



Commonwealth
of Australia

Gazette

No. GN 24, Wednesday, 18 June 1997

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GOVERNMENT NOTICES

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Gazette Officer, Australian Government Publishing Service, GPO Box 4007, Canberra ACT 2601.
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Business issues, published each Tuesday, containing Notices under the Corporations Law, Bankruptcy Act and Private Notices and sold at \$4.95 each or on subscription of \$220.00 (50 issues), \$116.00 (25 issues).

Australian Securities Commission issues contain Notices under the Corporations Law and are published on the first Tuesday of each month and are sold at \$14.95 each or on subscription of \$132.00 (12 issues).

Special issues include notices which require urgent publication. All costs associated with producing Specials will be borne by the responsible department or authority. A limited number of Special Gazettes will be made available for sale from the Commonwealth Government Bookshop, Canberra, on the day of publication. General distribution of these notices will be by their inclusion in the next published issue of the Government Notices *Gazette* or Business *Gazette* as well as in the next published issue of the series of the Gazette in which the notice would normally have been published.

Tariff concessions issues contain notices of tariff concessions proposed, granted or revoked in accordance with the provisions of Part XVA of the *Customs Act 1901*. These issues are published each Wednesday and are sold at \$2.95 or on subscription only at \$115.00 for 50 issues including surface postage.

Periodic issues contain lengthy notices of a non-urgent nature, including the following: Australian Public Service conditions of entry and advancement; holders of import licences and tariff quotas; notification by Australian Securities Commission of intention to deregister defunct companies. Issues are made at irregular intervals as required, at individual prices according to size. Advice of availability is given in the Government Notices and Business issues immediately following the day of publication. Periodic issues are not available on subscription, but standing orders are accepted for all selected issues.

Index issues contain references to entries in the Government Notices and the related Special and Periodic issues. Index issues are published quarterly, are available over the counter from Commonwealth Government Bookshops and are supplied without charge to annual subscribers to the Government Notices issues.

Chemicals issues of the *Gazette* provide information on the National Industrial Chemicals Notification and Assessment Scheme (NICNAS). These issues are published monthly and the cost is variable.

National Registration Authority issues of the *Gazette* contain details of the certificates for registration of chemical products issued by the National Registration Authority for Agricultural and Veterinary Chemicals. These issues are published monthly and the cost is variable.

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The following Periodic issues of the *Gazette* have been published.

Copies may be purchased from Commonwealth Government Bookshops or by mail from the relevant address given on the front page of this *Gazette*.

Gazette number	Date of Publication	Subject
P1	7.1.97	Road Vehicle (National Standards) Determination No. 3 of 1996
P2	15.1.97	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 October 1996 to 30 November 1996 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 September 1996 to 30 September 1996 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 December 1996 to 31 December 1996
P3	17.1.97	Instruments made under Part VII of the <i>National Health Act 1953</i>
P4	23.1.97	Notice by the Australian Securities Commission of intention to deregister defunct companies
P5	26.2.97	Notice by the Australian Securities Commission of intention to deregister defunct companies
P6	28.2.97	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 December 1996 to 31 January 1997 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 February 1997 to 28 February 1997
P7	13.3.97	Australian Securities Commission money or property unclaimed by dissenting shareholders
P8	10.4.97	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 February 1997 to 28 February 1997 and not previously gazetted Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 November 1996 to 31 January 1997 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 March 1997 to 31 March 1997
P9	18.4.97	<i>Insurance (Agents and Brokers) Act 1984</i>
P10	18.4.97	Notice by the Australian Securities Commission of intention to deregister defunct companies
P11	21.4.97	Instruments made under Part VII of the <i>National Health Act 1953</i>
P12	24.4.97	Road Vehicle (National Standards) Determination No. 1 of 1977
P13	15.5.97	Australia New Zealand Food Authority. Amendment No. 34 to the Food Standards Code
P14	19.5.97	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 March 1997 to 31 March 1997 and not previously gazetted Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 January 1997 to 28 February 1997 and not previously gazetted

Gazette number	Date of Publication	Subject
P15	6.6.97	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1 April to 30 April 1997 and not previously gazetted

N.N.—9605166

Legislation

Acts of Parliament assented to

It is hereby notified, for general information, that His Excellency the Governor-General, in the name of Her Majesty, assented on 5 June 1997 to the undermentioned Acts passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

No. 67 of 1997—An Act to amend the *Australian Industry Development Corporation Act 1970*, and for other purposes. (*AIDC Sale Act 1997*).

No. 68 of 1997—An Act to provide for the notional application of superannuation contributions tax on the taxable contributions of members of non-contributory Commonwealth superannuation schemes, and for related purposes. (*Superannuation Contributions Tax (Application to the Commonwealth) Act 1997*).

No. 69 of 1997—An Act relating to the reduction of the benefits payable to members of unfunded non-contributory Commonwealth superannuation schemes on account of superannuation contributions tax, and for related purposes. (*Superannuation Contributions Tax (Application to the Commonwealth—Reduction of Benefits) Act 1997*).

No. 70 of 1997—An Act relating to the assessment and collection of superannuation contributions tax, and for related purposes. (*Superannuation Contributions Tax (Assessment and Collection) Act 1997*).

No. 71 of 1997—An Act to amend various Acts in consequence of the enactment of the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*, and for related purposes. (*Superannuation Contributions Tax (Consequential Amendments) Act 1997*).

No. 72 of 1997—An Act to impose a superannuation contributions tax and to declare the rate of the tax. (*Superannuation Contributions Tax Imposition Act 1997*).

No. 73 of 1997—An Act relating to the assessment and collection of termination payments tax, and for related purposes. (*Termination Payments Tax (Assessment and Collection) Act 1997*).

No. 74 of 1997—An Act to impose a termination payments tax and to declare the rate of the tax. (*Termination Payments Tax Imposition Act 1997*).

L M BARLIN
Clerk of the House of Representatives

Government Departments

Administrative Services

AUSTRALIAN ELECTORAL COMMISSION

I HAVE ascertained and set out in the schedule for each State and Territory the number of electors enrolled in each Division as at the date indicated and for each State and the Australian Capital Territory have determined the average divisional enrolment and the extent to which the number of electors enrolled in each Division differs from the average divisional enrolment.

M J GRAY
Electoral Commissioner

THE SCHEDULE

New South Wales as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
BANKS	79335	-0.50
BARTON	81288	1.94
BENNELONG	82134	3.00
BEROMBA	83291	4.45
BLAXLAND	78217	-1.90
BRADFIELD	80043	0.38
CALARE	77347	-2.99
CHARLTON	83139	4.26
CHIFLEY	81971	2.80
COOK	79835	0.12
COMPER	77411	-2.91
CUNNINGHAM	75945	-4.75
DOBELL	79141	-0.74
EDEN-MONARO	77787	-2.44
FARRER	75709	-5.05
FOWLER	87902	10.24
GILMORE	76617	-3.91
GRAYNDLER	84573	6.06
GREENMAY	82218	3.11
GMYDIR	73260	-8.12
HUGHES	83845	5.15
HUME	75559	-5.23
HUNTER	76444	-4.12
KINGSFORD-SMITH	79853	0.14
LINDSAY	81830	2.62
LOWE	80251	0.64
LYNE	80442	0.88
MACARTHUR	83974	5.31
MACKELLAR	80770	1.29
MACQUARIE	78978	-0.95
MITCHELL	77810	-2.41
NEWCASTLE	76747	-3.74
NEW ENGLAND	73880	-7.34
NORTH SYDNEY	86698	8.73
PAGE	79925	0.23
PARKES	79158	-0.72
PARRAMATTA	78713	-1.28
PATERSON	79449	-0.35
PROSPECT	77934	-2.25
REID	80636	1.12
RICHMOND	82857	3.91
RIVERINA	79149	-0.73
ROBERTSON	77058	-3.35
SHORTLAND	76942	-3.50
SYDNEY	84000	5.34
THROSBY	76358	-4.23
WARRINGAH	79099	-0.79
WATSON	79658	-0.09
WENTWORTH	83227	4.37
WERRINA	78419	-1.65
Totals	3986826	(Average: 79736)

Victoria as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
ASTON	81763	0.36
BALLARAT	80505	-1.17
BATMAN	86476	6.15
BENDIGO	82015	0.67
BRUCE	84399	3.60
BURKE	77357	-5.04
CALWELL	81499	0.04
CASEY	77870	-4.41
CHISHOLM	84334	3.52
CORANGAMITE	78081	-4.15
CORIO	81975	0.62
DEAKIN	82302	1.02
DUNKLEY	80473	-1.21
FLINDERS	80067	-1.71
GELLIBRAND	83594	2.61
GIPPSLAND	80990	-0.58
GOLDSTEIN	86611	6.31
HIGGINS	83304	2.25
HOLT	77678	-4.64
HOTHAM	87236	7.08
INDI	81098	-0.44
ISAACS	76412	-6.20
JAGAJAGA	84939	4.26
KOOYONG	82946	1.82
LALOR	77194	-5.24
LA TROBE	75701	-7.07
MCEMEN	79640	-2.23
MCMILLAN	80050	-1.73
MALLEE	80353	-1.36
MARIBYRNONG	81492	0.03
MELBOURNE	85213	4.60
MELBOURNE PORTS	81183	-0.34
MENZIES	80205	-1.54
MURRAY	82677	1.49
SCULLIN	78996	-3.02
WANNON	81610	0.18
MILLS	85908	5.45
Totals	3014146 (Average: 81463)	

Queensland as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
BOWMAN	76780	-5.35
BRISBANE	85910	5.89
CAPRICORNIA	83688	3.15
DAWSON	85832	5.80
DICKSON	84159	3.73
FADDEN	78450	-3.29
FAIRFAX	81623	0.61
FISHER	75491	-6.94
FORDE	77102	-4.96
GRIFFITH	82894	2.17
GROOM	83462	2.87
HERBERT	81735	0.75
HINKLER	84282	3.89
KENNEDY	81529	0.49
LEICHHARDT	82809	2.07
LILLEY	84183	3.76
LONGMAN	79314	-2.23
MCPHERSON	77522	-4.44
MARANOA	82083	1.17
MONCRIEFF	73230	-9.73
MORETON	84787	4.51
OXLEY	75807	-6.55
PETRIE	82003	1.08
RANKIN	80213	-1.12
RYAN	84989	4.76
WIDE BAY	79418	-2.10
Totals	2109295 (Average: 81126)	

Western Australia as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
BRAND	73223	-8.53
CANNING	78359	-2.12
COWAN	74568	-6.85
CURTIN	85798	7.16
FORREST	79146	-1.13
FREMANTLE	80608	0.68
KALGOORLIE	82146	2.60
MOORE	73527	-8.15
O'CONNOR	83407	4.18
PEARCE	78420	-2.04
PERTH	83963	4.87
STIRLING	84285	5.27
SWAN	81879	2.27
TANGNEY	81484	1.78
Totals	1120813 (Average: 80058)	

South Australia as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
ADELAIDE	81870	-3.04
BARKER	84136	-0.36
BONYTHON	77590	-8.11
BOOTHBY	80818	-4.29
GREY	83573	-1.02
HINDMARSH	83440	-1.18
KINGSTON	86443	2.36
MAKIN	88246	4.50
MAYO	98766	16.96
PORT ADELAIDE	82492	-2.30
STURT	78674	-6.83
WAKEFIELD	87264	3.34
Totals	1013312 (Average: 84442)	

Tasmania as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
BASS	64490	0.43
BRADDON	61394	-4.38
DENISON	65192	1.53
FRANKLIN	63582	-0.97
LYONS	66384	3.38
Totals	321042 (Average: 64208)	

Australian Capital Territory as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
CANBERRA	71398	4.69
FRASER	66348	-2.71
NAMADGI	66853	-1.97
Totals	204599 (Average: 68199)	

Northern Territory as at 31 May, 1997

Division	Enrolment	% Deviation from average divisional enrolment
NORTHERN TERRITORY	103398	0.00
Totals	103398 (Average: 103398)	

TOTAL FOR AUSTRALIA 11 873 431

Communications and the Arts

AUSTRALIAN BROADCASTING AUTHORITY

NOTICE UNDER SECTION 35 OF THE *BROADCASTING SERVICES ACT 1992*

PREPARATION OF LICENCE AREA PLAN

DESIGNATION OF LICENCE AREA

VARIATION OF FREQUENCY ALLOTMENT PLAN

Pursuant to section 26(1) of the *Broadcasting Services Act 1992*, on 2 June 1997, the Australian Broadcasting Authority prepared licence area plans that determine the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in the Central Tablelands and Central Western Slopes areas with the use of the broadcasting services bands.

Pursuant to section 29(1) of the *Broadcasting Services Act 1992*, on 2 June 1997, the Australian Broadcasting Authority designated the areas described in the above licence area plans to be the licence areas of the licences for the commercial and community radio broadcasting services that are to be available in the Central Tablelands and Central Western Slopes areas.

Pursuant to section 25(2) of the *Broadcasting Services Act 1992*, on 2 June 1997, the Australian Broadcasting Authority varied the frequency allotment plan for the AM and FM radio bands in so far as it relates to the Central Tablelands and Central Western Slopes areas.

Copies of the licence area plans, the licence area designations, and variation to the frequency allotment plan are available free from:

The Planning Officer for Central Tablelands and Central Western Slopes
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616

or by telephoning Freecall 1800 810 241.

9605138

Commonwealth of Australia

Notice under subsection 136(1) of the *Radiocommunications Act 1992*

NOTIFICATION OF VARIATION OF
RADIOCOMMUNICATIONS HANDPHONE STATIONS (27 MHz)
CLASS LICENCE AND
RADIOCOMMUNICATIONS CITIZEN BAND RADIO STATIONS CLASS
LICENCE

Notice is given that the Spectrum Management Agency, acting under subsection 136(1) of the *Radiocommunications Act 1992*, proposes to vary the following class licences:

Radiocommunications Handphone Stations (27 MHz) Class Licence; and
Radiocommunications Citizen Band Radio Stations Class Licence.

The subject matter of the proposed variations are set out below.

Handphone Stations (27 MHz) Class Licence

The existing class licence for Handphone Stations (27 MHz) authorises the operation of devices that comply with Ministerial Standard MS316. This Ministerial standard has now been replaced by Radiocommunications Standard (HF CB and Handphone Radio Transmitters), which adopted AS/NZS4355 (Statutory Rules 1996 No. 312). The proposed variation omits the requirement to comply with Ministerial Standard MS316 and substitutes the requirement to comply with the new standard.

Citizen Band Radio Stations Class Licence

The existing class licence for Citizen Band Radio Stations authorises the operation of devices that comply with Ministerial Standards MS312 and MS250. These Ministerial standards have now been replaced by Radiocommunications Standard (HF CB and Handphone Radio Transmitters), which adopted AS/NZS4355 (Statutory Rules 1996 No. 312) and Radiocommunications Standard (UHF CB Radio Transmitters), which adopted AS/NZS4365 (Statutory Rules 1996 No. 314). The proposed variation omits the requirement to comply with Ministerial Standards MS312 and MS250 and substitutes the requirement to comply with the new standards.

Copies of the class licences and the proposed variations may be obtained from the Spectrum Management Agency at Purple Building, Benjamin Offices, Chan Street, Belconnen, ACT, 2616, or upon request to the address below.

Interested persons are invited to make representations about the proposed variation on or before 18 July 1997.

All representations about the proposed variations should be sent to:

The Acting Manager
Compliance and Licensing Directions Team
Business Directions Group
Spectrum Management Agency
PO Box 78
BELCONNEN ACT 2616

Telephone - 06 2565251
Facsimile - 06 2565256

Commonwealth of Australia

Notice under subsection 136(1) of the *Radiocommunications Act 1992*

NOTIFICATION OF REVOCATION OF RADIOCOMMUNICATIONS CLASS LICENCE (MISCELLANEOUS DEVICES) AND RADIOCOMMUNICATIONS CLASS LICENCE PERSONAL MARINE DISTRESS BEACONS CLASS LICENCE

Notice is given that the Spectrum Management Agency, acting under subsection 136(1) of the *Radiocommunications Act 1992*, proposes to revoke the following class licences:

Radiocommunications Class Licence (Miscellaneous Devices) and
Radiocommunications Personal Marine Distress Beacons Class Licence.

Details of proposed revocations are set out below.

Radiocommunications Class Licence (Miscellaneous Devices)

The existing class licence for Miscellaneous Devices authorises the operation of devices that comply with Ministerial Standards MS241, MS302 and MS309. These Ministerial Standards have now been replaced by new Radiocommunications Standards: (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons), which adopted AS/NZS4330 (Statutory Rules 1996 No. 315); Radiocommunications Standard (Cordless Telephone Equipment), which adopted AS/NZS4281 (Statutory Rules 1996 No. 25); and Radiocommunications Standard (406 MHz Satellite Distress Beacons), which adopted AS/NZS4280 Statutory Rules 1996 No. 310. It is proposed to replace the requirement to comply with Ministerial Standards MS241, MS302 and MS309 with the requirement for new equipment to comply with the new Standards. Because of the comprehensive nature of these changes to the class licence, the existing class licence is to be revoked and replaced with a new class licence incorporating the requirement to comply with the new standards, but authorising the continued operation of devices which complied with the old standards.

Radiocommunications Class Licence Personal Marine Distress Beacons Class Licence

Personal Marine Distress Beacons were not covered under Ministerial Standard MS241 which authorised Emergency Position Indicating Radio Beacons under the Radiocommunications Class Licence (Miscellaneous Devices). A separate class licence was developed to cover Personal Marine Distress Beacons. As Personal Marine Distress Beacons are now covered under the new standard

Radiocommunications Standard (121.5 MHz and 243.0 MHz Emergency Position Indicating Radio Beacons No. 1 of 1996, which adopted AS/NZS4330 (Statutory Rules 1996 No. 315), the existing class licence for Personal Marine Distress Beacons is to be revoked and Personal Marine Distress Beacons will be catered for under the new Radiocommunications Class Licence (Miscellaneous Devices).

Copies of the class licences may be obtained from the Spectrum Management Agency at Purple Building, Benjamin Offices, Chan Street, Belconnen, ACT, 2616, or upon request to the address below.

Interested persons are invited to make representations about the proposed revocations on or before 18 July 1997.

All representations about the proposed revocations should be sent to:

The Acting Manager
Compliance and Licensing Directions Team
Business Directions Group
Spectrum Management Agency
PO Box 78
BELCONNEN ACT 2616

Telephone - 06 2565251
Facsimile - 06 2565256

9605139

AUSTRALIAN BROADCASTING AUTHORITY

NOTICE UNDER SECTION 35 OF THE *BROADCASTING SERVICES ACT 1992*

PREPARATION OF LICENCE AREA PLAN

DESIGNATION OF LICENCE AREA

VARIATION OF FREQUENCY ALLOTMENT PLAN

Pursuant to section 26(1) of the *Broadcasting Services Act 1992*, on 14 May 1997, the Australian Broadcasting Authority prepared licence area plans that determine the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in the Lithgow and Parkes areas with the use of the broadcasting services bands.

Pursuant to section 29(1) of the *Broadcasting Services Act 1992*, on 14 May 1997, the Australian Broadcasting Authority designated the areas described in the above licence area plans to be the licence areas of the licences for the commercial and community radio broadcasting services that are to be available in the Lithgow and Parkes areas.

Pursuant to section 25(2) of the *Broadcasting Services Act 1992*, on 14 May 1997, the Australian Broadcasting Authority varied the frequency allotment plan for the AM and FM radio bands in so far as it relates to the Lithgow and Parkes areas.

Copies of the licence area plans, the licence area designations, and variation to the frequency allotment plan are available free from:

The Planning Officer for Lithgow and Parkes
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616

or by telephoning Freecall 1800 810 241.

AUSTRALIAN BROADCASTING AUTHORITY

NOTICE UNDER SECTION 35 OF THE *BROADCASTING SERVICES ACT 1992*

PREPARATION OF LICENCE AREA PLAN

DESIGNATION OF LICENCE AREAS

VARIATION OF FREQUENCY ALLOTMENT PLAN

Pursuant to section 26(1) of the *Broadcasting Services Act 1992*, on 15 May 1997, the Australian Broadcasting Authority prepared a licence area plan that determine the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in the Bathurst area with the use of the broadcasting services bands.

Pursuant to section 29(1) of the *Broadcasting Services Act 1992*, on 15 May 1997, the Australian Broadcasting Authority designated the areas described in the above licence area plan to be the licence areas of the licences for the commercial and community radio broadcasting services that are to be available in the Bathurst area.

Pursuant to section 25(2) of the *Broadcasting Services Act 1992*, on 15 May 1997, the Australian Broadcasting Authority varied the frequency allotment plan for the AM and FM radio bands in so far as it relates to the Bathurst area.

Copies of the licence area plan, the licence area designations, and variation to the frequency allotment plan are available free from:

The Planning Officer for Bathurst
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616

or by telephoning Freecall 1800 810 241.

9605140

Health and Family Services

AUSTRALIA NEW ZEALAND FOOD AUTHORITY

FOOD STANDARDS

The Australia New Zealand Food Authority advises progress on the following matters relating to the Australian *Food Standards Code*. You can get further information on each of these matters in information papers which are available from:

The Information Officer
Australia New Zealand Food Authority
PO Box 7186
CANBERRA MAIL CENTRE ACT 2610
AUSTRALIA
Tel: (06) 271 2241
Fax: (06) 271 2278
Email: anzfa_internet@anzfa.gov.au

or
The Information Officer
Australia New Zealand Food Authority
PO Box 10559
The Terrace WELLINGTON 6036
NEW ZEALAND
Tel: (04) 473 9942
Fax: (04) 473 9855
Email: anzfa_internet@anzfa.gov.au

USE OF ASPARTAME An Information Paper titled *Aspartame: Information for Consumers* has been developed by the Authority addressing recent media reports of health concerns arising from the consumption of the intense sweetener aspartame. The paper is available from the Authority upon request.

MATTERS BEFORE COUNCIL The Authority has completed inquiries into the variations to standards prepared at full assessment of the following application and proposal and has made recommendations to the Australia New Zealand Food Standards Council that the variations be adopted into the Australian *Food Standards Code*:

Dithiocarbamates (A313) An application from the National Registration Authority for Agricultural and Veterinary Chemicals to rationalise the existing MRL entries for a number of chemicals.

Imitation Cream (P130) A proposal to delete Standard G3 - Imitation Cream, and make consequential amendments to Standard A3 - Food Additives.

9605141

Therapeutic Goods Act 1989

THERAPEUTIC GOODS ORDER NO. 60

**REVOCATION OF THERAPEUTIC GOODS ORDER NO. 14
"GENERAL STANDARD FOR METERED-DOSE AEROSOLS
FOR ORAL INHALATION"**

I, JOHN CABLE, delegate of the Minister for Health and Family Services for the purposes of the exercise of the Minister's powers under section 10 of the *Therapeutic Goods Act 1989* and acting under that section, having consulted with the Therapeutic Goods Committee in accordance with subsection 10(4) of the said Act, HEREBY REVOKE Therapeutic Goods Order No. 14 - "General Standard for Metered-dose Aerosols for Oral Inhalation", made on 4 July 1984 and published in the *Gazette* No. G 39 dated 9 October 1984.

Dated this *Fifth* day of June 1997

A handwritten signature in dark ink, appearing to read 'John Cable', with a long, sweeping horizontal stroke extending to the right.

JOHN CABLE
Director, Conformity Assessment Branch
Therapeutic Goods Administration
(Delegate of the Minister for Health and Family Services)



Therapeutic
Goods
Administration

PO Box 100 Woden ACT 2506 Australia

☐ Woden Telephone (06) 289 1555 Facsimile (06) 289 8709

☐ Symonston Telephone (06) 232 8444 Facsimile (06) 232 8605



Commonwealth Department of
**Health and
Family Services**

**COMMONWEALTH OF AUSTRALIA
THERAPEUTIC GOODS ACT 1989**

**NOTICE UNDER SECTION 30(6)(b): CANCELLATION OF LISTING OF GOODS
IN THE AUSTRALIAN REGISTER OF THERAPEUTIC GOODS**

Pursuant to Section 30 (6)(b) of the Therapeutic Goods Act 1989, notice is hereby given that the listing in the Australian Register of Therapeutic Goods (ARTG), of the goods specified below were cancelled on 29 May 1997. Particulars of the cancellations are as follows:

SPONSOR:	SYNERGY LOGICAL NUTRITION
ARTG NAME OF GOODS:	DIET SYNERGY capsule - hard bottle
ARTG NUMBER:	59310
REASON FOR CANCELLATION:	The listing was cancelled under Section 30(2)(ba) of the said Act, because the certification provided under Section 26A(2) (h) was incorrect in that the information included in the application is not correct.

SPONSOR:	EGO PHARMACEUTICALS P/L
ARTG NAME OF GOODS:	SUNSENSE TODDLER MILK LOTION BOTTLE lotion bottle
ARTG NUMBER:	51553
REASON FOR CANCELLATION:	The listing was cancelled under Section 30(2)(ba) of the said Act, because the certification provided under Section 26A(2)(h) was incorrect in that information included in the application is not correct.

dated this 6 th day of June 1997

(AXEL GODECH)

Delegate of the Secretary
to the Department of Health & Family Services

9605142

THERAPEUTIC GOODS ACT 1989

THERAPEUTIC GOODS ORDER No 52

Gloves for General Medical and Dental Use

I, John Cable, delegate of the Minister for Health and Family Services for the purposes of the exercise of the Minister's powers under Section 10 of the **Therapeutic Goods Act 1989**, having consulted with the Therapeutic Goods Committee in accordance with subsection 10(4) of the said Act, HEREBY:

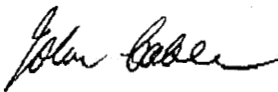
REVOKE, on and from the date this Order is gazetted, Therapeutic Goods Order No. 42, "Examination gloves for general medical and dental use" which commenced to operate on 16 January 1993; and

DETERMINE that the matters specified in Clauses 1 to 8 inclusive, Annex A and Appendix XX in the document titled "**Australian/New Zealand Standard 4011:1997- Single use examination gloves - Specification**", as in force at 5 May 1997 ("the Standard"), shall constitute standards for all gloves for general medical and dental use.

This Order shall commence to operate:

- a) in relation to gloves for general medical and dental use already being legally supplied on the Australian market on the date of the making of this Order, this Order commences 3 months from the date of gazettal of this Order;
- b) in relation to all other gloves for general medical and dental use this Order commences on the date of gazettal of this Order.

Dated on this *24th* day of May 1997.



John Cable
Delegate of the Minister for Health and Family Services

SUPPLEMENTARY NOTES

Examination Gloves for General Medical and Dental Use

1. Labelling requirements

Among other things, this Order requires gloves supplied for medical purposes to be clearly marked with at least the words "examination gloves" or "medical gloves". Gloves not complying with this Order may closely resemble gloves for medical use and these may be supplied to various industries for other purposes. However, suppliers of gloves for other purposes are reminded that the definition of therapeutic goods in the Therapeutic Goods Act 1989 includes;

"goods that are represented in any way to be, or that are, whether because of the way in which they are presented or for any other reason, **likely to be taken to be for therapeutic use...**"

All gloves resembling medical gloves, supplied into areas such as hospitals, health care facilities and doctors surgeries are deemed to fall under the definition of therapeutic goods as it is considered likely that they will be taken to be for therapeutic use. Suppliers of gloves for non-medical purposes into these areas must advise the buyer that the product is not for medical use and should ensure that their products are easily distinguishable from medical gloves by clearly labelling them "not for medical use" or with words having a similar meaning.

Suppliers of non-medical gloves into these areas who do not clearly identify their products as 'not for medical use' may be liable for prosecution under the Therapeutic Goods Act 1989 or other Commonwealth laws.

2. Presumption of single use

It is presumed that gloves for general medical and dental use supplied in Australia are for single use only. Sponsors who wish to supply gloves intended for multiple use will be required to demonstrate safety of multiple use. Multiple use gloves will still be subject to all of the requirements of this *Therapeutic Goods Order*.

Note: A separate Order TGO No. 53 - Single-use sterile surgical rubber gloves applies to gloves for surgical use.

THERAPEUTIC GOODS ACT 1989

THERAPEUTIC GOODS ORDER No 53

Single-use Sterile Surgical Rubber Gloves

I, John Cable, delegate of the Minister for Health and Family Services for the purposes of the exercise of the Minister's powers under Section 10 of the **Therapeutic Goods Act 1989**, having consulted with the Therapeutic Goods Committee in accordance with subsection 10(4) of the said Act, hereby:

DETERMINE that the matters specified in Clauses 1 to 9 inclusive, Annex A and Appendix XX, in the document titled "**Australian/New Zealand Standard 4179:1997 - Single-use sterile surgical rubber gloves - Specification**", as in force on 5 May 1997 ("the Standard"), shall constitute the standard, for all single-use, sterile gloves made from natural or synthetic rubber, intended for use in surgical procedures.

