



IEUA NSW/ACT Branch Disclosures and Material Personal Interests Policy

Status	Final	Next review date	August 2022
Authorised by		Responsibility	Executive
Adopted	4 September 2020	Version	September 2020

INTRODUCTION – GENERAL OBLIGATIONS

Union officers and employees are expected to uphold the integrity of the union in the highest manner when undertaking their duties and in their undertakings with members, employers, outside organisations and suppliers.

Officers and employees must take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with union employment or duties.

Officers and employees must not make improper use of inside information or use their duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for themselves or for any other person. In particular, they must not obtain a secret benefit from their work or involvement with the union. Any payment received by an employee in carrying out their work must be disclosed to the Secretary and gifts must be disclosed in accordance with the Gifts and Donations Policy.

This policy is designed to remind NSW/ACT Branch of the IEUA officers of their obligations pursuant to the *Fair Work (Registered Organisations) Act 2009* (Cth) (the Act) in addition to the general obligations of employees and others under the law and IEUA policies.

DEFINITIONS

The Act defines “officers” as those elected to hold an “office”. In the NSW/ACT Branch of the IEUA this means Executive members, Delegates (of sub-branches) to the NSW/ACT Branch Council and NSW/ACT Branch Delegates to the IEUA Federal Council. It does not mean staff who are not elected.

Under the Act, there are additional requirements for officers whose duties include those relating to financial management of a branch of an organisation. For the IEUA, this means members of the NSW/ACT Branch Executive.

These duties are in addition to other duties under the law.

The Act defines a related party in s9B as:

- an entity controlled by the union but not including a branch of a federal union or a state registered union which is an associated body of a branch of a federal union
- officers of the union, their spouses and relatives.

At present there are no entities controlled by the NSW/ACT Branch of the IEUA which would fit the definition of a related party.

OFFICER DISCLOSURES

Section 293B of the Act requires that each officer of the NSW/ACT Branch of the IEUA must disclose remuneration received:

- if they are **nominated to a Board** by the IEUA or if they are on the Board because they are a Union officer; OR
- they are **paid remuneration by a related party of the IEUA** in connection with their duties as an officer.

This remuneration must be disclosed in writing to the Branch Executive as soon as it is paid OR as part of a standing disclosure. In the case of a standing disclosure, the officer may advise the amount they expect to receive, but they should update this if the amount changes. At the end of the financial year, officer must advise the Executive in writing of the actual amount received (s293BA and s 293BB). See **Schedule 1** for a template for the standing notice.

This applies to **Branch Delegates to Council** and the **Branch Executive**.

DISCLOSURES BY DISCLOSING OFFICER

A disclosing officer must disclose a **material personal interest** as soon as practicable to the Branch Executive (see s293C). In each case, the disclosure must include the details of the interest.

A “disclosing officer” means all members of the **Branch Executive**.

What is a material personal interest?

The following summary is based on the ROC Factsheet:

‘Material personal interest’ is not defined in the Act but the same concept used in the *Corporations Act* applies and therefore the same principles are likely to apply.

” Material” means matters that may influence an officer’s consideration of a matter relevant to the organisation, including how to vote at the Executive.

“Personal interest” does not have to be financial - for example, it could include cultural or social interests that might influence the officer in voting. A personal interest could also be held by a relative and not the officer themselves, if it could influence the officer.

It is not a material personal interest if there is no real possibility of a conflict of interest.

Under the Act, it is NOT an interest if a payment is:

- due to the person being an IEU member or representative of members, and the interest is the same as that of other members (for example, when the Executive endorses settlement of an EA applying to them)
- relating to their pay as an officer (eg for the Secretary, Deputy Secretary, Assistant Secretary or the President)
- relating to a contract that is to be approved by members
- that arises because of a contract with a related party of the union and the Executive member is on the board of that body
- covered in a standing notice of disclosure.

What do you do if you have a material personal interest?

You have to disclose it (including the details).

The disclosure must be in orally or in writing and the disclosure must be recorded in the minutes of the Branch Executive. To assist with this, an additional item will be placed on the Branch Executive agenda for Disclosures of Material Personal Interest.

An officer may also give a standing notice of an interest - a copy of this notice must be given to each member of the Executive and must also be recorded in the minutes of the meeting at which it was tabled, or if not tabled at a meeting, at the next meeting of the Executive. See **Schedule 1** for a template for the standing notice.

Officers must advise the Executive in writing of any changes, additions or variations to the material personal interest within one month of any change of circumstances, using **Schedule 1**.

DISCLOSURES OF PAYMENTS TO RELATED PARTIES

The Act also requires that there is a declaration of payments to a related party of the Branch, but this does not apply where the payment is to an officer of the union and the payment is remuneration or reimbursement of expenses or where the payment is a deduction from remuneration paid to an officer.

OFFICER AND RELATED PARTY DISCLOSURE STATEMENT

At the end of each financial year, the NSW/ACT Branch of the IEUA must make available to members an Officer and Related Party Disclosure Statement that includes details of the remuneration paid to the five highest paid officers and payment to related parties.

COMPLIANCE AND REVIEW OF THIS POLICY

At least biennially, the Executive will undertake a review of the operation of this policy to ensure that the policy is adequately regulating the financial governance of the union and that the policy is subject to full compliance.

The Secretary will ensure that all relevant policies and procedures are made available to officers and that appropriate training (including an induction process) is offered to ensure they understand the union's financial policies and procedures and their own responsibilities.

Schedule 1

DISCLOSURE OF BOARD REMUNERATION

I, _____, declare that to the best of my knowledge and belief, that I will receive/have received during the financial year of _____ the amount of \$ _____ as a member of the Board of

I hereby undertake that I will notify the Executive of the NSW/ACT Branch of the IEUA in writing of any change to this disclosure as soon as practicable.

Signature _____

Date _____

STATEMENT OF MATERIAL PERSONAL INTERESTS DECLARATION

I, _____, declare the following material personal interest in a matter relating to the affairs of the NSW/ACT Branch of the IEUA

UNDERTAKING

I hereby undertake that I will notify the Executive of the NSW/ACT Branch of the IEUA in writing of any change to this disclosure as soon as practicable.

Signature _____

Date _____