability and Home Care (State) Award 2014* as it was at 31 October 2014.**
- (2) In the State of South Australia the industries carried on by and the activities undertaken by and carried on by persons:
- (a) Employed permanently or temporarily in the Public Service within the meaning of the Government Management and Employment Act, 1985.
 - (b) Employed by or under any Board, Trust, Commission, Commissioner, Committee, or other public or statutory authority, appointed by the South Australian Government.
 - (c) Employed as Timekeepers, Foremen, or Inspectors in any department of the Public Service of South Australia.
 - (d) Employed on annual salary in any hospital or institution by or under the control of the South Australian Government.
 - (e) Employed by the Board or Committee of Management of the Adelaide Children's Hospital Incorporated, The Queen Victoria Hospital Incorporated, Lyell McEwin Hospital Incorporated, The Julia Farr Centre Incorporated, Minda Home Incorporated and any Hospital or Health Centre Incorporated under the South Australian Health Commission Act 1975-1976 as amended and any other public or country community hospital or health centre.
 - (f) Employed as Executive Officers or in administrative, managerial or in a professional capacity by the Foundation for Multi Disciplinary Education in Community Health.
 - (g) Employed as nurses by the following State Government Hospitals - The Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Flinders Medical Centre, The Modbury Hospital, the Whyalla Hospital, Port Pirie Hospital, Port Augusta Hospital, Port Lincoln Hospital, Mount Gambier Hospital, Walleroo Hospital, Ru Rua Nursing Home.
 - (h) Employed as nurses who are Public Servants within the meaning of the Government Management and Employment Act, 1985 and in particular but without limiting the generality thereof, senior mental health nurses.
 - (i) Employed as nurses pursuant to direct Ministerial appointment (but not persons employed by "subordinates" of any Minister in respect of whom the Minister's consent only is required) and in particular, but without limiting the generality thereof, nurses employed pursuant to S.6 of the Alcohol and Drug Addicts (Treatment) Act 1961-1971.
 - (j) Employed as nurses in the following psychiatric hospitals and institutions, Enfield Hospital, Glenside Hospital, Hillcrest Hospital, Willis House, Palm Lodge, the Psychiatric Day Hospital, Strathmont Hospital who were members of the Union as at 17 April, 1980, who remain members continuously thereafter.

- (k) Employed as nurses by the Health Commission, any community health centre, the Queen Victoria Hospital, Minda Home, country community hospitals who were members of the Union as at 17 April 1980, who remain members continuously thereafter.
 - (l) Employed as Dental Nurses.
 - (m) Notwithstanding anything contained in this rule, persons employed by the State Transport Authority of South Australia in a supervisory, clerical, administrative or inspectorial capacity who are members of the Federation as at 20th day of August, 1993 for so long as they remain members of the Federation and engaged in a supervisory, clerical, administrative or inspectorial capacity within the STA of SA.
 - (n) Employed in any capacity by The Crippled Children's Association of South Australia Incorporated, excluding persons eligible for membership of the Australian Nursing Federation.
 - (o) For the purpose of giving effect to the orders made on 9 May 1997 and recorded in Print P0067, with effect from 1 October 1997 and subject to further order of the Commission to vary or set aside the orders, employed in any administrative, clerical, managerial, or professional capacity by United Water International Pty Ltd, excluding any person employed by United Water International Pty Ltd:
 - (i) in any technical capacity, other than those persons who were members of the Union at 12 November 1996 and who retain that membership;
 - (ii) in any supervisory positions in non-clerical or non-administrative structures, including positions designated as "plant superintendent", other than those persons who were members of the Union at 12 November 1996 and who retain that membership;
 - (iii) as Managing Director or those Executive Managers that report directly to him or her, other than those persons who were members of the Union at 12 November 1996 and who retain that membership; and
 - (iv) who is eligible for membership of the Union only by virtue of this paragraph and who is eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union of Australia other than those persons who were members of the Union at 12 November 1996 and who retain that membership.
- (3) In the State of Tasmania the industries carried on by and the activities undertaken by and carried on by persons employed in a permanent or temporary capacity by -
- (a) the State;
 - (b) a State Authority which means any persons or body of persons or Authority, whether corporate or unincorporate, which is constituted or established under the authority of any Act or under Royal prerogative for the State of Tasmania;
 - (c) a State public hospital which means any hospital receiving aid from the State that is prescribed as a State public hospital and with which a board is charged with the management, maintenance, and regulation. Provided that nothing in this paragraph shall render eligible for membership of the Union any person employed on the general staff and/or nursing staff of a State public hospital in the State of Tasmania.
- (4) In the State of Victoria the industries carried on by and the activities undertaken by and carried on by:
- (a) Persons employed in the Public Service of Victoria or employed in any State instrumentality or other undertaking carried on by public authorities, commissions, or corporations under any State Charter, statute, enactment, or proclamation of the State of Victoria and including any such person transferred
or on loan to the Public Service of another State or to any instrumentality or other undertaking carried on under any statute, charter or enactment or proclamation of any State.
 - (b) Notwithstanding anything contained in this rule, persons employed by the Rural Water Corporation, Wimmera Mallee Rural Water Authority, Southern Rural Water Authority, Gippsland

Rural Water Authority, Goulburn Murray Rural Water Authority and Sunraysia Rural Water Authority where the functions and activities of those bodies were undertaken by the Rural Water Corporation as at 22 November 1993.

- (c) Persons registered as dental therapists under the Dental Practices Act 1999 or licensed as dental therapists under the Dentist Act 1972, wherever employed.
- (d) Persons employed or engaged in:
 - (i) any private correctional facility, including but not limited to Fulham Correctional Centre, Port Phillip Correctional Centre and the Melbourne Custody Centre; and
 - (ii) prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals

Provided that nothing in this sub-paragraph will render managers, teachers or nurses eligible for membership of the Union

Provided further that nothing in this sub-paragraph will render employees eligible for membership of the Union who are:

- (a) not directly employed or engaged by operators of correctional facilities or prisoner transport activities; and
 - (b) who are employed, or who become employed, performing either construction, refurbishment, or installation work in private prisons or the maintenance or repair of private prison transport vehicles.
- (e) Employees engaged to perform work in or in connection with traffic law detection, prosecution and enforcement, court or warrant enforcement, or the collection or enforcement of other criminal or civil court orders not related to traffic law infringement, by any person, corporation or business entity, that undertakes, or is contracted to the Government of the State of Victoria to undertake such work.

Provided that the coverage enabled by this sub-paragraph does not extend to the following classes of employees:

- (i) persons employed to perform electrical/electronic work (including work covered by the National Electrical, Electronic and Communications Contracting Industry Award 1998) in the manufacture, installation, maintenance and service of traffic law detection devices and equipment including traffic lights, traffic cameras, speed cameras and radar equipment.
 - (ii) persons employed in or in connection with education institutions including pre-schools, schools, technical and further education, universities, adult education or associated research, or persons employed as teachers or teachers' aids in detention centres or correctional facilities.
 - (iii) persons employed or engaged in local government in work involving traffic or parking by-law enforcement.
- (5) In the State of Western Australia the industries carried on by persons -
 - (a) employed as an officer under and within the meaning of the Public Service Act, 1978-1980, or
 - (b) employed under the Forests Act, the Main Roads Act, or any Act now in force or hereafter enacted whereby any Board, Commission or other body is constituted to administer any such Act, or
 - (c) otherwise employed in any of the established branches of the Public Service of the State of Western Australia, including State trading concerns, business undertakings and government institutions controlled by boards.