This Order shall commence to operate:

- a) in relation to surgical gloves already being legally supplied on the Australian market on the date of the making of this Order, this Order commences 3 months from the date of gazettal of this Order.
- b) in relation to all other surgical gloves this Order commences on the date of gazettal of this Order.

Dated on this 24th day of May 1997.



John Cable
Delegate of the Minister for Health and Family Services

SUPPLEMENTARY NOTES

Single -use Sterile Surgical Rubber Gloves

1. Labelling requirements

Among other things, this Order requires gloves supplied for surgical use to be clearly marked "surgical gloves". Gloves not complying with this Order may closely resemble surgical gloves and these may be supplied to various industries for other purposes. However, suppliers of such gloves are reminded that the definition of therapeutic goods in the Therapeutic Goods Act 1989 includes;

"goods that are represented in any way to be, or that are, whether because of the way in which they are presented or for any other reason, **likely to be taken to be for therapeutic use...**".

All gloves resembling medical gloves, supplied into areas such as hospitals, health care facilities and doctors surgeries are deemed to fall under the definition of therapeutic goods as it is considered likely that they will be taken to be for therapeutic use. Suppliers of gloves for non-medical purposes into these areas must advise the buyer that the product is not for medical use and should ensure that their products are easily distinguishable from medical gloves by clearly labelling them "not for medical use" or with words having a similar meaning.

Suppliers of non-medical gloves into these areas who do not clearly identify their products as 'not for medical use' may be liable for prosecution under the Therapeutic Goods Act 1989 or other Commonwealth laws.

2. Presumption of single use

It is presumed that gloves for surgical use supplied in Australia are for single use only. Sponsors who wish to supply gloves intended for multiple use will be required to demonstrate safety of multiple use. Multiple use gloves will still be subject to all of the requirements of this *Therapeutic Goods Order*.

9605143

ATTACHMENT A

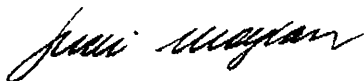
COMMONWEALTH OF AUSTRALIA

NATIONAL HEALTH ACT 1953

NEW NURSING HOMES PRINCIPLES 1992

I, Judith Eleanor Moylan, Minister of State for Family Services, pursuant to Principle 6 of the New Nursing Homes Principles 1992 formulated under Sub-section 54(1) of the National Health Act 1953, have determined that for the financial year 1997-98 the amount to be used for the purposes of part (b) of Principle 6 shall be **\$30,400**.

Dated this *29th* day of *May* 1997



JUDI MOYLAN
MINISTER FOR FAMILY SERVICES

Determination No 1996-97/ACCT7

ATTACHMENT B

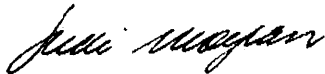
COMMONWEALTH OF AUSTRALIA

NATIONAL HEALTH ACT 1953

UPGRADING OF NURSING HOMES PRINCIPLES 1993

I, Judith Eleanor Moylan, Minister of State for Family Services, pursuant to Principle 3 of the Upgrading of Nursing Homes Principles 1993 formulated under Section 58CD of the National Health Act 1953, determine that for the financial year 1997-98 the amount to be used for the purposes of Principle 3 shall be \$30,400.

Dated this *29th* day of *May* 1997



**JUDI MOYLAN
MINISTER FOR FAMILY SERVICES**

Determination No 1996-97/ACC8

9605144

DETERMINATION HS/1/1997
COMMONWEALTH OF AUSTRALIA
HEALTH INSURANCE ACT 1973
DETERMINATION UNDER SUBSECTION 3C(1)

I, **MICHAEL RICHARD LEWIS WOOLDRIDGE**, Minister for Health and Family Services, pursuant to subsection 3C(1) of the Health Insurance Act 1973 ("the Act"), **HEREBY DETERMINE:**

- (1) that a health service specified in Column 2 of the Schedule to this determination, not being a service specified in the General Medical Services Table, as in force from time to time, shall be treated, for the purposes of:
- (a) section 4 of the National Health Act 1953;
 - (b) subsections 3(1) and 19(6) and sections 8, 9, 10, 14, 15, 16, 17, 18, 20, 20A, 20B and 20BA of the Act; and
 - (c) regulations 13, 27, 28, 29, 30 and 31 of the Health Insurance Regulations, as amended;
- as if that health service were both a professional and a medical service and there were an item prescribed in the General Medical Services Table:
- (i) that related to that health service;
 - (ii) specified, in respect of that health service, the fee specified in Column 3 opposite to that health service;
- (2) that this determination shall come into effect on and from 19 June 1997.

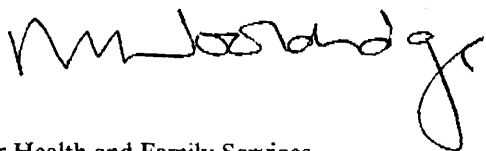
Dated this

30th

day of

May

1997



Minister for Health and Family Services

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee

ATTENDANCES

10816	ATTENDANCE FOR THE REFITTING OF CONTACT LENSES with keratometry and testing with trial lenses and the issue of a prescription, <u>where the patient requires a change in contact lens material or basic lens parameters, other than simple power change, because of a structure or functional change in the eye or an allergic response within 36 months of the fitting of a contact lens to which Items 10801 to 10809 apply</u>	\$89.45
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MISCELLANEOUS DIAGNOSTIC PROCEDURES

11222	<p>FULL QUANTITATIVE COMPUTERISED PERIMETRY (automated absolute static threshold), performed by a specialist in the practice of his or her specialty, with assessment and report, <u>bilateral, where it can be demonstrated that a further examination is indicated in the same 12 month period to which Item 11221 applies due to presence of one of the following conditions:-</u></p> <ul style="list-style-type: none"> established glaucoma (where surgery is being considered or has been performed) where there has been definite progression of damage over a 12 month period; progressive neurologic disease; or for the monitoring of systemic drug toxicity, where there is also other disease such as glaucoma or neurologic disease <p>- <i>each additional examination</i></p>	\$49.75
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SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
11225	<p>FULL QUANTTTATIVE COMPUTERISED PERIMETRY - (automated absolute static threshold) performed by a specialist in the practice of his or her specialty, with assessment and report, <u>unilateral</u>, <i>where it can be demonstrated that a further examination is indicated in the same 12 month period to which Item 11224 applies due to presence of one of the following conditions:-</i></p> <ul style="list-style-type: none">established glaucoma (where surgery is being considered or has been performed) where there has been definite progression of damage over a 12 month period;progressive neurologic disease; orfor the monitoring of systemic drug toxicity, where there is also other disease such as glaucoma or neurologic disease, <p>- <i>each additional examination</i></p>	\$30.00

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
12207	<p>OVERNIGHT INVESTIGATION FOR SLEEP APNOEA FOR A PERIOD OF AT LEAST 8 HOURS DURATION, WHERE:</p> <ul style="list-style-type: none"> (a) continuous monitoring of oxygen saturation and breathing using a multi-channel polygraph, and recordings of EEG, EOG, submental EMG, anterior tibial EMG, respiratory movement, airflow, oxygen saturation and ECG are performed; (b) a technician is in continuous attendance under the supervision of a consultant physician in thoracic medicine, or a specialist where the investigation is performed in the sleep laboratory of a recognised hospital; (c) the patient is referred by a medical practitioner; (d) the necessity for the investigation is determined by the supervising medical practitioner prior to the investigation; (e) polygraphic records are analysed (for assessment of sleep stage, arousals, respiratory events and assessment of clinically significant alterations in heart rate and limb movement) with manual scoring, or manual correction of computerised scoring in epochs of not more than 1 minute, and stored for interpretation and preparation of report; and (f) interpretation and report are provided by the supervising medical practitioner based on reviewing the direct original recording of polygraphic data from the patient 	\$436.05

where it can be demonstrated that a further investigation is indicated in the same 12 month period to which Item 12203 applies for the adjustment and/or testing of the effectiveness of a positive pressure ventilatory support device (other than nasal continuous positive airway pressure) in sleep, in a patient with severe cardio-respiratory failure, and where previous studies have demonstrated failure of continuous positive airway pressure or oxygen - each additional investigation

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee

MISCELLANEOUS THERAPEUTIC
PROCEDURES

14120	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-600nm in the treatment of severely disfiguring vascular lesions of the head or neck where abnormality is visible from 4 metres, including any associated consultation - <u>session of at least 30 minutes duration</u> - <i>where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</i> (Anaes. 17708 = 5B+3T)	\$112.00
14122	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-600nm in the treatment of severely disfiguring vascular lesions of the head or neck where abnormality is visible from 4 metres, including any associated consultation - <u>session of at least 60 minutes duration</u> - <i>where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</i> (Anaes. 17710 = 5B+5T)	\$137.45
14124	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-1064nm in the treatment of port wine stains, haemangiomas, cafe-au-lait macules and naevi of Ota, other than melanocytic naevi (common moles), including any associated consultation - <u>area of treatment up to 50cm²</u> - <i>where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</i> (Anaes. 17707 = 5B+2T)	\$112.00

SCHEDULE

Column 1	Column 2	Column 3
Item No	Health Service	Fee
14126	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-1064nm in the treatment of port wine stains, haemangiomas, cafe-au-lait macules and naevi of Ota, other than melanocytic naevi (common moles), including any associated consultation - <u>area of treatment more than 50cm² and up to 100cm² - where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</u> (Anaes. 17708 = 5B+3T)	\$137.45
14128	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-1064nm in the treatment of port wine stains, haemangiomas, cafe-au-lait macules and naevi of Ota, other than melanocytic naevi (common moles), including any associated consultation - <u>area of treatment more than 100cm² and up to 150cm² - where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</u> (Anaes. 17709 = 5B+4T)	\$162.90
14130	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-1064nm in the treatment of port wine stains, haemangiomas, cafe-au-lait macules and naevi of Ota, other than melanocytic naevi (common moles), including any associated consultation - <u>area of treatment more than 150cm² and up to 250cm² - where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</u> (Anaes. 17710 = 5B+5T)	\$188.35

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
14132	LASER PHOTOCOAGULATION using laser light within the wavelength of 510-1064nm in the treatment of port wine stains, haemangiomas, cafe-au-lait macules and naevi of Ota, other than melanocytic naevi (common moles), including any associated consultation - <u>area of treatment more than 250cm² - where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</u> (Anaes. 17711 = 5B+6T)	\$239.25
RADIATION ONCOLOGY		
15600	STEREOTACTIC RADIOSURGERY , including all radiation oncology consultations, planning, simulation, dosimetry and treatment	\$1250.00

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
ANAESTHETICS		
17800	Prolonged administration of an anaesthetic in connection with a professional service <i>where the anaesthetic time exceeds the normal anaesthetic time for the procedure by more than 1 hour</i> - applicable to anaesthesia assigned up to 12 anaesthetic time units	\$13.95 for each additional anaesthetic time unit beyond the assigned number of anaesthetic time units where one anaesthetic time unit represents:- each additional 15 minutes of anaesthesia time (or part thereof) where time to administer the anaesthesia is 6 hours or less; and each additional 10 minutes of anaesthesia time (or part thereof) which extends beyond 6 hours
17805	Prolonged administration of an anaesthetic in connection with a professional service <i>where the anaesthetic time exceeds the normal anaesthetic time for the procedure by more than 1 hour and 30 minutes</i> - applicable to anaesthesia assigned 13 to 24 anaesthetic time units	\$13.95 for each additional anaesthetic time unit beyond the assigned number of anaesthetic time units where one anaesthetic time unit represents:- each additional 15 minutes of anaesthesia time (or part thereof) where time to administer the anaesthesia is 6 hours or less; and each additional 10 minutes of anaesthesia time (or part thereof) which extends beyond 6 hours
17810	Prolonged administration of an anaesthetic in connection with a professional service <i>where the anaesthetic time exceeds the normal anaesthetic time for the procedure by more than 2 hours</i> - applicable to anaesthesia assigned more than 24 anaesthetic time units	\$13.95 for each additional anaesthetic time unit beyond the assigned number of anaesthetic time units where one anaesthetic time unit represents each additional 10 minutes of anaesthesia time (or part thereof)
18119	Administration of an anaesthetic by a medical practitioner <u>in connection with a dental operation</u> <i>where the procedure is more than 3 hours duration</i> (Anaes. = 5B+12T)	\$237.15

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
OPERATIONS		
30214	<p>TELANGIECTASES OR STARBURST VESSELS on the head or neck where lesions are visible from 4 metres, diathermy or sclerosant injection of, including associated consultation - <u>session of at least 20 minutes duration - where it can be demonstrated that a 7th or subsequent session (including any sessions to which Items 14100 to 14118 and 30213 apply) is indicated in a 12 month period</u></p>	\$80.65
32210	<p>GRACILIS NEOSPHINCTER PACEMAKER, replacement of (Anaes. 17710 = 6B+4T)</p>	\$187.55
32501	<p>VARICOSE VEINS where varicosity measures 2.5mm or greater in diameter, multiple injections using continuous compression techniques, including associated consultation - 1 or both legs - not being a service associated with any other varicose vein operation on the same leg, (excluding after-care) - <i>where it can be demonstrated that a 7th or subsequent treatment (including any treatments to which Item 32500 applies) is indicated in a 12 month period</i></p>	\$80.65
42783	<p>LASER TRABECULOPLASTY - each treatment to 1 eye - <i>where it can be demonstrated that a 5th or subsequent treatment to that eye (including any treatments to which Item 42782 applies) is indicated in a 2 year period</i> (Anaes. 17707 = 5B+2T) (Assist)</p>	\$331.30
42786	<p>LASER IRIDOTOMY - each treatment to 1 eye - <i>where it can be demonstrated that a 3rd or subsequent treatment to that eye (including any treatments to which Item 42785 applies) is indicated in a 2 year period</i> (Anaes. 17707 = 5B+2T) (Assist)</p>	\$259.55

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
42789	LASER CAPSULOTOMY - each treatment to 1 eye - <i>where it can be demonstrated that a 3rd or subsequent treatment to that eye (including any treatments to which Item 42788 applies) is indicated in a 2 year period</i> (Anaes. 17707 = 5B+2T) (Assist)	\$259.55
42792	LASER VITREOLYSIS OR CORTICOLYSIS OF LENS MATERIAL OR FIBRINOLYSIS - each treatment to 1 eye - <i>where it can be demonstrated that a 3rd or subsequent treatment to that eye (including any treatments to which Item 42791 applies) is indicated in a 2 year period</i> (Anaes. 17707 = 5B+2T) (Assist)	\$259.55
45019	FULL FACE CHEMICAL PEEL for severely sun-damaged skin, <i>where it can be demonstrated that the damage affects 75% of the facial skin surface area involving photodamage (dermatoheliosis) typically consisting of solar keratoses, solar lentigines, freckling, yellowing and leathering of the skin, where at least medium depth peeling agents are used</i> , performed in the operating theatre of a hospital or approved day-hospital facility by a specialist in the practice of his or her specialty - <i>1 session only in a 12 month period</i> (Anaes. 17708 = 5B+3T)	\$291.25
45020	FULL FACE CHEMICAL PEEL for severe chloasma or melasma refractory to all other treatments, <i>where it can be demonstrated that the chloasma or melasma affects 75% of the facial skin surface area involving diffuse pigmentation visible at a distance of 4 metres, where at least medium depth peeling agents are used</i> , performed in the operating theatre of a hospital or approved day-hospital facility by a specialist in the practice of his or her specialty - <i>1 session only in a 12 month period</i> (Anaes. 17708 = 5B+3T)	\$291.25
45528	MAMMAPLASTY, AUGMENTATION, bilateral, <u>not being a service to which Item 45524 or 45527 applies</u> , <i>where it can be demonstrated that surgery is indicated because of disease, trauma or congenital malformation</i> (Anaes. 17711 = 5B+6T) (Assist.)	\$544.55

SCHEDULE

Column 1	Column 2	Column 3
Item No.	Health Service	Fee
45585	LIPOSUCTION (suction assisted lipolysis) to 1 regional area, <u>not being a service to which Item 45584 applies, where it can be demonstrated that the treatment is for pathological lipodystrophy of hips, buttocks, thighs and lower legs (excluding knees), gynaecomastia, lymphoedema or similar conditions</u> (Anaes. 17713 = 5B+8T)	\$463.80
45588	MELOPLASTY, bilateral, <u>not being a service to which Item 45587 applies, where it can be demonstrated that surgery is indicated because of disease, trauma or congenital conditions</u> (Anaes. 17714 = 5B+9T) (Assist)	\$654.15
50125	JOINT OR OTHER SYNOVIAL CAVITY, aspiration of, or injection into, or both of these procedures - <u>where it can be demonstrated that a 26th or subsequent treatment (including any treatments to which Item 50124 applies) is indicated in a 12 month period</u> (Anaes. 17705 = 4B+1T)	\$21.75

9605145

Immigration and Multicultural Affairs



Commonwealth of Australia

Immigration (Education) Act 1971

NOTICE UNDER SUBPARAGRAPH 4(b)(ii) and SUBPARAGRAPH 4(c)(ii)

I, *PHILIP RUDDOCK*, Minister for Immigration and Multicultural Affairs, acting under subparagraph 4(b)(ii) and subparagraph 4(c)(ii) of the *Immigration (Education) Act 1971* ("the Act"), hereby:

- (1) REVOKE the notice made by me on 31 December 1996 under subparagraph 4(b)(ii) of the Act; and
- (2) SPECIFY for the purposes of subparagraph 4(b)(ii) and subparagraph 4(c)(ii) of the Act the following temporary visas:
 - (a) Spouse (Provisional)(Class UF);
 - (b) Interdependency (Provisional)(Class UG);
 - (c) Subclass 820 (Spouse); and
 - (d) Subclass 826 (Interdependency).

Dated

3rd June 1997

Minister for Immigration and Multicultural Affairs

[NOTE (1). Subparagraph 4(b)(ii) of the *Immigration (Education) Act 1971* provides that the Minister may arrange for English courses and citizenship courses to be provided in Australia to persons who hold a temporary visa of a class specified by the Minister by notice published in the *Gazette*. Subparagraph 4(c)(ii) of the *Immigration (Education) Act 1971* provides that the Minister may arrange for English courses and citizenship courses to be provided in the Territory of Cocos (Keeling) Islands or in the Territory of Christmas Island for persons in the Territory concerned who hold a temporary visa of a class specified by the Minister by notice published in the *Gazette*.

(2). This notice takes effect on the day of publication in the *Gazette*.]



Commonwealth of Australia

Migration Act 1958

Migration Regulations

SPECIFICATION OF COUNTRIES FOR THE PURPOSES OF
PARAGRAPH 1208A(3)(c) OF SCHEDULE 1
TO THE MIGRATION REGULATIONS

I, PHILIP RUDDOCK, Minister for Immigration and Multicultural Affairs, acting under regulation 1.17 and paragraph 1208A(3)(c) of Schedule 1 to the Migration Regulations:

- (1) REVOKE all existing instruments made under paragraph 1208A(3)(c); and
- (2) SPECIFY for the purposes of that paragraph each of the countries referred to in column 2 of the Schedule.

Dated

27th

1997

A large, stylized handwritten signature in black ink, likely belonging to Philip Ruddock, the Minister for Immigration and Multicultural Affairs.

Minister for Immigration and Multicultural Affairs

[NOTE. (1) Regulation 1.17 provides that the Minister may, by notice in the *Gazette*, specify matters required by individual provisions of the Regulations to be specified for the purposes of those provisions.

NOTE. (2) Paragraph 1208A(3)(c) of Schedule 1 provides that if an applicant satisfies the requirements for Subclass 956 or Subclass 976, the applicant must hold a valid passport that indicates that he or she is a national of a country specified by Gazette Notice for the purposes of that paragraph.

NOTE. (3) This instrument does not come into effect until publication in the Commonwealth Government *Gazette*.]

THE SCHEDULE

Column 1	Column 2
Item	Country
1	Andorra
2	Austria
3	Belgium
4	Brunei
5	Canada
6	Denmark
7	Finland
8	Germany
9	Greece
10	Iceland
11	Republic of Ireland
12	Italy
13	Japan
14	Republic of Korea
15	Liechtenstein
16	Luxembourg
17	Malaysia
18	Malta
19	Monaco
20	The Netherlands
21	Norway
22	Singapore
23	Switzerland
24	Sweden
25	United Kingdom
26	United States of America

Department of Immigration and Multicultural Affairs

Migration Agents Registration Scheme

Notice under section 289(1) of the Migration Act 1958

Notice is hereby given that the persons whose details appear below have applied to be registered as migration agents. Any person may lodge an objection to the registration of any applicant appearing below. Objections must be in writing and received not later than six (6) weeks after the date of this notice. Objections should be addressed to:

The Secretary
Department of Immigration and Multicultural Affairs
PO Box 25
Belconnen ACT 2616

A written statement should be provided which outlines the nature of the objection and clearly identifies the person against whom the objection has been made.

NAME	DATE OF BIRTH	BUSINESS NAME	BUSINESS ADDRESS	PROVIDES FREE SERVICE OR CHARGES FEES?
BRAWN Alan Richmond	5/04/45		6/14 French Avenue BANKSTOWN NSW 2200	CHARGES
BRAY Analiza	23/08/71		12/18 Jennifer Avenue RUNAWAY BAY QLD 4216	CHARGES
CARROLL Michael Paul	6/10/49		Level 7 77 Castlereagh Street SYDNEY NSW 2000	CHARGES
DAI Chang Zhi	2/02/56		17 Kingsley Grove MOUNT WAVERLEY VIC 3149	CHARGES
FRÉISSARD Jean-Christopher	18/11/72	ARC	14 Murchison Street ST IVES NSW 2075	FREE SERVICE
GHOSH Biswajit Dominic	3/05/61	Veronica Consultancy	11/359 Balaclava Road CAULFIELD VIC 3161	CHARGES
GIBSON John Aubrey	8/05/50		C/- Clerk L. Holmes 556 Lonsdale Street MELBOURNE VIC 3000	CHARGES
HAYES Nyuk Sien	30/09/63		10 Karinya Circuit SUNBURY VIC 3429	CHARGES
LEE Allen Sheung-Chiu	6/08/53	Allen S C Lee & Associates	10 Hillmer Street FRENCHS FOREST NSW 2036	CHARGES
OSBORNE John Alexander	31/12/40		22 Moreau Mews APPLECROSS WA 6153	CHARGES
PAO Nicole	6/02/74	N. Pao & Associates	Rm C, 5th Flr, Kee Shin Centre, 74-76 Kimberley TSM SHA TSUI, KOWLOON.	CHARGES
SINGH Angpal	28/04/68		44 Byrong Street Footscray VIC 3011	CHARGES
SMITH Michael Stanislaus	5/08/26	M. S. Smith Solicitor & Attorney	53 Epping Road Double Bay NSW 2028	CHARGES

for SECRETARY
Wednesday, 18 June 1997

Industrial Relations

Workplace Relations Act 1996

Australian Industrial Registry
New South Wales Registry
80 William Street
EAST SYDNEY NSW 2011

NOTICE OF APPLICATION FOR CONSENT TO AN ALTERATION OF ELIGIBILITY RULES

(D No. 20003 of 1997)

NOTICE is given that an application has been made under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of the Construction, Forestry, Mining and Energy Union.

The alteration is sought from the following:

2 - CONSTITUTION

(A) (A) The Union shall consist of an unlimited number of persons whether male or female

- (1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

- (i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilayers, including without limiting the meaning of the word tilayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement

composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

- (a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;
 - (b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;
 - (c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;
 - (d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;
 - (e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.
- (ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by

manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

- (a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
- (b) engaged on press cement work;
- (c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
- (d) engaged in assisting shophands, casters and/or fixers.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated

- parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;
- (b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
 - (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
 - (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
 - (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);
 - (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
 - (g) signwriting, designing and/or lettering of price tickets and showcards;
 - (h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;
 - (i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;
 - (j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
 - (k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours,

lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;

- (1) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.
- (2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:
 - (i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or
 - (ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -
 - (a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;
 - (b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;

- (c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;
 - (d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;
- (3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.
- (B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-
- (1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.
- For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.
- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
 - (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
 - (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)

Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine
Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations
or basements of building or levelling
ground on a proposed building site
or doing concrete work, tar paving or
asphalt work or mortar or concrete mixing
in connection with or incidental to the
construction, repair, demolition or
removal of buildings
Rigger performing rigging work that is an
integral part of, or is incidental to, a
tradesman's work
Assistant Rigger assisting a rigger
specified in immediate preceding
classifications
Drilling Machine Operator except in the
mining or mineral exploration or
hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render
eligible to join the Union any person employed:-

- (3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;
 - (4) A drainer or person employed as a plumber's labourer;
 - (5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;
 - (6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;
 - (7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (C) Without limiting the generality of the foregoing and without being limited thereby the:
- (i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber

and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

- (b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

- (1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
 - (2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
 - (3) in the mining or exploration or hydro-carbons industries.
- (F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or

cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (G) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by Comalco Aluminium Limited in its operations at Weipa in the State of Queensland.
- (H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.
- (I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
 Beconsfield Gold Mines Ltd.
 Mt Lyell Mining & Railway Co. Ltd
 Pasminco Mining
 Renison Ltd
 Tasmania Mines Ltd
 Western Mining Corporation
 Adelaide Chemical Company

Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

- 1.2.14 Mossman Central Mill Company Pty Ltd,
- 1.2.15 Pioneer Sugar Mills Limited,
- 1.2.16 Proserpine Co-operative Sugar Milling Association Limited,
- 1.2.17 Schumer Pty Ltd,
- 1.2.18 South Johnstone Mill Limited,
- 1.2.19 The Maryborough Sugar Factory Limited,
- 1.2.20 Mulgrave Central Mill Co Limited,
- 1.2.21 Tully Sugar Limited, and
- 1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

- (1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

- (i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the

dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, roofing, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

- (ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

- (1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

- (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

- (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete
Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand

Floor Sanding and/or Smoothing Machine
Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations
or basements of building or levelling
ground on a proposed building site or
doing concrete work, tar paving or asphalt
work or mortar or concrete mixing in
connection with or incidental to the
construction, repair, demolition or
removal of buildings
Rigger performing rigging work that is an
integral part of, or is incidental to, a
tradesman's work
Assistant Rigger assisting a rigger
specified in immediate preceding
classifications
Drilling Machine Operator except in the
mining or mineral exploration or
hydrocarbon industries

- (C) The industry of any person employed in any position on or in or in connection with:
- (1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;
 - (2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;
 - (3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;
 - (4) The industry of any person employed in or in connection with hewing splitting and falling timber; and
 - (5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and
- (D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

- (E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.
- (F) The group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.
- (1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.
- (2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only
- (3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:
- (a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.
- (b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (c) in the mining or exploration or hydro-carbons industries.
- (G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

- (a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;
- (b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
- (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;
- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) the work of enamelling, lining, spraying and writing on cycles;
- (j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a

brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);

- (1) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

- (H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.
- (I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

to the following:

2 - CONSTITUTION

- (A) (A) The Union shall consist of an unlimited number of persons whether male or female

- (1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of
- and/or
- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:
- and/or

- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:
- (i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-
- (a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;
- (b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;
- (c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;

- (d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;
 - (e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.
- (ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

- (a) engaged upon the laying or fixing of tiles, faience or ceramic blocks or tiles;
- (b) engaged on press cement work;
- (c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
- (d) engaged in assisting shophands, casters and/or fixers.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union shall consist of an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;
- (b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
- (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);
- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;

- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;
- (j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;
- (l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

- (2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:
- (i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or
 - (ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -
 - (a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;
 - (b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;
 - (c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;
 - (d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;
- (3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.
- (B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-
- (1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.
- For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.
- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
 - (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

- (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

- (3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;

- (4) A drainer or person employed as a plumber's labourer;
 - (5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;
 - (6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;
 - (7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (C) Without limiting the generality of the foregoing and without being limited thereby the:
- (i) The Union shall also consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

- (ii) The Union shall also consist of an unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and
- (iii) The Union shall also consist of such other persons who may be appointed from time to time to any office.

(D) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members.

(E) Without limiting the generality of the foregoing and without being limited thereby the Union shall consist of:-

- (a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

- (b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

- (1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.

