



New South Wales Teachers Federation

a branch of the Australian Education Union
AEU NSW Teachers Federation Branch ABN 86 600 150 697



378/2018/NC:bdcb

14 May 2018

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

By email: ros@fwc.gov.au

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, Nicole Calnan of 23-33 Mary St, Surry Hills NSW 2010 am the Deputy Branch Secretary of the Australian Education Union NSW Teachers Federation Branch and am authorised to give this notice of particulars of alterations to the rules of Australian Education Union NSW Teachers Federation Branch and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Australian Education Union NSW Teachers Federation Branch.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) On 13 March 2018 the Branch Executive resolved "That notice of the Proposed Rule Changes be given at March Council for endorsement at May Council".
 - (b) The Deputy Branch Secretary advised all Councillors of the proposed Rule Changes at Branch Council on 17 March 2018.
 - (c) The Deputy Branch Secretary sent notice to eligible members on 22 March 2018 and included a copy of the proposed rule changes. This was in accordance with Rule 64 (3) (a) which requires notice of not less than 14 days prior to the meeting.
 - (d) The Branch Council was held on 5 May, 2018.
 - (e) There was a quorum present at the meeting as per the requirement of Rule 11 (4).
 - (f) As per the requirement of Rule 64 (3) (b) each of the proposed changes was adopted by a vote in excess of 3/5ths of the Branch Council Members present.

4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicole Calnan', with a stylized flourish at the end.

Nicole Calnan
Deputy Branch Secretary

Enclosed: Schedule A

Schedule A

Proposed New Rule 38 Election of Branch Executive

Add (a) to Sub Rule (7)

(7) In Branch Executive elections, a Branch Councillor may nominate for more than one office provided that a candidate who has nominated for more than one office is to be excluded from any uncounted ballots following the candidate's election to an office.

(a) *If a candidate elected in a higher ranked ballot has nominated for more than one office then their name will be omitted from the ballot paper by the Returning Officer before any voting takes place in any subsequent ballot on the day*

CARRIED by 3/5 Majority 5/5/18

Schedule A

Delete Rule 70 Transitional Rules (10) & (11)

Proposed New Rule

4 – SUBSCRIPTIONS AND LEVIES

Add new sub-rules (3) and (4) and renumbering respectively

- 1) The Branch Executive may, in accordance with the Federal Rules, determine subscriptions and, subject to sub-rule (2), levies.
- (2) Notwithstanding the generality of Federal Rule 22, the Branch Executive shall not impose a levy for the purposes of supporting candidates in parliamentary elections or supporting political parties.
- (3) *Until otherwise determined by the Branch Executive and reported to the Branch Council, membership subscriptions shall be as follows:*
 - (a) *Subject to this sub-rule, for members not otherwise provided for in sub-rules below an amount equivalent to 0.76% of the maximum salary of a teacher accredited at proficient applicable for teachers in the Education Teaching Service of New South Wales at the salary level payable on or before 31 January in the relevant year.*
 - (b) *In respect of members employed:*
 - (i) *on a permanent part-time basis;*
 - (ii) *a part-time leave without pay basis; or*
 - (iii) *a part-time maternity leave basis,*

a pro-rata subscription based on the number of hours or days worked when compared with the time worked by a full-time member or the annual subscription payable by a casual school teacher as determined in accordance with this sub-rule, whichever is the greater.
 - (c) *For members employed on a full time temporary basis, the annual membership subscription shall be two-thirds of the annual membership subscription determined in accordance with paragraph (a).*
 - (d) *For members employed on a temporary part-time basis, the subscription shall be the subscription for temporary teachers pro-rated on the basis of the number of hours or days worked compared to the time worked by a full time member or the subscription paid by a casual teacher, whichever is greater.*
 - (e) *For members employed as casual school teachers or permanent teachers leave without pay undertaking relief duty, a membership subscription which is one-third of the annual membership subscription set in accordance with paragraph (a).*
 - (f) *A member who is employed as a part time/casual TAFE teacher shall be deemed to be financial provided that he or she has authorised his or her employer to deduct membership subscriptions from his or her salary being an*

amount, for each hour worked, calculated by dividing the amount referred to in paragraph (a) by 720.

- (g) *A member who has paid membership subscriptions in accordance with paragraph (b), (c) or (d) of this sub-rule will not be liable to pay additional membership subscriptions, should that member undertake casual school teacher work in the relevant period.*
- (4) (a) *Until otherwise determined by Branch Executive and reported to the Branch Council, 0.035 of the revenue received from membership subscriptions shall be paid into the New South Wales Teachers Federation Public Education Fund for the purpose of promoting and advertising the professional achievements of public school and college teachers in the public education system.*
- (b) *The Branch Executive shall determine how money held in the New South Wales Teachers Federation Public Education Fund shall be expended and report on the expenditure of that money each year in the Federation's journal "Education".*
- (5) Where the Branch Executive establishes membership subscriptions for particular categories of membership, and a member moves from one category of membership to another, the member shall be liable to make contributions at the higher contribution rate on and from the date the member moves to the new category of membership.
- (6) A member may elect to pay membership subscriptions by annual, half yearly or quarter yearly payments or by a method of periodic payment approved by the Branch Executive.
- (7) Subject to sub-rule (6), a member shall become unfinancial if his or her subscriptions, levies or fines remain unpaid for a period in excess of two months after the subscription, levy or fine becomes payable.
- (8) (a) The Branch Executive may exempt a member from the obligation to pay subscriptions and levies, either fully or in part, or allow a member to defer the payment of subscriptions and levies.
- (b) A claim by a member for an exemption or deferral of his or her obligation to pay subscriptions or levies shall be made in writing to the Branch Secretary.
- (c) The Branch Executive in considering a request under this sub-rule, may take into account:
 - (i) Any health issue which prevents the member from working;
 - (ii) Any period of leave without pay taken by the member;
 - (iii) Any period of military service undertaken by the member;
 - (iv) Any period of half pay leave taken by the member for more than a month;
 - (v) Any other circumstances.
- (9) An unfinancial member shall not be entitled to nominate for or to be elected to a position within the Branch or as a Branch Professional Officer, to nominate another member for an elected office or Branch Professional Office position, vote in any

election or receive any other benefit of membership, in particular, in the form of assistance whether industrial or otherwise.

- (10) Membership pursuant to this rule does not of itself confer on the member the right to hold office within the Union or vote in any election or on any question put at a meeting or in a plebiscite.

CARRIED by 3/5 Majority 5/5/18