Exclusions

Notwithstanding anything hereinbefore contained

- (i) Any person who is employed by any Instrumentality of the Crown including without limiting the generality of the foregoing the following instrumentalities:-

Victorian Instrumentalities

Ballarat Water Board
Bendigo Water Board
Road Construction Authority of Victoria
Dandenong Valley Authority
Gas & Fuel Corporation
Port of Geelong Authority
Geelong Water Board
Latrobe Water Board
Melbourne Harbour Trust
Melbourne & Metropolitan Board of Works
The Metropolitan Transit Authority
Port of Melbourne Authority
State Transport Authority
State Electricity Commission of Victoria
Hospital & Charities Commission
Housing Commission

Western Australian Instrumentalities

Fremantle Port Authority
Main Roads Department
Western Australian Railways
State Energy Commission

South Australian Instrumentalities

Electricity Trust of South Australia
South Australian Housing Trust
The Pipelines Authority of South Australia

Tasmanian Instrumentalities

Marine Board of Burnie
Marine Board of Devonport
Marine Board of Hobart
Hydro-Electric Commission
Port of Launceston Authority
Hobart Regional Water Authority
Tasmanian Department of Transport

New South Wales Instrumentalities

Electricity Commission
Urban Transit Authority
Hunter District Water Board
Department of Main Roads
Maritime Services Board
Metropolitan Water, Sewerage and Drainage Board
Department of Motor Transport
Water Resources Commission
State Rail Authority
Traffic Authority of N.S.W.

and is or has been a Corporate Member or Graduate Member of The Institution of Engineers, Australia, or has passed the prescribed examinations for or is the holder of qualifications published by The Institution of Engineers, Australia, as granting eligibility for Graduate or Corporate Membership of the said Institution or in respect of whom The Institution of Engineers, Australia, has given written notification that his qualifications would render him eligible for Graduate or Corporate Membership of the said Institution

shall not be within the industries in connection with which the Union is formed.

- (ii) Any person who is employed in the tourist promotion section of the Public Transport Commission of N.S.W., the tourist promotion section of Victorian Railways, the Mt. Buffalo Chalet operated by the Victorian Railways or the tourist section of the marketing division of the N.S.W. Public Transport Commission

shall not be within the industries in connection with which the Union is formed.

- (iii) Any person employed by:

Australian National Railways Commission
Melbourne and Metropolitan Board of Works
Road Construction Authority of Victoria
Hydro-Electric Commission of Tasmania
Australian Mineral Development Commission

Electricity Trust of South Australia
State Electricity Commission of Victoria
Port of Geelong Authority

Melbourne Harbour Trust
Port of Melbourne Authority

The Metropolitan Transit Authority
Metropolitan Transport Trust of Tasmania
State Energy Commission of Western Australia
Maritime Services Board of N.S.W.

Melbourne Wholesale Fruit and Vegetable Market Trust
Pest Plant Control Boards in the State of South Australia
Vertebrate Pest Control Boards in the State Of South Australia

[Provided that Pest Plant Control Boards and Vertebrate Pest Control Boards shall neither mean nor include any or all of the Pest Plant Commission, the Vermin Control Administration Committee or the Vertebrate Pest Control Authority each in the State of South Australia]

Totalizator Agency Board of Victoria
Totalizator Agency Board of South Australia as a casual employee

shall not be within the industries in connection with which the Union is formed.

- (iv) Any person employed in a professional capacity by:

Public Transport Commission of N.S.W.,
Commissioner for Motor Transport, N.S.W.,
Victorian Railways Board,
Railway Construction Board, Victoria,
Transport Commission, Tasmania,
Western Australian Government Railways Commission,
State Transport Authority of South Australia (Rail Division)

shall not be within the industries in connection with which the Union is formed.

- (v) Employees of Municipal County Shire Councils Trusts or other Local Government Authorities (other than employees of the Sydney Cove Redevelopment Authority) Water Supply Boards or Trusts (other than employees of the New South Wales Water Resources Commission, the Metropolitan Water Authority of Western Australia and the Metropolitan Water Board of Tasmania), Sewerage Board or Trust (other than employees of the New South Wales Metropolitan Waste Disposal Authority), Road Boards (other than employees of the New South Wales Department of Main Roads and the Western Australian Main Roads Department), and employees (other than administrative or clerical staff) of any Western Australian Park Reserve Racecourse or Cemetery Board or Trust

shall not be within the industries in connection with which the Union is formed.

- (vi) Any person employed by a College of Advanced Education in any State as a member of the academic staff (which shall include Directors, Principals, Deputy and Assistant Directors or Principals, by whatever name called) shall not be within the industries in connection with which the Union is formed provided that the following Agricultural

Colleges in the State of New South Wales shall not be regarded as Colleges of Advanced Education:

C B Alexander Agricultural College, Tocol
The Murrumbidgee College of Agriculture

- (vii) Any person employed by,

- I. The Crown in the actual operation of a system or systems of public transportation of persons and/or goods, wares, merchandise or any material whatsoever;
- II. Any,
- (a) statutory body representing the Crown;
- (b) instrumentality or authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown;
- (c) company or corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown;

which has as its function the actual operation of a system or systems of public transportation of persons and/or goods, wares, merchandise or any material whatsoever; or

has as one of its functions the actual operation of such a system or systems of public transportation but only those persons employed in or in connection with the operation of these system or systems;

shall not be within the industries in connection with which the Union is formed.

- III. (A) The foregoing exclusion however shall not render ineligible for membership employees of the following statutory bodies, departments or ministries, notwithstanding that such statutory bodies, departments or ministries did not in the past operate or are not at present operating a system or systems of public transportation:-
- (a) Western Australian Coastal Shipping Commission
- (b) Albany Port Authority
- (c) Bunbury Port Authority
- (d) Esperance Port Authority
- (e) Fremantle Port Authority
- (f) Geraldton Port Authority
- (g) Port Hedland Port Authority
- (h) State Transport Commission (WA)
- (i) Ministry of Transport (Victoria)
- (j) Road Traffic Authority (Victoria)
- (k) Commissioner for Motor Transport or Department for Motor Transport (N.S.W.)
- (l) Department of Transport (S.A.)
- (m) Any statutory body, department or ministry which in the future assumes the current functions of any of the employers specified in such paragraphs (a) to (l) hereof.
- (B) Provided further that if any of the bodies, departments or Ministries specified or referred to in (A) hereof operates a system of public transportation the persons employed in or in connection with the actual operation of that public transportation system shall not be within the industries in connection with which the Union is formed.

- (viii) In the State of New South Wales

- (a) Persons employed by Colleges of Advanced Education, the University of New South Wales, The University of Newcastle, The University of Wollongong and any University formed from a college of

those Universities whose ordinary duties consist of work usually performed by watchmen, caretakers, cleaners, tea attendants, together with persons (other than foremen, laboratory craftsmen and those employed in a supervisory capacity) employed as carpenters, joiners, tile-layers, bricklayers, tuck-pointers, slaters, roof-tilers, shinglers, ridgers, cement-tilers or roof fixers, painters, decorators, sign-writers, glazers, glass-cutters, paper-hangers, plasterers, plaster fixers, granolithic floor-layers, plumbers, gasfitters or pipe-fitters.

- (b) Persons employed by the University of New South Wales, the University of Newcastle, the University of Wollongong and any University formed from a college of those Universities as academic staff.
- (c) Persons employed by the United Dental Hospital in the profession of nursing as trained nurses, trainees and assistants in nursing.
- (d) Persons employed by the Legislative Assembly and the Legislative Council as caretakers, cleaners, gatekeepers, lift attendants, tea attendants and watchmen.
- (e) Persons in New South Wales who are employed as -
 - (I) Teachers, supervisors, counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), engaged in pre-school, infant, primary or secondary public education controlled by the Government or employed by the Education Commission;
 - (II) Teachers, supervisors, counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), and trainee teacher advisers engaged in technical and further education or adult migrant education or employed in evening colleges;
 - (III) Education officers (performing teaching duties) and teachers working in the Department of Corrective Services;
 - (IV) Teachers seconded as officers of the Research and Guidance Branch of the Education Department.
- (f) Persons appointed to be members of the Police Force of New South Wales in a non-commissioned capacity.
- (g) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this subparagraph:

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described.

