



8 November 2013

Hugh McMaster
Secretary/Treasurer
Australian Road Transport Industrial Organisation - New South Wales Branch
PO Box 277
HURSTVILLE NSW 2220

Dear Mr McMaster

Australian Road Transport Industrial Organisation New South Wales Branch Financial Report for the year ended 30 June 2012 - FR2012/472

I acknowledge receipt of the financial report of the Australian Road Transport Industrial Organisation New South Wales Branch (ARTIO NSW). The documents were lodged with Fair Work Commission (FWC) on 30 January 2013. On the 31 July 2013, Larry Powell and I met with Laurie D'Alpice and you to discuss the content of a letter from FWC dated 12 March 2013 which raised various issues with the financial return of ARTIO NSW. Following on from this meeting I acknowledge receipt of supplementary information and amended financial returns on 7 August 2013, 9 August 2013 and 20 September 2013.

The financial report has now been filed. You are not required to take any further action in respect of the report lodged.

Changes to the legislation and reporting guidelines

I note with the change of legislation, references to Fair Work Australia will need to be updated to the Fair Work Commission.

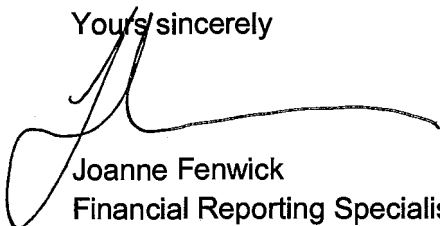
Additionally, a third edition to the General Manager's s.253 reporting guidelines was gazetted on 26 June 2013. These guidelines will apply to all financial reports that end on or after 30 June 2013. Fair Work Commission has also developed a model set of financial statement for the 2012-2013 financial year. There is no requirement to use this model but it may be a useful resource to ensure compliance with the *Fair Work (Registered Organisations) Act 2009*, the s.253 reporting guidelines and the Australian Accounting Standards.

The guidelines and model financial statements are available on the website here:

<http://www.fwc.gov.au/index.cfm?pagename=regorgsfrguidelines#finance>

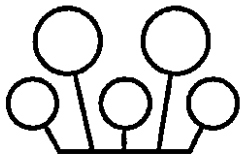
If you have any queries regarding this letter, please contact me on (03) 8661 7886, or by email at joanne.fenwick@fwc.gov.au.

Yours sincerely



Joanne Fenwick
Financial Reporting Specialist
Regulatory Compliance Branch

11 Exhibition Street Telephone: (03) 8661 7777
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ARTIO

Australian Road Transport
Industrial Organisation

New South Wales Branch

PO Box 277
HURSTVILLE NSW 2220
Tel/Fax: 02 9579 2333
Mob: 0412 880861
Email: hughmc@artionsw.com.au
ABN: 93149961882

__ October 2013

The General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3000

By email: larry.powell@fwc.gov.au

Dear Larry

Request for Extension of Time to Present the ARTIO NSW Financial Statements for 2011-12 to Members

I refer to your letter of 12 March 2013 and to our subsequent discussions regarding the request seeking an extension of time to present the Financial Report for the Australian Road Transport Industrial Organisation NSW Branch (ARTIO NSW) for 2011-12 and in particular provision by ARTIO NSW to the Fair Work Commission of reasons why ARTIO NSW did not meet timescale requirements as set out in Sections 253 and 254 of the *Fair Work (Registered Organisations) Act 2009*.

Please excuse the delay in responding to your letter.

ARTIO NSW provided financial records to its auditor by mid-July and received a copy of those financial records for distribution to the ARTIO NSW Committee (the Committee) on 31 October 2012 for consideration at a meeting to be held on 12 November 2012.

As previously advised, the financial records were distributed to the Members of ARTIO NSW on 3 December 2012 along with a Notice of Meeting of Members to be held on 17 January 2013. That meeting also needed to approve the financial statements of ARTIO NSW for 2009-10 and 2010-11.

The reason for the delay was that it is very difficult to organise meetings in the road transport industry in the period from early November to mid-January. This is because most sections of the industry are very busy in the lead up to Christmas. Senior personnel, including business owners often take holidays in the Christmas/early January period. Further, my view was that as it was necessary to present amended financial statements for the previous two years at a meeting of Members this meeting should also consider the financial statements for 2011-12.

On this basis it was felt that 17 January 2013 was the earliest practical date at which such a meeting could be held.

The ARTIO NSW office moved to its current premises on 19 January 2013. Preparing for this move and subsequent setting up in the new office were factors in the delay in submitting these financial statements till 24 January 2013.

