



Australian Government
Registered Organisations Commission

10 February 2023

Michael Buchan
Branch State Secretary
Construction, Forestry, Maritime, Mining and Energy Union-Western Australian Branch

Sent via email: mbuchan@cfmeuwa.com

Dear Michael Buchan,

Section 271 application for certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 (the Act) (FR2022/218)

I refer to the application lodged pursuant to section 271(1) of the Act by the Construction, Forestry, Maritime, Mining and Energy Union-Western Australian Branch (the reporting unit) for the financial year ended 31 December 2022. The application was lodged with the Registered Organisations Commission on 7 February 2023.

The application has been granted. The certificate is attached.

If you wish to discuss this matter, please contact Madeleine Hurrell (03) 9603 0988 or by email at Madeleine.Hurrell@roc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CE', followed by a small dash.

Chris Enright
Executive Director
Registered Organisations Commission



CERTIFICATE

Fair Work (Registered Organisations) Act 2009
s.271—Certificate of exemption from requirements of Chapter 8, Part 3

Construction, Forestry, Maritime, Mining and Energy Union-Western Australian Branch
FR2022/218

MR ENRIGHT

MELBOURNE, 10 FEBRUARY 2023

Certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009

[1] On 7 February 2023 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Construction, Forestry, Maritime, Mining and Energy Union-Western Australian Branch for a certificate of exemption in respect of the financial year ended 31 December 2022.

[2] I am satisfied that the reporting unit did not have any financial affairs in respect of the financial year ended 31 December 2022.



DELEGATE OF THE COMMISSIONER

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Application for exemption from financial reporting obligations under Part 3 of Chapter 8

Section 271 of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*

Purpose of this form

This form is for use by reporting units seeking a certificate from the Registered Organisations Commissioner (**the Commissioner**) exempting them from the financial reporting requirements under Part 3 of Chapter 8 of the RO Act. Part 3 of Chapter 8 sets out the requirements in relation to financial records, accounting, and auditing.

Your answers to the following questions will help the Commissioner to make an informed decision on whether the reporting unit satisfies the requirements for an exemption based on the reporting unit not having any financial affairs in a financial year.

Eligibility

This form is to be completed by a reporting unit that:

- did not have any financial affairs in a financial year, and
- is making the application within 90 days after the end of that financial year.



Before granting an exemption, the Commissioner must be satisfied that the reporting unit did not have any financial affairs in a financial year. An exemption only applies to a financial year and if applicable, a new application must be made for any subsequent years.

Instructions for completing this form

Please read each part of the application carefully, fully answer all the questions, ensure a designated officer¹ signature is included where indicated and attach the required documentation.

You must complete and submit:

- **Part A:** Reporting unit details
- **Part B:** Prescribed circumstances

¹ S.243 of the RO Act



- **Part C: Declaration and signature**

Help filling in this form

The fact sheet [Exemption from financial reporting obligations under Part 3 of Chapter 8](#) has been designed to help a reporting unit interpret the eligibility criteria set out in the RO Act. Please note that the fact sheet does not constitute legal advice. Reporting units are encouraged to seek independent advice on how the relevant legislation applies to their particular circumstances.

The terms used in this application form are further defined in the [RO Act](#) and the [Regulations](#). The legislation can be found at www.legislation.gov.au.

If you require assistance or have any questions regarding this application process, please contact the Registered Organisations Commission general enquiries line on **1300 341 665** or email regorgs@roc.gov.au



Part A: Reporting unit details

1. Details of the reporting unit making the application

Reporting unit	Construction, Forestry, Maritime, Mining and Energy Union – Western Australia State Branch	
Financial year ending	31 December 2022	
Name of authorised person signing on behalf of the reporting unit	Mick Buchan	
Position of authorised person	State Secretary	
Contact person	Jared Goodwin	
Contact details	Email: jgoodwin@cfmeu.org	Telephone: 0491 147 237

Part B: Prescribed circumstances

Whether the reporting unit expends economic resources or incurs any financial obligations to conduct its activities

2. During the financial year, did the reporting unit or an officer of the reporting unit (on behalf of the reporting unit):

Expend funds allocated to the reporting unit?	No
Receive any revenue?	No
Incur liabilities?	No
Conduct transactions?	No
Employ staff directly?	No

3. Does the reporting unit:

Maintain a bank account?	No
Hold money in cash?	No

4. Has an officer of the reporting unit:

Been issued with a corporate credit card?	No
If yes, has the corporate credit card been used during the financial year?	No



Whether another reporting unit of the organisation expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities

5. During the financial year did another reporting unit receive money or incur financial obligations so that the reporting unit could conduct its activities?

No	<input type="checkbox"/>	
Yes	<input checked="" type="checkbox"/>	Complete the table below

Name of the reporting unit	CFMMEU, Construction and General Division, Western Australia Divisional Branch
Details of the arrangement	The CFMMEU Western Australia State Branch consists of the Divisional Branches of the union located in the state of Western Australia. The Western Australia State Branch does not have its own members or receive any income, rather it is a governance structure to allow the three Divisional Branches of the union in Western Australia to come together to discuss state based issues. The current Western Australia State Branch Secretary is also the Divisional Secretary of the CFMMEU Construction and General Western Australia Divisional Branch. For this reason the CFMMEU Construction and General Western Australia Divisional Branch as a reporting unit shares its resources with the Western Australia State Branch to allow it to conduct its activities such as holding meetings and fulfilling administrative/compliance/governance obligations.
Do the rules of your organisation allow for this arrangement?*	Yes - Rule 49. Please note that the Western Australia State Branch does not receive any income or payments from the Divisional Branches.

* If yes, please include the relevant rule number(s)

Whether any person, body corporate or trust expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities

6. During the financial year did another person, body corporate or trust receive money or incur financial obligations so that the reporting unit could conduct its activities?

No	<input checked="" type="checkbox"/>	
Yes	<input type="checkbox"/>	Complete the table below

Name of the person, body corporate or trust	
Details of the arrangement	
Do the rules of your organisation allow for this arrangement?*	

*If yes, please include the relevant rule number(s)



Part C: Declaration and signature

Under the Act, the Commissioner can only grant an exemption when satisfied that the reporting unit did not have any financial affairs in a financial year.

Declaration

In submitting this application on behalf of the reporting unit mentioned in Part A, I declare:

- that I am a designated officer of the reporting unit as per s.243 of the RO Act
- the information that I have supplied in this application is complete and correct
- I am aware that giving false or misleading information is a serious offence. A person who:
 - knowingly or recklessly makes a false or misleading statement in an application for registration; or
 - knowingly gives false or misleading information in an application for registration
 is guilty of an offence, the punishment for which is imprisonment for up to 12 months (if a statement is made or information is provided knowingly) or up to 6 months (if a statement is made recklessly) – see Part 7.4, section 136 and 137.1 of the *Criminal Code*.

Printed name of designated officer	Mick Buchan
Signature	
Signature date	3/2/23



Please lodge the completed form with the Registered Organisations Commission by email to: regorgs@roc.gov.au.