- (h) Employees of the Totalizator Agency Board of N.S.W. in clerical classifications for which the commencing salary is at or below the highest salary level for Branch Assistant Manager.

- (i) Persons employed by any State Public Hospital in the retail sale of goods.
- (j) Persons employed in the Education Department in or in connection with the operation of school canteens and kiosks but not excluding persons so employed in an administrative, clerical, technical, professional or managerial capacity.
- (k) Persons wholly, mainly or principally engaged (and however designated) in the work of lift attending, porter's work, tea attendant, cleaning and related pollution control (except persons employed in a supervisory capacity above the level of leading hand and persons who perform mixed functions and a substantial part of whose duties comprise other work such as attendants, gardeners, general assistants, guides or messengers) and caretaking (except persons employed in a supervisory capacity above the level of leading hand and persons who perform mixed functions and a substantial part of whose duties comprise other work such as attendants, gardeners, general assistants, guides or messengers and also persons employed in or for a substantial part of their time in Court Houses, historic houses or Government House), or employed in child care centres, day nurseries, or pre-school kindergartens by the Department of Education or the Department of Technical and Further Education (other than teacher aides in pre-school kindergartens and nurseries within the grounds of public schools but excluding nursery cooks or nursery helps employed in the Department of Education Nursery Schools) or under the Youth Employment Scheme by Government Departments, other than by the Department of Corrective Services, but not excluding ancillary staff in schools and persons employed in supervisory positions above the level of the officer in charge of such a child care centre, or persons employed in a professional, inspectorial, administrative, clerical or technical capacity, provided that no persons employed by the United Dental Hospital shall be excluded by reason of this paragraph.

shall not be within the industries in connection with which the Union is formed.

(ix) In the State of South Australia:

- (a) Salaried Medical Officers
- (b) Storemen and Packers
- (c) Ministerial Press Secretaries
- (d) Persons employed by Minda Incorporated below the level of and including the occupation of charge attendant and persons employed by the Electricity Trust of South Australia in the occupation of caretaker, cleaner, watchman or security officer
- (e) Employees engaged or usually engaged as electrical fitters, armature winders, electrical mechanics, battery winders, railway electricians, telephone fitters, radio workers, cable joiners, linesmen and lamp trimmers, electrical labourers, electric crane attendants, rail welders and their assistants, electrical welders whose work is associated with the work of an electrician, electricians engaged or usually engaged or employed in running and maintaining electrical plants dynamo, motor attendants or the like
- (f) Nurses other than:
 - (I) Nurses employed by the following State Government Hospitals -

The Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Flinders Medical Centre, the Modbury Hospital, the Whyalla Hospital, Port Pirie Hospital, Port Augusta Hospital, Port Lincoln Hospital, Mount Gambier Hospital, Wallaroo Hospital, Ru Rua Nursing Home.
 - (II) Nurses who are public servants within the meaning of the Government Management and Employment Act, 1985 and in particular but without limiting the generality thereof, senior mental health nurses.
 - (III) Nurses who are employed pursuant to direct Ministerial appointment (but not persons employed by subordinates of any Minister in respect of whom the Minister's consent only is required) and in particular, but without limiting the generality thereof, nurses employed pursuant to S.6 of the Alcohol and Drug Addicts (Treatment) Act 1961-1971.

- (IV) Nurses employed in the following psychiatric hospitals and institutions, Enfield Hospital, Glenside Hospital, Hillcrest Hospital, Willis House, Palm Lodge, the Psychiatric Day Hospital, Strathmont Hospital who were members of the Union as at 17 April 1980, who remain members continuously thereafter.
- (V) Nurses employed by the Health Commission, any community health centre, the Queen Victoria Hospital, Minda Home, country community hospitals, who were members of the Union as at 17 April, 1980, who remain members continuously thereafter.
- (g) Persons who are employed or are usually employed in any capacity whether permanent or casual in or in connection with:
 - (I) Breweries, malt houses, bottling establishments, distilleries, wine cellars, wineries and spirit stores;
 - (II) Aerated water, cordials, cider and ginger beer or other non- intoxicating beer factories and employees retailing to the public any of the products of these factories;
 - (III) Hotels, wine saloons, wine bars, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit juice or flavour bars;
 - (IV) Marine stores or yards, cork cutting factories, bottle washing establishments, patent yeast and vinegar factories;
 - (V) Clubs, restaurants, meeting houses and board and lodging and apartment houses, catering establishments;
 - (VI) Race courses, football grounds, cricket, dog racing, coursing and other sports grounds, industrial canteens, motels and casinos.
- (h) Employees below the classification of foreman employed in the printing and kindred industries.
- (i) Persons employed on a weekly or daily basis in the timber industry (provided that notwithstanding the generality of the foregoing, excluding persons employed as mill hands, saw men, timber graders or the like).
- (j) Employees engaged or usually engaged in the process trade or business connected with or incidental to the manufacture, assembling or repairing of carriages, carts, wagons, trucks, railway cars, tram cars, motor cars, motor cycles, side cars, aircraft and other vehicles used in air transit and all other vehicles or parts thereof and whether in wood and/or metal and/or other material.
- (k) Daily or weekly paid employees engaged in any of the following industries or callings:

Agricultural, horticultural, viticultural, construction or maintenance of roads, footpaths, aerodromes, bridges, reservoirs, lochs, drains, dams, weirs, channels, tunnels, school grounds or playgrounds, water and sewerage, land surveying and works and undertakings carried out by or on behalf of any local governing body.
- (l) Persons employed or usually employed or engaged in or in connection with the industries or industrial pursuits of carpenters and joiners or as brick-layers, tuck pointers or in the trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibre, fibrolite or cement mixtures and accessories, malthoid, sisalkraft or bituminous roofing materials and all accessories made of the same or similar materials.
- (m) Carpenters and joiners, including ship's carpenters and joiners.
- (n) Persons employed or engaged in or in connection with the industries of driving and the transport of persons and/or passengers and/or goods, wares, merchandise or any material whatsoever by or on vehicle or animals or by aircraft or by motor steam, oil, electric or other mechanically propelled contrivances, drivers assistants and conductors of same and stable work wheresoever performed, all yard and garage cleaning, and other work in connection with driving and transport, including washing, greasing, oiling, cleaning, polishing, tyre fitting and general attendance of horse or mechanically propelled vehicles and mechanical contrivances, loading and unloading onto and/or from any vehicle.