I trust this explanation addresses concerns raised in your letter regarding timecale provisions.

Having regard to the explanation outlined above ARTIO NSW seeks an extension of time to lodge its 2011-12 financial statements.

Please contact me, telephone 0412 880861, email hughmc@artionsw.com.au if you require any further information.

Yours sincerely

Hugh McMaster
Secretary/Treasurer

DRAFT

Australian Road Transport Industrial Organisation (NSW Branch)

**Annual Report
for the Year Ended 30 June 2012**

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Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Financial Statements
For the Year ended 30 June 2012

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Committee of Management Statement
For the Year ended 30 June 2012

On 2013 the Committee of Management of the Australian Road Transport Industrial Organisation NSW Branch passed the following resolution for the general purpose financial report of the reporting unit for the financial year ending 30 June 2012.

In the opinion of the committee of management regarding the accompanying financial statements;

1. The financial statements and notes comply with Australian Accounting Standards.
2. The financial statements and notes comply with the reporting requirements of the General Manager, Fair Work Australia.
3. The financial statements and notes present a true and fair view of the financial position of the reporting unit as at 30 June 2012 and its performance for the year ended on that date.
4. At the date of this statement, there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they fall due.
5. During and since the financial year ended 30 June 2012:
 - (a) Meetings of the Committee of Management were held in accordance with the rules of the organisation including the rules of the branch concerned; and
 - (b) The financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of the branch concerned; and
 - (c) The financial affairs of the reporting unit have been maintained in accordance with the Fair Work (Registered Organisations) Act 2009 and the Fair Work (Registered Organisations) Regulations 2009 ; and
 - (d) No request of a member of the reporting unit or General Manager was made under Section 272 of the Fair Work (Registered Organisations) Act 2009; and
 - (e) There has been no order of inspection of the financial records made by the Commission under section 273 of the Fair Work (Registered Organisations) Act 2009.

This statement is signed for and on behalf of the Committee of Management by:

.....
Hugh McMaster
Secretary/Treasurer

Dated this.....day of.....2013

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notice to Members
For the Year Ended 30 June 2012

The Committee wishes to draw the Members' attention to the following provisions of the Fair Work (Registered Organisations) Act 2009 contained in sub-sections of section 272 in Division 7 which deals with Members' access to financial records:

1. A member of a reporting unit, or the General Manager, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
2. The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
3. A reporting unit must comply with an application made under subsection (1).

.....
Hugh McMaster
Secretary/Treasurer

Dated this.....day of.....2013

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Auditors Independence Declaration
Under Australian Professional Ethical Pronouncements

To Members of Australian Road Transport Industrial Organisation (NSW Branch)

I declare that, to the best of my knowledge and belief, in relation to the audit of Australian Road Transport Industrial Organisation (NSW Branch) for the year ended 30 June 2012 there have been;

- a) no contraventions of any auditor independence requirements as set out in the Australian Professional Ethical Pronouncements in relation to the audit; and
- b) no contraventions of any applicable code of professional conduct in relation to the audit.

Rick Jirsch (Registered Company Auditor, Registration no. 2657)
Member of the Institute of Chartered Accountants in Australia
C/- Jirsch Reilly Tang Pty Ltd
Level 4, 83 York St, Sydney NSW 2000

Dated this.....day of.....2013

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Comprehensive Income
For the Year ended 30 June 2012

	Note	2012 \$	2011 \$
Membership income		46,482	41,699
Sponsorship		42,286	40,273
Government grants		-	40,732
Other revenue		35,348	40,020
Auditor remuneration		(2,855)	(2,500)
Legal fees		(24,708)	(23,167)
Secretariat fees		(70,969)	(46,342)
ARTIO National fees		(15,000)	(13,452)
Other Expenses		(26,365)	(26,583)
(Loss)/Profit for the year		<u><u>(15,781)</u></u>	<u><u>50,680</u></u>
Total Comprehensive (Loss)/Income		<u><u>(15,781)</u></u>	<u><u>50,680</u></u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Financial Position
As at 30 June 2012

	Note	2012 \$	2011 \$
Current Assets			
Cash and Cash Equivalents	3	77,100	54,358
Trade and Other Receivables	5	-	2,425
Other Current Assets		<u>1,662</u>	<u>1,622</u>
Total Current Assets		<u>78,762</u>	<u>58,405</u>
Total Assets		<u>78,762</u>	<u>58,405</u>
Current Liabilities			
Trade and Other Payables	6	<u>41,138</u>	<u>5,000</u>
Total Current Liabilities		<u>41,138</u>	<u>5,000</u>
Total Liabilities		<u>41,138</u>	<u>5,000</u>
Net Assets		<u>37,624</u>	<u>53,405</u>
Equity			
Retained Profits	7	37,624	53,405
Total Equity		<u>37,624</u>	<u>53,405</u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Changes in Equity
For the Year ended 30 June 2012