- (2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (3) in the mining or exploration or hydro-carbons industries.
- (F) Without limiting the generality of any other subrule or paragraph or being limited thereby the Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connexion with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (G) Without limiting the generality of sub-rules (A), (B), (C), (D), (E) and (F) above and without being limited thereby, the Union shall consist of employees other than clerical and administrative employees and trades persons employed by Comalco Aluminium Limited in its operations at Weipa in the State of Queensland.
- (H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.
- (I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:

Aberfoyle Resources Ltd
Beaconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

- (J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (K) 1. For the purposes of this sub-rule:
- 1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include
- 1.1.1 persons employed to perform office clerical and tradespersons' work, or
- 1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or
- 1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

- 1.2.1 Australian National Power Alcohol Company Proprietary Limited,
- 1.2.2 Babinda Sugar Limited,
- 1.2.3 Bingera Sugar Pty Ltd,
- 1.2.4 The Bulk Sugar Terminal Operations,
- 1.2.5 Bundaberg Distilling Company Pty Limited,
- 1.2.6 Bundaberg Sugar Ltd,
- 1.2.7 CSR Limited,
- 1.2.8 CSR Plane Creek Pty Ltd,
- 1.2.9 The Haughton Sugar Company Pty Limited,
- 1.2.10 Isis Central Sugar Mill Co Limited,
- 1.2.11 Mackay Sugar Co-operative Association Limited,
- 1.2.12 Millaquin Sugar Pty Ltd,
- 1.2.13 Moreton Sugar Ltd,
- 1.2.14 Mossman Central Mill Company Pty Ltd,
- 1.2.15 Pioneer Sugar Mills Limited,
- 1.2.16 Proserpine Co-operative Sugar Milling Association Limited,
- 1.2.17 Schumer Pty Ltd,
- 1.2.18 South Johnstone Mill Limited,
- 1.2.19 The Maryborough Sugar Factory Limited,
- 1.2.20 Mulgrave Central Mill Co Limited,
- 1.2.21 Tully Sugar Limited, and
- 1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

- (L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.
- (M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

- (1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

- (i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

- (ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

- (1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

- (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

- (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete
Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine
Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations
or basements of building or levelling
ground on a proposed building site or
doing concrete work, tar paving or asphalt
work or mortar or concrete mixing in
connection with or incidental to the
construction, repair, demolition or
removal of buildings
Rigger performing rigging work that is an
integral part of, or is incidental to, a
tradesman's work
Assistant Rigger assisting a rigger
specified in immediate preceding
classifications
Drilling Machine Operator except in the
mining or mineral exploration or
hydrocarbon industries

- (C) The industry of any person employed in any position on or in or in connection with:

- (1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

- (2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;
- (3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;
- (4) The industry of any person employed in or in connection with hewing splitting and falling timber; and
- (5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and
- (D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.
- (E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.
- (F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.
- (1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.
- (2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

- (3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:

(a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.

(b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) in the mining or exploration or hydro-carbons industries.

- (G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-

- (a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;
- (b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
- (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;
- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) the work of enamelling, lining, spraying and writing on cycles;
- (j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);
- (l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

- (H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.
- (I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

Information contained in the application and supporting documents concerning the reasons for the proposal and the effect of the proposal is as follows:

1. The effect of the proposed alteration is that the CFMEU will have eligibility to cover employees other than clerical employees and administrative employees and tradespersons employed by Comalco Aluminium Limited in its operations at Weipa. Presently the CFMEU has negligible eligibility as a result of a rule change, consequent upon an order under s.118A of the Act, by the Commission to exclude the FEDFA, a predecessor of the CFMEU, from exercising rights of industrial representation.
2. The proposed alteration will allow the CFMEU to industrially represent under the Act the employees of Comalco at Weipa other than the clerical and administrative employees and tradespersons ("the relevant employees").
3. There is no other organisation to which the relevant employees might more conveniently belong.
4. There is no other organisation which would more effectively represent the relevant employees.
5. The proposed alteration will not cause any demarcation dispute of any significance.
6. It is in the public interest that the CFMEU shall have the right to represent the relevant employees.
7. The proposed alteration is consistent with the objects of the Act.
8. The proposed alteration furthers freedom of association, including the right of employees to join an organisation of their choice.
9. The proposed alteration is supported by a large number of the relevant employees.
10. For such other reasons as to the Commission may seem just.

Any interested organisation, registered under the Workplace Relations Act 1996, association or person who desires to object to the application may do so by lodging in the Industrial Registry a written statement within thirty-five (35) days after publication of this advertisement and by serving on the organisation (whose address for service is: Suite 2, 3rd Floor, 361 Kent Street, SYDNEY 2000) within seven (7) days after the notice of objection has been lodged, copies of the notice of objection and the written statement so lodged.

M. Kelly
Industrial Registrar

Workplace Relations Act 1996

Australian Industrial Registry
New South Wales Registry
80 William Street
EAST SYDNEY NSW 2011

NOTICE OF APPLICATION FOR CONSENT TO
AN ALTERATION OF ELIGIBILITY RULES

(D No. 20002 of 1997)

NOTICE is given that an application has been made under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of the **Australian Liquor, Hospitality and Miscellaneous Workers Union**.

The alteration is sought from the following:

3 - DESCRIPTION OF INDUSTRIES

The description of the industries and/or industrial pursuits in or in connection with which the Union is registered is as follows:-

- (i) The industries and industrial pursuits of persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Julano, Julilikari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); air brush artists, in the photographic industry; manufacture of asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishments (except animal husbandry and research establishments in connection with pastoral pursuits - provided that this exception shall not include the Northern Territory - and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which

accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); manufacture and repair of bags and sacks; broom and brush making (except in Victoria, New South Wales, Tasmania and South Australia); manufacture of carbon paper; caretaking; caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery and undertaking; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); manufacture and treatment of cork and cork products (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishment); commissionaire; dance instruction; day nursery (other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanical work; dental therapy; assistant and attending dentists; domestic work; domestic workers (except domestic servants employed in Queensland in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls and general servants); domestic staff or groundsmen or yardmen of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); carrying by ferry boats; making of fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health and physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); making of ice cream; insulwool, slagwool or other insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; washing, cleaning, ironing, sorting and packing of laundry including persons employed in dry cleaning; industry of laundering and laundrettes; libraries and library services; library workers (not principally engaged at clerical duties); lift attending; manufacture of linoleum; portage; manufacture of lead; manufacture of photographic supplies or materials; manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine making and packing (except in the States of New South Wales, Victoria, Western Australia and Tasmania); carrying of messages; motor car washing, greasing, cleaning detailing and attending; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); making of oilskins (but not the manufacture of goods from fabrics which have been so treated); making paint, sealants; varnish; white and red lead; parking attendants (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor or in or

about theatres, halls, racecourses, sports, exhibition and agriculture shows); manufacture or preparation of pearlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services); photographic establishments; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of plaster of paris; plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award, 1947); port hostesses; pre-school kindergartens; manufacture and assembling of pyrotechnics; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except: (i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in either case other than employees employed in a shop by the operator thereof); manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of terrazzo or similar compositions (excluding persons employed in a clerical capacity); sugar refineries (except in Queensland, South Australia and Victoria); manufacture of synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aide; making and assembling of toys (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; manufacture of typewriter ribbons; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden or reserve); performance of work as attendants and/or assistants in industries otherwise covered by this present rule, including the industry of "The Public Service" as defined in Section 3 of the Public Service Arbitration Act, 1920-1973; provided that nothing herein shall be construed as applying to the rubber industry in the State of Queensland.

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided further that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicle upon public roads and

- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishments in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers' establishments) shall not be eligible pursuant to the foregoing provisions.

- (ii) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

The tanning and leather dressing industry, handling bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glues and gelatine and by-products, putty, adhesives, pastes, fertilizer constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing, or other treatment of fur or other skins, including woolled lambs or sheep-skins, canvas working, leather working, the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits, wool-skins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travelgoods, suit or attache cases, braces of all descriptions, belts, razor straps, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample case of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetic cases, ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags, making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts, play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging,

flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachute, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman or others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders, cargo nets, ships' gear, boat covers, marquees, skillions, binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, used in the industries also machining in all sections and on spraying.

- (iii) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits in the Northern Territory:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Cane-cutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry; industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); Mining Industry, Milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; construction and maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations,

Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks, and Pipelines, Municipal Works and Services, Construction and Maintenance and Operation of Railways, Surveying, the industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical work, Brewing, Motor Driving, Shipping, Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connection with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments, persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973), and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

- (A) Civil and/or mechanical engineering;
- (B) The construction industry, including -

The building, construction, erection, maintenance, repair and/or demolition of:-

- (a) Any building, plant, complex or structure; or
- (b) Any civil or mechanical engineering project or work.

- (C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.
- (D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this sub-rule (iii), the following shall not be eligible for membership:-

- a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;
- b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;
- c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Public Service Association (Fourth Division Officers) as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, The Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;
- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;
- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:

Pastoral; Construction and Maintenance and Operations of Railways; Municipal Works and Services; Mining (except employees of Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage.
- f. clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

- (iv) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

In the State of New South Wales

artists' model; billiard marker, manufacture of pyram aircraft and industrial components therefor; manufacture of window display models

(otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist (excluding persons employed in a shop or in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing, warehousing and despatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR Timber Products at Pymont or in establishments operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a yearly rate of pay and tradesmen's assistants and metal workers (but not riggers).

In the State of Queensland

manufacture of compressed fibre board and similar products; beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworkers, manicurist, maxillo-facial technician, wigmaker; oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists' doctors' and optometrists' surgeries and/or consulting rooms; ambulance transport brigade and first aid duty attendants other than Superintendent, General Secretary or Secretary of the Queensland Ambulance Transport Brigades; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including moulder, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels (but in respect of hostels excluding employees of the Commonwealth in the Department of Supply or in or in connection with the Armed Services), residential colleges and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees employed in establishments (other than Commonwealth employees in the Department of Supply or in or in connection with the Armed Services and other than persons engaged for two hours or more per shift in mixing and dispensing intoxicating liquor, and drink waiters and drink waitresses and cellar-men in clubs and/or restaurants), businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks

excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastrycooking, including all employees employed in handling, manufacturing, packing and distributing cakes, pastrycooks goods, and cheesecakes and/or similar products in pastrycooking, cake making and/or any establishment wherein such goods are made and shop assistants employed in pastrycook's and cake shops; provided that, except where the context otherwise indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

. In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing, rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

assistant who is a qualified pharmaceutical chemist, or as:-

apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners; in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and

- (ii) who was, as at 31st August 1973, a member of the (S.A. Registered) F.M.W.U. of Australia

shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidized Institutions, and all district and other hospitals (except private hospitals).
- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese, milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes; manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aide; ambulance and first aid attendant; rag picking; flock or cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding persons employed in sorting and classing) or fellmongery; moulder; setter, chainmaker, swivelmaker, belt ring maker, repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal badge maker, jewel case maker, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or

machinery for scrap salvage other than in an establishment engaged principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilizers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertilizer, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral wool, manganese sulphate, agrosan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalicanhydride, sodium-bi-sulphate, sodium arsenate, lactic acid, sulphanilamide, phosphate-compounds, sulphur dioxide, carbon dioxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land division; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

- (B) Persons employed or usually employed by the West Australian Government in the Department of Water Supply, Sewerage and Drainage (or any successor thereto) or by the Metropolitan Water Supply, Sewerage and Drainage Board (or any successor thereto).
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include:-

- (a) Establishments operated other than for profit or by Government:-
 - (i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency: or
 - (ii) Operated as after-care mental hostels.
- (b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

- (a) persons who work in professional administrative and clerical capacities;
 - (b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.
- (D)
- (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, -porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).
 - (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.

- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who -
- (i) holds a certificate, diploma or degree specialising in early childhood care and/or education; and
 - (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.
- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
- (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
- (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.
- (H) Persons employed in or in connection with the following callings or industries:

The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.

In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd, in the State of Queensland, persons employed in ambulance transport brigades, and in the State of Western Australia, persons employed in ambulance services) and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions of this paragraph [paragraph (iv)].

- (v) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely employment by the Flagstaff Industrial and Commercial Services Group Ltd. in the following business enterprises:

1. The Flagstaff Industrial and Commercial Services Group Ltd. (The Flagstaff Group)
2. Document Management Solutions
3. Flagstaff Engineering
4. Leisure & Coastal Canvas Supplies
5. Monika's Kreative Kitchen

excluding employees of any service undertaken by the Flagstaff Group concerning placement services for people with disabilities into open industries other than placements for existing employees of the Flagstaff Group.

- (vi) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely employment in the following business enterprises:

1. Access Industries
2. Fodi Industries

excluding employees of any service undertaken by Access Industries or Fodi Industries concerning placement services for people with disabilities into open industries other than those services which operate

exclusively for persons employed by Access Industries or Fodi Industries and excluding employees of Access Industries or Fodi Industries who carry out work associated with the provision of residential services.

- (vii) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the following industries and/or industrial pursuits, namely;

persons, other than academic staff, wholly or substantially employed in the higher education industry.

In the State of Western Australia

employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

employed by the Northern Territory University.

In the State of South Australia

employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional,

administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

employed by the Australian National University and the University of Canberra.

(viii) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely Baking and Flour and Sugar Goods.

(ix) (A) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the industry of the employment of Ambulance Employees in the State of Victoria. For the purposes of this sub-rule an Ambulance Employee means a person engaged in or about or in connection with ambulance work in the State of Victoria.

(B) (1) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include all employees who work in or in connection with the provision of ambulance services in Victoria.

(2) Without limiting the generality of sub-rule (ix) (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.

(x) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.

- (xi) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed by Wattyl Ltd and Pascol Paints Australia Pty Ltd in or in connection with retail paint outlets in New South Wales, Australian Capital Territory and Northern Territory.
- (xii) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer. Provided that the industry shall not include any persons who are or would have been eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:
- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foremen carters, bread-packers, inspectors, and collectors; or
 - (ii) persons in the States of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits, and allied products (but not including crumpets in the State of South Australia).
- (xiii) All persons employed or to be employed by an Australian Public Service employer in the Territory of the Cocos Islands in or in connection with the industry or industrial pursuits of building, construction and maintenance where such employees are employed from the local population of the Cocos Islands.
- (xiv) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed in the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory, employed as part of the operations of a pearl farm and who are wholly or usually employed on site at the pearl farm.
- (xv) Without in any way limiting and without in any way being limited by the description of industries and industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely, employment in the following business enterprises:
1. Aware Industries
 2. North Eastern Handicapped Persons Association Inc.

and

The industry or industries in connection with which the Union is registered are also any of the following industries, callings, occupations or vocations:

- (a) manufacturing, preparing for sale distributing selling intoxicating liquors;
- (b) manufacturing and preparing for sale non-intoxicating beer, aerated waters, cordials and fruit juices provided that registration pursuant to the words "fruit juices" shall be confined to establishments where the principal activity of such establishments is otherwise covered by this Rule;
- (c) preparing and serving food and drink in hotels, clubs, coffee palaces, catering establishments, soda fountains, milk bars and fruit juice and flavour bars, boarding, lodging and apartment establishments and eating houses and on racecourses, football, cricket, dog racing, coursing and other sports grounds;
- (d) purchasing and cleaning of articles usually collected in marine stores or yards;
- (e) manufacturing crown seals, cutting of cork and manufacturing of cork board;
- (f) sorting and washing bottles;
- (g) manufacturing yeast;
- (h) manufacturing vinegar;
- (i) cleaning and attending to hotels, clubs, coffee palaces, catering establishments, boarding lodging and apartment establishments and eating houses;
- (j) manufacturing malt;
- (k) the preparation and service of food and drink by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens, or catering establishments;
- (l) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers' quarters;
- (m) the provision, conduct or supervision in clubs, hotels, motels, restaurants, tourists complexes, convention centres or casinos of games of chance or any other gambling activities or facilities;

PROVIDED that nothing in paragraphs (k) (l) or (m) hereof shall of itself include in the industry or industries in connection with which the Union is registered the industries, callings, occupations or vocations of employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that the industries, callings, occupations or vocations in or in connection with which the Union is registered do not include either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances;

and

PROVIDED that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

(xvi) Without in any way limiting or without in any way being limited by the descriptions of industries and/or industrial pursuits elsewhere in this rule the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the industry of the employment of, and/or industrial pursuits of:

(a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:

(i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or

(ii) in food service establishments which primarily provide a take away service where no alcohol is sold.

(b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.

(c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,
Edith Cowan University,
University of Western Australia,
Curtin University of Technology.

In New South Wales:

University of New England,
University of New South Wales,
University of Newcastle,

Charles Sturt University,
University of Wollongong,
Southern Cross University.

In Victoria:

University of Melbourne,
La Trobe University,
Victorian College of Agriculture and Horticulture Limited,
Ballarat University College,
Deakin University,
Swinburne University of Technology,
La Trobe University College of Northern Victoria,
Victoria University of Technology,
Royal Melbourne Institute of Technology,
Victorian College of Pharmacy,
Hawthorn Institute of Education Limited,
Victorian College of the Arts,
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,
Flinders University of South Australia,
University of South Australia.

In Queensland:

University of Queensland,
Griffith University,
James Cook University of North Queensland,
Queensland University of Technology,
University of Central Queensland,
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,
University of Canberra.

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.
- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending store cafeterias and food services involving the preparation and sale of meals, snacks, and/or beverages which are sold to the public primarily to take away and employees engaged in the photoprocessing sections of such stores.
- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in this sub-rule (xvi) of this Rule shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland [being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland] and

PROVIDED that persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland shall not be eligible for membership.

4 - ELIGIBILITY FOR MEMBERSHIP

Part 1:

The following persons shall be eligible to be members of the Union:

- (i) The Union shall consist of an unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Julano, Julilikari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with

Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); airbrush artist; asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishment (except animal husbandry and research establishments in connection with pastoral pursuits - provided that this exception shall not include the Northern Territory - and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); bag and sack; basketware; bill posting; broom or brush (except in Victoria, New South Wales, Tasmania and South Australia); carbon paper makers; caretaking, caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); cork or cork product (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishments); commissioner; dance instruction; day nursery (other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanics; dental therapists; dental assistants and attendants; domestic work; domestic workers (except domestic servants employed in Queensland, in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls and general servants); domestic staff, groundsman or yardman of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; the manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); ferry workers; fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health or physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); ice cream makers; insulwool, slagwool or other

insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; laundry workers including persons employed in dry cleaning; and/or laundrettes; librarian not principally engaged in clerical duties (in Queensland only); library attendants (except those employed by universities in Western Australia); lift attending; linoleum; porters; manufacture of photographic supplies or materials; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine (except in the States of New South Wales, Victoria, Western Australia and Tasmania); messengers; motor car cleaning, detailing washing or greasing; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); oilskin (but not the manufacture of goods from fabrics which have been so treated); paint; sealants; parking attendant (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor, or in or about theatres, halls, racecourses, sports, exhibition and agriculture shows); pearlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services in Western Australia); photographic establishments; plaster of paris; plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award 1947); port hostesses; pre-school kindergarten; pyrotechnic; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces, excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except: (i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in either case other than employees employed in a shop by the operator thereof); manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; sugar refineries (except in Queensland, South Australia and Victoria); synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aides; toy makers and assemblers (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; typewriter ribbon; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden

or reserve) but not including persons other than watchmen employed by the Taronga Zoological Park Trust; persons designated as attendants and/or assistants and performing work which is otherwise covered by this present rule 4 part 1(1); together with such other persons whether employed in the industry or not, as have been appointed officers of the Union or its branches and admitted as members thereof.

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided that notwithstanding anything contained herein persons employed in the rubber industry in the State of Queensland and eligible for membership of the Australian Workers' Union shall not be eligible for membership.

Provided further that notwithstanding anything contained herein no person shall be eligible for membership who is principally engaged in clerical duties in the following industries and/or industrial pursuits:-

asbestos and/or asbestos cement products; bag and sack; basketware; bill-posting; broom or brush; chemical; cleaning and pollution control; cork or cork products; fibrolite; gypsum plaster board and similar products; ice cream makers; insulwool slagwool or other insulation material; manufacture of photographic supplies and materials; manufacture of Sisalkraft, Duk-Bak and similar products; margarine; motor garage including service station; paint, pearlite and/or vermiculite products; plaster of paris, plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used; sealing, sanding; treating and/or otherwise processing floor coverings and floor surfaces; stramit and similar boards; sugar refineries; synthetic resins and/or moulding powders; typewriter ribbon; undertaking; varnish, white and red lead.

Provided further that persons

(a) Principally engaged in the transportation of goods or persons by motor vehicle upon public roads and

(b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishment in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers' establishments) shall not be eligible pursuant to the foregoing provisions.

- (ii) Without in any way limiting and without being in any way limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of employees engaged in or in connection with any one or more of the following viz.:

The tanning and leather dressing industry, handling, bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glue and gelatine and by-products, putty; adhesives, pastes, fertilizer constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing or other treatment of fur or other skins, including woolled lambs or sheep-skins, canvas working; leather working; the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits, woolskins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travel goods, suit or attache cases, braces of all descriptions, belts, razor strops, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample cases of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetics cases; ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags; making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts; play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging, flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachutes, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman and others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders; cargo nets, ships' gear, boat covers marquees, skillions, binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing, used in the industries also machining in all sections and on spraying.

- (iii) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist, in the Northern Territory, of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Canecutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry, Industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); Mining Industry, milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; Construction and Maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks, and Pipelines, Municipal Works and Services, Construction and Maintenance and operation of Railways, Surveying, the industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical Work, Brewing, Motor Driving, Shipping,

Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care/massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connections with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments; persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973); and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

- (A) Civil and/or mechanical engineering;
- (B) The construction industry, including -

The building, construction, erection, maintenance, repair and/or demolition of:-
 - (a) Any building, plant, complex or structure; or
 - (b) Any civil or mechanical engineering project or work.
- (C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.
- (D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this sub-rule (iii), the following shall not be eligible for membership:-

- a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;

- b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;
- c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in The Australian Public Service Association (Fourth Division Officers) as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, the Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;
- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;
- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:

Pastoral; Construction and Maintenance and Operation of Railways; Municipal Works and Services; Mining (except employees at Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in the mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage;
- f. Clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

- (iv) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

In the State of New South Wales

artists' model; billiard marker; manufacture of pyram aircraft and industrial components therefor; manufacture of window display models (otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist, (excluding persons employed in a shop in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing warehousing and despatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR Timber Products at Pymont or any establishment operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR

Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a yearly rate of pay and tradesmen's assistants and metal workers (but not riggers) but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits;

In the State of Queensland

manufacture of compressed fibre board and similar products, beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworker, manicurist, maxillo-facial technician, wigmaker, oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists', doctors' and optometrists' surgeries and/or consulting rooms; ambulance transport brigade and first aid duty attendants other than Superintendent, General Secretary or Secretary of the Queensland Ambulance Transport Brigades; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including mounter, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels (but in respect of hostels excluding employees of the Commonwealth in the Department of Supply or in or in connection with the Armed Services), residential colleges and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees (other than Commonwealth employees in the Department of Supply or in or in connection with the Armed Services and other than persons engaged for two hours or more per shift in mixing and dispensing intoxicating liquor, and drink waiters and drink waitresses and cellarmen in clubs and/or restaurants) employed in establishments, businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastry-cooking, including all employees employed in handling, manufacturing, packing and distributing cakes, pastrycooks goods, and cheese-cakes and/or similar

products in pastrycooking, cake making and/or any establishment wherein such goods are made but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to restaurant receptionists and/or cashiers; assistants and/or receptionists in dentists' surgeries; and shop assistants employed in pastrycooks and cake shops; provided that, except where the context otherwise indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing; rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry-raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for in or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

Assistant who is a qualified pharmaceutical chemist, or as:-

Apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners, in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and
- (ii) who was, as at 31st August, 1973, a member of the (S.A. Registered) F.M.W.U. of Australia

shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidized Institutions, and all district and other hospitals (except private hospitals).
- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes, manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aides (however described at the place of employment); ambulance and first aid attendants; rag picking; flock of cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding persons employed in sorting and classing) or fellmongery; mounter, setter, chainmaker, swivelmaker, belt ring maker, repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal badge maker, jewel case maker, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or machinery for scrap salvage other than in an establishment engaged

principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilizers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertilizer, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral-wool, manganese sulphate, agrosan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalic-anhydride, sodium-bi-sulphite, sodium arsenate, lactic acid, sylphanilamide, phosphate-compounds, sulphur dioxide, carbon-di-oxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land Division, but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

- (B) Persons employed or usually employed by the West Australian Government in the Department of Water Supply, Sewerage and Drainage (or any successor thereto) or by the Metropolitan Water Supply, Sewerage and Drainage Board (or any successor thereto).
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped

people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include

- (a) Establishments operated other than for profit or by Government:-
 - (i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency; or
 - (ii) Operated as after-care mental hostels.
- (b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

- (a) persons who work in professional administrative and clerical capacities;
 - (b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.
- (D) (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).

- (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.
- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who
 - (i) holds a certificate, diploma or degree specializing in early childhood care and/or education; and
 - (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.
- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
- (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
- (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.

- (H) Persons employed in or in connection with the following callings or industries:

The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.

In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to attendants, assistants or receptionists in dentists' surgeries.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd in the State of Queensland, persons employed in ambulance transport brigades, and in the State of Western Australia, persons employed in ambulance services) and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions of this paragraph (paragraph iv).

Provided that any person employed as an agricultural scientist, bacteriologist, biochemist, biologist, botanist, chemist (other than a pharmacist in a dispensary and/or retail pharmacy or a chemical assistant or laboratory technician employed by the Colonial Sugar Refining Co. Ltd., Hardboards Australia Ltd., or C.S.R. Research Pty. Ltd. or a leather chemist in the tanning industry) chemical engineer, entomologist, geologist, mathematician, metallurgist, microbiologist, mycologist, pathologist, pharmacologist (other than a pharmacologist employed in a dispensary and/or a retail pharmacy), physicist, physiologist or zoologist (other than a zoologist employed at a zoological garden in one of the States of Victoria, Tasmania, South Australia or Western Australia) and who possesses or is qualified to possess a degree, tertiary diploma or equivalent professional educational or technical qualification shall not be eligible for membership.

- (v) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed by the Flagstaff Industrial and Commercial Services Group Ltd. in the following business enterprises:

1. The Flagstaff Industrial and Commercial Services Group Ltd. (The Flagstaff Group)
2. Document Management Solutions
3. Flagstaff Engineering
4. Leisure & Coastal Canvas Supplies
5. Monika's Kreative Kitchen

excluding employees of any service undertaken by the Flagstaff Group concerning placement services for people with disabilities into open industries other than placements for existing employees of the Flagstaff Group.

- (vi) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in the following business enterprises:

1. Access Industries
2. Fodi Industries

excluding employees of any service undertaken by Access Industries or Fodi Industries concerning placement services for people with disabilities into open industries other than those services which operate exclusively for persons employed by Access Industries or Fodi Industries and excluding employees of Access Industries or Fodi Industries who carry out work associated with the provision of residential services.

- (vii) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons, other than academic staff, wholly or substantially employed in the higher education industry, who:

In the State of Western Australia

are employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

are employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, the University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

are employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited,

Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

are employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

are employed by the Northern Territory University.

In the State of South Australia

are employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

are employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

are employed by the Australian National University and the University of Canberra.

(viii) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons employed in or in connection with the following industries or callings: Pastrycooks, Biscuitmakers, Ornamenters, the manufacture and preparation for sale of bread in Victoria, flour and sugar goods, together with such persons whether employed in the industry or not, as have been appointed or elected officers of the Victorian Baking Section of the Miscellaneous Workers Division, Victorian Branch and admitted as members thereof.

(ix) (A) Without in any way limiting or being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: any person employed as an ambulance employee in Victoria, together with such persons whether employees engaged in the industry or not as have been elected to office in the Ambulance Employees Association of Victoria - a section within the Australian Liquor, Hospitality and Miscellaneous Workers Union, Miscellaneous Division, Victorian Divisional Branch and who have been admitted as members thereof, provided that any employee who is eligible for membership of the Shop, Distributive and Allied Employees Association of Australia, shall not be eligible for membership under this sub-rule.

- (B) (1) Without limiting or in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: all employees who work in or in connection with the provision of ambulance services in Victoria.
- (2) Without limiting the generality of sub-rule (ix) (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.
- (x) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.
- (xi) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by Wattyl Ltd and Pascol Paints Australia Pty Ltd in or in connection with retail paint outlets in New South Wales, Australian Capital Territory and Northern Territory.
- (xii) Without in any way limiting or being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership; persons employed in or in connection with the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer but does not include persons employed as a shop assistant; together with persons who are employees who are qualified to be employed in and in connection with the said Industry; together with persons whose usual occupation is that of employee in the said Industry; together with persons employed in the said Industry in New South Wales who are employees for the purposes of the Industrial Arbitration Act 1904 as amended from time to time of that State, in Queensland who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1961 as amended from time to time of that State, in South Australia who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1972 as amended from time to time of that State and in Western Australia who are employees for the purposes of the Industrial Arbitration Act 1912 as amended from time to time of that State; together with officers of the Federation.

Provided that there shall not be eligible for membership of the Federation any persons who are or would have been eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:

- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foreman carters, bread-packers, inspectors, and collectors; or

- (ii) persons in the State of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits and allied products (but not including crumpets in the State of South Australia).