- (o) Persons employed as roof plumber drainers, gasfitters, sanitary plumbers, registered drainers, plumber welders mechanical services plumbers, water plumbers or the like.
- (p) Persons employed in:
 - (I) making and/or repairing the whole or any part of any male or female garment or of any article of wearing apparel whatsoever and the dyeing, cleaning, repairing or pressing or ironing of any such articles;
 - (II) making and/or repairing the whole or any part of any description of umbrella;
 - (III) making and/or repairing any description of handkerchiefs, serviettes, pillow slips, pillow shams, sheets and table clothes, towels, quilts, aprons, mosquito nets, bed valances or bed curtains;
 - (IV) embroidering or otherwise ornamenting any of the abovementioned articles;
 - (V) the industry of a furrier;
 - (VI) the making of chenille and the making and/or repairing of articles of all descriptions as are made of chenille.
- (q) Firefighters, control room operators, probationary firefighters, fire equipment servicemen and hose-room men.
- (r) Persons employed at the Australian Mineral Development Laboratory and the Electricity Trust of South Australia in a drafting capacity or a technical capacity.
- (s) Persons who are employed in South Australia -
 - (I) As teachers in any Government school, pre-school, child- parent centre or technical and further education institution;
 - (II) In a technical and further education institution and responsible for the co-ordination of teaching therein;
 - (III) As pre-school aides OR assistants in child parent centres.
- (t) The Commissioner, Deputy Commissioner, any Commissioned Officer and any other person who is a member of the Police Force of South Australia or who is undergoing training in order to qualify for appointment as a member of the Police Force of South Australia.
- (u) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Federation by this sub-paragraph

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described.

- (v) Persons employed by the Adelaide Festival Centre Trust in the retail sale of goods or the supply of food or drink for consumption on the premises or for take away, but not excluding persons so employed in an administrative, clerical, technical, professional or managerial capacity.

shall not be within the industries in connection with which the Union is formed.

(x) In the State of Western Australia

- (a) Persons employed as Clerical Officers in -

the State Engineering Works except those who are employed pursuant to the provisions of the Public Service Act;

- (b) Persons employed as Clerical Officers in positions which, on a salary basis, are less than the salary paid to the respective Public Service Classifications set out hereafter -

Western Australian Meat Commission Robbs Jetty,	C 11 6.
Western Australian Coastal Shipping Commission,	C 11 10.
Western Australian Egg Marketing Board,	C 11 7.
Fremantle Port Authority,	C 11 10/11.

- (c) Persons employed as Clerical Workers by -

the Minister for Water Supply, Sewerage and Drainage the Metropolitan Water Supply, Sewerage and Drainage Board, or the Minister for Works

in connection and maintenance work in the field, on the job, or elsewhere away from Head Office.

- (d) Persons engaged as wharfinger, assistant wharfingers, officers in charge of goods sheds or clerks at the ports under the control of the Department of Marine and Harbours in Western Australia.

- (e) (deleted)

- (f) Persons appointed as Commission Agents by the Totalizator Agency Board.

- (g) Persons employed as Foremen except those who are employed by the Minister for Mines.

- (h) Persons employed as Police Officers, Police Cadets and Police Aides.

- (i) Persons employed as Marine Pilots.

- (j) Persons employed on an annual salary by the Western Australian Government Railways.

- (k) Persons employed on an annual salary in a clerical, inspectorial or professional capacity by the Chairman of the Metropolitan Transport Trust.

- (l) Persons employed in the profession or industry of nursing and being registered or entitled to be registered with the Nurses Board of Western Australia or as student nurses, other than those employed under the Public Service Act or by the Nurses Board of Western Australia.

- (m) Persons employed as Shift Engineers, Royal Perth Hospital.

- (n) Persons employed in the callings of foreman; laundryman; laundress; general hand; driver; gardener; security man; storeman; press operator; seamstress; sorter; cook; tradesman; dry cleaner; presser; cutter in the Hospital Laundry and Linen Service or other persons employed as Laundry Workers.

- (o) Persons employed in Doctors' surgeries.

- (p) Persons employed by the Western Australian Division of the Red Cross Society as Clerks.
- (q) Persons employed by the Spastic Welfare Association as Tradesmen who perform the usual trade duties.
- (r) Persons employed by universities as academic staff.
- (s) Any person employed by the University of Western Australia who has an academic salary nexus and academic status.
- (t) Any person employed by a university in the position of "The University Librarian".
- (u) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:

- I Clerical duties

- II Administrative duties

- III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described.

- (v) Persons employed by the Totalizator Agency Board of Western Australia in casual or part time clerical duties.

- (w) Persons employed as wages employees as storemen, storemen operator or storemen-in-charge at:

- (1) Building Management Authority

- (2) Education Supplies Branch

- (3) Fremantle Port Authority

- (4) Government Stores Department

- (5) Library Board of Western Australia

- (6) State Engineering Works

- (7) State Health Laboratory

- (8) State Housing Commission

- (9) WA Education Department

- (10) WA Institute of Technology

- (11) WA Meat Exports Pty Ltd

- (12) WA Potato Marketing Board

- (13) Police Department

- (14) Any other Government Store listed as a named respondent to the Storemen Government Award 1979, No 20/1969.

- (x) Persons in Western Australia who are employed as teachers, education officers, (performing professional duties requiring teaching qualifications) guidance officers, demonstrators or counsellors (not being counsellors engaged in social welfare work or in the practice of social work or psychology or medicine), -

- (I) by the Education Department;
 - (II) in a technical and further education institution;
 - (III) in pre-school centres (provided that teachers in pre-school centres hold or are enrolled in a course leading to a teaching academic qualification): OR
 - (IV) in community colleges.
- (y) (i) Persons employed in the callings of cleaner; caretaker; lift attendant; window cleaner; watchman; charwoman; usher; doorkeeper; gatekeeper; porter; janitor; cleaning and pollution control; attendant in ladies' retiring rooms; commissionaire; tea attendant; day or night patrolman; gardener; groundsman; gardener's labourer; maintenance labourer; home economics assistant; waiter; waitress; kitchen hand; maid; cook; horticulturist; domestic; trainee horticulturist; apprentice; security man
- but not so as to exclude
- persons employed for the purpose of undertaking professional, supervisory, technical, administrative and/or clerical functions including, notwithstanding the generality of the foregoing, maintenance assistants; general assistants; maintenance officers and curators.
- (ii) Persons employed in the callings of the keeper; aquarist or ranger in National Parks and Zoological Gardens.
- (iii) Persons employed in the callings of power-mower operator; tractor-mower operator or leading hand employed by the Building Management Authority Mowing Services.
- (iv) Persons employed in the occupation of teachers' aide.
- but not so as to exclude
- school assistants; technical assistants; library assistants; laboratory assistants and attendants.
- (v) Domestic work, including leading hands,
- but not so as to exclude
- persons employed for the purpose of undertaking supervisory, administrative and/or clerical functions or for the purpose of instructing in domestic work or persons employed as homemakers.
- (vi) Attendants, employed on wages, by the Trustees of the Western Australian Museum or the Board of the Art Gallery of Western Australia.
- (vii) Persons employed in the callings of the first aid attendant or security officer by the State Energy Commission.
- (viii) Persons employed in pre-school centres, child minding centres or day nurseries in the callings of Pre-School Teacher or Qualified Child Care Worker or Unqualified Child Care Worker.
- (ix) Persons employed in the calling of car park attendant other than persons employed by Universities or other tertiary education institutions in Western Australia.
- (z) Employees of the Western Australian Water Authority solely or substantially engaged in or in connection with labouring; operation of portable or non-portable machinery or equipment for construction or maintenance purposes; tradespersons leading hands (except salaried supervisors); blacksmith's striker; dresser; oxy or electric welding assistant; driving of motor transport, articulated vehicles or mechanical equipment; and employees solely or substantially engaged in the callings of alarm room attendant; watchman; radio control room operator; caretaker; supervising storeman; senior storeman; storeman in charge; storeman; water treatment plant operator; assistant on water treatment plant; testers (including testers in charge and senior testers); ganger; survey hand; chain man; instrument hand; senior instrument hand; senior catchment warden; catchment warden; ranger; senior ranger; and employees engaged as non-trades foreman or assistant foreman; supervising or senior foreman; and employees engaged on the

construction and maintenance of country water supplies as water supply controller, electric pump attendant or pumping station attendant.

