



A•S•U

File/Our Ref: [DS:MP:10.4/2013](#)
Your Ref:
Please quote in reply

15th July, 2013

General Manager
Fair Work Commission
GPO Box 1944
MELBOURNE VIC 3001

By E-mail: melbourne@fwc.gov.au

Dear Sir,

**Re: Australian Municipal, Administrative, Clerical & Services Union (ASU)
Re-submitting Rule 57A – 57J - Financial Obligations & Disclosures**

I re-submit the following ASU Rule 57A – 57J – Financial Obligations & Disclosures changes for certification.

Accordingly, I lodge with this letter a Notice Setting out the Particulars of the Alterations to the Rules of the ASU, containing a Declaration, pursuant to Section 159(1) of the Fair Work (Registered Organisations) Amendment Act 2009 and Regulation 126 of the Fair Work (Registered Organisations) Regulations 2009.

The proposed changes to ASU Rule 57A – 57J – Financial Obligations & Disclosures in the ASU Rules will apply to the Union and all ASU Branches.

57A – 57J FINANCIAL OBLIGATIONS & DISCLOSURES

57A - DEFINITIONS

- a. The following definitions apply to rules 57A – 57J:
- i “Act” means the *Fair Work (Registered Organisations) Act 2009*;
 - ii “board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;
 - iii “branch” means a branch, sub-branch, division, sub division, network or section of the Union that contains an office, within the meaning of section 9 of the Act to which officers are elected or appointed.;
 - iv “disclosure period” for the purpose of rules 57A – 57J means the financial year unless a shorter period is specified;
 - v “declared person or body” means a person is a declared person or body if:
 - 1. an officer of the Union or a branch has disclosed a material personal interest under rules 57E or 57F; and
 - 2. the interest relates to, or is in, the person or body; and
 - 3. the officer has not notified the Union or branch, as the case may be, that the officer no longer has the interest;
 - vi “financial duties” includes duties that relate to the financial management of the Union or a branch;

**Australian
Services
Union**

**National Office
Melbourne & Sydney**

All correspondence to:

Ground Floor
116 Queensberry St
Carlton South VIC 3053

T: (03) 9342 1400
F: (03) 9342 1499
E: info@asu.asn.au
W: www.asu.asn.au

National Secretary
David Smith

Assistant National Secretaries
Greg McLean
Linda White

- vii “General Manager” means the general manager of the Fair Work Commission;
- viii “non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes;
- ix “peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009;
- x “office” has the same meaning as defined by section 9 of the Act;
- xi “officer” has the same meaning as defined by section 6 of the Act;
- xii “related party” has the same meaning as defined by section 9B of the Act;
- xiii “relative” in relation to a person, means:
 - 1. parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
 - 2. the spouse of the first mentioned person;
- xiv “relevant remuneration” in relation to an officer of the Union or a branch for a disclosure period is the sum of the following:
 - 1. any remuneration disclosed to the Union and/or a branch by the officer under rules 57C or 57D, as the case may be, during the disclosure period;
 - 2. any remuneration paid during the disclosure period, to the officer of the Union or a branch, by the Union or the branch;
- xv “relevant non-cash benefits” in relation to an officer of the Union or a branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Union or a branch or by a related party of the Union or a branch;
- xvi “remuneration”:
 - 1. includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
 - 2. does not include a non-cash benefit; and
 - 3. does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out the officers’ duties.

57B - UNION/BRANCH POLICIES AND PROCEDURES

- a. The Union shall develop and implement policies and procedures relating to the expenditure of the Union and the branches.
- b. A branch shall develop and implement policies and procedures relating to the expenditure of that branch.
- c. Despite sub-rule b., where a branch has not implemented policies and procedures relating to the expenditure of the branch in accordance with sub-rule b., then the policies and procedures developed and implemented by the Union in respect of its branches and in accordance with sub-rule a. shall apply to the branch.

57C - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- 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:
 - 1. the officer is a member of the board only because the officer is an officer of the Union; or
 - 2. the officer was nominated for the position as a member of the board by the Union, a branch, 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 sub-rule 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 the 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:
 - 1. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - 2. 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 sub-rule 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.

57D - DISCLOSURE OF A BRANCH OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- a. Each officer of a branch shall disclose to the branch any remuneration paid to the officer:
 - i because the officer is a member of a board, if:
 - 1. the officer is a member of the board only because the officer is an officer of the branch; or
 - 2. the officer was nominated for the position as a member of the board by the Union, the branch or a peak council; or
 - ii by any related party of the branch in connection with the performance of the officer's duties as an officer.
- b. The disclosure required by sub-rule 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. A branch shall disclose to the members of the branch:
 - i the identity of the officers who are the two highest paid officers of the branch in terms of relevant remuneration for the disclosure period; and
 - ii for those officers:
 - 1. the actual amount of the officers' relevant remuneration for the disclosure period; and
 - 2. 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 sub-rule 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.

