

Draft Rules for a New AMWU



8 - FINANCE

8A - FINANCIAL REQUIREMENTS

1. Consistent with these Rules, the Union and each branch shall develop and implement policies and procedures relating to the expenditure of the Union or branch respectively.

~~2. Disclosure of officers' relevant remuneration and non-cash benefits – Union~~

~~(a) Each officer of the Union shall disclose to the Union any remuneration paid to the officer:~~

~~(i) because the officer is a member of a board, if:~~

~~A. the officer is a member of the board only because the officer is an officer of the Union; or~~

~~B. the officer was nominated for the position as a member of the board by the Union, a branch of the Union, or a peak council; or~~

~~(ii) by any related party of the Union in connection with the performance of the officers' duties as an officer.~~

~~(b) The disclosure required by paragraph (a) shall be made to the Union:~~

~~(i) as soon as practicable after the remuneration is paid to the officer; and~~

~~(ii) in writing.~~

~~(c) The Union shall disclose to the members of the Union and its branches:~~

~~(i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and~~

~~(ii) for those officers:~~

~~A. the actual amount of the officers' relevant remuneration for the disclosure period; and~~

~~B. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.~~

~~(d) For the purposes of paragraph (c), the disclosure shall be made:~~

~~(i) in relation to each financial year;~~

~~(ii) within six months after the end of the financial year; and~~

~~(iii) in writing.~~

~~3. Disclosure of officers' relevant remuneration and non-cash benefits – branch~~

~~(a) Each officer of a branch of the Union shall disclose to that branch of the Union any remuneration paid to the officer:~~

~~(i) because the officer is a member of a board, if:~~

~~A. the officer is a member of the board only because the officer is an officer of that branch of the Union; or~~

~~B. the officer was nominated for the position as a member of the board by the Union, a branch of the Union, or a peak council; or~~

~~(ii) by any related party of the branch of the Union in connection with the performance of the officers' duties as an officer.~~

~~(b) The disclosure required by paragraph (a) shall be made to the branch:~~

~~(i) as soon as practicable after the remuneration is paid to the officer; and~~

~~(ii) in writing.~~

~~(c) Each branch shall disclose to the members of that branch of the Union:~~

~~(i) the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and~~

~~(ii) for those officers:~~

~~A. the actual amount of the officers' relevant remuneration for the disclosure period; and~~

~~B. either the value of the officers' relevant non-cash benefits, or the form of the officers' relevant non-cash benefits, for the disclosure period.~~

~~(d) For the purposes of paragraph (c), the disclosure shall be made:~~

~~(i) in relation to each financial year;~~

~~(ii) within six months after the end of the financial year; and~~

~~(iii) in writing.~~

~~4. Disclosure of officers' material personal interests—Union~~

~~(a) Each officer of the Union shall disclose to the Union any material personal interest in a matter that:~~

~~(i) the officer has or acquires; or~~

~~(ii) a relative of the officer has or acquires;~~

~~that relates to the affairs of the Union.~~

~~(b) The disclosure required by paragraph (a) shall be made to the Union:~~

~~(i) as soon as practicable after the interest is acquired; and~~

~~(ii) in writing.~~

~~(c) — The Union shall disclose to the members of the Union and its branches any interests disclosed to the Union pursuant to paragraph (a).~~

~~(d) — For the purposes of paragraph (c), the disclosures shall be made:~~

~~———— (i) — in relation to each financial year;~~

~~———— (ii) — within six months after the end of the financial year; and~~

~~———— (iii) — in writing.~~

~~5. — Disclosure of officers' material personal interests — branches~~

~~(a) — Each officer of a branch of the Union shall disclose to the branch any material personal interest in a matter that:~~

~~———— (i) — the officer has or acquires; or~~

~~———— (ii) — a relative of the officer has or acquires;~~

~~———— that relates to the affairs of the branch.~~

~~(b) — The disclosure required by paragraph (a) shall be made to the branch:~~

~~———— (i) — as soon as practicable after the interest is acquired; and~~

~~———— (ii) — in writing.~~

~~(c) — The branch shall disclose to the members of the branch any interests disclosed to the branch pursuant to paragraph (a).~~