(aa) Persons employed by:-

- (i) any Public or Private Hospital, or
- (ii) the SLCG (Inc) or
- (iii) Silver Chain Nursing Association (Inc.), or
- (iv) in establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, Ngala-a Mothercraft Training Centre, The Braille Hospital, Nadezda and Homes of Peace,

In the callings of

- (a) home help or home care aide (Silver Chain Nursing Association (Inc.) only); social trainer (Nulsen Haven and SLCG (Inc) only); cottage parent or assistant supervisor (SLCG only); nursing assistant; enrolled nurse; student enrolled nurse; dental technician (Perth Dental Hospital only); cleaner; domestic maid; gardener; handyman; housemaid; kitchen man; kitchen maid; laundry worker; dry cleaner; orderly; pantry maid; wardsmaid; yardsman; seamstress; washing-machine hand; boiler-firing orderly; shaving orderly; storeman; driver; bus driver; chef; cook; window cleaner; dry cleaner; steward; animal house attendant; gardener and propagator; senior gardener; head gardener; butcher; carpenter; butcher's assistant; car park attendant; laboratory attendant; waitress; cafeteria assistant; theatre orderly; theatre assistant; ward assistant; CSSD assistant; CSSD orderly; farm assistant; head orderly; bootmaker; housemother (Mount Henry, Olive Jones Nurses' Home, Fremantle and Country Hospitals only); telephonist and receptionist (Swanbourne-Graylands Hospital only); training assistant (Spastic Welfare Association of W.A. (Inc.))

but not so as to exclude the callings of

- (b) home help supervisors; supervising dental technician; cleaning services officer or supervisor; general services supervisor; curator; grounds' supervisor; maintenance officer; assistant food supervisor; food supervisor; food staff supervisor; laundry manager; linen service officer; assistant linen service officer; storeman-clerk; stores officer; catering and domestic supervisor; catering officer; animal house technician; garage supervisor; laboratory assistant; warden; physiotherapy assistant; occupational therapy assistant; farm supervisor; manager, orderly and/or transport services; and orthopaedic appliance worker or assistant.
- (bb) Employees of the Commissioner for Public Health in the Community Health and Child Health Services Branch of the Health Department in the calling of health worker or health worker (special).
- (cc) Persons other than persons employed as officers under and within the meaning of the Public Service Act 1978 to 1980 (W.A.) employed
 - (i) by any public or private hospital;
 - (ii) by the Hospital Laundry and Linen Service;
 - (iii) by the Western Australian School of Nursing or any service ancillary to the practice of medicine, including institutions or facilities all substantially engaged in providing medical laboratory services, radiological services, physiotherapy services, occupational therapy services, speech therapy services, social work services;
 - (iv) by the Western Australian Division of the Red Cross Society;
 - (v) by the Cerebral Palsy Association of Western Australia (Inc.);
 - (vi) by the Silver Chain Nursing Association (Inc.);
 - (vii) by the ACTIV Foundation (Inc.);
 - (viii) by dentists as dental therapists;

- (ix) by the Paraplegic-Quadriplegic Association of Western Australia (Inc.), Good Samaritan Industries or F.C.B. industries or facilities or services;
- (x) in Western Australia eligible for membership of the Health Services Union of Australia and whose class or grade of employment falls within the scope of the Nurses (WA Mental Health Services) Award 1991 as at 17 August 1992.

shall not be within the industries in connection with which the Union is formed.

(xi) In the State of Victoria -

- (a) Persons who are members of the Police Force of Victoria of the designations and/or ranks of Constable, Sub Officer, Commissioned Officer or Commissioner of Police or who are undergoing a full-time course of training the object of which is to qualify such persons for employment as members of the Police Force of Victoria in one or more of the designations and/or ranks aforesaid or who are members of the Retired Police Reserve of Victoria.
- (b) Persons employed by the University of Melbourne as academic staff.
- (c) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:
 - I Clerical duties
 - II Administrative duties
 - III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this sub-paragraph

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described

Persons employed at the State Film Centre of Victoria.

- (d) Persons employed by any State Public Hospital in the retail sale of goods.
- (e) Persons employed by the State Transport Authority and the Metropolitan Transit Authority in the retail sale of goods
- (f) Persons in Victoria who are -
 - (I) employed in technical schools of the Education Department or in technical and further education institutions or in teaching classes administered by such institutions as teachers, lecturers, emergency teachers, teacher librarians, instrumental musicians or in school to work transition programmes;
 - (II) employed as teachers in a Technical-High School or in a High School with a technical education component or a post-primary school;

- (III) employed as student teachers by the Education Department in technical and further education institutions or in the Technical and Further Education Teaching Service or by a technical and further education institution;
- (IV) registered by the Victorian Technical Teachers' Education Board or by the Technical and Further Education Teaching Service Registration Board and are employed by the Victorian Institute of Secondary Education or the Victorian State Board of Education or any Victorian Technical and Further Education Board to perform professional duties requiring teaching qualifications;
- (V) registered or eligible to be registered by the Technical Teachers' Registration Board, the Secondary Teachers' Registration Board or the Primary Teachers' Registration Board and are members of the Victorian Teaching Service employed in non-school positions to perform professional duties requiring teacher qualifications;
- (VI) registered by the Victorian Secondary Teachers' Registration Board and employed in the secondary schools of the Education Department as teachers, librarians, instrumental teachers, remedial teachers, language assistants or persons who are employed by the Victorian Institute of Secondary Education or the Victorian State Board of Education to perform professional duties requiring teaching qualifications or in school to work transition programmes;
- (VII) employed in the teaching service of the Education Department;
- (VIII) who teach or supervise teaching -
 - (i) in day training centres registered pursuant to the Mental Health Act 1959 (Victoria) or any Act in substitution or amendment thereof, or
 - (ii) in institutions in Victoria for the education of the socially, physically, sensorily, educationally or intellectually handicapped, or
 - (iii) in institutions conducted by the Victorian Institute of Education Administration.
- (g)
 - (i) Caretakers, cleaners, domestic arts maids, gardeners, home economics assistants, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas, such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by the Ministry of Education or Schools' Councils constituted pursuant to the Education Act 1975 as amended;
 - (ii) Caretakers, cleaners, gardeners, laundry workers, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by Colleges of Technical and Further Education pursuant to Section 3 of the Post Secondary Education Act 1978 as amended;
 - (iii) Caretakers, cleaners, gardeners, security officers (other than administrative/clerical or above the level of leading hands) and teacher aides (but not excluding ancillary staff in the same areas, such as persons employed as clerical assistants, technical assistants, typists, library assistants, laboratory assistants and attendants, administrative officers and the like) employed other than as permanent or temporary officers of the Victorian Public Service by Colleges of Advanced Education constituted pursuant to the Post Secondary Education Act, 1978 as amended;
 - (iv) Persons who are employed under Section 41A of the Public Service Act, 1974 or any successor thereto and whose wages or conditions of service are governed by any of the following awards or any instrument successor thereto in relation to such employees in the administrative units listed hereunder or any successor thereto had such employees been employed in their present employment as at 11th November 1986. The awards referred to are:-
 - (a) The Award of the Cleaners' Conciliation and Arbitration Board; known colloquially as the Cleaners' Award.

- (b) The Award of the Security Employees' Conciliation and Arbitration Board, known colloquially as the Security Employees' Award.

The Administrative Units referred to are:-

The Department of Property and Services, the Ministry for the Arts, the Law Department, the Ministry for Housing and the Department of Agriculture and Rural Affairs.