57E - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- 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 sub-rule 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 the branches any interests disclosed to the Union pursuant to sub-rule a.
- d. For the purposes of sub-rule 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.

57F - DISCLOSURE OF A BRANCH OFFICER'S MATERIAL PERSONAL INTERESTS

- a. Each officer of a branch 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 sub-rule 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 sub-rule a.

- d. For the purposes of sub-rule 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.

57G. - 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 to a:
 - 1. related party of the Union or a branch; or
 - 2. declared person or body of the Union or a branch; or
 - ii the total of the payments made by the Union, during the disclosure period to:
 - 1. each related party of the Union; or
 - 2. each declared person or body of the Union.
- b. Sub-rule a. does not apply to a payment made to a related party if:
 - i the related party is an officer of the Union or branch (as the case may be) and the payment:
 - 1. consists of remuneration paid to the officer by the Union or the branch (as the case may be); or
 - 2. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer; or
 - ii the related party is an officer or employee of the Union or the branch (as the case may be) and the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.
- c. For the purposes of sub-rule 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.

57H - DISCLOSURE BY A BRANCH OF PAYMENTS

- a. A branch shall disclose to the members of the branch either:
 - i each payment made by the branch, during the disclosure period to a:
 - 1. related party of the branch; or
 - 2. declared person or body of the branch; or
 - ii the total of the payments made by the branch, during the disclosure period to:
 - 1. each related party of the branch; or
 - 2. each declared person or body of the branch.
- b. Sub-rule a. does not apply to a payment made to a related party if:

- i the related party is an officer of the Union or branch (as the case may be) and the payment:
 - 1. consists of remuneration paid to the officer by the Union or the branch (as the case may be); or
 - 2. is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer; or
 - ii the related party is an officer or employee of the Union or the branch (as the case may be) and the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.
- c. For the purposes of sub-rule 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.

57I – FINANCIAL TRAINING FOR OFFICERS OF UNION

- a. Each officer of the Union whose duties include duties relating to the financial management of the Union must undertake training that:
 - i is approved by the General Manager, in accordance with section 154C of the Act;
 - ii covers each of the officers' financial duties; and
 - iii is completed within six (6) months of the date the officer begins to hold an office.

57J – FINANCIAL TRAINING FOR OFFICERS OF A BRANCH

- a. Each officer of a Branch whose duties include duties relating to the financial management of the branch must undertake training that:
 - i is approved by the general manager, in accordance with section 154C of the Act;
 - ii covers each of the officers' financial duties; and
 - iii is completed within six (6) months of the date the officer begins to hold an office.

If you require further information, please do not hesitate to contact me at this office.

Yours faithfully



David Smith
National Secretary

Tel: +61 3 9342 1401
Mobile: 0419 644 238
E-mail: dsmith@asu.asn.au

Encl.

Fair Work (Registered Organisations) Act 2009

**NOTICE SETTING OUT THE PARTICULARS OF THE ALTERATIONS
TO THE RULES OF THE AUSTRALIAN MUNICIPAL, ADMINISTRATIVE,
CLERICAL AND SERVICES UNION
REGULATION 126**

**DECLARATION
REGULATION 126 (2)**

I, DAVID SMITH, of Ground Floor, 116 Queensberry Street, Carlton South, Victoria, state:

1. I am the National Secretary of the Australian Municipal, Administrative, Clerical and Services Union ("ASU"), an organisation of employees registered under the Fair Work (Registered Organisations) Act 2009 ("the Act") and I am authorised to make this statement for and on behalf of the ASU and to sign the "Notice Setting out the Particulars of the Alterations to the Rules of the Union".
2. The particulars set out in this "Notice Setting out the Particulars of the Alterations to the Rules of the Australian Municipal, Administrative, Clerical and Services Union" dated Monday 15th July, 2013, lodged herein are correct.
3. The alterations were made in accordance with the Rules of the ASU.
4. The manner in which compliance with the Rules of the ASU was obtained is as follows:
 1. The ASU National President advised the National Secretary in a letter dated 11th July, 2013, requesting the proposed changes to ASU Rules 57A-57J - FINANCIAL OBLIGATIONS & DISCLOSURES, of the of the Union to a postal/email ballot of the National Executive, as per ASU Rule 49.
 2. I confirm that on 11th July, 2013, a postal/email ballot was submitted to National Executive members via e-mail and members were provided with the proposed changes to the ASU Rule 57A – 57J – FINANCIAL OBLIGATIONS & DISCLOSURES.
 3. On the 12th July, 2013, the result of the postal/email ballot submitted to members of National Executive via e-mail was declared carried.
5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED: Monday, 15th July, 2013.



David Smith
National Secretary
Australian Municipal, Administrative, Clerical and Services Union