Provided further that any person employed in or in connection with the preparation and/or manufacture and/or distribution of pastry and/or pastry goods in the State of New South Wales or in connection with the preparation and/or manufacture and/or baking of pastry and/or pastry goods in the State of Victoria or in connection with the manufacture and/or preparation for sale of bread (excluding slicing and/or wrapping and excluding all persons employed by Quality Bakers Australia Limited t/as Buttercup Bakeries, Quality Bakers Australia Limited t/as Atlantic Bakeries and Sunicrust Bakeries Pty Limited) in the State of Victoria shall not be eligible to be a member of the Federation.

- (xiii) All persons employed or to be employed by an Australian Public Service employer in the Territory of the Cocos Islands in or in connection with the industry or industrial pursuits of building, construction and maintenance where such employees are employed from the local population of the Cocos Islands.

- (xiv) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall consist of all persons employed or to be employed in or in connection with, the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory employed as part of the operations of a pearl farm, and who are wholly or usually employed on site at the pearl farm.

- (xv) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in the following business enterprises:

1. Aware Industries
2. North Eastern Handicapped Persons Association Inc.

Part 2:

The following persons shall also be eligible to be members of the Union:

An unlimited number of persons who are employed or usually employed in any capacity whether permanent or casual in or in connection with:

- (1) breweries, maltings, bottling establishments, distilleries, wine cellars, wineries, or spirit stores;
- (2) aerated water, cordial and fruit juice provided that eligibility pursuant to the words "fruit juice" shall be confined to establishments where the principal activity of such establishments is otherwise covered by this Rule, cider, ginger beer, or other non-intoxicating beer factories, and employees retailing to the public any of the products of these factories;
- (3) hotels, wine saloons, wine bars, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit-juice or flavour bars;
- (4) marine stores or yards, cork cutting factories, bottle washing establishments, yeast or vinegar factories;

- (5) clubs, restaurants, eating houses, board and lodging and apartment houses, catering establishments;
- (6) race courses, football grounds, cricket, dog racing, coursing or other sports grounds;
- (7) the preparation and service of food and drink wherever consumed by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens, or catering establishments;
- (8) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers' quarters;
- (9) the provision, conduct or supervision in clubs, hotels, motels, restaurants, tourists complexes, convention centres or casinos of games of chance or any other gambling activities or facilities; and

such other persons male or female whether employed in any of the above occupations or callings or not as have been appointed officers of the Union or its Branches and admitted as members thereof together with such persons who may have been appointed Honorary Life Members in accordance with the Rules;

PROVIDED that nothing in paragraphs (7), (8) or (9) hereof shall of itself make eligible for membership employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that an employee in the industry, calling, occupation or vocation of either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances

is not eligible for membership.

Part 3:

No restriction or qualification to the eligibility for membership under Part 1 of this Rule shall restrict or qualify eligibility under Part 2 of this Rule and no restriction or qualification to the eligibility for membership under Part 2 of this Rule shall restrict or qualify eligibility under Part 1 of this Rule.

Part 4:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons who are employed in or in connection with any one or more of the following industries and/or industrial pursuits, namely:

- (a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:
- (i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or
- (ii) in food service establishments which primarily provide a take away service where no alcohol is sold.
- (b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.
- (c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,
Edith Cowan University,
University of Western Australia,
Curtin University of Technology.

In New South Wales:

University of New England,
University of New South Wales,
University of Newcastle,
Charles Sturt University,
University of Wollongong,
Southern Cross University.

In Victoria:

University of Melbourne,
La Trobe University,
Victorian College of Agriculture and Horticulture Limited,
Ballarat University College,
Deakin University,
Swinburne University of Technology,
La Trobe University College of Northern Victoria,
Victoria University of Technology,
Royal Melbourne Institute of Technology,
Victorian College of Pharmacy,
Hawthorn Institute of Education Limited,
Victorian College of the Arts,
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,
Flinders University of South Australia,
University of South Australia.

In Queensland:

University of Queensland,
Griffith University,
James Cook University of North Queensland,
Queensland University of Technology,
University of Central Queensland,
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,
University of Canberra.

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.
- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending, store cafeterias and food services involving the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away and employees engaged in the photoprocessing sections of such stores.
- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in Part 4 shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland (being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland).

Part 5:

Provided that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

Part 6:

Notwithstanding the provisions of Part 1 and Part 2 of Rule 4, the following persons shall not be eligible for membership of the Union:

All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland.

All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland.

Part 7:

Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

RULE 4A - INDEPENDENT CONTRACTORS ELIGIBLE FOR MEMBERSHIP

The following persons shall also be eligible to be members of the union:

persons who are independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the organisation under rule 4 of these rules.

to the following:

3. CONDITIONS OF ELIGIBILITY

Part 1:

The following persons shall be eligible to be members of the Union:

The Union shall consist of an unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Julano, Julilikari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); airbrush artist; asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishment (except animal husbandry and research establishments in connection with pastoral pursuits -provided that this exception shall not include the Northern Territory -and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); bag and sack; basketware; bill posting; broom or brush (except in Victoria, New South Wales, Tasmania and South Australia); carbon paper makers; caretaking, caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New

South Wales and within universities in New South Wales and the Australian Capital Territory); cork or cork product (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishments); commissionaire; dance instruction; day nursery (other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanics; dental therapists; dental assistants and attendants; domestic work; domestic workers (except domestic servants employed in Queensland, in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls and general servants); domestic staff, groundsman or yardman of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; the manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); ferry workers; fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health or physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); ice cream makers; insulwool, slagwool or other insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; laundry workers including persons employed in dry cleaning; and/or laundrettes; librarian not principally engaged in clerical duties (in Queensland only); library attendants (except those employed by universities in Western Australia); lift attending; linoleum; porters; manufacture of photographic supplies or materials; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine (except in the States of New South Wales, Victoria, Western Australia and Tasmania); messengers; motor car cleaning, detailing washing or greasing; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); oilskin (but not the manufacture of goods from fabrics which have been so treated); paint; sealants; parking attendant (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor, or in or about theatres, halls, racecourses, sports, exhibition and agriculture shows); pearlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services in Western Australia); photographic establishments; plaster of paris; plastics or substitutes therefor and/or goods made therefrom and/or

goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award 1947); port hostesses; pre-school kindergarten; pyrotechnic; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces, excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except: (i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in either case other than employees employed in a shop by the operator thereof); manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; sugar refineries (except in Queensland, South Australia and Victoria); synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aides; toy makers and assemblers (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; typewriter ribbon; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden or reserve) but not including persons other than watchmen employed by the Taronga Zoological Park Trust; persons designated as attendants and/or assistants and performing work which is otherwise covered by this present rule 3 part 1;

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided that notwithstanding anything contained herein persons employed in the rubber industry in the State of Queensland and eligible for membership of the Australian Workers' Union shall not be eligible for membership.

Provided further that notwithstanding anything contained herein no person shall be eligible for membership who is principally engaged in clerical duties in the following industries and/or industrial pursuits:- asbestos and/or asbestos cement products; bag and sack; basketware; bill-posting; broom or brush; chemical; cleaning and pollution control; cork or cork products; fibrolite; gypsum plaster board and similar products; ice cream makers; insulwool slagwool or other insulation material; manufacture of photographic supplies and materials; manufacture of Sisalkraft, Duk-Bak and similar products;

margarine; motor garage including service station; paint, pearlite and/or vermiculite products; plaster of paris, plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used; sealing, sanding; treating and/or otherwise processing floor coverings and floor surfaces; stramit and similar boards; sugar refineries; synthetic resins and/or moulding powders; typewriter ribbon; undertaking; varnish, white and red lead.

Provided further that persons

- (a) Principally engaged in the transportation of goods or persons by motor vehicle upon public roads and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishment in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop, or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers' establishments) shall not be eligible pursuant to the foregoing provisions.

Part 2:

The following persons shall also be eligible to be members of the Union:

An unlimited number of persons who are employed or usually employed in any capacity whether permanent or casual in or in connection with:

- (1) breweries, malthouses, bottling establishments, distilleries, wine cellars, wineries, or spirit stores;
- (2) aerated water, cordial and fruit juice provided that eligibility pursuant to the words "fruit juice" shall be confined to establishments where the principal activity of such establishments is otherwise covered by this rule, cider, ginger beer, or other non-intoxicating beer factories, and employees retailing to the public any of the products of these factories;
- (3) hotels, wine saloons, wine bars, coffee palaces, coffee lounges, tea rooms, soda fountains, milk bars, fruit-juice or flavour bars;

- (4) marine stores or yards, cork cutting factories, bottle washing establishments, yeast or vinegar factories;
- (5) clubs, restaurants, eating houses, board and lodging and apartment houses, catering establishments;
- (6) race courses, football grounds, cricket, dog racing, coursing or other sports grounds;
- (7) the preparation and service of food and drink wherever consumed by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens, or catering establishments;
- (8) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers' quarters;
- (9) the provision, conduct or supervision in clubs, hotels, motels, restaurants, tourists complexes, convention centres or casinos of games of chance or any other gambling activities or facilities;

PROVIDED that nothing in paragraphs (7), (8) or (9) hereof shall of itself make eligible for membership employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that an employee in the industry, calling, occupation or vocation of either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances

is not eligible for membership.

Part 3:

Without in any way limiting and without being in any way limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of employees engaged in or in connection with any one or more of the following viz.:

The tanning and leather dressing industry, handling, bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glue and gelatine and by-products, putty; adhesives, pastes, fertiliser constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing or other treatment of fur or other skins,

including woolled lambs or sheep-skins, canvas working; leather working; the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits, woolskins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travel goods, suit or attache cases, braces of all descriptions, belts, razor strops, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample cases of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetics cases; ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags; making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts; play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging, flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachutes, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman and others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders; cargo nets, ships' gear, boat covers marquees, skillions, binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanised fibre, webbing, used in the industries also machining in all sections and on spraying.

Part 4:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist, in the Northern Territory, of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Canecutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry, Industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July 1977 had remained in force); Mining Industry, milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; Construction and Maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks, and Pipelines, Municipal Works and Services, Construction and Maintenance and operation of Railways, Surveying, the industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical Work, Brewing, Motor Driving, Shipping, Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry

cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care/massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connections with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments; persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973); and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

(A) Civil and/or mechanical engineering;

(B) The construction industry, including -

The building, construction, erection, maintenance, repair and/or demolition of:-

(a) Any building, plant, complex or structure; or

(b) Any civil or mechanical engineering project or work.

(C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.

(D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this sub-rule (iii), the following shall not be eligible for membership:-

a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;

b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;

- c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in The Australian Public Service Association (Fourth Division Officers) as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, the Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;
- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;
- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:

Pastoral; Construction and Maintenance and Operation of Railways; Municipal Works and Services; Mining (except employees at Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in the mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage;
- f. Clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

Part 5:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

In the State of New South Wales

artists' model; billiard marker; manufacture of pyram aircraft and industrial components therefor; manufacture of window display models (otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist, (excluding persons employed in a shop in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing warehousing and despatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR Timber Products at Pymont or any establishment operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a

yearly rate of pay and tradesmen's assistants and metal workers (but not riggers) but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits;

In the State of Queensland

manufacture of compressed fibre board and similar products, beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworker, manicurist, maxillo-facial technician, wigmaker, oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists', doctors' and optometrists' surgeries and/or consulting rooms; ambulance transport brigade and first aid duty attendants other than Superintendent, General Secretary or Secretary of the Queensland Ambulance Transport Brigades; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including mounter, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels (but in respect of hostels excluding employees of the Commonwealth in the Department of Supply or in or in connection with the Armed Services), residential colleges and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees (other than Commonwealth employees in the Department of Supply or in or in connection with the Armed Services and other than persons engaged for two hours or more per shift in mixing and dispensing intoxicating liquor, and drink waiters and drink waitresses and cellarmen in clubs and/or restaurants) employed in establishments, businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastry-cooking, including all employees employed in handling, manufacturing, packing and distributing cakes,

pastrycooks goods, and cheese-cakes and/or similar products in pastrycooking, cake making and/or any establishment wherein such goods are made but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to restaurant receptionists and/or cashiers; assistants and/or receptionists in dentists' surgeries; and shop assistants employed in pastrycooks and cake shops; provided that, except where the context otherwise indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing; rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry-raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for in or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

Assistant who is a qualified pharmaceutical chemist, or as:-

Apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners, in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and

- (ii) who was, as at 31st August, 1973, a member of the (S.A. Registered) F.M.W.U. of Australia
- shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidised Institutions, and all district and other hospitals (except private hospitals).
- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes, manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aides (however described at the place of employment); ambulance and first aid attendants; rag picking; flock or cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding persons employed in sorting and classing) or fellmongery; moulder, setter, chainmaker, swivelmaker, belt ring maker, repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal

badge maker, jewel case maker, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or machinery for scrap salvage other than in an establishment engaged principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilisers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertiliser, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral-wool, manganese sulphate, agrosan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalic-anhydride, sodium-bi-sulphite, sodium arsenate, lactic acid, sylphanilamide, phosphate-compounds, sulphur dioxide, carbon-di-oxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land Division, but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

- (B) Persons employed or usually employed by the West Australian Government in the Department of Water Supply, Sewerage and Drainage (or any successor thereto) or by the Metropolitan Water Supply, Sewerage and Drainage Board (or any successor thereto).
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or

persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include

(a) Establishments operated other than for profit or by Government:-

(i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency; or

(ii) Operated as after-care mental hostels.

(b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

(a) persons who work in professional administrative and clerical capacities;

(b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.

(D) (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator,

tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).

- (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.
- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who -
 - (i) holds a certificate, diploma or degree specialising in early childhood care and/or education; and
 - (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.
- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
- (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.

- (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.
- (H) Persons employed in or in connection with the following callings or industries:

The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.

In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician; but excluding persons principally engaged at clerical duties in the foregoing industries and/or industrial pursuits but this exclusion shall not apply to attendants, assistants or receptionists in dentists' surgeries.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd in the State of Queensland, persons employed in ambulance transport brigades, and in the State of Western Australia, persons employed in ambulance services) and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force shall not be eligible for membership pursuant to the foregoing provisions of this paragraph (paragraph iv).

Provided that any person employed as an agricultural scientist, bacteriologist, biochemist, biologist, botanist, chemist (other than a pharmacist in a dispensary and/or retail pharmacy or a chemical assistant or laboratory technician employed by the Colonial Sugar Refining Co. Ltd., Hardboards Australia Ltd., or C.S.R. Research Pty. Ltd. or a leather chemist in the tanning industry) chemical engineer, entomologist, geologist, mathematician, metallurgist, microbiologist, mycologist, pathologist, pharmacologist (other than a pharmacologist employed in a dispensary and/or a retail

pharmacy), physicist, physiologist or zoologist (other than a zoologist employed at a zoological garden in one of the States of Victoria, Tasmania, South Australia or Western Australia) and who possesses or is qualified to possess a degree, tertiary diploma or equivalent professional educational or technical qualification shall not be eligible for membership.

Part 6:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed by the Flagstaff Industrial and Commercial Services Group Ltd. in the following business enterprises:

1. The Flagstaff Industrial and Commercial Services Group Ltd. (The Flagstaff Group)
2. Document Management Solutions
3. Flagstaff Engineering
4. Leisure & Coastal Canvas Supplies
5. Monika's Kreative Kitchen

excluding employees of any service undertaken by the Flagstaff Group concerning placement services for people with disabilities into open industries other than placements for existing employees of the Flagstaff Group.

Part 7:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in the following business enterprises:

1. Access Industries
2. Fodi Industries

excluding employees of any service undertaken by Access Industries or Fodi Industries concerning placement services for people with disabilities into open industries other than those services which operate exclusively for persons employed by Access Industries or Fodi Industries and excluding employees of Access Industries or Fodi Industries who carry out work associated with the provision of residential services.

Part 8:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons, other than academic staff, wholly or substantially employed in the higher education industry, who:

In the State of Western Australia

are employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

are employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

are employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

are employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

are employed by the Northern Territory University.

In the State of South Australia

are employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

are employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

are employed by the Australian National University and the University of Canberra.

Part 9:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons employed in or in connection with the following industries or callings: Pastrycooks, Biscuitmakers, Ornamenters, the manufacture and preparation for sale of bread in Victoria, flour and sugar goods.

Part 10:

(A) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the industry of the employment of Ambulance Employees in the State of Victoria. For the purposes of this sub rule an Ambulance Employee means a person engaged in or about or in connection with ambulance work in the State of Victoria.

(B) (1) Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include all employees who work in or in connection with the provision of ambulance services in Victoria.

(2) Without limiting the generality of sub-rule (ix) (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.

Part 11:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.

Part 12:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall consist of all persons employed or to be employed by Wattyl Ltd and Pascol Paints Australia Pty Ltd in or in connection with retail paint outlets in New South Wales, Australian Capital Territory and Northern Territory.

Part 13:

Without in any way limiting or being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership; persons employed in or in connection with the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer but does not include persons employed as a shop assistant; together with persons who are employees who are qualified to be employed in and in connection with the said Industry; together with persons whose usual occupation is that of employee in the said Industry; together with persons employed in the said Industry in New South Wales who are employees for the purposes of the Industrial Arbitration Act 1904 as amended from time to time of that State, in Queensland who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1961 as amended from time to time of that State, in South Australia who are employees for the purposes of the Industrial Conciliation and Arbitration Act 1972 as amended from time to time of that State and in Western Australia who are employees for the purposes of the Industrial Arbitration Act 1912 as amended from time to time in that state.

Provided that there shall not be eligible for membership of the union any persons who are or would have been eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:

- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foreman carters, bread-packers, inspectors, and collectors; or
- (ii) persons in the State of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits and allied products (but not including crumpets in the State of South Australia).

Provided further that any person employed in or in connection with the preparation and/or manufacture and/or distribution of pastry and/or pastry goods in the State of New South Wales or in connection with the preparation and/or manufacture and/or baking of pastry and/or pastry goods in the State of Victoria or in connection with the manufacture and/or preparation for sale of bread (excluding slicing and/or wrapping and excluding all persons employed by Quality Bakers Australia Limited t/as Buttercup Bakeries, Quality Bakers Australia Limited t/as Atlantic Bakeries and Sunicrust Bakeries Pty Limited) in the State of Victoria shall not be eligible to be a member of the union.

Part 14:

All persons employed or to be employed by an Australian Public Service employer in the Territory of the Cocos Islands in or in connection with the industry or industrial pursuits of building, construction and maintenance where such employees are employed from the local population of the Cocos Islands.

Part 15:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall consist of all persons employed or to be employed in or in connection with, the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory, employed as part of the operations of a pearl farm, and who are wholly or usually employed on site at the pearl farm.

Part 16:

Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the Union shall also consist of persons who are employed or usually employed in the following business enterprises:

1. Aware Industries
2. North Eastern Handicapped Persons Association Inc.

Part 17:

Any other person who is elected or appointed as an officer of the union or who is an official employed by the union to carry out the following functions and/or duties: organising, industrial, research, advocacy, publicity, education and training, occupational health and safety, workers compensation, superannuation, recruitment, or such other similar functions and/or duties, but not persons employed predominantly in a clerical and/or administrative capacity.

Part 18:

No restriction or qualification to the eligibility for membership under any Part of this rule shall restrict or qualify eligibility under any other Part of this rule.

Part 19:

Without in any way limiting or without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the union shall also consist of persons who are employed in or in connection with any one or more of the following industries and/or industrial disputes:

- (a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:
 - (i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or

- (ii) in food service establishments which primarily provide a take away service where no alcohol is sold.
- (b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.
- (c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,
Edith Cowan University,
University of Western Australia,
Curtin University of Technology.

In New South Wales:

University of New England,
University of New South Wales,
University of Newcastle,
Charles Sturt University,
University of Wollongong,
Southern Cross University.

In Victoria:

University of Melbourne,
La Trobe University,
Victorian College of Agriculture and Horticulture Limited,
Ballarat University College,
Deakin University,
Swinburne University of Technology,
La Trobe University College of Northern Victoria,
Victoria University of Technology,
Royal Melbourne Institute of Technology,
Victorian College of Pharmacy,
Hawthorn Institute of Education Limited,
Victorian College of the Arts,
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,
Flinders University of South Australia,
University of South Australia.

In Queensland:

University of Queensland,
Griffith University,
James Cook University of North Queensland,
Queensland University of Technology,
University of Central Queensland,
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,
University of Canberra

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.
- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending, store cafeterias and food services involving the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away and employees engaged in the photo processing sections of such stores.
- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in Part 4 shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland [being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes

of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland].

Part 20:

Provided that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

Part 21:

Notwithstanding the provisions of Part 1 and Part 2 of Rule 3, the following persons shall not be eligible for membership of the Union:

All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland.

All persons employed or to be employed by Dreamworld Productions Pty Ltd at Dreamworld Theme Park, Coomera, Queensland.

Part 22:

Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

Part 23: INDEPENDENT CONTRACTORS ELIGIBLE FOR MEMBERSHIP

The following persons shall also be eligible to be members of the union:

persons who are independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the organisation under Rule 3 of these rules.

4. DESCRIPTION OF INDUSTRIES**Part 1:**

The description of the industries and/or industrial pursuits in or in connection with which the Union is registered is as follows:-

The industries and industrial pursuits of persons employed in Aboriginal local government communities or regional councils in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative and clerical positions other than at Tangentyere, Julano, Julilikari and Jurnkurrakur Councils and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal health services in the Northern Territory, Western Australia and South Australia (excluding persons who work in a professional, administrative or clerical capacity in the public sectors in South Australia and Western Australia other than regional Aboriginal health liaison officers in Western Australia and excluding Aboriginal health workers in the public sector in South Australia other than persons employed by Aboriginal health services operated in conjunction with Aboriginal local government communities or regional councils based in the Northern Territory and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); persons employed in Aboriginal welfare associations in the Northern Territory, Western Australia and South Australia (excluding persons employed in professional, administrative or clerical positions and in counselling, co-ordinating and developmental work other than at the Institute for Aboriginal Development and excluding registered and enrolled nurses employed as such other than enrolled nurses in Western Australia); air brush artists, in the photographic industry; manufacture of asbestos and/or asbestos cement products (except in Queensland, Tasmania and Western Australia); fibre reinforced products and/or fibre cement products (except in Tasmania, Queensland and Western Australia); animal welfare establishments (except animal husbandry and research establishments in connection with pastoral pursuits - provided that this exception shall not include the Northern Territory - and excepting animal health stations and experimental farms in Queensland and New South Wales); veterinary hospitals and any establishment or business which accommodates, handles, treats or otherwise caters for the welfare of animals and household pets (other than in the public sector); animal care; persons employed in animal, marine or wildlife establishments (except establishments which are engaged in agriculture or pastoral pursuits, other than in the Northern Territory); manufacture and repair of bags and sacks; broom and brush making (except in Victoria, New South Wales, Tasmania and South Australia); manufacture of carbon paper; caretaking; caretaker, building superintendent, janitor, handyperson or maintenance person; cemetery and undertaking; chemical (other than persons engaged principally in or in connection with the making, preparation, handling, putting up, reception, sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals); chemical workers; child minding centre, child care, child minding (other than qualified teachers in Victoria and other than in hospitals in New South Wales and within universities in New South Wales and the

Australian Capital Territory); manufacture and treatment of cork and cork products (except in Victoria and Queensland); crematorium; cleaners; cleaning and pollution control (excluding persons employed full-time by employers in the metal industry within their establishment); commissionaire; dance instruction; day nursery (other than in hospitals in New South Wales and within universities in New South Wales and the Australian Capital Territory); dentists; dental mechanical work; dental therapy; assistant and attending dentists; domestic work; domestic workers (except domestic servants employed in Queensland in the Pastoral Industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls and general servants); domestic staff or groundsmen or yardmen of denominational schools; emergency and safety employees of the Port of Melbourne Authority and the Port of Geelong Authority; manufacture of engine packing (except where made in the rubber industry with rubber or with any rubber substitutes); carrying by ferry boats; making of fibrolite (except in Queensland, Tasmania and Western Australia); gardening; gatekeeping; greenkeeping (except in New South Wales, Victoria and in local government in Tasmania and also except in Western Australia as regards golf links, bowling greens, tennis courts and all gardens, lawns and greens in connection therewith); gypsum plasterboard and similar products; health and physical culture including all instructors, counsellors, masseurs and attendants in health and physical culture studios including weight loss studios and/or centres; home care aides and attendants (except in Victoria and Tasmania); personal care aides and attendants employed in households (except in Victoria and Tasmania); personal care aides and attendants, employed other than in households, in South Australia, Western Australia, Northern Territory and Australian Capital Territory; home helps (except in Victoria and Tasmania); making of ice cream; insulwool, slagwool or other insulation material; jury keepers (in the State of Victoria only); laboratory assistant, attendant or tester in or in connection with the oil industry; washing, cleaning, ironing, sorting and packing of laundry including persons employed in dry cleaning; industry of laundering and laundrettes; libraries and library services; library workers (not principally engaged at clerical duties); lift attending; manufacture of linoleum; portorage; manufacture of lead; manufacture of photographic supplies or materials; manufacture of Sisalkraft, Duk-Bak and similar products; manufacture of coated or laminated products, whether reinforced or not; margarine making and packing (except in the States of New South Wales, Victoria, Western Australia and Tasmania); carrying of messages; motor car washing, greasing, cleaning detailing and attending; motor garage, including service station (other than chauffeurs and workers in the iron trades and coachmaking trades and their assistants); making of oilskins (but not the manufacture of goods from fabrics which have been so treated); making paint, sealants; varnish; white and red lead; parking attendants (except municipal and shire council employees and those employed in any kind of amusement, whether outdoor or indoor or in or about theatres, halls, racecourses, sports, exhibition and agriculture shows); manufacture or preparation of pearlite and/or vermiculite products; pest control (except in New South Wales, Queensland and Western Australia, provided that this exception shall not relate to domestic pest control services); photographic establishments; manufacture of resin-bonded fibre reinforced products including pipes (except in Tasmania, Queensland and Western Australia); manufacture of plaster

of paris; plastics or substitutes therefor and/or goods made therefrom and/or goods in the manufacture of which plastics or substitutes therefor are used (other than engineers and persons eligible to be members of the Federated Rubber and Allied Workers' Union of Australia and coming within the award of the Court known as the Rubber Workers' Award, 1947); port hostesses; pre-school kindergartens; manufacture and assembling of pyrotechnics; sealing, sanding, treating and/or otherwise processing floor coverings and floor surfaces excepting the sanding of floors in buildings under construction or in the course of structural alteration or structural repair; all employees (other than in Queensland) including qualified, trained, trainee or untrained in private pathology laboratories, including scientific or technical work therein, except: (i) in Victoria and Tasmania; and (ii) in South Australia, Western Australia, the Australian Capital Territory and the Northern Territory employees eligible to be members of the Australian Nursing Federation in accordance with the rules of the ANF as at 10 June 1993; and (iii) in New South Wales registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority, employed as such; and (iv) in Western Australia employees in professional, administrative, clerical or technical classifications; security or watching (in either case other than employees employed in a shop by the operator thereof); manufacture of records, rolls, tapes, video tapes or any such like article used for reproducing purposes; spruiking; manufacture of stramit, strawboards (in the State of Victoria) and similar boards; stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of terrazzo or similar compositions (excluding persons employed in a clerical capacity); sugar refineries (except in Queensland, South Australia and Victoria); manufacture of synthetic resins and/or moulding powders; tea attendants (other than in hospitals in New South Wales and in the Universities of Macquarie, Sydney and New England); teacher aide; making and assembling of toys (except in New South Wales, Victoria, South Australia and Western Australia) using substantially non-metallic materials; manufacture of typewriter ribbons; tourist guide and/or tourist leader (other than those directly employed by a travel agent); veterinarians, veterinary assistants and/or attendants (other than in the public sector); zoological and/or aquatic exhibition, garden or reserve (excepting ticket takers and ticket sellers in aquatic exhibition, garden or reserve); performance of work as attendants and/or assistants in industries otherwise covered by this present rule, including the industry of "The Public Service" as defined in Section 3 of the Public Service Arbitration Act, 1920-1973; provided that nothing herein shall be construed as applying to the rubber industry in the State of Queensland.

The generality of description of any of the foregoing industries or industrial pursuits is not to be limited by reference to any other industry or industrial pursuit.

Provided further that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicle upon public roads and

- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force

shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that tradesman's assistants, riggers and metal workers employed in maintenance sections of any establishments in the foregoing industries and/or industrial pursuits shall not be eligible for membership pursuant to the foregoing provisions.