- (v) Parking Officers and community guardians employed under Section 41A of Division 8 of the Public Service Act 1974 and/or any successor thereto;
- (vi) Jury keepers (but not so as to exclude jury pool supervisors);
- (vii) Animal attendants, caretakers, cleaners, gardeners, security officers, zoological keepers employed by the Zoological Board of Victoria (other than administrative/clerical or above a level equivalent to that of leading hands);
- (viii) Dental Technicians and Dental Nurses employed by the Cancer Institute, the Royal Dental Hospital, Melbourne or by any hospital registered pursuant to the Health Commission Act, 1977 or other than as permanent or temporary officers of the Victorian Public Service by Community Health Centres;
- (ix) Persons employed in pre-school kindergartens, centres for day or part-day care of children, day or part day nurseries and children's play centres, employed other than as permanent or temporary officers of the Victorian Public Service or except where the functions of such undertakings are carried on within the Victorian Public Service or where such functions are transferred or relocated outside the Victorian Public Service or become carried on by persons redeployed from employment in or by the Victorian Public Service.
- (h) (i) persons employed in the Public Service of Victoria in the classes or grades listed in Schedule 5 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic) in psychiatric, intellectual disabilities and alcohol and drug services;
- (ii) persons whose employment is within the jurisdiction of the Health Professional Services Conciliation and Arbitration Board established pursuant to the Industrial Relations Act 1979 (Vic) as at 31 July 1992;
- (iii) persons whose employment is within the jurisdiction of the Health and Allied Services Conciliation and Arbitration Board established pursuant to the Industrial Relations Act 1979 (Vic) as at 31 July 1992;

EXCEPT FOR:

persons employed in the Public Service of Victoria in the classifications or grades listed in the Schedules 1-4 of the Salary Schedules who are members of the SPSF as at 12 August 1992 and who remain members of the SPSF and who become employees of another employer as a consequence of the process of integration of services currently provided by the Health Department of Victoria into the public hospital system.

- (j) Persons employed in the public and/or private health and community services sector in the State of Victoria who satisfy the conditions of eligibility for membership of the Health Services Union of Australia as at 18 April 1994.

shall not be within the industries in connection with which the Union is formed.

(xii) In the State of Tasmania -

- (a) Persons who are members of the Police Force of Tasmania or who are undergoing a full-time course of training the object of which is to qualify such persons for employment as members of the Police Force of Tasmania

(b) Persons employed in or in connection with theatrical and amusements of any kind, other than persons employed upon:

I Clerical duties

II Administrative duties

III Professional and/or management duties, not being duties which are an element of Front-of-House or Back-of-House functions

Provided that the following persons shall not be excluded from membership of the Union by this subparagraph

Persons employed in zoological parks

Persons employed in or in connection with the operation and administration of Lotteries howsoever described

Persons employed by Totalizator Agency Boards and like organisations providing betting services of any kind but not so as to include Front-of-House staff employed in casinos and like venues

Persons employed by or in connection with the operation of Sporting or Gaming Control Boards howsoever described

Persons employed in or in connection with Departments of Sport and Recreation howsoever described

(c) Persons in Tasmania who are employed as -

(I) teachers, (including part time and/or relieving teachers, teacher librarians, student counsellors (not being counsellors engaged in Social Welfare work or in the practice of social work or psychology or medicine), supervisors and educational officers or any such other classification of employment incidental to education) engaged in kindergartens, pre-schools, infants, primary, secondary, senior secondary and technical and technical and further education under the control of the Government of Tasmania and such teachers seconded as officers or permanently employed as officers of the Service and Guidance Services branches of the Education Department;

(II) employed as professional officers in the Education Department to perform professional duties requiring teaching qualifications;

(III) Recreation Officers in the Education Department;

(IV) part-time and/or temporary relieving teachers employed by the Government of Tasmania;

(V) teachers in training on Government studentships

(d) (i) persons employed in the Department of Education except professional, administrative, clerical, technical and supervisory (above the level of leading hand) staff, teacher aides (including, but not limiting the generality thereof, aide, audio-visual aide, kindergarten aide, kindergarten teacher's aide, teacher's aide, teachers assistant, library aide, bus aide, laboratory aide, library assistant, recreation assistant, visual aides assistant, library/home economic aide, childcare aide), office assistant, machinist, bus driver, driver, store-man, stores officer, material storeman, and employees at the Media Centre Hobart and the Science Centre, Hobart.

(ii) cleaners other than employed by the employing authority for public hospitals.

(iii) ferry workers employed by Transport Tasmania.

(iv) traffic wardens.

(v) persons employed by the employing authorities for boarding schools and/or student hostels.

(vi) persons performing work presently classified as utility officer in the Department of Education whether or not the same are included in paragraph (i) hereof.

shall not be within the industries in connection with which the Union is formed.

SECTION II

The Union is also formed in connection with the industry covering the following:

- (a) The Crown in the right of the States of New South Wales and Queensland; and
- (b) Any Statutory Corporation, Instrumentality, Authority or other similar statutory body, whether corporate or unincorporate, established by the Crown in the right of the States of New South Wales and Queensland; and
- (c) The University of New South Wales (excluding the Medical School thereof);
- (d) Any educational institution in the State of Queensland designated as a University or College of Advanced Education;
- (e) The Mater Misericordiae Hospitals in the State of Queensland: and
- (f) The Australian Red Cross Society (Queensland Division), Blood Transfusion Service.

and without limiting the generality of the foregoing shall include the following:

In New South Wales

- (a) The Public Employment Industrial Relations Authority, or
- (b) The Water Conservation and Irrigation Commission, or
- (c) The Department of Main Roads of New South Wales, or
- (d) The Electricity Commission of New South Wales, or
- (e) The Maritime Services Board of New South Wales

In Queensland

- (a) Chief Executives of State Government Departments under the Public Service Management Act 1988,
- (b) General Manager, State Government Insurance Office,
- (c) The Senates of Universities in Queensland,
- (d) The Councils of Colleges of Advanced Education in Queensland,
- (e) The Cane Prices Board,
- (f) The Council of the Queensland Institute of Medical Research,
- (g) The Chairman of the Metropolitan Public Abattoir Board,
- (h) Public Hospitals Boards in Queensland (Established under the Queensland Hospital Act),
- (i) The Parliamentary Services Commission,
- (j) The Queensland Corrective Services Commission.

SECTION III

1. Without in any way limiting or being limited by the provisions of sections I and II of this Rule the Union shall consist of an unlimited number of persons, other than academic staff, who are:
 - (a) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Murdoch University, Edith Cowan University, the University of Western Australia, Curtin University of Technology and The University of Notre Dame Australia; or
 - (b) Employees employed by Macquarie University; or
 - (c) Employees employed by the University of Technology, Sydney or the University of Western Sydney; or
 - (d) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New England; or
 - (e) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Southern Cross University; or

- (f) Employees employed by the University of Sydney; or
- (g) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New South Wales and the University of Newcastle (other than employees employed by those two universities in their medical schools); or
- (h) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Charles Sturt University or the University of Wollongong; or
- (i) Employed in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Melbourne, or LaTrobe University or the Victorian College of Agriculture and Horticulture Limited; or
- (j) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Tasmania; or
- (k) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Adelaide; or
- (l) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Flinders University of South Australia; or
- (m) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of South Australia; or
- (n) Employees in professional and technical (except trades up to and including the level of leading hand) occupations (but not including administrative or clerical occupations) employed by the University of Queensland or Griffith University, or James Cook University of Northern Queensland, or Queensland University of Technology, or the University of Central Queensland, or the University of Southern Queensland; or
- (o) Employees in professional (other than engineering), administrative and clerical occupations employed by the University of New South Wales at the Australian Defence Force Academy; or
- (p) Employees in professional and technical (except trades up to and including the level of leading hand) occupations (but not including administrative or clerical occupations) employed by the Australian Catholic University in Queensland; or
- (q) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Australian Catholic University in New South Wales; or
- (r) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of Canberra; or
- (s) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Northern Territory University.
- (t) Employees in all professional, administrative, clerical, computing and technical occupations (not including catering, cleaning, security, parking attendants, caretakers and handy persons, gardening, child care, trades up to and including the level of leading hands, and health, fitness and leisure instructors and attendants, but including managerial positions) employed by student unions, associations, guilds or councils howsoever titled in higher education in New South Wales, Tasmania and Northern Territory.
- (u) Employees of Campus Living Villages Pty Ltd and Campus Living Funds Management Limited, and of any successor, assignee or transmittee of the business and/or functions of the said corporations or any part thereof, other than employees engaged in construction or employees, up to the level of leading hand, engaged in maintenance functions.

