

Form F68 Application for consent to the alteration of eligibility rules of an organisation

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009, paragraph 121(1)(b)

FAIR WORK COMMISSION

Commission use only

Commission Matter No.:

Applicant Organisation

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The Applicant applies for consent to the alteration of the eligibility rules of the organisation to the following:

To change ANMF Rule 5 ELIGIBILITY FOR MEMBERSHIP by including a new sub rule 5.2.7 in the following terms ;

5 - ELIGIBILITY FOR MEMBERSHIP

- 5.1 Membership shall be open to the following classes of employees engaged in the nursing industry or midwifery industry:
- 5.1.1 Who hold a certificate of three years training as a nurse in a recognised general hospital or an undergraduate or post graduate diploma or degree as a nurse or midwife from a higher education institution
 - 5.1.2 who can produce evidence of training to the satisfaction of the Council
 - 5.1.3 or who are registered in Australia by the Commonwealth or any State or Territory
 - 5.1.4 Together with such other persons, whether employees in the industry or not as have been appointed officers of the Federation and admitted as members thereof.
- 5.2 Notwithstanding anything contained in the foregoing provisions of this rule and without limiting the generality thereof the following classes of employees shall also be eligible for membership:
- 5.2.1 In the State of Queensland, men and women, who are registered with the Queensland Nursing Council or who produce evidence of other registration as registered nurses, or in the case of those not registered in Queensland, who can produce evidence of training to the satisfaction of the Branch Council; student nurses; associate members; passive members; life members and honorary members. For the purposes of interpreting this clause associate members shall be assistants-in-nursing and other nurses whom the Branch Council sees fit to accept as associate members; passive members shall be registered nurses or enrolled nursing aides who are retired and/or are not actively engaged in nursing practice in Queensland; life members, those registered nurses who have been elected to life membership; and honorary members, those persons who have identified themselves with the cause of nursing and whom the Branch Council has elected to membership.

- 5.2.2 In the State of Western Australia, persons employed in the profession or industry of nursing and being registered or entitled to be registered with the Nurses' Board of Western Australia; student nurses training in schools for nurses registered with the Nurses' Board of Western Australia, or persons who have left their training schools after having completed the prescribed period of examinations arranged by the Nurses' Board until such persons are entitled to be registered as nurses; nursing cadets performing elementary nursing duties in approved hospitals for training and who will commence training as student nurses upon attaining the requisite age; together with such other persons who being registered or entitled to be registered with the Nurses' Board of Western Australia or having rendered distinguished service to the nursing profession have been admitted as distinguished honorary members.
- 5.2.3 In the State of South Australia membership shall be open to the following classes of employees engaged in the Nursing Industry:
- 5.2.3 (a)(i) who are registered or entitled to be registered as nurses or as mental deficiency nurses or psychiatric nurses or as midwives under provision of the Nurses' Registration Act
 - 5.2.3 (a)(ii) who are enrolled or entitled to be enrolled as enrolled nurses or mothercraft nurses under the provisions of the Nurses' Registration Act
 - 5.2.3 (a)(iii) who are pursuing a course of study and practice from time to time prescribed or approved by the Nurses' Board of South Australia in accordance with the provisions of the Nurses' Registration Act to become registered as nurses
 - 5.2.3 (a)(iv) who are pursuing a course of study and practice from time to time prescribed or approved by the Nurses' Board of South Australia in accordance with the provisions of the Nurses' Registration Act to become registered as enrolled nurses or mothercraft nurses.
 - 5.2.3 (b) Membership shall be open to persons who are entitled to be members but who are not practising or who because of their long membership or services to the Federation or to the nursing profession may be admitted as non-practising members or honorary members or may have their membership changed from member to non-practising member or honorary member by the decision of Council. These members shall be entitled to all the privileges of membership except that they shall not be entitled to vote or to nominate or to take part in the election of officers or members of the Council.
- 5.2.4 In the State of Victoria employees, however described or titled, primarily employed to provide or assist in the provision of nursing care or nursing services, or both, to persons in private and/or not for profit residential aged care facilities other than any facility to which the Government of Victoria provides funds on a recurrent basis for the carrying out of the business of that facility.