Provided further that persons principally engaged in selling, receiving, handling, demonstrating and/or delivery of goods in and for any shop, or wholesaler's warehouse (other than photographic establishments and manufacturers' establishments) and employees principally engaged in the sale or demonstration of goods other than in or for any shop or wholesaler's warehouse (except such employees employed in or in connection with manufacturers' establishments) shall not be eligible pursuant to the foregoing provisions.

Part 2:

The industry or industries in connection with which the Union is registered are also any of the following industries, callings, occupations or vocations:

- (a) manufacturing, preparing for sale distributing selling intoxicating liquors;
- (b) manufacturing and preparing for sale non-intoxicating beer, aerated waters, cordials and fruit juices provided that registration pursuant to the words "fruit juices" shall be confined to establishments where the principal activity of such establishments is otherwise covered by this rule;
- (c) preparing and serving food and drink in hotels, clubs, coffee palaces, catering establishments, soda fountains, milk bars and fruit juice and flavour bars, boarding, lodging and apartment establishments and eating houses and on racecourses, football, cricket, dog racing, coursing and other sports grounds;
- (d) purchasing and cleaning of articles usually collected in marine stores or yards;
- (e) manufacturing crown seals, cutting of cork and manufacturing of cork board;
- (f) sorting and washing bottles;
- (g) manufacturing yeast;
- (h) manufacturing vinegar;
- (i) cleaning and attending to hotels, clubs, coffee palaces, catering establishments, boarding lodging and apartment establishments and eating houses;

- (j) manufacturing malt;
- (k) the preparation and service of food and drink by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens, or catering establishments;
- (l) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers' quarters;
- (m) the provision, conduct or supervision in clubs, hotels, motels, restaurants, tourists complexes, convention centres or casinos of games of chance or any other gambling activities or facilities;

PROVIDED that nothing in paragraphs (k) (l) or (m) hereof shall of itself include in the industry or industries in connection with which the Union is registered the industries, callings, occupations or vocations of employees employed in the Northern Territory unless employed in catering in or in connection with the airline industry; and

PROVIDED that the industries, callings, occupations or vocations in or in connection with which the Union is registered do not include either or both catering and cleaning for or at premises provided for persons working in or in connection with the following industries or callings:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, and the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, slurries and similar substances;

Part 3:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

The tanning and leather dressing industry, handling bagging or grinding bark, the manufacture of bark and other tanning extracts, the classing or sorting of leather (finished or unfinished) where such is done on tannery premises, the manufacture of agar-agar, glues and gelatine and by-products, putty; adhesives, pastes, fertiliser constituents, dextrine, calciners or other like materials, the washing or other treatment of animal hair, with tanning, dressing, dyeing, or other treatment of fur or other skins, including woolled lambs or sheep-skins, canvas working; leather working; the manufacture alteration, repair and installation of articles made from leather, woolled lamb or sheep-skins, furred skins, such as spindle polishing mops, paint roller sleeves, dusters (other than establishments covered by The Federated Storemen and Packers' Union of Australia), playsuits,

wool-skins and furskin toys, soft toys of all descriptions (excluding furred garments and toys made in clothing factories), clicking, cutting by hand or machine, or in the making or repairing saddles, saddle trees, harness, collars and rugs for horses and other animals, bridles, fly-veils and strapping, whips, whip-thongs, machine belting, respirators or gas masks of leather, canvas, fabric or other like materials, welders' masks, trunks, bags, portmanteaux, travelgoods, suit or attache cases, braces of all descriptions, belts, razor strops, watch straps, suspenders, sporting goods of canvas, leather or like material, travellers' sample case of all descriptions, slither cans, musical, gramophone, wireless, surgical and spectacle cases of all descriptions, cosmetic cases; ladies' evening bags, ladies' handbags, handbags of all descriptions, shopping bags; making and/or fitting zippers, wallets, purses, pouches, folio or folio covers of all descriptions, leather or fabric gloves and mitts of all descriptions, leggings, hat leathers, designing, leather coats, leather hats or caps, rifle and/or gun covers, rifle pouches and belts; play suits of leather or fabric, artificial limb and appliances including surgical belts and surgical supports of leather, canvas, webbing or other like material, sails (including the designing thereof), tents, tarpaulins, rigging, flags, nose bags, anti-fouling bags; water bags, waterbed mattresses; weather cloths, dodgers, canvas, duck or calico bags of all descriptions, blinds of all descriptions (including venetian blinds), inside or out, mast coats, awnings, sail covers, canvas, duck, fabric or calico covers of all descriptions, canopies; canvas or coir save-alls, slings of all descriptions, wind sails, hose of all descriptions, covers for wings of aeroplanes, or component parts of aeroplanes of canvas, fabric, or other like material, parachute, parachute harness, car safety harness of leather, canvas, webbing, or other like material, seat covers; aeroplane hangars, sheds (Belman or others), components of aeroplane hangars, sheds or houses of canvas, fabric or other like material, mail bags, fenders, cargo nets, ships' gear, boat covers marquees, skillions binding and conveyor aprons, gaskets and washers of leather, canvas or other like material, industrial mops, camp beds, deck chairs, camp furniture, rope or wire splicing and all classes of goods other than boots, shoes and slippers, made from leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, and/or all substitutes (including plastics and vinyl) for leather, pelts, fabric, canvas, fibre or vulcanized fibre, webbing, used in the industries also machining in all sections and on spraying.

Part 4:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits in the Northern Territory:-

Ambulance and first aid attendants; Pastoral, Agricultural, Horticultural, Viticultural, Dairying, productions and/or processing of game and poultry; Fruitgrowing, Sugar-growing, Cane-cutting, Cotton-growing, Rabbit-trapping, Timber-getting, Saw-milling, Building Industry, Butchering and Meat Industry, Brick-making Industry; manufacture of cement, concrete and/or concrete

products; the manufacture of boards, panels and all types of building materials, joinery and glazing whether or not performed at a building site, carpet laying, cabinet making, furnishings and furniture making, assembling and finishing; Cotton Industry; industry of searching, boring for, extracting, storing, transmitting, processing of water, oil, hydro-carbons and/or any other mineral or element (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); oil industry, hydro-carbon industry (excepting persons principally engaged in the transportation of goods or persons upon private roads by motor vehicle and who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia, as at the 1st day of July, 1977, had remained in force); Mining Industry, Milling, Smelting and refining of Ores, quarrying, crushing and/or processing industry of quarry materials; construction and maintenance of Rivers and Harbours, Diving, Waterside-Workers, Construction and Maintenance of Roads, Aerodromes, Water and Sewerage Works including conservation and irrigation, Public Works and Services, prevention, suppression and extinguishment of fires, (excepting persons employed under the provisions of the Commonwealth Public Service Act), hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services, other than persons employed by the Harry Giese Centre, Tangentyere Council, FORWARD, YWCA Youth Refuge (Darwin), Katherine Aboriginal Action Group, Alice Springs Drug and Alcohol Services Association and Institute for Aboriginal Development and excluding registered medical practitioners other than those employed in non-government aboriginal health services and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such), Construction and Maintenance of Fuel Oil and Petrol Tanks, and Pipelines, Municipal Works and Services, Construction and Maintenance and Operation of Railways, Surveying, the industry of harvesting and/or processing of finfish (wet fish), crustacea, molluscs and/or plankton (whether for commercial or for game purposes) and whether on water or on land; Net-making, Clerical work, Brewing, Motor Driving, Shipping, Saddle-making, flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; Baking, including bread manufacturing, pastry cooking, biscuit making, industry; Cordial and aerated waters manufacturing, fruit juices and all alcoholic and non-alcoholic drinks, the industry of hairdressing and scalp treatment and/or beauty care and/or body care massage; all workers engaged in the conduct of Hotels, Clubs, Restaurants, motels, boarding establishments, guest houses, hostels and/or any other type of

accommodation and/or catering, food preparation and/or processing industry; the provision, conduct, or supervision in clubs, hotels, motels, restaurants, tourist complexes, convention centres or casinos or games of chance or any other gambling activities or facilities Shops, Stores, Laundries, employees employed in or in connection with, including selling tickets by any means in connection therewith, in or about any kind of amusement, whether indoor or outdoor, including Picture Theatres, sporting and amusement establishments, persons employed to perform work in the service of any port authority whether or not the port authority is included within the definition of "the Public Service" in Section 3 of the Public Service Arbitration Act, 1920-1973 (except persons employed to perform work for Nabalco Pty. Limited or any subsidiary or successor thereof at Gove of any kind referred to in the definition of 'waterside worker' as defined in the Stevedoring Industry Act 1956 to 1973), and all kinds of general labour.

Without in any way limiting, or being limited by, the generality of the foregoing, the Union shall also consist in the Northern Territory of persons employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits:-

(A) Civil and/or mechanical engineering;

(B) The construction, industry, including -

The building, construction, erection, maintenance, repair and/or demolition of:-

(a) Any building, plant, complex or structure; or

(b) Any civil or mechanical engineering project or work.

(C) All work in joinery establishments or establishments concerned with the prefabrication of items (including structures) for use in or in connection with building or construction.

(D) All work or works ancillary or incidental to any of those covered by the paragraphs (A), (B) or (C) above.

Provided that in the Northern Territory, unless eligible otherwise under these rules, apart from this sub-rule (iii), the following shall not be eligible for membership:-

a. any boilermaker or any of the following persons engaged or employed in the engineering industry, viz.: Fitters, Turners, Machinists, Blacksmiths, Plumbers, Electrical Fitters, Pattern-makers and Engineers generally;

b. any person or classes of persons who are eligible to become members of the Australasian Meat Employees Union;

c. persons employed under the provisions of the Commonwealth Public Service Act and eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Public Service Association (Fourth Division Officers).as at 17 March 1953, the Electrical Trades Union, the Commonwealth Public Service Artisans Association, The

Amalgamated Postal Workers' Union of Australia, The Federated Union of Locomotive Enginemen, the Commonwealth Public Service Clerical Association, the Storemen and Packers' Union;

- d. persons employed under the provisions of the Commonwealth Railways Act 1917-1950 in the Commonwealth Railways from Alice Springs to Quorn, eligible for membership pursuant to the existing conditions of eligibility for membership in the Australian Workers' Union;

- e. persons principally engaged in the transportation of goods or persons upon public roads by motor vehicle except in or in connection with the following industries:

Pastoral; Construction and Maintenance and Operations of Railways; Municipal Works and Services; Mining (except employees of Groote Eylandt Mining Co. Pty. Ltd. at Groote Eylandt, and employees engaged in mining or treating bauxite at Gove); Milling, Smelting and Refining of Ores; Quarrying; Building and Construction Works; Public Works and Services; Construction and Maintenance of Roads, Aerodromes, Water and Sewerage.

- f. clerks (other than storeman-clerks, station book-keepers, and shipping clerks).

Part 5:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule the description of the industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely:-

In the State of New South Wales

artists' model; billiard marker, manufacture of pyram aircraft and industrial components therefor; manufacture of window display models (otherwise than in a shop or wholesale warehouse) excepting such articles made of metal; trained, trainee and untrained make-up artist (excluding persons employed in a shop or in or in connection with the sale or demonstration of cosmetics perfumes and toilet preparations); persons employed in or in connection with the manufacture, processing, warehousing and despatch of refined sugar, refined sugar products, carbon dioxide, alcohol and other distillery products and/or of building and associated materials in the establishments of the CSR Limited and CSR Timber Products at Pymont or in establishments operated in lieu thereof, persons employed or usually employed in or in connection with experimental research and pilot plant work at the establishment of CSR Research Pty Ltd, but excluding in respect of each of the said establishments persons who are Staff employees employed at a yearly rate of pay and tradesmen's assistants and metal workers (but not riggers).

In the State of Queensland

manufacture of compressed fibre board and similar products; beauty treatment, hairdressing, scalp treatment, wigmaking including barber, beautician, hairdresser, hairworkers, manicurist, maxillo-facial technician, wigmaker; oil extracting and processing; manufacture of ship or boat fenders; modelling, compering, including mannequins and mannequins' comperes (excluding persons employed in a shop); pharmaceutical chemist or unregistered pharmaceutical chemist; industrial chemist; laboratory assistant; dental technologist; radiographer; attendant, assistant and/or receptionist in dentists' doctors' and optometrists' surgeries and/or consulting rooms; ambulance transport brigade and first aid duty attendants other than Superintendent, General Secretary or Secretary of the Queensland Ambulance Transport Brigades; swimming baths and/or pools; libraries (except library attendant principally engaged in clerical duties); optical mechanics and technicians, assistants and attendants to opticians, spectacle makers; jeweller, watchmaker including mounter, setter, chainmaker, swivelmaker, bolt ringmaker, ringmaker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser, engraver, watch, clock, clockwork, electric and spring dial clockmaker, repairer, attendant and winder, jeweller's tool maker and renovator of electroplated ware, metal badge maker, enameller, jewel case maker, engraving copper plates, seal dies or other dies stamps and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches clocks teacher aide; used car yards; tow truck operating; sportsgrounds; laundrettes and/or laundromats; accommodation industry including all employees employed in domestic work in boarding houses, accommodation houses, motels (other than motels licensed to sell intoxicating liquor), flats, clubs, hostels (but in respect of hostels excluding employees of the Commonwealth in the Department of Supply or in or in connection with the Armed Services), residential colleges and similar types of establishments; biscuit manufacture including all employees employed in handling, manufacturing, packing and distributing biscuits in biscuit manufacturing establishments; bread baking including all employees employed in handling, manufacturing, packing and distributing bread and bread crumbs in bread bakeries and/or bread bakery depots; catering including all employees employed in establishments (other than Commonwealth employees in the Department of Supply or in or in connection with the Armed Services and other than persons engaged for two hours or more per shift in mixing and dispensing intoxicating liquor, and drink waiters and drink waitresses and cellarmen in clubs and/or restaurants), businesses, clubs, canteens and institutions or sections thereof which cater for and/or prepare and serve food or food and drinks excluding persons employed in or in connection with airports; confectionery manufacture, including all employees employed in handling, manufacturing and distributing confectionery; flour milling including all employees employed in handling, manufacturing, packing and distributing flour in flour mills and/or flour mill depots; pastrycooking, including all employees employed in handling, manufacturing, packing and distributing cakes, pastrycooks goods, and cheesecakes and/or similar products in pastrycooking, cake making and/or any establishment wherein such goods are made and shop assistants employed in pastrycook's and cake shops; provided that, except where the context otherwise

indicates, persons principally engaged in selling or distributing goods or in selling or demonstrating cosmetics, perfumes and toilet preparations shall not be eligible for membership pursuant to the foregoing provisions of this part of this paragraph.

In the State of South Australia

- (A) cycle building, assembling and repairing; milk or cream depots; manufacture of products from milk or cream; motor tyre retreading or repairing; rubber worker; jeweller; watchmaker; optical mechanic; preparation for sale of poultry (poultry catchers at poultry raising establishments only); stonemason, including, without limiting the meaning of the foregoing term, persons employed in or in connection with the work of cutting or dressing or preparing or setting of all kinds of stone, marble, slate, terrazzo or similar compositions used for or in connection with building or monumental work; registered pharmaceutical chemist employed as a manager or a managing assistant of a hospital dispensary, the dispensary of a medical practitioner or public institution or as:-

assistant who is a qualified pharmaceutical chemist, or as:-

apprentice to a pharmaceutical chemist who is serving under Articles of Apprenticeship duly registered with the Pharmacy Board of South Australia or as:-

unregistered assistant who has not served an apprenticeship to a pharmaceutical chemist or as:-

unregistered assistants who have served a prescribed term of apprenticeship under any Pharmacy Act, with a pharmaceutical chemist, and who are proceeding to registration as a pharmaceutical chemist, and who are engaged in or in connection with dispensaries connected with friendly societies or hospitals or public institutions or conducted as part of the practice of duly qualified medical practitioners; in the compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals, medicinal substances and admixtures thereof; provided that persons employed in a shop principally engaged in selling shall not be eligible for membership pursuant to the foregoing provisions of this paragraph, provided further that any person -

- (i) principally engaged as a hardware shop assistant, or a salesman, or who is a registered pharmaceutical chemist employed as a manager or managing assistant of a retail pharmacy, and

- (ii) who was, as at 31st August 1973, a member of the (S.A. Registered) F.M.W.U. of Australia

shall be eligible for membership.

- (B) Workers employed in the State Government Service and Government (i.e. State Government) Subsidised Institutions, and all district and other hospitals (except private hospitals).

- (C) An unlimited number of persons who are employed or usually employed to perform work in or in connection with any one or more of the following industries and/or industrial pursuits, namely:-

Hospitals, Benevolent Homes, Dispensaries, Asylums, Mental Hospitals, Sanitariums, Rest Homes, Retirement Communities and Homes, Convalescent Homes, Medical Schools, Laboratories, Colleges, Industrial and Other Homes, Charitable Institutions, Ambulance Work, Welfare Organisations, Doctors and/or Dental Surgeries, Clinics and Practices, Provision of Medical, Paramedical and/or Nursery Care for aged persons in Day Care Centres and/or Homes, Provision of care and training to the intellectually and/or physically disabled and/or psychiatrically disabled, and/or developmentally disabled and work ancillary thereto in Hostels, Day Care Centres and Homes (but excluding persons employed as social and/or welfare workers employed in social support services other than persons employed in the health industry and excluding medical practitioners and excluding registered or enrolled nurses or persons entitled to be registered or enrolled by any nurse registration authority employed as such).

In the State of Western Australia

- (A) manufacture, preparation or processing of butter, casein, cheese, milk or yoghurt; production and/or processing (by total environment methods) of game and poultry; manufacture and/or distribution of aerated waters, all types of soft drinks, fruit juices, cider, cordials and syrups; manufacture of records, rolls, tapes, or any such like article used for reproducing purposes; manufacture, preparation, processing or treatment of coated abrasives; candles; cotton; felt or felt products; glycerine; soap or soda; tobacco or tobacco products; teacher aide; ambulance and first aid attendant; rag picking; flock or cotton waste maker; rope and twine (excluding persons engaged principally in or in connection with the wholesale and/or retail industry); wool scouring (excluding persons employed in sorting and classing) or fellmongery; moulder; setter, chainmaker, swivelmaker, belt ring maker, repairer, ring maker, polisher, lapper, melter, refiner, bracelet and bangle maker, stamper, silversmith, spinner, goldsmith, gilder, chaser or engraver, watch, clock, clockwork, electric and spring dial clock maker, repairer, attendant and winder, jewellers' tool maker and optical technician, lapidaries' spectacle maker, maker and renovator of electroplated ware, (when working for jewellers or watchmakers other than persons employed in a shop principally engaged in selling), metal badge maker, jewel case maker, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches or clocks in any of the above branches (other than persons employed in a shop principally engaged in selling); drying and refining of salt; handling of scrap metals, or wrecking or dismantling of plant or machinery for scrap salvage other than in an establishment engaged principally in the production of iron and steel; reclamation of drums; and (excluding persons employed in a shop principally engaged in selling and persons engaged principally in or in connection with the making preparation handling

putting up reception sale demonstration and/or delivery of drugs, pharmaceutical goods and medicinal chemicals and cosmetics and perfumes), artificial fertilisers, acids, bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertiliser, sea-weed, lime or other mineral processing, and/or other chemical industries including potash, arsenical-compound, sodium, sodium-sulphate, saltpetre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hyposulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral wool, manganese sulphate, agrosan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silica-products, alkali chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and zinc sterrates, phthalicanhydride, sodium-bi-sulphate, sodium arsenate, lactic acid, sulphanilamide, phosphate-compounds, sulphur dioxide, carbon dioxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blow fly repellent, molasses manufacture or processing and also food processing works within the Kimberley Land division; provided that persons who are tradesmen's assistants riggers and metal workers employed in a maintenance section of an establishment in the foregoing industries shall not be eligible for membership pursuant to the foregoing provisions of this paragraph.

- (B) Persons employed or usually employed by the West Australian Government in the Department of Water Supply, Sewerage and Drainage (or any successor thereto) or by the Metropolitan Water Supply, Sewerage and Drainage Board (or any successor thereto).
- (C) Any person who is employed, or is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include:-

(a) Establishments operated other than for profit or by Government:-

(i) Providing accommodation and personal care services for frail, aged or handicapped persons and at which staff are available to help frail residents with bathing and dressing, cleaning rooms, personal laundry and oversight of medication and at all times, to assist in case of emergency: or

(ii) Operated as after-care mental hostels.

(b) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing and any establishment providing health care or medical services including, without limiting the generality thereof, any service for disabled, handicapped or aged persons.

The provisions of this paragraph (C) shall not apply to:

(a) persons who work in professional administrative and clerical capacities;

(b) persons employed in any classification which at the 1st day of July 1982 was covered by an award or a deemed consent award to which the Hospital Salaried Officers Association of Western Australia (Union of Workers) was a party.

(D) (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gatekeeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant (other than persons directly employed by Local Government authorities or Cemetery Boards), the following classifications of persons employed in National Parks, marine and nature reserves, parks, recreation camps and Zoological Gardens (other than persons directly employed in parks wholly operated by Local Government authorities or Cemetery Boards); keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger. (Provided that the term gardener shall include horticulturist).

- (b) A person employed, in any of the callings mentioned in paragraph (a) hereof, by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding any possible implication to the contrary from the foregoing, be eligible for membership of this union.
- (E) (a) Any graduate of a University or College of Advanced Education or Child Care Certificate Course or equivalent who -
- (i) holds a certificate, diploma or degree specialising in early childhood care and/or education; and
 - (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who is employed or usually employed in or in connection with pre-school teaching and/or child care and whether or not in a teaching capacity.
- (e) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age.
- (f) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in administration or supervision of services for education or care of children under the age of six years.
- (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (e) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
- (h) Persons employed as enrolled nurses or pupils undergoing training as enrolled nurses in child minding centres, health or physical culture studios.
- (F) Any persons employed as enrolled nurses or pupils undergoing training as enrolled nurses.
- (G) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.

(H) Persons employed in or in connection with the following callings or industries:

The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.

In the State of Tasmania

attendant, assistant or receptionist in dentists', doctors' and optometrists' surgeries or consulting rooms; domestic staff, groundsman or yardman in schools and colleges; industrial chemist; industrial chemists' assistant; hairdresser; manicurist; manufacture of products from milk or cream; radiographer; traffic warden; x-ray technician.

Provided that persons

- (a) principally engaged in the transportation of goods or persons by motor vehicles upon public roads (excepting in the State of New South Wales, persons employed by CSR Limited, CSR Timber Products or CSR Research Pty Ltd, in the State of Queensland, persons employed in ambulance transport brigades, and in the State of Western Australia, persons employed in ambulance services) and
- (b) who would be ineligible for membership if the rules of The Federated Miscellaneous Workers Union of Australia as at the first day of September, 1973, had remained in force shall not be eligible for membership pursuant to the foregoing provisions of this paragraph [paragraph (iv)].

Part 6:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely employment by the Flagstaff Industrial and Commercial Services Group Ltd. in the following business enterprises:

1. The Flagstaff Industrial and Commercial Services Group Ltd. (The Flagstaff Group)
2. Document Management Solutions
3. Flagstaff Engineering
4. Leisure & Coastal Canvas Supplies
5. Monika's Kreative Kitchen

excluding employees of any service undertaken by the Flagstaff Group concerning placement services for people with disabilities into open industries other than placements for existing employees of the Flagstaff Group.

Part 7:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely employment in the following business enterprises:

1. Access Industries
2. Fodi Industries

excluding employees of any service undertaken by Access Industries or Fodi Industries concerning placement services for people with disabilities into open industries other than those services which operate exclusively for persons employed by Access Industries or Fodi Industries and excluding employees of Access Industries or Fodi Industries who carry out work associated with the provision of residential services.

Part 8

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the following industries and/or industrial pursuits, namely;

persons, other than academic staff, wholly or substantially employed in the higher education industry.

In the State of Western Australia

employed by Murdoch University, Edith Cowan University, The University of Western Australia and Curtin University of Technology other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of New South Wales

employed by the University of New England, University of New South Wales (other than employees employed in the Medical School), University of Newcastle (other than employees employed in the Medical School), Charles Sturt University, University of Wollongong and the Southern Cross University, other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Victoria

employed by the University of Melbourne, LaTrobe University, Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, LaTrobe University College of Northern Victoria, Victoria University of Technology, Royal Melbourne Institute of Technology, Victorian College of Pharmacy, Hawthorn Institute of

Education Limited, Victorian College of the Arts and Monash University other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations and other than Attendant Building, Parking Attendant, Engineering Services Officer and Plant Technician employed by Monash University.

In the State of Tasmania

employed by the University of Tasmania other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Northern Territory

employed by the Northern Territory University.

In the State of South Australia

employed by the University of Adelaide, Flinders University of South Australia and the University of South Australia other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the State of Queensland

employed by the University of Queensland, Griffith University, James Cook University of North Queensland, Queensland University of Technology, The University of Central Queensland and the University of Southern Queensland other than professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations.

In the Australian Capital Territory

employed by the Australian National University and the University of Canberra.

Part 9:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely Baking and Flour and Sugar Goods.

Part 10:

(A) Without in any way limiting and without in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: any persons employed as an ambulance employee in Victoria, together with such persons whether employees engaged in the industry or not as have been elected to office in the Ambulance Employees Association of Victoria - a section within the Australian Liquor, Hospitality and Miscellaneous Workers Union, Miscellaneous

Workers Division, Victorian Divisional Branch and who have been admitted as members thereof, provided that any employee who is eligible for membership of the Shop, Distributive and Allied Employees Association of Australia, shall not be eligible for membership under this sub-rule.

(B) (1) Without limiting or in any way being limited by the conditions of eligibility for membership elsewhere in this rule, the following persons shall also be eligible for membership: all employees who work in or in connection with the provision of ambulance services in Victoria.

(2) Without limiting the generality of sub-rule (ix) (B) (1), "ambulance services" include the following work: emergency patient care of the kind customarily provided by ambulance employees, patient transport, ambulance communications, clerical and administrative work in connection with the provision of ambulance services including the collection and processing of ambulance subscriptions and patient accounts, the maintenance of ambulance infrastructure, equipment and vehicles and the provision of supervision and training services for the foregoing employees.

Part 11:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed by Aboriginal Hostels Limited in hostels or similar accommodation.

Part 12:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed by Wattyl Ltd and Pascol Paints Australia Pty Ltd in or in connection with retail paint outlets in New South Wales, Australian Capital Territory and Northern Territory.

Part 13:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the Industry of Bread (including hamburger buns, bread rolls and crumbs), Yeast Goods, Crumpets, Cakes, Pastry, Pastry Goods and Allied Products Manufacture and Distribution from the manufacturer to the manufacturer's customer. Provided that the industry shall not include any persons who are or would have been

eligible for membership of the Transport Workers' Union of Australia in accordance with its registered rules as at 19 October 1978 except:

- (i) persons in the States of Victoria, New South Wales and Queensland who are wholly or partly engaged in the industry of bread carting including bread carters, spare drivers, foremen carters, bread-packers, inspectors, and collectors; or
- (ii) persons in the States of South Australia and Tasmania engaged in the selling, carting or delivery by carting of bread, cakes, pastry, biscuits, and allied products (but not including crumpets in the State of South Australia).

Part 14:

All persons employed or to be employed by an Australian Public Service employer in the Territory of the Cocos Islands in or in connection with the industry or industrial pursuits of building, construction and maintenance where such employers are employed from the local population of the Cocos Islands.

Part 15:

Without in any way limiting and without in any way being limited by the description of industries and/or industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely all persons employed or to be employed in the cultivation, production and harvesting of pearls and cultured pearls, in the Northern Territory, employed as part of the operations of a pearl farm and who are wholly or usually employed on site at the pearl farm.

Part 16:

Without in any way limiting and without in any way being limited by the description of industries and industrial pursuits elsewhere in this rule, the description of industries and/or industrial pursuits in or in connection with which the Union is registered shall also include the following industries and/or industrial pursuits, namely, employment in the following business enterprises:

1. Aware Industries
2. North Eastern Handicapped Persons Association Inc.

Part 17:

Without in any way limiting or without in any way being limited by the descriptions of industries and/or industrial pursuits elsewhere in this rule the description of industries and/or industrial pursuits in or in connection with which the union is registered shall also include the industry of the employment of, and/or industrial pursuits of:

- (a) All persons employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public to be eaten on the premises or taken away provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the union who are employed in all work in or in connection with the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away:
- (i) where such work is carried out in shops or stores where this work is incidental to the primary role of the sale of consumer goods; and/or
 - (ii) in food service establishments which primarily provide a take away service where no alcohol is sold.
- (b) All persons employed in all work in or in connection with the preparation and sale of food and/or beverages where such persons are employed by race courses, sporting venues, clubs, entertainment venues, exhibition centres, convention centres and like establishments.
- (c) All persons engaged in privately run retail stores which are located on the following higher education campuses, namely:

In Western Australia:

Murdoch University,
Edith Cowan University,
University of Western Australia,
Curtin University of Technology.