~~(d) — For the purposes of paragraph (c), the disclosures shall be made:~~

~~———— (i) — in relation to each financial year;~~

~~———— (ii) — within six months after the end of the financial year; and~~

~~———— (iii) — in writing.~~

~~6. — Disclosure by Union of payments~~

- ~~(a) The Union shall disclose to the members of the Union and its branches either:~~
- ~~(i) each payment made by the Union, during the disclosure period:~~
- ~~A. to a related party of the Union or of a branch of the Union; or~~
- ~~B. to a declared person or body of the Union or a branch of the Union; or~~
- ~~(ii) the total of the payments made by the Union, during the disclosure period:~~
- ~~A. to each related party of the Union; or~~
- ~~B. to each declared person or body of the Union.~~
- ~~(b) Paragraph (a) does not apply to a payment made to a related party if:~~
- ~~(i) the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union; or~~
- ~~(ii) the related party is an officer of the organisation, and the payment:~~
- ~~A. consists of remuneration paid to the officer by the Union; or~~
- ~~B. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.~~
- ~~(c) For the purposes of paragraph (a), the disclosures shall be made:~~
- ~~(i) in relation to each financial year;~~
- ~~(ii) within six months after the end of the financial year; and~~
- ~~(iii) in writing.~~

~~7. Disclosure by branch of payments~~

- ~~(a) Each branch shall disclose to the members of that branch either:~~
- ~~(i) each payment made by the branch, during the disclosure period:~~

- ~~_____ A. _____ to a related party of the branch; or~~
- ~~_____ B. _____ to a declared person or body of the branch; or~~
- ~~_____ (ii) _____ the total of the payments made by the branch, during the disclosure period:~~
 - ~~_____ A. _____ to each related party of the branch; or~~
 - ~~_____ B. _____ to each declared person or body of the branch.~~
- ~~(b) _____ Paragraph (a) does not apply to a payment made to a related party if:~~
 - ~~(i) _____ the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the branch; or~~
 - ~~(ii) _____ the related party is an officer of the branch, and the payment:
 - ~~A. _____ consists of remuneration paid to the officer by the branch; or~~
 - ~~B. _____ is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.~~~~
- ~~_____ (c) _____ For the purposes of paragraph (a), the disclosures shall be made:~~
 - ~~_____ (i) _____ in relation to each financial year;~~
 - ~~_____ (ii) _____ within six months after the end of the financial year; and~~
 - ~~_____ (iii) _____ in writing.~~
- ~~8. _____ Within 6 months after beginning to hold an office, each officer of the Union or a branch of the Union whose duties include financial duties must complete training:~~
 - ~~(a) _____ approved by the General Manager under section 154C of the *Fair Work (Registered Organisations) Act 2009*; and~~
 - ~~_____ (b) _____ that covers each of the officer's financial duties.~~

8B - HOLDING OF PROPERTY

1. A payment to the Union shall be made payable to the Automotive, Food, Metals Engineering, Printing and Kindred Industries Union.
2. Property of the Union shall be acquired and held in the name of the Union.
3. Cheques drawn upon a banking account of the Union shall be signed by any two of the five members authorised for the purpose by the National Council.

8C - FUNDS AND INSPECTIONS OF BOOKS

1. Central Accounts

All moneys received by the State Councils except those specifically otherwise prescribed for in these rules shall be banked to the credit of the Union in an account at a bank to be opened with the approval of the National Council. Such moneys shall regularly be transferred to the Banking Account of the National Council. For the purpose of carrying on the work and objects of the Union, and subject to decisions of National Conference under paragraph **65A2.1(d)** and National Council under rule **5B28** of these rules the National Council shall finance State Councils to meet expenditure in which they are involved in carrying out their activities in accordance with the rules of the Union and shall make available to State Councils such additional moneys as are specifically provided for in these rules and or which the National Council decides from time to time should be made available.

2. Neglect to Remit Funds

Any failure by any officer, member or State Council to deposit moneys in accordance with this rule and the instructions of the National Council shall render them liable to suspension by the National Council and to be otherwise dealt with in accordance with these rules.

3. Any person having an interest in the funds may by giving due notice to the National Secretary or the State Secretary in the State in which he/she is a member inspect the books of the Union and the names of the members.