Provided that:

- 5.2.4(a) persons primarily employed as cooks, cleaners, kitchen assistants, kitchen attendants, laundry assistants, laundry attendants, gardeners or maintenance employees and
 - 5.2.4(b) persons who are eligible for membership of the Australian Municipal, Administrative, Clerical and Services Union pursuant to its rules as at 5th July, 1999
- shall not be eligible for membership of the Federation under this sub-rule.
- 5.2.5 In the state of NSW:
- 5.2.5(a) persons who are employed or who are usually employed in or in connection with the profession of nursing or midwifery as registered nurses, registered midwives, nurse educators, student nurses, enrolled nurses, trainee enrolled nurses, assistants in nursing or assistants in midwifery;
 - 5.2.5(b) persons being qualified as or eligible to be registered as nurses or midwives, trainee enrolled nurses or enrolled nurses who are seeking to be employed in or in connection with the profession of nursing or midwifery.
- 5.2.6 In the State of South Australia employees, however described or titled, employed to provide or assist in the provision of nursing care or nursing services, or both, to persons in, or receiving from, private and/or not for profit residential aged care facilities other than those operated by services incorporated under the South Australian Health Commission Act, 1976, provided that persons engaged primarily as cooks, cleaners, kitchen assistants, kitchen attendants, laundry assistants, laundry attendants, gardeners or maintenance employees shall not be eligible for membership of the federation under this sub-rule.

5.2.7 In the State of Tasmania employees who provide or assist in the provision of nursing care or nursing services provided that employees primarily engaged as cooks, cleaners, kitchen or laundry assistants, gardeners or maintenance employees shall not be eligible for membership of the Federation under this sub-rule.

- 5.3 Membership shall also be open to independent contractors who, if they were employees performing the work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Federation.

date: 17 August 2015

Signature



Lee Thomas
Federal Secretary

* Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~striketrough~~ formatting and new text may be highlighted using underlining or *italics* (provided there is no ambiguity with the formatting).

** An application must be sealed with the Common Seal of the organisation or be signed by a person authorised to sign the application. See regulation 13 of the *Fair Work (Registered Organisations) Regulations 2009*.

Note: The application should also set out, in sufficient particularity to allow the proposal to be properly considered, the following:

1. the particulars of the proposed alteration;

To include a new sub rule 5.2.7;

5.2.7 In the State of Tasmania employees who provide or assist in the provision of nursing care or nursing services provided that employees primarily engaged as cooks, cleaners, kitchen or laundry assistants, gardeners or maintenance employees shall not be eligible for membership of the Federation under this sub-rule.

2. the reason for the proposed alteration;

- a) To enable the Federation to enrol as members employees who are not otherwise eligible for membership and who provide or assist in the provision of nursing care or nursing services in the State of Tasmania.*
- b) To enable the Federation to represent and enhance the industrial, occupational and professional interests of the persons referred to in paragraph (a)*
- c) To enable the Federation to provide more effective representation for employees who provide or assist in the provision of nursing care and/or nursing services in the State of Tasmania.*

3. the effect of the proposed alteration;

To clarify and provide certainty to the eligibility rules of the Federation as they relate to Tasmania.

Declaration:

I, LEE THOMAS of Unit 3, 28 Eyre Street Kingston, the Australian Capital Territory, declare as follows:

1. I am the Federal Secretary of the Australian Nursing and Midwifery Federation ("ANMF"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act") and the officer authorised by the Rule 33.2 of the Rules of the ANMF to make this application.
2. The alterations were made in accordance with the Rules of the ANMF.
3. The action taken under the Rules to make the alterations and the manner in which compliance with the relevant Rules was obtained is set out in the written statement which accompanies this application.
4. The facts stated in this application and accompanying written statement are verified as true and correct to the best of my knowledge and belief.

Dated: 17 August 2015

SIGNATURE



Lee Thomas
Federal Secretary
Australian Nursing & Midwifery Federation