In New South Wales:

University of New England,
University of New South Wales,
University of Newcastle,
Charles Sturt University,
University of Wollongong,
Southern Cross University.

In Victoria:

University of Melbourne,
La Trobe University,
Victorian College of Agriculture and Horticulture Limited,
Ballarat University College,
Deakin University,
Swinburne University of Technology,
La Trobe University College of Northern Victoria,
Victoria University of Technology,
Royal Melbourne Institute of Technology,
Victorian College of Pharmacy,
Hawthorn Institute of Education Limited,
Victorian College of the Arts,
Monash University.

In Tasmania:

University of Tasmania.

In Northern Territory:

Northern Territory University.

In South Australia:

University of Adelaide,
Flinders University of South Australia,
University of South Australia.

In Queensland:

University of Queensland,
Griffith University,
James Cook University of North Queensland,
Queensland University of Technology,
University of Central Queensland,
University of Southern Queensland.

In Australian Capital Territory:

Australian National University,
University of Canberra

- (d) All persons employed in stand alone photo processing establishments known as photographic mini-labs.
- (e) All persons employed in shopping centres where such persons are employed by centre managements to carry out catering, cleaning, security, parking, lift attending, gardening, greeting and other like work.
- (f) All persons employed by contract companies where found in the retail industry in the areas of catering, cleaning and security.
- (g) All persons employed by contract catering companies who work in or in connection with the preparation and sale of meals, snacks and/or beverages which are primarily sold to the public to be eaten on the premises or taken away.

Provided that notwithstanding anything in these rules to the contrary persons not otherwise eligible for membership shall not in consequence of the foregoing be eligible to join the Union who are:

- (i) All persons employed and/or to be employed in food services establishments trading as "Pizza Hut".
- (ii) All directly employed persons engaged in retail stores in cleaning, store greeting, security, lift attending, store cafeterias and food services involving the preparation and sale of meals, snacks and/or beverages which are sold to the public primarily to take away and employees engaged in the photo processing sections of such stores.

- (iii) All persons employed in photographic and camera stores.
- (iv) All persons employed in the preparation and/or sale of take away food and/or beverages in food courts in shopping centres.

Provided further that nothing in this sub-rule (xvi) of this rule shall make eligible for membership employees employed in the State of Queensland outside the South Eastern Division of Queensland [being the area within the following boundaries in the State of Queensland: commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude; thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast; and thence by the sea coast southerly to the point of commencement; and all islands comprised in any state or federal electorate in the South-Eastern Division of Queensland]

Part 18:

Provided that persons (not otherwise eligible for membership) employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast, and its associated facilities, shall not be eligible for membership.

Part 19:

Provided that all persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are directly engaged in the production of film and television programmes) and Wet 'N' Wild Water Slide Complex at Oxenford in the State of Queensland shall not be eligible for membership.

And provided that persons employed or to be employed by Dreamworld Productions Pty Ltd at Dreamworld Theme Park, Coomera, Queensland shall not be eligible for membership.

Part 20:

Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons."

Information contained in the application and supporting documents concerning the reasons for the proposal and the effect of the proposal is as follows:

1. So that the conditions of eligibility for membership and the description of industries in connection with which the applicant is registered will be set out more clearly and adequately.
2. So that the arrangement of the rules into "Parts" in the proposed altered rules more logically reflects a sequential arrangement of the rules relating to conditions of eligibility and description of industries.
3. To provide eligibility for membership by a proposed new Part 17 in the proposed Rule 3, Conditions of Eligibility, for any person elected or appointed as an officer of the union or who is an official employed by the union to carry out the duties specified in that Part. It is appropriate and industrially proper for the persons sought to be covered to be members of the applicant. It is in the interests of such persons and is convenient for such persons to be members of the applicant.
4. Consequent upon the proposed insertion of a new Part 17 into the proposed Rule 3, Conditions of Eligibility, references in various other parts of the rule to persons having been appointed or elected as officers of the union are redundant and therefore should be removed.
5. To delete outdated terminology from the proposed rules.
6. To rearrange the "Parts" in the proposed Rule 4, Description of Industries, so that they sequentially as far as possible match the corresponding provision in the proposed Rule 3, Conditions of Eligibility.
7. For consistency, to insert a proposed new Part 19 and Part 20 into the proposed Rule 4, Description of Industries, to match identical respective corresponding provisions in the current eligibility rule of the union. Such provisions while contained in the current eligibility rule, have not been included in the current description of industries rule.

Any interested organisation, registered under the Workplace Relations Act 1996, association or person who desires to object to the application may do so by lodging in the Industrial Registry a written statement within thirty-five (35) days after publication of this advertisement and by serving on the organisation (whose address for service is: PO Box K975 HAYMARKET NSW 2000) within seven (7) days after the notice of objection has been lodged, copies of the notice of objection and the written statement so lodged.

M. Kelly
Industrial Registrar

9605165

J0345 V001 S Print P0767

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

Workplace Relations Act 1996

s.141 application for common rule declaration

Media, Entertainment and Arts Alliance

(C No. 90011 of 1997)

JOURNALISTS (AUSTRALIAN CAPITAL TERRITORY GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES) AWARD 1996

(ODN C No. 90182 of 1996)

[Print N6067J0345]]

Various employees

COMMISSIONER LARKIN

Commonwealth employment

CANBERRA, 3 JUNE, 1997

*Award declared common rule in the Australian Capital Territory***DECLARATION**

1. That the whole of the terms of the Journalists (Australian Capital Territory Government Departments and Instrumentalities) Award 1996 be a common rule of the relevant industry in Public Sector Employment and shall be binding on all employers in the said industry in respect of the employment by them of employees in the classifications or performing classes of work which provision is made in the said Award.
2. That this declaration shall not apply to the extent of the declaration of common rule in respect of the Journalists' (Australian Government Instrumentalities, Authorities and Agencies etc) Award 1991 [Print N1201J0041]] in matter C No. 90134 of 1996 concerning that award.
3. That this declaration shall not apply to the President of the Senate and the Speaker of the House of Representatives.
4. That the foregoing declaration shall operate from 7 May 1997.

BY THE COMMISSION:

COMMISSIONER

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

*Workplace Relations Act 1996***NOTICE UNDER SUB-SECTION 142(4) IN RELATION TO VARIATION OF A COMMON RULE**

IN the matter of

ACTORS ETC. (TELEVISION) AWARD 1979 (A0003) C NO. 22943/96**ACTORS FEATURE FILM AWARD 1979 (A0210) C NO. 22942/96****THE BUILDING AND CONSTRUCTION INDUSTRY (ACT) AWARD 1991 (B0171) C NO. 21216/97****RETAIL AND WHOLESALE INDUSTRY SHOP EMPLOYEES - AUSTRALIAN CAPITAL TERRITORY - AWARD 1996 (R0017) C NO 33922/96**

AND in the matter of the variation of the above award

Notice is hereby given

- (a) That the Commission has varied the term/s of the above-mentioned award referred to in the Schedule below:
- (b) That the variation will be a common rule of the Australian Capital Territory in the industry as shown in the Schedule below.
- (c) That any person or organisation interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected at the Australian Industrial Registry at Level 4, CML Building, University Avenue, Canberra free of charge.

SCHEDULE OF TERMS TO BE VARIED

Award code & Variation No	Clause	Substance	Date of effect
A0003 V040	2,8,13,14, 27,37	October 1995 3rd SNA	11.10.96
A0210 V049	2,13,14,26, 33,38,45	October 1995 3rd SNA	11.10.96
B0171 V025	2,8,9,11,12, 20,21,App.I, II,IV,Sched.A	SNR-April 1997- wage rates etc.	15.05.97
R0017 V005	15,18,21,28	Wages-SNR April 1997	16.05.97

Dated this 11th day of June 1997

Christine Hayward

Deputy Industrial Registrar

Workplace Relations Act 1996
Australian Industrial Registry
Principal Registry
Nauru House
80 Collins Street
Melbourne Vic 3000

(Postal Address:
GPO Box 1994S
Melbourne Vic 3001)

NOTICE OF APPLICATION FOR CONSENT TO
AN ALTERATION OF ELIGIBILITY RULES

(D No. 30016 of 1997)

NOTICE is given that an application has been made under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of **National Tertiary Education Industry Union**.

The alteration is sought from the following:

6 - Eligibility for Membership

6.1 Persons shall be eligible for membership who are employed as academic staff in the industry of persons employed in or in connexion with tertiary education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or in the other occupations specified in this sub-rule who are employed in the industry of persons employed in or in connexion with higher education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or who are employed in the industry of persons employed in or in connexion with tertiary or adult education in Victoria; in any one or more of the following positions or in any class of work which forms a substantial part of the duties of such positions:

- (a) Deputy Vice-Chancellor, Pro-Vice-Chancellor, Vice-Principal, Deputy Principal, Assistant Principal, Professor, Associate Professor, Assistant Professor, Reader, Principal Lecturer, Senior Lecturer, Lecturer, Assistant Lecturer, Associate Lecturer, Principal Tutor, Senior Tutor, Tutor.
- (b) Professorial Fellow, College Fellow, Senior Fellow, Principal Fellow, Junior Fellow, Fellow, Principal Research Fellow, Senior Research Fellow, Junior Research Fellow, Research Fellow, Senior Teaching Fellow, Teaching Fellow, Institute Fellow.
- (c)
 - (i) Senior Research Assistants and Research Assistants (other than in Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia).
 - (ii) Research Officers at the Australian National University
- (d) Senior Demonstrator, Demonstrator, Senior Instructor, Instructor, Principal, Instructor, Senior Supervisor, Supervisor, Clinical Supervisor, Clinical Educator, Nurse Educator, Clinical Teacher, Clinical Instructor, Clinical Tutor, Language Teacher.

- (e) Director of School, Director of Department, Head of School, Head of Department, Head of Courses and Planning, Director of Institute, Director of Specialist Centre, Director of Unit, Chairperson of Department, Director of Division, Co-ordinator, Head of Faculty, Deputy Director of School, Deputy Director of Department, Deputy Head of School, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Institute, Deputy Director of Specialist Centre, Deputy Director of Unit, Deputy Chairperson of Department, Deputy Director of Division, Deputy Co-ordinator, Deputy Head of Faculty.
- (f) Dean, Sub-Dean, Associate Dean, Dean of Faculty.
- (g)
 - (i) (other than at the University of Newcastle, the University of New South Wales and the University of Wollongong) University Librarian, Assistant University Librarian, Associate Librarian and Deputy Librarian.
 - (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania, and Western Australia) Assistant Librarian and Principal Librarian.
 - (iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland and Tasmania) Senior Librarian.
 - (iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and at Murdoch University) Librarian and Divisional Librarian.
 - (v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia) Library Assistant and other qualified library staff.
- (h)
 - (i) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Western Australia), Registrar, Bursar and Deputy Bursar.
 - (ii) (other than in Universities in the Northern Territory, New South Wales, Tasmania and Western Australia) Assistant Registrar.
 - (iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Deputy Registrar.
 - (iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales and Tasmania) University Secretary.
 - (v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Business Manager and Comptroller.
 - (vi) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Principal Administrative Officer, Senior Administrative Officer, Administrative Officer, Professional Officer and other Administrative Staff.

- (i) (i) (other than in Universities in New South Wales) Physician.
- (ii) (other than in Universities in the Australian Capital Territory, New South Wales, and Tasmania) Senior Student Counsellor.
- (iii) (other than in Universities in the Australian Capital Territory, Tasmania and New South Wales except the University of Sydney) Student Counsellor.
- (j) (i) (other than at the University of Newcastle, the University of New South Wales, the University of Wollongong, the University of Western Australia and Murdoch University) University Archivist.
- (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania and Western Australia) Senior Archivist and Archivist.
- (k) Warden and Head of a University Hall, Residence or College.
- (l) (i) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) University Architect.
- (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) Deputy University Architect and other qualified Architects employed in the University Architect's office, University Engineer, Deputy University Engineer, Controller of Buildings, Controller of Buildings and Grounds and Controller of Grounds.

6.2 Notwithstanding anything contained in sub-rule 6.1 of this Rule, membership of the Union shall be open to persons in the following positions:

- (a) The positions of all professional, administrative, clerical, computing and technical staff (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 associations of students or students and others, whether incorporated or not, which exist primarily or exclusively for the purpose of providing services to, or representation of, students of higher education institutions.
- (b) The positions of professional, administrative, clerical, computing and technical staff employed by the Australian National University or the University of Canberra, not including tradespersons or, at the University of Canberra, nurses; but including the following occupations howsoever named:

- Transport Officers
- House Officers/Assistants
- Building Supervisors
- Gallery/Museum Attendants
- Sports Centre Attendants
- Swimming Pool Attendants
- Dental Assistant
- Library Attendant
- Veterinary Assistant

Projectionist
Animal Nurse
Graphic Artist
Artist
Laboratory Attendants
Curatorial Assistant
Driver

and the following classes of work (howsoever named):

Photography
Mail sorting and distribution
Supply and stores work
Managerial
Supervisor (but not supervisory in relation to food or liquor catering)

- (c) The positions of employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by the University of Melbourne, La Trobe University, the Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, La Trobe University College of Northern Victoria, Victoria University of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts, the Royal Melbourne Institute of Technology and the Australian Catholic University in the State of Victoria and in the Australian Capital Territory.
- (d) Positions of employees in professional, administrative, clerical and technical occupations (excluding trades, but including Attendant-Building, Parking Attendant, Engineering Services Officer and Plant Technician) employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by Monash University.
- (e) Positions of employees employed by the Adelaide University Union Bookshop Pty Ltd., and the positions of employees of the University of Adelaide employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes.
- (f) The positions of all professional, administrative, clerical, computing and technical staff employed by associations of staff (or branches of such associations) of universities and Colleges of Advanced Education in Victoria (other than, subject to sub-rule 6.2.(g) of this Rule, Deakin University, La Trobe University, Monash University, the University of Melbourne and the Victoria University of Technology), which associations (incorporated or unincorporated) are established in connection with such universities or Colleges of Advanced Education or any one or more of them.
- (g) The positions of keyboard, secretarial clerical, administrative, technical, and professional staff employed by the Howard Florey Institute, the Walter and Eliza Hall Institute, the Baker Institute, the Ludwig Institute and the Murdoch Institute.

- (h) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff employed in Colleges of Technical and Further Education in the State of Victoria except the positions of:
- (i) all classes of Nursing employees
 - (ii) all classes of employees engaged in childcare work including Mothercraft Nurses
 - (iii) teaching staff.
- (i) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff:
- (i) employed in Victoria by the Council of Adult Education; or
 - (ii) employed in Victoria by a non-profit, community-based provider of adult, continuing or further education which provider's primary or exclusive business is the provision of adult, continuing or further education
- but not including:
- (iii) the Director of the Council of Adult Education;
 - (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;
 - (v) Crown employees.
- (j) The positions of persons employed in Victoria by a non-profit provider of adult, continuing or further education in the following occupations:
- (i) adult literacy and basic education co-ordinator (howsoever named), being an employee who organises for adults the provision of courses of study towards the completion of certified education at the secondary level of education and/or the provision of literacy or numeracy education including courses in English as second language; or
 - (ii) further education short-course co-ordinator (howsoever named) being an employee who organises for adults the provision of courses of study for the purposes of skill development, recreation or personal development;
- but not including:
- (iii) the Director of the Council of Adult Education;
 - (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;
 - (v) Crown employees.
- (k) The positions of Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor who are paid on academic salary scales at the Australian Maritime College; and positions occupied by persons as at 1 June 1993 who are paid on academic salary scales:

- (i) In Colleges of Advanced Education in Queensland: Principal Librarian, Counsellor and Computer Manager;
 - (ii) In Colleges of Advanced Education in Tasmania other than the Australian Maritime College: Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor;
 - (iii) In Colleges of Advanced Education in Western Australia: Principal Librarian, Senior Librarian and Counsellor;
 - (iv) In Colleges of Advanced Education in the Australian Capital Territory: Registrar, College Secretary, Librarian and Counsellor.
- (l) The following positions:
- (i) Macquarie University: Student Medical Officer;
 - (ii) Murdoch University: Veterinary Resident, Senior Education Officer, Education Officer, Assistant Education Officer, Research Assistant (where there is an academic nexus and status) Research Officer (where there is an academic salary nexus and status);
 - (iii) University of Sydney: Student Health Doctor;
 - (iv) University of Tasmania (Hobart Campus): Business Manager (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retains an academic salary nexus) Senior Administrative Officer (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retain an academic salary nexus) Library Staff (while the occupants of the positions retain an academic salary nexus);
 - (v) University of Western Australia: Curator of the Anthropology Museum.
 - (vi) The positions of any persons employed by the University of Western Australia who have an academic salary nexus and academic status.
 - (vii) University of Western Australia: Director - Student Health Service, Deputy Registrar, Director - Media Services, Director - University Extension, Senior Extension Officer, Extension Officer. Provided that, subject to sub-rule 6.2.(1)(vi) of this Rule, only such persons who occupied one of these positions on 28 May 1985 shall be eligible for membership.
- (m) (i) The General Secretary of the Federated Australian University Staff Association, the General Secretary of the Union of Australian College Academics, the Secretary of the Union of Australian College Academics (Victorian Branch), and the Secretary of the Union of Australian College Academics (South Australian Branch), as at the date of amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.

- (ii) The Secretary of the Australian Colleges and Universities Staff Association, as at the date of the amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.

6.3 All members of the Union shall be entitled to retain their membership status in the event that they become employees of the Union.

6.4 Notwithstanding anything contained in this Rule, persons who are, as at the date of registration of the National Tertiary Education Industry Union, members of the Australian Colleges and Universities Staff Association and who are employees of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian National University Administrative and Allied Officers Association or the University of Adelaide General Staff Association shall be eligible for membership of the Union.

6.5 Notwithstanding sub-rules 6.1, 6.2, 6.3 and 6.4 of this rule, the following persons shall not be eligible for membership of the Union:

- (a) Persons engaged in any clerical capacity and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever in any Institution located outside Victoria, South Australia and the Australian Capital Territory.
- (b) If the position of Assistant Vice-Chancellor of the Australian National University becomes a statutory office under the Australian National University Act 1946, the occupant of that position.
- (c) A person employed by the Australian National University who was eligible as at 24 August 1972 for membership of The Federated Miscellaneous Workers' Union of Australia.
- (d) Persons employed by the Australian National University who were eligible for membership of the Technical Service Guild of Australia as at 21 December 1976 and who are engaged for the majority of their time in servicing, repairing, maintaining, structurally altering and/or assembling business equipment, unless they were members of the Australian National University Administrative and Allied Officers Association at 21 December 1976 and wish to remain members of the Union.
- (e) A person employed by the Australian National University who was eligible as at 21 December 1976 for membership of the Printing and Kindred Industries Union.
- (f) Persons employed as teacher, principal teacher, tutor or Associate Director/Head of School (howsoever called) in Technical and Further Education Colleges (howsoever called) in Queensland.
- (g) Persons employed in any non-academic capacity in any Technical and Further Education Colleges (howsoever called) other than in Victoria.
- (h) Persons who would be eligible only by virtue of the reference to:

Supervisor, Senior Supervisor, Director of Division, Co-ordinator, Deputy Director of School, Director of Department, Deputy Director of Department, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Division, Deputy Co-ordinator;

in Sub-rules 6.1(d) and (e), and are eligible for membership of the State Public Services Federation.

(i) Persons employed by Curtin University, Edith Cowan University, University of South Australia, University of Western Sydney, University of Technology Sydney, Charles Sturt University, Australian Catholic University (New South Wales and Queensland campuses), University of Tasmania (Launceston campus), University of Southern Queensland, University of Central Queensland and the Queensland University of Technology who would be eligible for membership of the Union only by virtue of Sub-rules 6.1(g), (h), (i), (j), (k) or (l); except persons who were members of the Federated Australian University Staff Association as at 1 June 1993.

(j) deleted.

(k) Persons employed by the Northern Territory University except persons employed as academic staff.

6.6 The definition of institution as used in Rule 4.6 shall not be used to interpret this eligibility rule. No person shall be eligible for membership except by virtue of this rule.

6.7 Without prejudice to the generality of sub-rules 6.1, 6.2 and 6.3, membership of the union shall be open to persons in the following positions:

(a) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Open Learning Agency of Australia and the International Development Program of Australian Universities and Colleges Limited, or any body established to carry on the business of either of them, in Victoria, South Australia and the Australian Capital Territory;

(b) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Royal College of General Practitioners or any body established to carry on the business of that organisation.

6.8 (a) In this Rule, the term "employed" shall include engagement as an independent contractor, where such engagement is a contract for services and relates to performance of work by the independent contractor.

(b) In this Rule, the terms "staff", "employee" and "employees" shall include persons engaged as independent contractors as described in (a) above.

(c) A person who is qualified to be employed in, and is seeking to be employed in, an occupation which would make that person eligible for membership of the union shall also be eligible for membership.

(d) Nothing in this sub-rule shall have the effect of limiting the scope or effect of this rule.

to the following:

6 - Eligibility for Membership

6.1 Persons shall be eligible for membership who are employed as academic staff in the industry of persons employed in or in connexion with tertiary education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or in the other occupations specified in this sub-rule who are employed in the industry of persons employed in or in connexion with higher education in the Australian Capital Territory, the Northern Territory and the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; or who are employed in the industry of persons employed in or in connexion with tertiary or adult education in Victoria; in any one or more of the following positions or in any class of work which forms a substantial part of the duties of such positions:

- (a) Deputy Vice-Chancellor, Pro-Vice-Chancellor, Vice-Principal, Deputy Principal, Assistant Principal, Professor, Associate Professor, Assistant Professor, Reader, Principal Lecturer, Senior Lecturer, Lecturer, Assistant Lecturer, Associate Lecturer, Principal Tutor, Senior Tutor, Tutor.
- (b) Professorial Fellow, College Fellow, Senior Fellow, Principal Fellow, Junior Fellow, Fellow, Principal Research Fellow, Senior Research Fellow, Junior Research Fellow, Research Fellow, Senior Teaching Fellow, Teaching Fellow, Institute Fellow.
- (c)
 - (i) Senior Research Assistants and Research Assistants (other than in Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia).
 - (ii) Research Officers at the Australian National University
- (d) Senior Demonstrator, Demonstrator, Senior Instructor, Instructor, Principal Instructor, Senior Supervisor, Supervisor, Clinical Supervisor, Clinical Educator, Nurse Educator, Clinical Teacher, Clinical Instructor, Clinical Tutor, Language Teacher.
- (e) Director of School, Director of Department, Head of School, Head of Department, Head of Courses and Planning, Director of Institute, Director of Specialist Centre, Director of Unit, Chairperson of Department, Director of Division, Co-ordinator, Head of Faculty, Deputy Director of School, Deputy Director of Department, Deputy Head of School, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Institute, Deputy Director of Specialist Centre, Deputy Director of Unit, Deputy Chairperson of Department, Deputy Director of Division, Deputy Co-ordinator, Deputy Head of Faculty.
- (f) Dean, Sub-Dean, Associate Dean, Dean of Faculty.
- (g)
 - (i) (other than at the University of Newcastle, the University of New South Wales and the University of Wollongong) University Librarian, Assistant University Librarian, Associate Librarian and Deputy Librarian.
 - (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania, and Western Australia) Assistant Librarian and Principal Librarian.

- (iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland and Tasmania) Senior Librarian.
- (iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and at Murdoch University) Librarian and Divisional Librarian.
- (v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Queensland, Tasmania and Western Australia) Library Assistant and other qualified library staff.
- (h) (i) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Western Australia), Registrar, Bursar and Deputy Bursar.
- (ii) (other than in Universities in the Northern Territory, New South Wales, Tasmania and Western Australia) Assistant Registrar.
- (iii) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Deputy Registrar.
- (iv) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales and Tasmania) University Secretary.
- (v) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Business Manager and Comptroller.
- (vi) (other than in Universities in the Australian Capital Territory, Northern Territory, New South Wales, Tasmania and Western Australia) Principal Administrative Officer, Senior Administrative Officer, Administrative Officer, Professional Officer and other Administrative Staff.
- (i) (i) (other than in Universities in New South Wales) Physician.
- (ii) (other than in Universities in the Australian Capital Territory, New South Wales, and Tasmania) Senior Student Counsellor.
- (iii) (other than in Universities in the Australian Capital Territory, Tasmania and New South Wales except the University of Sydney) Student Counsellor.
- (j) (i) (other than at the University of Newcastle, the University of New South Wales, the University of Wollongong, the University of Western Australia and Murdoch University) University Archivist.
- (ii) (other than in Universities in the Australian Capital Territory, New South Wales, Queensland, Tasmania and Western Australia) Senior Archivist and Archivist.
- (k) Warden and Head of a University Hall, Residence or College.

(1) (i) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) University Architect.

(ii) (other than in Universities in the Australian Capital Territory, New South Wales, Tasmania and Western Australia) Deputy University Architect and other qualified Architects employed in the University Architect's office, University Engineer, Deputy University Engineer, Controller of Buildings, Controller of Buildings and Grounds and Controller of Grounds.

6.2 Notwithstanding anything contained in sub-rule 6.1 of this Rule, membership of the Union shall be open to persons in the following positions:

(a) The positions of all professional, administrative, clerical, computing and technical staff (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 associations of students or students and others, whether incorporated or not, which exist primarily or exclusively for the purpose of providing services to, or representation of, students of higher education institutions.

(b) The positions of professional, administrative, clerical, computing and technical staff employed by the Australian National University or the University of Canberra, not including tradespersons or, at the University of Canberra, nurses; but including the following occupations howsoever named:

Transport Officers
House Officers/Assistants
Building Supervisors
Gallery/Museum Attendants
Sports Centre Attendants
Swimming Pool Attendants
Dental Assistant
Library Attendant
Veterinary Assistant
Projectionist
Animal Nurse
Graphic Artist
Artist
Laboratory Attendants
Curatorial Assistant
Driver

and the following classes of work (howsoever named):

Photography
Mail sorting and distribution
Supply and stores work
Managerial
Supervisor (but not supervisory in relation to food or liquor catering)

- (c) The positions of employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by the University of Melbourne, La Trobe University, the Victorian College of Agriculture and Horticulture Limited, Ballarat University College, Deakin University, Swinburne University of Technology, La Trobe University College of Northern Victoria, Victoria University of Technology, Victorian College of Pharmacy, Hawthorn Institute of Education Limited, Victorian College of the Arts, the Royal Melbourne Institute of Technology and the Australian Catholic University in the State of Victoria and in the Australian Capital Territory.
- (d) Positions of employees in professional, administrative, clerical and technical occupations (excluding trades, but including Attendant-Building, Parking Attendant, Engineering Services Officer and Plant Technician) employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes, by Monash University.
- (e) Positions of employees employed by the Adelaide University Union Bookshop Pty Ltd., and the positions of employees of the University of Adelaide employed wholly or substantially in the higher education industry or in or in connexion with the provision of other educational programmes.
- (f) The positions of all professional, administrative, clerical, computing and technical staff employed by associations of staff (or branches of such associations) of universities and Colleges of Advanced Education in Victoria (other than, subject to sub-rule 6.2.(g) of this Rule, Deakin University, La Trobe University, Monash University, the University of Melbourne and the Victoria University of Technology), which associations (incorporated or unincorporated) are established in connection with such universities or Colleges of Advanced Education or any one or more of them.
- (g) The positions of keyboard, secretarial clerical, administrative, technical, and professional staff employed by the Howard Florey Institute, the Walter and Eliza Hall Institute, the Baker Institute, the Ludwig Institute and the Murdoch Institute.
- (h) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff employed in Colleges of Technical and Further Education in the State of Victoria except the positions of:
 - (i) all classes of Nursing employees
 - (ii) all classes of employees engaged in childcare work including Mothercraft Nurses
 - (iii) teaching staff.
- (i) The positions of all keyboard, secretarial, clerical, administrative, technical, and professional staff:
 - (i) employed in Victoria by the Council of Adult Education; or

- (ii) employed in Victoria by a non-profit, community-based provider of adult, continuing or further education which provider's primary or exclusive business is the provision of adult, continuing or further education

but not including:

- (iii) the Director of the Council of Adult Education;
 - (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;
 - (v) Crown employees.
- (j) The positions of persons employed in Victoria by a non-profit provider of adult, continuing or further education in the following occupations:

- (i) adult literacy and basic education co-ordinator (howsoever named), being an employee who organises for adults the provision of courses of study towards the completion of certified education at the secondary level of education and/or the provision of literacy or numeracy education including courses in English as second language; or
- (ii) further education short-course co-ordinator (howsoever named) being an employee who organises for adults the provision of courses of study for the purposes of skill development, recreation or personal development;

but not including:

- (iii) the Director of the Council of Adult Education;
 - (iv) the positions of persons eligible to be members of the Australian Social Welfare Union;
 - (v) Crown employees.
- (k) The positions of Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor who are paid on academic salary scales at the Australian Maritime College; and positions occupied by persons as at 1 June 1993 who are paid on academic salary scales:

- (i) In Colleges of Advanced Education in Queensland: Principal Librarian, Counsellor and Computer Manager;
- (ii) In Colleges of Advanced Education in Tasmania other than the Australian Maritime College: Reader Services Librarian, Technical Services Librarian, Computer Centre Manager and Counsellor;
- (iii) In Colleges of Advanced Education in Western Australia: Principal Librarian, Senior Librarian and Counsellor;
- (iv) In Colleges of Advanced Education in the Australian Capital Territory: Registrar, College Secretary, Librarian and Counsellor.