2. In the interpretation of the terms professional, administrative, clerical, technical and trades occupations which appear in this rule (with the exception of Rule 3, Section 3(1)(n)), assistance in the ascertainment of the meaning of those terms shall be given by consideration of the broad functions described in, and the indicative classifications set out in the demarcation agreement between The State Public Services Federation and the Federated Miscellaneous Workers Union relating to coverage of general staff in Higher Education dated 24 August 1990 [which agreement is set out as Schedule A to these Rules].
3. Notwithstanding anything contained elsewhere in these rules all professional, administrative, clerical, computing and technical (except trades up to and including the level of leading hand) occupations of non-academic staff employed by or in Howard Florey Institute, the Walter and Eliza Hall Institute, the Ludwig Institute and the Murdoch Institute but not so as to include persons registered or enrolled or entitled to be registered or enrolled by any nursing authority, practitioners not engaged in research and/or teaching and medical practitioners engaged in a research and/or teaching capacity who are also employed by a teaching hospital; and, persons employed by the Victorian Clinical Genetics Service Ltd shall not be eligible for membership.

SECTION IV

Without in any way limiting or being limited by the provisions of Sections I, II or III of Part II of this Rule, the industries in or in connection with which the Union is formed are the activities carried on by an unlimited number of persons employed in or in connection with the administration of superannuation schemes operating for the benefit of persons eligible for membership of the Union; except persons eligible to be members of the Australian Municipal, Administrative, Clerical and Services Union employed to administer the:

Local Authorities Super Pty Limited (Vic), Quadrant Superannuation Fund (TAS), Local Government Super Scheme (SA/NT), West Australian Local Government Superannuation Plan (WA), Western Power Superannuation Fund (WA), Queensland Local Government Superannuation Scheme, Brisbane City Council Superannuation Plan, Queensland Electricity Supply Industry Employees Superannuation Scheme, Local Government Industry Superannuation Fund (NSW), Energy Industry Superannuation Scheme Pty Ltd (NSW) and successor funds.

PART III

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 under Part I or Part II of this Rule shall be eligible for membership of the Union.

PART IV

No restriction or qualification to the description of industry under Part I of this Rule shall restrict or qualify the description of industry under Part II of this Rule and no restriction or qualification to the description of industry under Part II of this Rule shall restrict or qualify the description of industry under Part I of this Rule.

SCHEDULE A

AGREEMENT DATED 24 AUGUST 1990 BETWEEN SPSF AND FMWU RELATING TO COVERAGE OF GENERAL STAFF IN HIGHER EDUCATION

PREAMBLE

1. FMWU and SPSF reaffirm their commitment to the ACTU policy on union rationalisation as adopted by the 1989 ACTU Congress. SPSF and FMWU are prepared to co-operate in a constructive manner with the progress of union rationalisation under the auspices of the ACTU provided that ACTU policy is applied in a consistent and practical manner across industries and between affiliates. The Interpretation of policy must be applied in a practical way having regard to the coverage in each industry and the various sectors in each industry. The definition of the industry is therefore crucial and must provide for an analysis of an industry to allow recognition of the different sectors and sub-industries. This may result in union coverage and status in sectors, states and territories being different.
2. The issue of union coverage of general staff in higher education is currently being considered by the Australian Industrial Relations Commission under s.118. The ACTU has intervened in the proceedings. Following the authorisation of the majority of unions in the area for the ACTU to make a determination on the appropriate form of union rationalisation in the general staff area the ACTU officers put forward a position to a meeting of unions

on 13 July 1990 and later that day to the Commission. That proposal defined the industry as a single industry made up of academic staff and general staff. As a result of this definition it was determined that there was currently no union which could claim to have principal union status as no union could currently cover both academic and general staff. It was proposed that there be 8 significant unions - FAUSA, UACA, SPSF, FMWU, HREA, FCU, ADSTE, VCUSA. It was further reported that should FAUSA (University Academics), UACA (College Academics) and VCUSA (representing approximately 40% of the unionised general staff in Victoria) amalgamate they may be given principal union status with rights to recruit all academic and general staff across Australia. Both SPSF and FMWU have formally rejected this proposal on the following grounds:

- 2.1 Higher education is made up of two main groups of employees - academic and general staff (which in turn is broken down into white and blue collar work sectors). The development of union coverage has recognised the differing interests of these two groups (the only overlap being FAUSA's ability to cover a small number of senior administrative staff in South Australia and Victoria). The distinction between the groups is recognised by the AIRC and the ACTU in relation to the separation of awards applicable to general and academic staff in higher education. A similar distinction has been made by the ACTU under the proposals in the health industry which distinguishes between nursing and other health staff. SPSF and FMWU reject the view that academic and general staff should be in one union. The AHEIA (the employer organisation) has also rejected the concept of one union covering academic and general staff.
- 2.2 SPSF and FMWU collectively represent over 50% of the unionised workforce (SPSF has over 8,000 general staff members and FMWU has around 2,500). FMWU has constitutional coverage amongst general staff in all higher education institutions in Australia. SPSF has members in all institutions in the States. We reject the proposal that an amalgamation of the academic staff unions with a small state based union (VCUSA affiliated to the ACTU in September 1989 on the basis of 2,500 members) could legitimately extend their constitutional rules to cover all general staff. SPSF and FMWU do not believe it is appropriate that a union which does not have current constitutional coverage for at least a major proportion of an industry or an industry sector should be able to obtain principal union status pursuant to ACTU policy.
- 2.3 It is the view of SPSF and FMWU that higher education should be considered in terms of the distinct sectors with principal union status being determined in terms of each of those sectors. FMWU and SPSF believe there are three distinct areas within higher education which are dominated by three unions, these are: academic - FAUSA/UACA; 'white collar' (i.e. administrative/clerical, technical and professional) - SPSF; 'blue collar' (i.e. general services) - FMWU.

It is upon this joint position on the appropriate approach to union coverage that the following demarcation is based.

DEMARCATIION AGREEMENT.

1. This agreement between the FMWU and SPSF shall apply in all institutions currently in existence and those to be formed in the future with the exception of those in the Northern Territory (which shall be covered solely by the FMWU). It is agreed that this demarcation agreement shall replace the previous agreement between SPSF and FMWU concerning McAuley College. It is further agreed that this agreement is without prejudice to and current or future demarcation arrangements, or discussions relating thereto, between FMWU and SPSF.
2. It is agreed that the FMWU areas of coverage shall be in the following areas (howsoever designated).
 - * Security and Cleaning
Indicative classifications: Security Officers, Security Attendants, Patrolpersons, Gatekeepers, Traffic Officers, Watchpersons, Parking Attendants, Cleaners, Car Detailers, Ushers, Doorkeepers, Parking Inspectors.
 - * Residential/Building Services
Indicative classifications: Caretakers, Tea Attendants, Cooks, Domestic, Lift Attendants, Custodians, Handypersons, Porters, Housepersons, Kitchenhands, Counter Assistants, Laundry Workers, Storeworkers, Cellar Hands, Waiters, Shop Assistants, Stewards, Dry Cleaners, Retiring Room Attendants.
 - * Outside Services

Indicative classifications: Gardeners, Groundspeople, Machinery Operators, Mower Operators, Maintenance Labourers, Trade Assistants, Farmhands, Nursery Workers, Curators, Turf Management, Labourers, Horticulturalist, Messengers, Animal Attendants.