	2012	2011
	\$	\$
Retained Earnings		
Balance at 1 July 2011	53,405	2,725
(Loss)/Profit Attributable to Members	(15,781)	50,680
Balance at 30 June 2012	<u>37,624</u>	<u>53,405</u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Cash Flows
For the Year ended 30 June 2012

	Note	2012 \$	2011 \$
Cash Flows from Operating Activities			
Receipts from members, sponsors & customers		130,211	167,707
Payments to Suppliers		(92,469)	(109,198)
Payment to ARTIO National		(15,000)	(13,452)
Net Cash Inflow from Operating Activities	4	<u>22,742</u>	<u>45,057</u>
Net Increase in Cash Held		<u>22,742</u>	<u>45,056</u>
Cash and Cash Equivalents as at 1 July 2011		54,358	9,302
Cash and Cash Equivalents as at 30 June 2012		<u><u>77,100</u></u>	<u><u>54,358</u></u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements are general purpose financial statements because the branch is a reporting entity. The financial statements have been prepared in order to meet the requirements of the Fair Work (Registered Organisations) Act 2009.

The financial statements have been prepared in accordance with the mandatory Australian Accounting Standards applicable to entities reporting under the Fair Work (Registered Organisations) Act 2009 and the significant accounting policies disclosed below, which the committee has determined are appropriate to meet the needs of the members. Such accounting policies are consistent with the previous period unless stated otherwise.

The financial statements have been prepared on an accruals basis and are based on historical costs unless stated otherwise in the notes. The accounting policies that have been adopted in the preparation of the statements are as follows:

(a) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

(b) Income Tax

The branch is exempt from income tax under subdivision 50 of the Income Tax Assessment Act 1997 as it is an income tax exempt body.

(c) Trade and Other Receivables

Trade receivables are recognised initially at the transaction price (i.e. cost) and are subsequently measured at cost less provision for impairment. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

At the end of each reporting period, the carrying amount of trade and other receivables are reviewed to determine whether there is any objective evidence that the amounts are not recoverable. If so, an impairment loss is recognised immediately in income statement.

(d) Revenue and Other Income

Revenue is measured at the fair value of the consideration received or receivable and is recorded in the period to which it relates.

Income from other sources is recognised when the fee in respect of other products or services provided is receivable.

All revenue is stated net of the amount of goods and services tax (GST).

(e) Trade and Other Payables

Trade and other payables represent the liabilities at the end of the reporting period for goods and services received by the company that remain unpaid.

Trade payables are recognised at their transaction price. Trade payables are obligations on the basis of normal credit terms.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

- (f) **Goods and Services Tax (GST)**
Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables in the balance sheet are shown inclusive of GST. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

	2012	2011
	\$	\$
2. Auditors Remuneration		
Auditing the accounts	2,855	2,500
	<u>2,855</u>	<u>2,500</u>
3. Cash and Cash Equivalents		
Cash at Bank	77,100	54,358
	<u>77,100</u>	<u>54,358</u>
4. Cash Flow Information		
Reconciliation of Cash Flow from Operations with Profit after Income Tax		
Loss after Income Tax	(15,781)	50,680
Changes in Assets and Liabilities		
Decrease in Trade and Other Receivables	480	485
Increase in Trade and Other Payables	38,043	(6,109)
Net Cash Increase in Cash Held	<u>22,742</u>	<u>45,056</u>
5. Trade and Other Receivables		
Current		
Trade Debtors	-	520
GST Payable	-	1,905
	<u>-</u>	<u>2,425</u>
Total Trade and Other Receivables	<u>-</u>	<u>2,425</u>
6. Trade and Other Payables		
Current		
Accrued expenses	2,500	2,500
Trade creditors	7,223	-
Income received in advance	31,241	2,500
GST Payable	174	-
	<u>41,138</u>	<u>5,000</u>
Total Trade and Other Payables	<u>41,138</u>	<u>5,000</u>

These notes should be read in conjunction with the attached Compilation Report.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

	2012	2011
	\$	\$
7. Retained Earnings		
Retained Earnings at the Beginning of the Financial Year	53,405	2,725
Add		
Net profit attributable to members of the company	-	50,680
Less		
Net loss attributable to members of the company	15,781	-
Retained Earnings at the End of the Financial Year	<u>37,624</u>	<u>53,405</u>

8. Related Party Disclosures

Hugh McMaster is the Secretary and Treasurer of the organisation.