(l) The following positions:

- (i) Macquarie University: Student Medical Officer;
 - (ii) Murdoch University: Veterinary Resident, Senior Education Officer, Education Officer, Assistant Education Officer, Research Assistant (where there is an academic nexus and status) Research Officer (where there is an academic salary nexus and status);
 - (iii) University of Sydney: Student Health Doctor;
 - (iv) University of Tasmania (Hobart Campus): Business Manager (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retains an academic salary nexus) Senior Administrative Officer (only persons employed in such position(s) as at 1 June 1993 and only while the occupant(s) of the position(s) retain an academic salary nexus) Library Staff (while the occupants of the positions retain an academic salary nexus);
 - (v) University of Western Australia: Curator of the Anthropology Museum.
 - (vi) The positions of any persons employed by the University of Western Australia who have an academic salary nexus and academic status.
 - (vii) University of Western Australia: Director - Student Health Service, Deputy Registrar, Director - Media Services, Director - University Extension, Senior Extension Officer, Extension Officer. Provided that, subject to sub-rule 6.2.(1)(vi) of this Rule, only such persons who occupied one of these positions on 28 May 1985 shall be eligible for membership.
- (m) (i) The General Secretary of the Federated Australian University Staff Association, the General Secretary of the Union of Australian College Academics, the Secretary of the Union of Australian College Academics (Victorian Branch), and the Secretary of the Union of Australian College Academics (South Australian Branch), as at the date of amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.
- (ii) The Secretary of the Australian Colleges and Universities Staff Association, as at the date of the amalgamation of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian Colleges and Universities Staff Association, the Australian National University Administrative and Allied Officers Association and the University of Adelaide General Staff Association.
- (n) The positions of professional, administrative, computing and clerical staff employed by the Northern Territory University.

6.3 All members of the Union shall be entitled to retain their membership status in the event that they become employees of the Union.

- 6.4 Notwithstanding anything contained in this Rule, persons who are, as at the date of registration of the National Tertiary Education Industry Union, members of the Australian Colleges and Universities Staff Association and who are employees of the Federated Australian University Staff Association, the Union of Australian College Academics, the Australian National University Administrative and Allied Officers Association or the University of Adelaide General Staff Association shall be eligible for membership of the Union.
- 6.5 Notwithstanding sub-rules 6.1, 6.2, 6.3 and 6.4 of this rule, the following persons shall not be eligible for membership of the Union:
- (a) Persons engaged in any clerical capacity and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever in any Institution located outside Victoria, South Australia and the Australian Capital Territory.
 - (b) If the position of Assistant Vice-Chancellor of the Australian National University becomes a statutory office under the Australian National University Act 1946, the occupant of that position.
 - (c) A person employed by the Australian National University who was eligible as at 24 August 1972 for membership of The Federated Miscellaneous Workers' Union of Australia.
 - (d) Persons employed by the Australian National University who were eligible for membership of the Technical Service Guild of Australia as at 21 December 1976 and who are engaged for the majority of their time in servicing, repairing, maintaining, structurally altering and/or assembling business equipment, unless they were members of the Australian National University Administrative and Allied Officers Association at 21 December 1976 and wish to remain members of the Union.
 - (e) A person employed by the Australian National University who was eligible as at 21 December 1976 for membership of the Printing and Kindred Industries Union.
 - (f) Persons employed as teacher, principal teacher, tutor or Associate Director/Head of School (howsoever called) in Technical and Further Education Colleges (howsoever called) in Queensland.
 - (g) Persons employed in any non-academic capacity in any Technical and Further Education Colleges (howsoever called) other than in Victoria.
 - (h) Persons who would be eligible only by virtue of the reference to:

Supervisor, Senior Supervisor, Director of Division, Co-ordinator, Deputy Director of School, Director of Department, Deputy Director of Department, Deputy Head of Department, Deputy Head of Courses and Planning, Deputy Director of Division, Deputy Co-ordinator;
- in Sub-rules 6.1(d) and (e), and are eligible for membership of the State Public Services Federation.

- (i) Persons employed by Curtin University, Edith Cowan University, University of South Australia, University of Western Sydney, University of Technology Sydney, Charles Sturt University, Australian Catholic University (New South Wales and Queensland campuses), University of Tasmania (Launceston campus), University of Southern Queensland, University of Central Queensland and the Queensland University of Technology who would be eligible for membership of the Union only by virtue of Sub-rules 6.1(g), (h), (i), (j), (k) or (l); except persons who were members of the Federated Australian University Staff Association as at 1 June 1993.
- (j) deleted.

6.6 The definition of institution as used in Rule 4.6 shall not be used to interpret this eligibility rule. No person shall be eligible for membership except by virtue of this rule.

6.7 Without prejudice to the generality of sub-rules 6.1, 6.2 and 6.3, membership of the union shall be open to persons in the following positions:

- (a) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Open Learning Agency of Australia and the International Development Program of Australian Universities and Colleges Limited or any body established to carry on the business of either of them, in Victoria, South Australia and the Australian Capital Territory;
- (b) The positions of Professional, Administrative, Clerical and Technical Staff (including academic) employed by the Royal College of General Practitioners or any body established to carry on the business of that organisation.

6.8 (a) In this Rule, the term "employed" shall include engagement as an independent contractor, where such engagement is a contract for services and relates to performance of work by the independent contractor.

(b) In this Rule, the terms "staff", "employee" and "employees" shall include persons engaged as independent contractors as described in (a) above.

(c) A person who is qualified to be employed in, and is seeking to be employed in, an occupation which would make that person eligible for membership of the union shall also be eligible for membership.

(d) Nothing in this sub-rule shall have the effect of limiting the scope or effect of this rule.

Information contained in the application and supporting documents concerning the effect of the proposal and the reasons for the proposal is as follows:

the effect of the proposal:

The effect of the proposal is that professional, administrative, computing and clerical employees of the Northern Territory University, which employees are currently excluded by sub-rule 6.5, placitum (k), would become eligible for membership of the National Tertiary Education Industry Union.

the reasons for the proposal:

- (a) a substantial number of such employees are desirous of membership of the National Tertiary Education Industry Union.
- (b) The alteration reflects an agreement or understanding with another organisation of employees having eligibility rules in respect of the said employees.
- (c) The National Tertiary Education Industry Union is the organisation which already has the largest membership at the University, and can represent as effectively as any other organisation, the industrial interests of the said employees.
- (d) The National Tertiary Education Industry Union has given, or will give, relevant undertakings in respect of this application.

Any interested organisation, registered under the Workplace Relations Act, association or person who desires to object to the application may do so by lodging in the Industrial Registry a written statement within thirty-five (35) days after the publication of this advertisement and by serving on the organisation [whose address for service is: PO Box 1323, South Melbourne, 3205] within seven (7) days after the notice of objection has been lodged, copies of the notice of objection and written statement so lodged.

M. Kelly
INDUSTRIAL REGISTRAR

9605150

Workplace Relations Act 1996

Australian Industrial Registry
Research, Information and Advice Branch
Nauru House
80 Collins Street
MELBOURNE VIC 3000

Postal Address:
GPO Box 1994S
MELBOURNE VIC 3001

NOTICE OF APPLICATION FOR CONSENT TO
AN ALTERATION OF ELIGIBILITY RULES

(D No. 30011 of 1997)

NOTICE is hereby given that an application has been made under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of the Woolclassers' Association of Australia.

The alteration is sought from the following:

4 - INDUSTRY

The Association is formed in or in connection with the woolclassing industry.

5 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

(a) The Association shall consist of:-

(i) Professional Woolclassers and Shearing Shed Staff Employees engaged in any of the following occupations, or any combination of the following occupations, namely:

- (a) Overseer,
- (b) Expert, or,
- (c) Book-keeper;

(ii) Associate and Pensioner Members;

(iii) Life Members and Honorary Members; and,

(iv) Such other persons as have been elected or appointed full-time officers of the Association or any Branch thereof and admitted as members of the Association, provided always that persons referred to in part (iv) of this sub-rule shall only be eligible for membership during the term of their election or appointment.

(b) The Membership of the Association will be divided into the following classes:-

- (i) Full Members; and,
- (ii) Honorary Members.

- (c) Full Membership shall be open to:-
- (i) Any applicant for membership who has produced satisfactory evidence of having attained a current "Professional Woolclassers Stencil", from the Australian Wool Corporation;
 - (ii) Any Shearing Shed Staff Employee who has produced satisfactory evidence to the appropriate State Council that he/she has had at least three (3) years experience in any or any combination of the occupations of Overseer and/or Expert and/or Bookkeeper;
 - (iii) Associate Members, Pensioner Members and Life Members.
- (d) Associate Membership shall be granted to any person who has been a Full Member in accordance with sub-section (c) of this Rule, who is no longer actively engaged in any of the occupations referred to in this Rule, other than in connection to the shearing of his/her own sheep. Apart from any exclusions defined in this sub-rule, Associate Members shall have all the rights and privileges of Full Membership.
- (e) Pensioner Membership shall be open to members who are no longer actively engaged in any of the occupations referred to in this Rule for the reason of ill-health or who have attained the age of 60 years and desire to maintain an interest in the Association. They may become Pensioner Members on payment of an annual subscription of \$10.00 or such other amount as may be determined from time to time by Federal Conference, provided that such member signs a declaration that such member is no longer actively engaged in any occupation other than in connection with the shearing of his/her own sheep on his/her own property (if applicable) and such member provides proof of age or ill-health. The continuing receipt of a Commonwealth Invalid Pension shall be sufficient evidence of ill-health. A Pensioner Member shall be deemed to have all the rights and privileges of a financial Full Member.
- (f) Federal Conference may, on the recommendation of a State Council by resolution, elect any member or office-bearer to Life Membership. Conference may, for sufficient cause, cancel such membership. Provided that not more than one recommendation for Life Membership shall be made by a State Council in any one year. A Life Member of the Association shall be deemed to have all the rights and privileges of a Full Member and shall not be required to pay any subscriptions, fees or levies.
- (g) Honorary Membership shall be conferred upon any person who may work to the greater interest of the Association; who is nominated by a State Council and approved by a two thirds majority of members present at a Branch Annual General Meeting. Honorary Members shall have neither voting powers in, nor benefits of, the Association.
- (h) Any member of the Association admitted before the commencement of these Rules, shall be deemed to have the necessary qualifications to remain a member after the commencement of these Rules and shall not have such membership cancelled as a consequence of this Rule.

to the following:

4 - INDUSTRY

The Association is formed in or in connection with the woolclassing industry.

5 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

- (a) The Association shall consist of:-
 - (i) Professional Woolclassers and Shearing Shed Staff Employees engaged in any of the following occupations, or any combination of the following occupations, namely:
 - (a) Overseer,
 - (b) Expert, or,
 - (c) Book-keeper;
 - (ii) Associate and Pensioner Members;
 - (iii) Life Members and Honorary Members; and,
 - (iv) Such other persons as have been elected or appointed full-time officers of the Association or any Branch thereof and admitted as members of the Association, provided always that persons referred to in part (iv) of this sub-rule shall only be eligible for membership during the term of their election or appointment.
- (b) The Membership of the Association will be divided into the following classes:-
 - (i) Full Members; and,
 - (ii) Honorary Members.
- (c) Full Membership shall be open to:-
 - (i) Any applicant for membership who has successfully completed an industry recognised woolclassing course conducted by an authorised college or institution. The applicant must possess a current professional Woolclassers stencil, issued by the Australian Wool Exchange (AWEX), or its successors;
 - (ii) Any Shearing Shed Staff Employee who has produced satisfactory evidence to the appropriate State Council that he/she has had at least three (3) years experience in any or any combination of the occupations of Overseer and/or Expert and/or Bookkeeper;
 - (iii) Associate Members, Pensioner Members and Life Members.
- (d) (i) Associate Membership shall be granted to any person who has been a Full Member in accordance with sub-section (c) of this Rule, who is no longer actively engaged in any of the occupations referred to in this Rule, other than in connection to the shearing of his/her own sheep;

- (ii) Associate Membership may also be granted to any person who can supply proof of having attained the necessary qualifications to become a Full Member, and is, or has been, involved in any associated facets of the Wool Industry, but is not a practising professional Woolclasser;
- (iii) Applicants in accordance with sub-sections (d)(i) and (ii), may become Associate Members upon payment of an annual subscription as may be determined from time to time by Federal Conference, provided that such Member signs a declaration that such Member is no longer actively engaged as a practising professional Woolclasser, other than in connection with the shearing of his/her own sheep. Apart from any exclusions defined in this sub-rule, Associate Members shall have all the rights and privileges of Full Membership.
- (e) Pensioner Membership shall be open to members who are no longer actively engaged in any of the occupations referred to in this Rule for the reason of ill-health or who have attained the age of 60 years and desire to maintain an interest in the Association. They may become Pensioner Members on payment of an annual subscription of \$10.00 or such other amount as may be determined from time to time by Federal Conference, provided that such member signs a declaration that such member is no longer actively engaged in any occupation other than in connection with the shearing of his/her own sheep on his/her own property (if applicable) and such member provides proof of age or ill-health. The continuing receipt of a Commonwealth Invalid Pension shall be sufficient evidence of ill-health. A Pensioner Member shall be deemed to have all the rights and privileges of a financial Full Member.
- (f) Federal Conference may, on the recommendation of a State Council by resolution, elect any member or office-bearer to Life Membership. Conference may, for sufficient cause, cancel such membership. Provided that not more than one recommendation for Life Membership shall be made by a State Council in any one year. A Life Member of the Association shall be deemed to have all the rights and privileges of a Full Member and shall not be required to pay any subscriptions, fees or levies.
- (g) Honorary Membership shall be conferred upon any person who may work to the greater interest of the Association; who is nominated by a State Council and approved by a two thirds majority of members present at a Branch Annual General Meeting. Honorary Members shall have neither voting powers in, nor benefits of, the Association.
- (h) Any member of the Association admitted before the commencement of these Rules, shall be deemed to have the necessary qualifications to remain a member after the commencement of these Rules and shall not have such membership cancelled as a consequence of this Rule.

Information contained in the application and supporting documents concerning the reasons for the proposal and the effect of the proposal is as follows:

The reason for the proposed alterations is that the Association is desirous of maintaining its relevance to Professional Woolclassers by modernising the eligibility rules concerned in line with the changes which have occurred within the Wool Industry and the Professional Woolclasser Registration Scheme, with sub-rule specific reasons as follows:-

(A) The alteration to sub-rule 5(c) (i) has been made to:

- (i) bring it in line with the requirements to gain registration as a professional woolclasser, thus ensuring that all prospective applicants have gained the required qualifications;
- (ii) to make correction to the named body now responsible for Woolclasser Registration and issue of current stencils, that is the Australian Wool Exchange (AWEX); and
- (iii) to give longevity to this sub-rule in the event of future changes to the named registration body by including 'or its successors'.

(B) The alteration to sub-rule 5(d) has been made to:

- (i) give greater definition to those persons who may have proof of having the necessary qualifications to become Full members, but because they are involved in an associated facet of the industry and not actively practising as a professional Woolclasser, feel prejudiced against in having to become Full Members when they wish to join the Association;
- (ii) ensure that the applicant for membership is aware that the annual subscription will be determined by Federal Conference; and
- (iii) ensure surety that the applicant is aware of the obligation of their eligibility for Associate membership by requiring signing of a declaration.

The effect of the proposed alterations is as follows:-

(A) In respect of the alteration to sub-rule 5(c) (i) it is only to ensure correctness in relation to changes to the name of the Registering Body for Professional Woolclasser Stencil issue; its recognition of applicants for registration; and, cover any future changes to the name of the Registered body.

(B) In respect of the alteration to sub-rule 5(d), it is to:

- (i) ensure there are no grounds for consideration of prejudice and/or restriction against persons who may have proof of having the necessary qualifications, but not be currently practising as professional Woolclassers; and
- (ii) remove the current requirement for such persons to join as Full members, paying the Full membership subscription for at least 12 months when they consider they have no need for this higher membership classification.

Any interested organisation, registered under the Workplace Relations Act 1996, association or person who desires to object to the application may do so by lodging in the Industrial Registry (Attn: R. Pfeiffer (D No. 30011/97)) a notice of objection and a written statement in support thereof within thirty-five (35) days after the publication of this advertisement and by serving on the applicant (whose address for service is: PO Box 1855, Ballarat Mail Centre, Ballarat, Vic 3354) within seven (7) days after the notice of objection has been lodged, a copy of the notice of objection and the written statement so lodged.

M. Kelly
Industrial Registrar

Industry, Science and Tourism

COMMONWEALTH OF AUSTRALIA CUSTOMS ACT 1901

NOTICE OF RATES OF EXCHANGE - s161J CUSTOMS ACT 1901

I, Michael Politi, delegate of the Chief Executive Officer of Customs, hereby specify, pursuant to s161J of the Customs Act 1901, that the amounts set out in Columns 3 to 9 hereunder are the ruling rates of exchange, on the dates specified, for the purposes of ascertaining the value of imported goods under the provisions of Division 2 of Part VIII of the Customs Act 1901.

SCHEDULE		(Foreign Currency = AUS \$1)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Currency	04/06/97	05/06/97	06/06/97	07/06/97	08/06/97	09/06/97	10/06/97

Austria	Schillings	2.2444	2.2029	2.2558	2.2558	2.2558	2.2558	2.1354
Belgium/Lux	Francs	27.1000	26.9700	27.1100	27.1100	27.1100	27.1100	26.7800
Brazil	Reals	.7908	.7872	.7903	.7903	.7903	.7903	.7913
Canada	Dollars	1.0455	1.0416	1.0465	1.0465	1.0465	1.0465	1.0550
China	Yuan	6.2946	6.2653	6.2906	6.2906	6.2906	6.2906	6.2990
Denmark	Kroner	5.0019	4.9785	5.0030	5.0030	5.0030	5.0030	4.9436
EC	ECU	.6732	.6697	.6737	.6737	.6737	.6737	.6675
Fiji	Dollar	1.0760	1.0733	1.0760	1.0760	1.0760	1.0760	1.0733
Finland	Markka	3.9380	3.9208	3.9481	3.9481	3.9481	3.9481	3.9023
France	Francs	4.4295	4.4107	4.4326	4.4326	4.4326	4.4326	4.3871
Germany	Deutschmark	1.3133	1.3073	1.3143	1.3143	1.3143	1.3143	1.2983
Greece	Drachmae	209.1600	207.7600	208.9300	208.9300	208.9300	208.9300	206.3500
Hong Kong	Dollars	5.8877	5.8608	5.8844	5.8844	5.8844	5.8844	5.8907
India	Rupees	27.2153	27.0717	27.1828	27.1828	27.1828	27.1828	27.2164
Indonesia	Rupiah	1844.0000	1836.0000	1844.5000	1844.5000	1844.5000	1844.5000	1845.9000
Ireland	Pounds	.5134	.5065	.5106	.5106	.5106	.5106	.5025
Israel	Shekel	2.5873	2.5775	2.5856	2.5856	2.5856	2.5856	2.5795
Italy	Lire	1290.7000	1284.5200	1292.2900	1292.2900	1292.2900	1292.2900	1282.8900
Japan	Yen	88.2900	87.7900	87.8900	87.8900	87.8900	87.8900	85.8500
Korea	Won	677.8200	674.4500	676.6900	676.6900	676.6900	676.6900	678.0600
Malaysia	Ringgit	1.9140	1.9037	1.9106	1.9106	1.9106	1.9106	1.9090
Netherlands	Guilder	1.4779	1.4711	1.4784	1.4784	1.4784	1.4784	1.4608
New Zealand	Dollar	1.1030	1.1007	1.1050	1.1050	1.1050	1.1050	1.1009
Norway	Kroner	5.4251	5.3998	5.4451	5.4451	5.4451	5.4451	5.4028
Pakistan	Rupee	30.6800	30.5400	30.6600	30.6600	30.6600	30.6600	30.7000
Papua NG	Kina	1.0512	1.0459	1.0491	1.0491	1.0491	1.0491	1.0529
Philippines	Peso	20.0400	19.9500	20.0400	20.0400	20.0400	20.0400	20.0500
Portugal	Escudo	132.4900	131.9600	132.7600	132.7600	132.7600	132.7600	131.4800
Singapore	Dollar	1.0879	1.0816	1.0852	1.0852	1.0852	1.0852	1.0802
Solomon Is.	Dollar	2.7782	2.7654	2.7886	2.7886	2.7886	2.7886	2.7923
South Africa	Rand	3.3964	3.3885	3.4048	3.4048	3.4048	3.4048	3.4271
Spain	Peseta	110.9100	110.4000	111.0200	111.0200	111.0200	111.0200	109.9600
Sri Lanka	Rupee	44.5600	44.3800	44.5600	44.5600	44.5600	44.5600	44.4700
Sweden	Krona	5.8932	5.8673	5.9034	5.9034	5.9034	5.9034	5.9031
Switzerland	Franc	1.0925	1.0930	1.1001	1.1001	1.1001	1.1001	1.0933
Taiwan	Dollar	21.2000	21.1100	21.1900	21.1900	21.1900	21.1900	21.2000
Thailand	Baht	18.7500	18.3400	18.1500	18.1500	18.1500	18.1500	18.4700
UK	Pounds	.4651	.4638	.4652	.4652	.4652	.4652	.4647
USA	Dollar	.7604	.7569	.7599	.7599	.7599	.7599	.7609

Michael Politi
Delegate of the
Chief Executive Officer of Customs
CANBERRA A.C.T.
11/06/97

Primary Industries and Energy

COMMONWEALTH OF AUSTRALIA

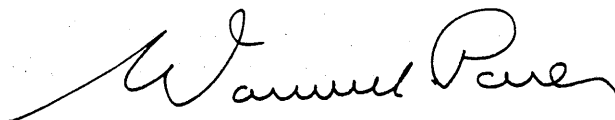
TORRES STRAIT FISHERIES REGULATIONS

LOGBOOK NOTICE No. 8 (TRL03)

TORRES STRAIT TROPICAL ROCK LOBSTER LOGS

I, WARWICK RAYMOND PARER, Minister for Resources and Energy, being satisfied that information in relation to the taking of certain kinds of fish in Australian waters is required in pursuit of the objectives of the *Torres Strait Fisheries Act 1984*, make the following determination under subregulations 11(1) and 11(2) of the Torres Strait Fisheries Regulations.

Dated *Twenty-ninth* May 1997



WARWICK PARER
MINISTER FOR RESOURCES AND ENERGY

Citation

1. This determination may be cited as Logbook Notice No. 8.

Commencement

2. This determination commences 14 days after the day on which, or the later of the days on which, this determination is published in the *Gazette* and in the *Torres News* newspaper.

Interpretation

3. In this determination:
"boat" means a boat used for fishing in the Torres Strait Rock Lobster fishery which has the capacity for lobsters to be frozen on board;
"distinguishing mark" in relation to a form of logbook, means the letter, number or symbol by which the logbook can be distinguished from other forms of logbook;
"TRL02 Log" means the form of logbook published by AFMA to record catch other than live catch in the Torres Strait Rock Lobster fishery for which the distinguishing mark is "TRL02";

"**TRL03 Log**" means the form of logbook published by AFMA in May 1997 for which:

- (a) the title is "Torres Strait Tropical Rock Lobster Logbook"; and
- (b) the distinguishing mark is "TRL03".

[Note: Terms defined in the *Torres Strait Fisheries Act 1984* and the Torres Strait Fisheries Regulations have the same meanings in this determination.]

Which logbooks must be used?

4. If lobsters are taken on boats in the Tropical Rock Lobster fishery on and from the date of commencement of this notice, either the TRL02 log or the TRL03 log must be used to record information about the taking of the lobsters, whether or not the lobsters are held live or frozen on board the boat or not.

[Note: The introduction of the TRL03 Log will provide a second logbook which includes provision to record live catch as well as frozen lobster tails. The TRL02 Log is the form of logbook completed on a voluntary basis in the Torres Strait Rock Lobster fishery prior to this Notice.]

When must the logbook be used?

5. Subregulation 12(1) of the Torres Strait Fisheries Regulations applies in respect of the TRL02 and TRL03 logs beginning on the commencement of this determination.

Where can copies of the logbooks be obtained?

6. Copies of the TRL02 or TRL03 Log can be obtained from the Australian Fisheries Management Authority, Thursday Island Office 2nd Level, Pearls Building, Victoria Parade, Thursday Island, Queensland, 4875; telephone (070) 691 990 during ordinary business hours.

9605153

Transport and Regional Development

COMMONWEALTH OF AUSTRALIA

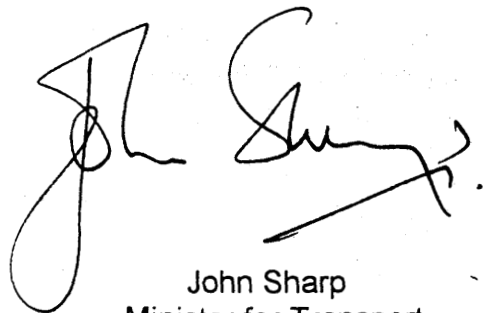
SEAFARERS REHABILITATION AND COMPENSATION ACT 1992

SEACARE AUTHORITY NOTICE NO. 1 OF 1997

I, JOHN RANDALL SHARP, Minister for Transport and Regional Development, HEREBY, with effect from 1 July 1997:

- (a) specify a rate of 30 cents per kilometre in respect of journeys to which subsections 66(4B) and 83A(5) of the *Seafarers Rehabilitation and Compensation Act 1992* (the Act) apply; and
- (b) state that, for the purposes of subsection 83A(9) of the Act, where a claimant has requested an employer to reconsider a determination under subsection 78(2) of the Act, an employee must not be required to undergo a medical examination by the same medical practitioner at more frequent intervals than once a month.

Dated 25TH MAY 1997



John Sharp
Minister for Transport
and Regional Development



EXEMPTION NUMBER 45/FRS/1997

Civil Aviation Act 1988
Civil Aviation Regulations

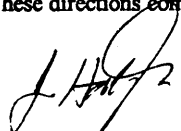
I, JOE HATTLEY, Manager, Technical Services Section, Bureau of Air Safety Investigation, Department of Transport and Regional Development, a delegate of the Civil Aviation Safety Authority:

- (1) under subregulation 207 (2) of the Civil Aviation Regulations, direct that:
 - (a) if the exempted Australian aircraft bearing the nationality and registration marks listed below is flying in any class of operations:
 - (i) it must be fitted with instruments, and must be fitted with, or carry, equipment, in accordance with subsections 3,4,5,7,8,9 and 10 of section 20.18 of the Civil Aviation Orders; and
 - (ii) it must be fitted with a flight data recorder system that records the parameters and meets the requirements set out in section 103 of the Civil Aviation Orders; and
 - (iii) it must be fitted with a cockpit voice recorder, and
- (2) under subregulation 207 (3) of the Civil Aviation Regulations, direct that the instruments and equipment, excepting the cockpit voice recorder, that must be fitted to, or carried in, the exempted Australian registered aircraft bearing the nationality and registration marks listed below must be fitted, carried or used in accordance with section 20.18 of the Civil Aviation Orders.

Section 20.18 of the Civil Aviation Orders has effect in relation to the exempted Australian aircraft bearing the nationality and registration marks only in so far as set out in these directions.

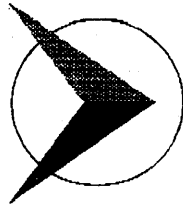
In these directions "exempted Australian aircraft" means Australian aircraft bearing nationality and registration marks VH-UZA, VH-UZD, VH-UZG, VH-UZP, VH-UZS, VH-UZW, VH-UUA, VH-UUG, VH-UUO, VH-UUN.

These directions commence on 6 June 1997 and remain in force until the end of 30 June 1997.


JOE HATTLEY
Manager
Technical Services Section
Bureau of Air Safety Investigation

6 June 1997

9605155



**CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA**

**NOTIFICATION OF THE MAKING OF ORDERS UNDER THE CIVIL
AVIATION REGULATIONS**

Notice is hereby given that the following amendments to Civil Aviation Orders Part 105 will become effective on 18 June 1997.