8D - PRESENTATION OF FINANCIAL REPORTS TO A GENERAL MEETING OF MEMBERS

- (a) The National Secretary shall, on the requisition in writing of 5% of the membership of the Union, proceed to call a series of general meetings of members in each of the States for the purpose of considering the auditor's report, the general purpose financial report and the operating report prepared for the National Council.
- (b) A State Secretary shall, on the requisition in writing of 5% or more of the membership of the relevant State, advise the National Secretary of the receipt of the requisition within 7 days and shall convene a general meeting of members in the State for the purpose of considering the auditor's report, the general purpose financial report and the operating report prepared for the State Council.
- (c) The requisition must be made within 6 months of the end of the financial year and state that the purpose of the meeting is to consider the auditor's report, the general purpose financial report, and the operating report for that financial year of the National Council or the State Council, as the case may be.
- (d) The National Secretary shall give notice of the meeting or meetings to members by the next mail enclosing the membership quarterly card and the meeting or meetings shall be convened not earlier than 14 days after the notice has been distributed to members.

8E - LEVIES

1. Limit of Amount

The National Conference shall have power to levy members of the Union for the purpose of any or all of the objects set out in these rules. Provided however, that such levies shall not exceed \$1.00 per member per week nor continue for a period of longer than three months without a fresh decision being made by the National Conference.

2. A State Conference subject to National Council or National Conference shall have the power to hold a ballot vote of the State membership or any section thereof to strike a levy to finance the purpose of any or all or the objects of the Union set out by these Rules. Such levy shall not exceed \$5.00 per member per quarter and shall not continue for a period of more than three years without a further ballot of members.

A State Conference with the approval of the National Council or National Conference may decide on levies of similar amounts and for similar purposes covering members of their particular State. All ~~money~~ money raised by per medium of a State levy decided in accordance with this rule shall be expended in accordance with decisions of the State Council and or State Conference.

3. Dispute & General Levies

In addition to these general powers to raise money by levy, the following specific powers shall exist:

- (a) The National Council shall have power to take a ballot vote of the members to authorise the raising of levies to assist any effort to improve the position of the Union or the general trade union or labour movement, such levies shall not exceed an amount totalling \$150 per member in any three month period, shall not be retrospective and shall not be in force for more than three months without a further ballot vote being taken as to the continuation of same unless a longer period is specified on the Ballot paper.

On the application of any State Council in a State where a dispute is existing, the National Council shall apportion a sum from the fund raised for dispute relief; the sum apportioned shall be forwarded to that State Council for distribution to the recognised strike committee or such other recognised trade union body in charge of the dispute for distribution. Such sum shall be repaid by the State Council concerned, within twelve months.

Assistance to Members

- (b) State Councils shall have the power subject to the approval of National Council, to take a ballot vote of members upon the desirability of raising a levy among the members of the State concerned or any section of them for the assistance of members in any shop or works dispute approved by the State Council of any State. Such levy shall not be more than \$150 per member in any three month period or be in force for a longer period than three months without a further vote of the members concerned being taken unless a longer period is specified on the ballot paper.

Any such State Council shall, subject to approval of the National Council, be permitted to appeal to other State Councils not immediately concerned in any dispute to take a ballot vote of their members to assist the State appealing.

Assistance

- (c) State Councils shall have power, subject to the approval of the National Council to take a ballot vote of members upon the desirability of raising a levy among the members of the State concerned or any section of them for assistance of other trade unions, but no such levy shall be of more than \$1.00 per member per week or be in force for a longer period than three months without a further vote of the members concerned being taken and separate levies shall be raised for each and all of the objects herein mentioned and the votes of the members shall be taken upon each portion.

Levy for Additional Organisers

- (d) State Councils shall have power, subject to the approval of the National Council to take a ballot vote of members of their State ~~or a Division defined by State Council~~ or a subset of members in their State to raise a levy to finance additional organisers where the additional organisers requested by a State Council and or State Conference are not approved by the National Council to be financed out of the general funds of the Union. State Organisers elected under these rules, in respect to salaries, the right to be elected to National Conference, and in all other ways shall be subject to all rules that apply in respect to State Organisers elected as provided elsewhere in these rules.

4. Any ~~money~~ money raised by levy under powers conferred by this or any other of these rules upon State Council shall be administered solely for the purpose for which the funds were raised and at the discretion of the State Council concerned, subject always to the powers of the National Conference and the National Council prescribed elsewhere in these rules.

5. Voting on ballots for levies imposed in accordance with the provisions of this rule shall be conducted by the State Returning Officer in the same manner as voting in elections for State Organisers.

8F - CHEQUE ~~SIGNERS~~SIGNATORIES

Cheques drawn upon a banking account under the control of the State Council shall be signed by any two of the five members authorised for the purpose by State Council.

