

1. What is the annual budget of the ANMF or the registered organisation to which the ANMF belongs?

The ANMF Tasmanian Branch lodges with the Registered Organisations Commissioner an audit report, a general-purpose financial report and an operating report in respect of its financial affairs in accordance with s268 of the Fair Work (Registered Organisations) Act 2009 (the Act). The Report is published by the Registered Organisations Commissioner (ROC). Reference should be made to the ROC.

(Note: References in this response are to the ANMF Tasmanian Branch.)

2. What is the total value of assets owned by the ANMF or the registered organisation to which the ANMF belongs?

Refer to the response to Question 1.

3. How many members does the ANMF have?

Refer to the response to Question 1. Regulation 159 requires this information to be included in the Operating Report.

4. How many staff does the ANMF employ?

Refer to the response to Question 3.

5. How much does membership of the ANMF cost?

The cost of membership depends upon the member's profession and hours worked. It ranges from approximately \$234 to \$801.

6. What positions in the ANMF are elected by members?

Branch Secretary
Branch President
Branch Vice President
4 Executive Members
14 Branch Councillors & Executive Members

a. Who conducts these elections?

The Australian Electoral Commission in accordance with s182 (1) of the Act.

b. How often are these elections held?

Every 2 years for Branch council
Every 4 years for Branch Secretary

c. When was the last election held?

September 2018 – Branch Council

d. How many candidates were there for each position at the last election?

Branch President – 1 Candidate
Vice President – 1 Candidate
Branch Executive Members - 4 Candidate
Branch Councillors – 9 Candidates

e. How many members voted for each position at the last election?

No Ballot was required.

f. How much is each position paid in salary?

Section 293J of the Act requires that an “officer and related party disclosure statement” be provided to members and lodged with the ROC. That statement includes the relevant remuneration and the value and form of relevant non-cash benefits paid to the five highest paid officers in the branch. Only one officer receives a salary. Reference should be made to the ROC.

g. What benefits in kind are associated with each position?

Refer to the response to Question 6.

7. Does the ANMF maintain any direct relationship with a state entity (such as an industrial association)?

No

a. If so, what is the total value of assets and total membership of that state entity?

N/A

8. Do you think unions need to break the law in order to represent their members?

Refer to the ANMF Federal Office submissions to the Committee.
The ANMF Tasmanian Branch does have grave concerns that its continued dedicated support of members has the potential to lead to de-registration of the ANMF Tasmanian Branch under section 28, C where anyone including the health service providers or indeed the Tasmanian Government could make an application based purely on ANMF Tasmanian Branch supporting Tasmanian nurses and midwives including by inadvertent or technical contraventions by the Branch or

members or as a result of contraventions arising from the exercise of professional duty.

9. What has your organisation done to reign in the lawbreaking behaviour of rogue organisations

like the Construction Forestry Maritime Mining and Energy Union (CFMMEU)?
This is not a proper or reasonable question.

10. Do you condemn the actions of John Setka?

This is not a proper or reasonable question.

11. Do you think John Setka should remain in his role with the CFMMEU?

The question of union officials holding office is primarily a matter for the members of the union concerned. The Act already contains provisions relating to the holding of office (See Chapter 7, Part 4 of the Act).

12. Do you accept that the Ensuring Integrity bill applies equally to all registered organisations, both employer organisations and unions?

The Tasmanian Branch does not accept that the Ensuring Integrity Bill applies equally to all registered organisations.
For example, the reference to industrial action, which can only be first initiated by unions and employees and is overwhelmingly driven by unions makes it clear that the target of the Bill is unions.

13. Do you agree that other than with respect to the commission of serious offences that will warrant automatic disqualification, the bill maintains the position in the existing Registered Organisations Act that only the Court has the power to disqualify a union official or deregister a union?

The bill speaks for itself on this confined question. The question ignores the circumstances under the Bill in which application can be made to the Court, and as a result union having to face proceedings.

The Question also avoids the fact that the bill allows for an application for deregistration of the ANMF Tasmanian Branch without having to have met a serious offence at all, under section 28C its likely that a ground could be met by ANMF accepting a flat dollar wage increase for all members rather than a % wage increase in a nursing or care worker negotiation where the higher paid members would effectively receive less of a pay rise than the lower paid workers. The higher paid workers could then make an application for deregistration despite all members at the worksite being better off overall.

14. Do you agree that other than with respect to the commission of serious offences that will warrant automatic disqualification, the bill maintains the

position that a union official will only be disqualified, or a union have its registration cancelled, if the court is satisfied it would not be 'unjust' to do so, taking into account all the relevant circumstances and nature of the conduct in question?

The Bill speaks for itself in this regard.

The Question ignores the fact that there is such a low bar to make an application in the bill means that the ANMF Tasmanian Branch could be caught up in long winded court proceedings using members funds on an ongoing basis to just to prove that our registration should not be cancelled or a unions official disqualified.

This is not in the interests of members and would add further burden to an already onerous amount of reporting and dual reporting to the Registered Organisation Commission and the Australian Electoral Commission which is already more than is required by other non-union organisations.

15. Do you agree that the bill maintains the position in the current Registered Organisations Act that the Fair Work Commission alone is responsible for approving the amalgamation of organisations?

The Bill speaks for itself.

This question avoids the contentious issue of the factors to which the Commission must have regard in considering an application for amalgamation and the limits of its discretion.

The Fair Work Commission's discretion is very constrained by the Bill in respect to amalgamations. The commission must decide that the amalgamation is not in the public interest if any of the organisations have a record of not complying with the law or the amalgamation is otherwise not in the public interest, having regard to the impact on employees or employers.

Authorised by Emily Shepherd, Branch Secretary
8 October 2019