AD/DIAMOND/1 - OPERATIONAL LIMITATION

Copies of the above Orders are available for inspection and may be purchased over the counter from the:

**Airservices Australia
Publications Centre
715 Swanston Street
CARLTON SOUTH VIC 3053**

or by mail from:

**Airservices Australia
Publications Centre
PO Box 1986
CARLTON SOUTH VIC 3053**



EXEMPTION NUMBER 46/FRS/1997

Civil Aviation Act 1988

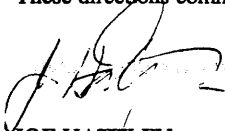
Civil Aviation Regulations

I, JOE HATTLEY, Manager, Technical Services Section, Bureau of Air Safety Investigation, Department of Transport and Regional Development, a delegate of the Civil Aviation Safety Authority:

- (1) under subregulation 207 (2) of the Civil Aviation Regulations, direct that:
 - (a) if the exempted Australian aircraft bearing the nationality and registration marks listed below is conducting training or test flights:
 - (i) it must be fitted with instruments, and must be fitted with, or carry, equipment, in accordance with subsections 3,4,5,7,8,9 and 10 of section 20.18 of the Civil Aviation Orders; and
 - (ii) it must be fitted with a cockpit voice recorder system that records the parameters and meets the requirements set out in section 103 of the Civil Aviation Orders; and
 - (b) if the exempted Australian aircraft bearing the nationality and registration marks listed below is flying in any other class of operations it must be fitted with instruments, and must be fitted with, or carry, equipment, in accordance with section 20.18 of the Civil Aviation Orders; and
- (2) under subregulation 207 (3) of the Civil Aviation Regulations, direct that the instruments and equipment that must be fitted to, or carried in, the exempted Australian registered aircraft bearing the nationality and registration marks listed below, must be fitted, carried or used in accordance with section 20.18 of the Civil Aviation Orders.

Section 20.18 of the Civil Aviation Orders has effect in relation to the Australian aircraft bearing the nationality and registration marks VH-TQP or VH-TQQ or VH-TQR only in so far as set out in these directions.

These directions commence on 15 June 1997 and remain in force until the end of 15 June 1997.


JOE HATTLEY
Manager
Technical Services Section
Bureau of Air Safety Investigation

10 June, 1997



EXEMPTION NUMBER: 47/FRS/1997

Civil Aviation Act 1988

Civil Aviation Regulations

I, JOE HATTLEY, Manager, Technical Services Section, Bureau of Air Safety Investigation, Department of Transport and Regional Development, a delegate of the Civil Aviation Safety Authority:

- (1.) under subregulation 207 (2) of the Civil Regulations, direct that:
 - (a) if the exempted Australian aircraft bearing the nationality and registration marks specified below is flying in any class of operations:
 - (i) it must be fitted with instruments, and must be fitted with, or carry, equipment, in accordance with subsections 3,4,5,7,8,9 and 10 of section 20.18 of the Civil Aviation Orders; and
 - (ii) it must be fitted with a cockpit voice recorder system that records the parameters and meets the requirements set out in section 103 of the Civil Aviation Orders; and
- (2.) under subregulation 207 (3) of the Civil Aviation Regulations, direct that the instruments and equipment that must be fitted to, or carried in, the exempted Australian registered aircraft bearing the nationality and registration marks must be fitted, carried or used in accordance with section 20.18 of the Civil Aviation Orders.

Section 20.18 of the Civil Aviation Orders has effect in relation to the exempted Australian aircraft bearing the nationality and registration marks only in so far as set out in these directions.

These directions commence on 10 June 1997 and remain in force until the end of 30 June 1997.

In these directions "exempted aircraft" means Australian aircraft carrying Australian nationality and registration marks subject to the requirements of CAO 20.18 and operated by Bristow Helicopters Australia.

A handwritten signature in dark ink, appearing to read "J. Hattley", is written over the printed name and title.

JOE HATTLEY
Manager, Technical Services Section
Bureau of Air Safety Investigation

10 June 1997

9605157



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

NOTIFICATION OF INSTRUMENT UNDER THE CIVIL AVIATION REGULATIONS

On 6 June 1997 the Civil Aviation Safety Authority (CASA) issued an instrument under the Civil Aviation Regulations (the Regulations).

The instrument comprised an exemption under regulation 308 of the Regulations, an approval under paragraph 139 (1) (c) of the Regulations, a determination under subregulation 172 (2A), a permission under subregulation 260 (1) of the Regulations and an exemption under subsection 4 of section 48.0 of the Civil Aviation Orders.

Copies of the instrument are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**

9605158

Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) Jacynth Avril Upton is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Jacynth Avril Upton proposes to acquire an interest in Australian urban land as specified in the notice furnished on 9 May 1997 under section 26A of the Act;

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) Jacynth Avril Upton proposes to acquire an interest in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

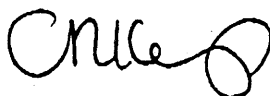
Dated this

18th

day of

June

1997.



Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) Alexander Gorchetchnikov is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Alexander Gorchetchnikov proposes to acquire an interest in Australian urban land as specified in the notice furnished on 12 May 1997 under section 26A of the Act;

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, pursuant to subsection 22(1) of the Act, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition, PROHIBIT the proposed acquisition for a period not exceeding ninety days after this order comes into operation.

Dated this

15th

day of

June

1997.


Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) **Edi Harijanto and Lucia Agnes Pudjawati are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');**
- (B) **Edi Harijanto and Lucia Agnes Pudjawati propose to acquire an interest in Australian urban land as specified in the notice furnished on 13 May 1997 under section 26A of the Act;**

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) **Edi Harijanto and Lucia Agnes Pudjawati propose to acquire an interest in Australian urban land; and**
- (ii) **the proposed acquisition would be contrary to the national interest;**

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

Dated this

11th

day of

June

1997.


Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) Michael Frederick Knox is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Michael Frederick Knox proposes to acquire an interest in Australian urban land as specified in the notice furnished on 14 May 1997 under section 26A of the Act;

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) Michael Frederick Knox proposes to acquire an interest in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

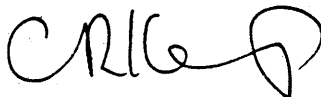
Dated this

12th

day of

June

1997.



Assistant Treasurer



Superannuation Industry (Supervision) Act 1993

**AMENDMENT OF
MODIFICATION DECLARATION No 21**

I, Frederick George Herbert Pooley, Insurance and Superannuation Commissioner, under subsection 33(3) of the *Acts Interpretation Act 1901* and section 332 of the *Superannuation Industry (Supervision) Act 1993*, AMEND modification declaration number 21, which was made on 15 May 1997:

a. By omitting "by adding after regulation 2.14:" and substituting "by adding after regulation 2.14A:"

b. By omitting "2.14A" (being the number of the new regulation added by the modification declaration) and substituting "2.14AA"

Dated 11 June 1997

F G H Pooley
Commissioner

[NOTE: Paragraphs 5 and 6 of the explanatory memorandum accompanying modification declaration number 21, which is dated 15 May 1997, are amended by omitting "2.14A" wherever it appears and substituting "2.14AA".]

9605163

COMMISSIONER OF TAXATION

NOTICE OF RULINGS

The Commissioner of Taxation gives notice of the following rulings, a copy of which can be obtained from any Branch of the Australian Taxation Office.

Ruling Number	Subject	Brief Description
TD 97/14	Income tax: in what circumstances can an employer who self-insures for workers' compensation obtain a deduction for provisions under subsection 51(1) of the <i>Income Tax Assessment Act 1936</i> ?	Determination discusses the deductibility of provisions for workers' compensation made by an employer who self-insures.
TR 97/12	Income tax and fringe benefits tax: work related expenses: deductibility of expenses on clothing, uniform and footwear.	Ruling discusses the circumstances where work related clothing, uniform and footwear expenses are allowable as deductions and any fringe benefits tax liability on employers for providing support to employees in connection with clothing, uniform and footwear.
TR 97/13	Income tax: interpretation of Division 16D: finance leases to exempt public bodies or for overseas use.	Ruling provides guidance on the interpretation of some aspects of Division 16D which restricts certain tax advantages associated with non-leveraged finance leases. In particular, the Ruling assists in interpreting the tests which must be met for the Division to apply.

NOTICE OF WITHDRAWAL OF RULINGS

The Commissioner of Taxation gives notice that the following rulings are withdrawn. Copies of the Notices of Withdrawal can be obtained from any Branch of the Australian Taxation Office.

Ruling Number	Subject	Brief Description
TD 92/140	Income tax: in Division 16D of Part III of the <i>Income Tax Assessment Act 1936</i> , what does effective life mean in applying the tests of a qualifying arrangement to items of second hand property?	Determination is replaced by Taxation Ruling TR 97/13.
TD 93/101	Income tax: is a professional sportsperson entitled to a deduction under subsection 51(1) of the <i>Income Tax Assessment Act 1936</i> for the cost of hiring formal clothing to attend functions or presentations?	Determination is replaced by Taxation Ruling TR 97/12.
TD 93/109	Income tax: can a sports teacher obtain a deduction for the cost of purchasing and maintaining sports clothes?	Determination is replaced by Taxation Ruling TR 97/12.
TD 93/121	Income tax: is a nurse entitled to a deduction under subsection 51(1) of the <i>Income Tax Assessment Act 1936</i> for expenditure on a traditional nurse's uniform?	Determination is replaced by Taxation Ruling TR 97/12.
TD 93/154	Income tax: is the expenditure incurred by an employee on an employer's range of brand name conventional clothing or footwear, which is required to be worn as a condition of employment, an allowable deduction under subsection 51(1) of the <i>Income Tax Assessment Act 1936</i> ?	Determination is replaced by Taxation Ruling TR 97/12.
TD 94/2	Income tax: when Division 16D of Part III of the <i>Income Tax Assessment Act 1936</i> applies to an arrangement, a proportion of each arrangement payment, representing the notional principal amount, may be treated as non-assessable by the operation of subsection 159GK(1). In such cases is a proportion of the costs relating to the non-assessable amount not deductible under subsection 51(1)?	Determination is replaced by Taxation Ruling TR 97/13.



COMMONWEALTH OF AUSTRALIA

Commonwealth Electoral Act 1918

**Appointment of Deputy Electoral Commissioner
and Determination of the Terms and Conditions of Office**

I, **WILLIAM PATRICK DEANE**, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council:

- (a) under subsection 21(1) of the Commonwealth Electoral Act 1918 (the Act), appoint Andrew Kingsley Becker to be Deputy Electoral Commissioner for a period of 3 years from 30 May 1997; and
- (b) under subsection 21(4) of the Act, determine that Andrew Kingsley Becker holds office on the terms and conditions, other than the terms and conditions provided for by that Act, that would be applicable to him if he were a Senior Executive Service officer of the Australian Public Service and:
 - (i) any action required or authorised to be taken by the Public Service Commissioner in relation to the terms and conditions of an officer of the Australian Public Service were required or authorised to be taken by the Minister administering that Act; and
 - (ii) any action required or authorised to be taken by the Secretary of a Department in relation to the terms and conditions of an officer of the Australian Public Service were required or authorised to be taken by the Electoral Commissioner.

Dated 16 April 1997

WILLIAM DEANE
Governor-General

By His Excellency's Command,

DAVID JULL





COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) Fuk Sang Ng and Wai Ha Ng are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act').
- (B) Fuk Sang Ng and Wai Ha Ng propose to acquire an interest in Australian urban land as specified in the notice furnished on 6 May 1997 under section 26A of the Act;

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) Fuk Sang Ng and Wai Ha Ng propose to acquire an interest in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

Dated this

4

day of

June

1997.

Assistant Treasurer





Australian Fisheries Management Authority

FISHERIES MANAGEMENT REGULATIONS

LOGBOOK NOTICE NO. SSFL 01

LOGBOOKS FOR THE SOUTHERN SHARK FISHERY

I, Richard Andrew Stevens, delegate of the Australian Fisheries Management Authority, make the following determination under subregulations 32 (1) and (3) of the Fisheries Management Regulations.

Dated 6 June 1997.

Managing Director of the
Australian Fisheries Management Authority

Citation

1. This determination may be cited as Logbook Notice No. SSFL 01.

Commencement

2. This determination commences on 1 July 1997.

Interpretation

3. In this determination:

"Commonwealth boat" means an Australian boat nominated on a fishing permit which is granted under section 32 of the *Fisheries Management Act 1991* and which allows fishing to be undertaken using gillnetting and demersal hook methods in the Southern Shark Fishery;

"distinguishing mark" in relation to a form of logbook, means the marking by which the logbook can be distinguished from AFMA's other forms of logbook;

"GN01 Log" means the form of logbook published by AFMA in December 1996, for which:

- (i) the title is "Australian Confidential General Daily Fishing Logbook"; and
- (ii) the distinguishing mark is "GN01"

Which logbooks must be used?

4. When any kind of fish is taken by gillnetting and demersal hook methods using a Commonwealth boat in the Southern Shark Fishery the GN01 Log must be used to record information about the taking of the fish and the sale or disposal of the fish.

When must the logbooks be used?

5. Subregulations 33(1), 33(2) and 33(3) of the Fisheries Management Regulations apply in respect of the GN01 Log during the period beginning on 1 July 1997 and ending at the end of 10 December 1999.



Where can copies of the logbooks be obtained?

6. Copies of the GN01 Log can be obtained during ordinary business hours from the Australian Fisheries Management Authority, Burns Centre, 28 National Circuit, FORREST, ACT, 2603.

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*Public Lending Right Scheme 1997***TABLE OF PROVISIONS—continued**

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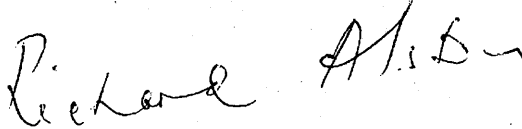
Commonwealth of Australia

Public Lending Right Act 1985

Public Lending Right Scheme 1997

I, RICHARD KENNETH ROBERT ALSTON, Minister for Communications and the Arts, approve the following scheme under subsection 5 (1) of the *Public Lending Right Act 1985*.

Dated 10th JUNE 1997.



Minister for Communications and the Arts

PART 1—PRELIMINARY

Citation

1. This scheme may be cited as the Public Lending Right Scheme 1997.

Commencement

2. This scheme commences on publication in the *Gazette* of the Minister's approval of this scheme.

Definitions

3. In this scheme:

Act means the *Public Lending Right Act 1985*;

classified libraries means public lending libraries other than:

- (a) the National Library of Australia; and
- (b) a reference library established by the government of a State or Territory;

Note: The effect of paragraph 5 (2) (a) of the Act is that this scheme is limited to books held in libraries in Australia.

2

Public Lending Right Scheme 1997

commencing year, for a book, means the financial year starting during the first calendar year after the calendar year in which the book was first published;

Example of commencing year:

For a book published at any time in 1997, the commencing year will start on 1 July 1998.

creator, for a book, means an individual mentioned in paragraph 5 (4) (a) or 5 (4) (c) of the Act;

Note: The individuals mentioned in paragraphs 5 (4) (a) and 5 (4) (c) of the Act are:

- an Australian author of a book; and
- an Australian person who illustrated, translated, compiled or edited the book or otherwise contributed to its form or contents.

earlier scheme means a former scheme or the previous scheme;

eligible creator has the meaning given by section 5;

eligible publisher has the meaning given by section 6;

estimated number of copies, for a book, means the number estimated under subsection 11 (2);

former scheme means:

- (a) the Public Lending Right Scheme approved on 15 May 1991; or
- (b) the Public Lending Right Scheme approved on 12 June 1987;

National Bibliographic Database means a database of that name operated by the National Library of Australia;

terminating year, for a book, means the fiftieth financial year after the book's commencing year.

Note: A number of expressions used in this scheme are defined in the Act (see s 3), including:

- claim
- claimant
- Committee
- previous scheme.

Public Lending Right Scheme 1997

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PART 2—ELIGIBILITY

Division 1—Purpose of Part

Purpose of Part

4. (1) Under subsection 6 (1) of the Act, the Committee must, in accordance with this scheme, determine the eligibility of a claimant and the amount of the payment (if any) to be made to a claimant.

(2) This Part sets out the criteria by which eligibility of a creator or publisher is determined and how an eligible book is identified.

(3) If the claimant is a creator of a book:

- (a) the claimant must be determined as an eligible creator of the book; and
- (b) the book must be an eligible book.

(4) If the claimant is a publisher of a book:

- (a) the claimant must be determined as an eligible publisher of the book; and
- (b) the book must be an eligible book.

Division 2—Eligible creator

Eligible creator

5. (1) The Committee may, in writing, determine that an individual is an eligible creator of a book.

(2) The individual must be:

- (a) the sole creator of the book, or one of not more than 5 creators of the book; and
- (b) eligible to receive a royalty payment for the sale of copies of the book.

(3) The Committee may have regard to:

- (a) an entry about the book, in the National Bibliographic Database, that names the individual as:
 - (i) a creator of the book; or
 - (ii) having contributed to the book; and
- (b) any other matter that the Committee considers relevant to deciding whether the individual is a creator of the book or eligible to receive a royalty payment.

4

Public Lending Right Scheme 1997

Note: The effect of the Act is that this scheme applies only to creators who are:

- (a) Australian citizens, wherever resident; or
- (b) ordinarily resident in Australia.

Division 3—Eligible publisher**Eligible publisher**

6. (1) The Committee may, in writing, determine that a person is an eligible publisher of a book.

(2) The person must have published the book in Australia.

(3) The person must also be one of the following:

(a) a person:

(i) whose business consists wholly or substantially of the publication of books; and

(ii) who regularly publishes books in Australia;

(b) a person who owns or controls an undertaking:

(i) which consists wholly or substantially of the publication of books; and

(ii) which regularly publishes books in Australia;

(c) a creator of a book mentioned in paragraph 5 (2) (a);

(d) a non-profit Australian organisation that published the book to advance its aims or objectives.

Crown not eligible publisher

7. (1) The Commonwealth cannot be an eligible publisher.

(2) A State cannot be an eligible publisher.

(3) A Territory cannot be an eligible publisher.

(4) An authority (other than an educational institution) established by a law of the Commonwealth, or a State or Territory, cannot be an eligible publisher.

Consideration of issues about publication

8. (1) In considering whether a person published a book, the Committee may have regard to the following matters:

- (a) the contract for publication of the book;
- (b) who copy-edited the book;
- (c) who designed the book;
- (d) who supervised the production of the book;
- (e) who supervised the printing of the book;
- (f) who marketed the book;

Public Lending Right Scheme 1997

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- (g) who assumes financial responsibility for the publication of the book;
- (h) any other matter that the Committee considers relevant.

(2) In considering whether a book has been published in Australia, the Committee may have regard to the following matters:

- (a) where the contract for the publication of the book was made;
- (b) where the book was copy-edited;
- (c) where the book was designed;
- (d) where production of the book was supervised;
- (e) where printing of the book was supervised;
- (f) where the book was marketed;
- (g) any other matter that the Committee considers relevant.

Status as eligible publisher

9. (1) A person's status as an eligible publisher is not affected solely because a subsequent edition of the book is published.

(2) A person's status as an eligible publisher is not affected solely because of a dealing about the right to publish a subsequent edition of the book (for example, the licensing of the production of a subsequent edition).

(3) However, an eligible publisher of a book (the *former publisher*) ceases to be an eligible publisher if:

- (a) it transfers the rights to publish the book to another publisher (the *new publisher*); and
- (b) the Committee decides, in writing, that the new publisher has taken on the function of publishing the book in Australia.

(4) The former publisher ceases to be an eligible publisher of the book from the date of transfer.

(5) If the new publisher wishes to be considered for a payment under this scheme for the book, the new publisher must:

- (a) tell the Committee, in writing, that it has acquired the rights to publish the book; and
- (b) give the Committee any information it needs to determine whether the new publisher is an eligible publisher.

Note: If the Committee determines that the new publisher is an eligible publisher, this scheme applies as if a claim for the book made by the former publisher had been made by the new publisher; see s 21 (3).

Division 4—Eligible book

Eligible book

10. (1) A book is an eligible book if it has been allocated an International Standard Book Number (ISBN).

Note: Some books without an ISBN that were eligible under earlier schemes are taken to be eligible books: see s 30.

- (2)** However, a book is not an eligible book if:
- (a) the total number of creators of the book is more than 5; or
 - (b) it has not been offered for sale.

Public Lending Right Scheme 1997

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PART 3—NUMBERS OF BOOKS

Estimates of numbers of books

11. (1) This section applies to an eligible book if it has been the subject of a claim, and its terminating year has not ended.

(2) The Committee must, at least annually, estimate the number of copies of the book held in classified libraries, using:

- (a) the records of classified libraries; and
- (b) statistical sampling and estimation processes that the Committee considers appropriate.

(3) However, if the estimated number of copies of the book is less than 50, the Committee:

- (a) is not required to make another estimate of the number of copies; and
- (b) must notify every claimant in relation to the book of the estimate, and the effect of paragraph (a) and section 17.

(4) If a claimant who has been notified under paragraph (3) (b) informs the Committee that the book has been reprinted, or of some other circumstance affecting the number of copies of the book, the Committee may make another estimate of the number of copies of the book.

(5) The estimate under subsection (4) must be made:

- (a) in the current year, if the information is given at a time that would enable inclusion of the book in the annual estimates process for the year; or
- (b) in the year after the information was given to the Committee.

Note: All editions of an eligible book are to be counted in estimating the number of copies of the book held in classified libraries, even if they have different ISBN numbers: see s 12.

Revised or re-issued editions

12. (1) A revised or re-issued edition of an eligible book is taken to be a copy of the eligible book.

(2) Subsection (1) applies whether or not the revised or re-issued edition has been allocated another International Standard Book Number.

Note: Some books without an ISBN that were eligible under earlier schemes are taken to be eligible books: see s 30.

PART 4—PAYMENTS*Division 1—Types of payments***Types of payments under the scheme**

13. The payments that may be made under this scheme are:

- (a) a creators' public lending right payment; and
- (b) a publishers' public lending right payment.

*Division 2—Amount of payments***Creators' public lending right payment**

14. (1) The amount of a creators' public lending right payment for a book is the creators' public lending right rate of payment mentioned in subsection (2) multiplied by the estimated number of copies of the book.

(2) The creators' public lending right rate of payment is \$1.19 per copy.

(3) If there is more than 1 eligible creator of a book, the amount of the creators' public lending right payment for the book is to be paid to each creator in proportion to his or her share of royalty payments for the book.

Publishers' public lending right payment

15. (1) The amount of a publishers' public lending right payment for a book is the publishers' public lending right rate of payment mentioned in subsection (2) multiplied by the estimated number of copies of the book.

(2) The publishers' public lending right rate of payment is 29.7 cents per copy.

(3) If there is more than 1 eligible publisher of a book, the amount of publishers' public lending right payment for the book is to be paid to them:

- (a) in accordance with an agreement (if any) between them dealing with the issue of division of profits from the book; or
- (b) in any other case—as the Committee considers appropriate.

Minimum payment under the scheme

16. (1) If the total amount that would, but for this section, be payable under this scheme to a claimant for a financial year is less than \$50, the amount is not payable.

(2) For subsection (1), the total amount payable under this scheme to a claimant who is an eligible creator is the sum of the amounts payable for all eligible books of which the claimant is an eligible creator.

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(3) For subsection (1), the total amount payable under this scheme to a claimant that is an eligible publisher is the sum of the amounts payable for all eligible books of which the claimant is an eligible publisher.

(4) If none of the eligible creators of an eligible book is to be paid for the book because of subsection (1):

- (a) a payment under this scheme is not payable to a publisher for the book; and
- (b) the book is not to be counted in working out a payment (if any) to be made to a publisher.

(5) Subsection (4) does not apply to payments to a publisher for the financial year ending on 30 June 1997 if the publisher made a claim for the book before 30 June 1987.

Division 3—Making payments

Ineligibility for payment

17. A payment under this scheme must not be paid for a book if the estimated number of copies of the book is less than 50.

Note: See s 16 for a minimum payment provision.

Mode of payment

18. A payment under this scheme must be made in a single payment.

Payment for each financial year

19. (1) A payment under this scheme is payable for each financial year, from the commencing year until the terminating year, that begins after a claim under Part 5 was made.

(2) In identifying a book's commencing year, the Committee may have regard to the date of first or other publication of the book recorded in an entry about the book set out in the National Bibliographic Database.

Notes:

1. Subsection 21 (1) does not prevent approval of a publishers' public lending right payment for an eligible book for a financial year if transfer of the publisher's rights to the book occurred in that financial year: see s 9 (4) and 21 (3).

2. A payment for a financial year that does not proceed because of s 27 is taken not to have been payable for that financial year and payments for later financial years are not to be made, unless s 27 (7) applies: see s 27 (6).

PART 5—CLAIMS**Claim form**

20. The Committee may approve a claim form to be used by a claimant.

Claims

21. (1) A creator or publisher who considers that he, she or it may be entitled to a payment under this scheme may make a claim by completing an approved form and sending it to the Committee.

(2) A claim for a book covers payments for each financial year until the end of the book's terminating year, unless the Committee, by writing, requires the claimant to make a new claim for the book.

(3) If a new publisher becomes an eligible publisher of a book under subsection 9 (3), this scheme applies as if a claim for the book made by the former publisher had been made by the new publisher.

Determination of eligibility

22. As soon as practicable after a claim is made for a book, the Committee must, in writing, determine whether the claimant is:

- (a) an eligible creator of the book (see section 5); or
- (b) an eligible publisher of the book (see section 6).

Note: Under s 20 (2) of the Act, the Committee must, in writing, inform the claimant of the determination.

Approval of payments to creators

23. The Committee may approve the making of a creators' public lending right payment to a claimant who is an eligible creator of an eligible book.

Approval of payments to publishers

24. The Committee may approve the making of a publishers' public lending right payment to a claimant who is an eligible publisher of an eligible book.

Underpayments

25. (1) This section applies if the Committee considers that an amount paid to a claimant under this scheme or an earlier scheme for a financial year was less than the correct amount.

(2) The Committee may, for a subsequent financial year, approve a payment to the claimant of an amount equal to the difference between the amount that was paid and the correct amount.

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(3) To avoid doubt, a payment under subsection (2) is in addition to any payment to the claimant that may be approved under section 23 or 24 for the subsequent financial year.

Note: A payment for a financial year that does not proceed because of s 27 is taken not to have been payable for that financial year: see s 27 (6).

Overpayments

26. If an amount paid to a claimant under this scheme or an earlier scheme is more than the correct amount, the excess amount is a debt due to the Commonwealth and may be recovered:

- (a) in a court of competent jurisdiction; or
- (b) by deduction of the whole or part of the excess amount from an amount that would otherwise be payable to the claimant under this scheme.

Circumstances in which payment not to be made

27. (1) The Committee must not approve a payment to an individual under section 23 or 24 if the Committee is aware that the individual has died.

(2) The Committee must not approve a payment to a body corporate under section 26 if the Committee is aware that the body corporate has been wound up.

(3) The Committee must cancel an approved payment to a body corporate that is wound up before the payment is made.

(4) The Committee must not approve a payment to a claimant under section 23 or 24 if the Committee cannot locate the claimant after taking reasonable steps.

(5) The Committee must cancel an approved payment to a claimant who cannot be located, after taking reasonable steps.

(6) A payment for a financial year that does not proceed because of this section is taken not to have been payable for that financial year and payments for later financial years are taken not to be payable.

(7) However, if a claimant who could not be located contacts the Committee, payments may be resumed for the financial year starting after the Committee was contacted.

(8) The power of the Committee under this section not to proceed with a payment applies to payments for:

- (a) any period before the exercise of the power; and
- (b) the financial year in which the power is exercised.

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28. (1) The Committee must, at least once a year, publish information about eligibility for payments under this scheme.

(2) The Committee may advertise this scheme in the way it considers appropriate.

Former Public Lending Right Scheme

29. The former scheme in force immediately before this scheme commences is revoked.

Application of the scheme to claim under earlier scheme

30. (1) A claim for a book made under an earlier scheme is not recognised for this scheme if it had been determined that the book, creator or publisher was not eligible under the earlier scheme.

(2) Any other claim for a book made under an earlier scheme is recognised for this scheme as if it had been made under section 21.

(3) If no payments had been made for a book under an earlier scheme, this scheme applies to the book as if the last estimate of the number of copies of the book that had been made under the earlier scheme (if one had been made) were an estimate under this scheme.

(4) If payments had been made for the book under an earlier scheme, this scheme applies to the book as if it were an eligible book.

(5) If payments had been made for the book under an earlier scheme, this scheme applies to the book as if the book's creator were an eligible creator.

(6) If payments had been made for the book under an earlier scheme, this scheme applies to the book as if the book's publisher were an eligible publisher.

(7) If payments had been made for the book under an earlier scheme, this scheme applies to the book as if the last estimate of the number of copies of the book made under the earlier scheme (if an estimate had been made) were an estimate under this scheme.

Note: See s 3 (5) of the Act regarding claimants under the previous scheme.