* Trades

Indicative classifications: Mechanical/Electrical, Cooks, butchers, Plumbers, Painters, Building Trades.

* Child Care

Indicative classifications: Child Care Workers, Aides, Directors.

3. (a) It is agreed that the FMWU shall cover all the above classifications up to and including the level of Leading Hand. Those classifications above the level of Leading Hand shall be covered by SPSF.
- (b) It is agreed that where a classification involves mixed functions where a major or substantial part of the functions are those of classifications covered by the SPSF that classification shall be covered by the SPSF.
- (c) It is agreed that where a classification involves mixed functions where a major or substantial part of the functions are those of classifications covered by the FMWU that classification shall be covered by the FMWU.

4. It is agreed that SPSF shall cover the following areas (howsoever designated).

* Administrative/Clerical (other than Queensland)

Indicative classifications: Clerical Officers/Assistants, Administrative Officers/Assistants, Senior, Principals, Secretaries, P Operators, Typists, Stenographers, Photocopying Assistants, Supply Assistant, Finance Officers/Assistants, Personnel Officers, Industrial Relations Officers, Registrars, Assistant Registrars, Property Services Officers/managers, Publicity Officers/Public Relations Officers, Supervisors, Training Officers, Transport Officers, House Officers/Assistants, Building Supervisors, Bursars, Educational Services Officers, Registry Officers/Assistants, Telephonists, General Assistants (Clerical), Gallery/Museum Attendants, Sports Centre/Swimming Pool Attendants.

* Professional

Indicative classifications: Professional Officers, Scientific Officers, Research Officers/Assistants, Legal Officers, Architects, Engineers, Computer Systems Officers, Computer Programmers, Agronomists, Accountants, Actuaries, Archivists, Cartographers, Dentists, Doctors, Nurses, Dental Assistants, Draftspeople, Economists, Librarians, Library Technicians, Library Assistants, Library Attendants, Library Officers, Occupational Therapists, Photographers, Journalists, Psychologists, Physiotherapists, Social Workers, Counsellors, Statisticians, Systems Analysts, Welfare Officers, Veterinarians, Veterinary Assistants, Graphic Artists/Designers, Artists, Projectionists, Animal Nurses.

* Technical

Indicative classifications: Technical Officers/Assistants, Laboratory Assistants/Craftspeople Attendants, Seniors, Managers, Technicians, Audio-Visual Technician, Medical Technologist, Maintenance Officer/Supervisor, Reprographic Manager, Printing Assistants, Printers, Offset Operators, Supervisors, Computer Operators, Clerk of Works, Photographic Operator, Photographic Assistants, Photo Typesetter, Safety Officers, Glassblowers, Glass Attendants.

5. Other Unions

- (a) SPSF and FMWU recognise the significant membership of HREA at Sydney University, the University of New England, Macquarie University and at the Australian National University. Whilst neither union seeks to disturb HREA's coverage at these institutions it is the long term view of SPSF and FMWU that HREA should reconsider its involvement in the higher education industry.
- (b) SPSF and FMWU recognise the demarcation between SPSF and FCU in relation to clerical staff in higher education in Queensland.

- (c) The SPSF and FMWU agree that no unions currently with constitutional capacity and membership in the higher education industry should be required to vacate involvement in the industry without full discussion and by an agreed process in consultation with the SPSF, FMWU and other unions with continuing involvement in the industry.

6. Recruitment and Representation

FMWU and SPSF agree that where possible the two unions shall co-operate in joint recruitment exercises particularly in those areas which have been under unionised in the past.

7. Implementation of this Agreement

- (a) It is agreed that Branch Officers of SPSF and FMWU will identify those classifications where it has been agreed that union coverage (subject to sub-clause (g) of this clause) shall change (based on the above list of indicative classifications) and should examine at first instance any areas or classifications where there is some doubt as to the appropriate union coverage and endeavour to determine such questions. Should any question or dispute arise regarding the appropriate union coverage not be settled between Branch Officers of SPSF and FMWU the matters shall be referred to nominated Federal Officers of the two unions who shall determine the coverage. This procedure shall also apply as to areas where there is doubt or a dispute about whether the work in question is being performed in or in connection with the industry of higher education, or in connection with another industry.
- (b) Persons employed in those classifications shall be advised of the new union coverage and encouraged to join the appropriate union. this shall be a voluntary decision by the employee, however, every effort shall be made by the unions to facilitate the exchange. It is agreed that the primary objective of membership exchange should not have a reverse effect in terms of employees deciding not to be in any union. This will require much effort on behalf of both unions to ensure that the end result is a positive exchange.
- (c) Should some employees not transfer membership immediately, the unions shall enter into a servicing agreement.
- (d) All new employees would join the appropriate union.
- (e) It is agreed the above process will be reviewed after 2 years.
- (f) The eligibility rules of the SPSF and the FMWU and award coverage shall reflect this agreement.
- (g) The parties agree that where members within an occupational classification designed in this agreement as falling within the coverage of the FMWU or SPSF are currently solely or in the majority members of the union not designated by this agreement as having coverage of this classification, either nationally or in a particular state, further discussions shall occur between FMWU and SPSF before any final determination is made as to coverage of this classification or the operation of the implementation clauses of this agreement.

END OF RULES

1. The particulars of the proposed alterations to Part II of Rule 2 and Part II of Rule 3 of Chapter A.

(a) In Chapter A, Rule 2, Part II, Section 1(D) a new sub-section be added:

“(v) Persons employed or to be employed by companies or organisations who are successors to and/or performing the roles, functions or responsibilities of the Home Care Service of New South Wales, other than those employed in classifications covered by the *Care Worker Employees – Department of Family and Community Services – Ageing, Disability and Home Care (State) Award 2014* as it was at 31 October 2014”

(b) In Chapter A, Rule 3, Part II, Section 1(B)(1), a new sub-section be added:

“(u) Persons employed or to be employed by companies or organisations who are successors to and/or performing the roles, functions or responsibilities of the Home Care Service of New South Wales, other than those employed in classifications covered by the *Care Worker Employees – Department of Family and Community Services – Ageing, Disability and Home Care (State) Award 2014* as it was at 31 October 2014”

2. The reason for the proposed alteration

The Home Care Service of New South Wales (hereafter referred to as ‘Home Care’) is an agency of the New South Wales State Government’s Department of Families and Community Services and is the largest provider of home and community care in the State.


Home Care employs approximately 4000 persons, of whom those engaged in administrative, professional and managerial roles are able to enrol in and be represented by the CPSU through its current eligibility rules.

The New South Wales Government has announced that Home Care will be outsourced to the private sector by 2016. Expressions of interest were sought by the State Government up until 24 February 2015, with the next stage of the privatisation at the time of writing being a restricted tender by shortlisted applicants.

3. The effect of the proposed alteration

The proposed alteration will enable the applicant union, subject to any agreements entered into or undertakings given during settlement of any objections which may be made to this application, to continue to represent the industrial interests of its members employed by the Home Care Service of New South Wales post-privatisation.

Dated this 3rd day of June 2015



Karen Batt
Joint National Secretary