

On 8 August 2013 the AMIEU Federal Executive has passed some further rule changes, as a result of changes to the “Fair Work(Registered Organisations) Amendment Act 2012.”

The rule change is as set out below:

MOTION:

Moved: Graham Smith

Seconded: Brian Crawford

This meeting of the Federal Executive notes that the Fair Work (Registered Organisations) Amendment Act 2012 required organisations to include certain specified matters in their rules. At its meeting held on 15 April 2013, the Federal Executive resolved to make a number of changes to its registered rules, in order to comply with these legislative requirements.

The Federal Secretary of the AMIEU subsequently lodged an application with the Fair Work Commission seeking approval for the rule changes made at the Federal Executive meeting of 15 April. This application was forwarded to the Fair Work Commission on 3 May 2013.

The Federal Executive further notes that legislative amendments were made to the Fair Work (Registered Organisations) Amendment Act 2012 in June of 2013. As a result, it has become necessary to:

- (a) Amend the rule changes made by the previous meeting of the Federal Executive, in order to conform to the most recent legislative changes; and*
- (b) Amend the AMIEU’s application to the Fair Work Commission relating to the rule changes currently under consideration.*

Accordingly, this meeting of the Federal Executive resolves:

- 1. To amend the proposed Rule 15B of the Federal Rules of the AMIEU by deleting the date “29 December 2013” and replacing it with the date “30 June 2014.” Accordingly, the proposed rule 15B of the Federal Rules of the AMIEU will now read as follows:*

15B Officers with Financial Duties

15B.1 *Each officer of the Union (including an officer of a branch of the Union) whose duties include duties (“financial duties”) that relate to the financial management of the Union or a branch (as the case may be) must undertake training that:*

15B.1.1 *is approved for such purpose by the General Manager of the Fair Work Commission; and*

15B.1.2 *covers each of the officer’s financial duties.*

15B.2 Each officer required to complete training pursuant to sub-rule 15B.1 must complete such training:

15B.2.1 within 6 months after the person begins to hold the office; or

15B.2.2 in the case of a person who is an officer of the Union (including an officer of a branch of the Union) at the time of the commencement of this rule – by **30 June 2014**.

2. To amend the proposed Rule 18D of the Federal Rules of the of the AMIEU by inserting a new sub-rule 18D.2A, in the following terms:

18D.2ASub-rl 18D.1 does not apply to a payment made to a related party if:

(a) the related party is an officer of the organisation (or a branch of an organisation); and

(b) the payment:

- (i) consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or
- (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

Accordingly, the proposed rule 18D, as amended, will now read as follows:

18D Disclosure by the Union of Payments

18D.1 The Federal Secretary shall cause to be disclosed to the members of the Union and its branches either

18D.1.1 each payment made by the Union during the disclosure period

- (i) to a related party of the Union or of a branch of the Union; or
 - (ii) to a declared person or body of the Union or a branch of the Union;
- or

18D.1.2 the total of the payments made by the Union, during the disclosure period:

- (i) to each related party of the Union; or
- (ii) to each declared person or body of the Union.

18D.2ASub-rl 18D.1 does not apply to a payment made to a related party if:

(a) the related party is an officer of the organisation (or a branch of an organisation); and

(b) the payment:

- (i) *consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or*
- (ii) *is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.*

18D.2 *Sub-rule 18D.1 does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.*

18D.3 *For the purposes of sub-rule 18D.1, the disclosures shall be made*

18D.3.1 in relation to each financial year

18D.3.2 within six months after the end of the financial year; and

18D.3.3 in writing and provided to members of the branch in the same manner, and at the same time as, the branch provides its members with its auditor's report, general purpose financial report, and operating report.

18D.4 *For the purposes of this rule, the term "officer" as the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.*

3. *To amend the proposed Rule 18D of the Federal Rules of the of the AMIEU by inserting a new sub-rule 18D.2A, in the following terms:*

52B.2A*Sub-rl 52B.1 does not apply to a payment made to a related party if:*

- (a) the related party is an officer of the organisation (or a branch of an organisation); and*
- (b) the payment:*
 - (i) consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or*
 - (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.*

Accordingly, the proposed rule 52B, as amended, will now read as follows:

52B Disclosure by Branches of Payments

52B.1 *The Secretary of each Branch shall cause to be disclosed to the members of that branch either*

52B.1.1 each payment made by the branch during the disclosure period

- (i) to a related party of the branch; or*
- (ii) to a declared person or body of the branch; or*

52B.1.2 the total of the payments made by the branch, during the disclosure period:

- (i) to each related party of the branch; or*
- (ii) to each declared person or body of the branch.*

52B.2 *Sub-rule 52B.1 does not apply to a payment made to a related party if:*

- (a) the related party is an officer of the organisation (or a branch of an organisation); and*
- (b) the payment:*
 - (i) consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or*
 - (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.*

52B.2 *Sub-rule 52B.1 does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.*

52B.3 *For the purposes of sub-rule 52B.1, the disclosures shall be made*

52B.3.1 *in relation to each financial year*

52B.3.2 *within six months after the end of the financial year; and*

52B.3.3 *in writing and provided to members of the branch in the same manner, and at the same time as, the branch provides its members with its auditor's report, general purpose financial report, and operating report*

52B.4 *For the purposes of this rule, the term "officer" as the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.*

- 4. The Federal Secretary is to write to the General Manager of the Fair Work Commission advising of the above amendments, and seek approval of the rules changes, in their amended form, above.*

CARRIED UNANIMOUSLY