Secretariat expenses of \$70,969 were paid to Hugh McMaster Consulting Pty Ltd, of which Hugh McMaster is a director and shareholder.

The secretariat fees paid to his company are on arm's length commercial terms no more favorable than those available to other parties unless otherwise stated.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Independent Auditor's Report to the Members of
Australian Road Transport Industrial Organisation (NSW Branch)

Report on the Financial Report

I have audited the accompanying financial report, being a general purpose financial report, of Australian Road Transport Industrial Organisation (NSW Branch) (the branch), which comprises the statement of financial position as at 30 June 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, the committee of management statement and the notice to members.

Committee's Responsibility for the Financial

The committee of the branch are responsible for the preparation of the financial report and have determined that the accounting policies described in Note 1 to the financial report are appropriate to meet the requirements and needs of the members. The committee's responsibilities also include such internal control as the committee determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I have conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting my audit, I have complied with the independence requirements of Australian professional ethical pronouncements. I confirm that the independence declaration, which has been given to the committee of Australian Road Transport Industrial Organisation (NSW Branch), would be in the same terms if given to the committee as at the time of the auditor's report.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Independent Auditor's Report to the Members of
Australian Road Transport Industrial Organisation (NSW Branch)

Auditor's Opinion

In our opinion the general purpose financial report presents fairly in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements in Australia and the requirements of the Fair Work (Registered Organisations) Act 2009.

Basis of Accounting

Without modifying my opinion, I draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the committee's financial reporting responsibilities. As a result, the financial report may not be suitable for another purpose.

Rick Jirsch (Registered Company Auditor, Registration no. 2657)
Member of the Institute of Chartered Accountants in Australia
C/- Jirsch Reilly Tang Pty Ltd
Level 4, 83 York St, Sydney NSW 2000

Dated this.....day of.....2013

Certificate of Secretary or Other Authorised Officer

I Hugh McMaster being the Secretary/Treasurer of the Australian Road Transport Industrial Organisation NSW Branch certify:

- (a) That the documents lodged herewith are copies of the full report referred to in Section 268 of the RAO Schedule; and
- (b) That the full report (which includes the Auditor's Report and the Operating Report) was provided to members on 3 December 2012; and
- (c) That the full report was presented to and accepted by the Committee of Management on 12 November 2012.

Date: October 2013

RAO Regulation 162 prescribes the designated officer for the purpose of RAO Schedule s.268 as:

- (a) The Secretary; or
- (b) An officer of the organisation other than the Secretary who is authorised by the organisation or by the rules of the organisation to sign the certificate mentioned in that paragraph.

VAUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION NSW BRANCH

OPERATING REPORT FOR THE YEAR ENDING 30 JUNE 2012

Establishment

On 12 April 2008, agreement was reached to form the Australian Road Transport Industrial Organisation NSW Branch. A Committee of Management was elected and agreed to oversee its establishment and operation.

The Committee of Management offered Hugh McMaster of Hugh McMaster Consulting Pty Ltd the opportunity to provide secretariat services. This offer was accepted and by August 2008 a properly functioning organisation was in place.

Principal Activities

The principal activities of the Association during the financial year were to promote, protect and advance the interests of its members through federal and state awards and state based contract determinations, and the provision of advice to and representation of members.

Results of Principal Activities

The Association's principal activities resulted in maintaining and improving the position of its members within an industrial relations framework.

Significant Changes in the Nature of Principal Activities

There were no significant changes in the nature of the Association's principal activities during the financial year.

Significant Changes in Association's Financial Affairs

No matters or circumstances arose during the reporting year which significantly affected the financial affairs of the Association.

Number of Members

The number of persons who, at the end of the financial year, were recorded on the Register of Members was twenty.

Right of Members to Resign

Any member has the right to resign from the Association in accordance with the provisions of Rule 11.

Number of Employees

The Organisation has no direct employees and services are provided through an external consultant to the equivalent of 0.25 of a full time employee.

Members of the Committee of Management

The persons who held office as members of the Committee of Management of the Association at the beginning of the financial year and throughout that year were:

Laurie D'Apice	President	1 July 2011 to 30 June 2012
Mark Wintle	Vice-President	1 July 2011 to 30 June 2012
Gaylynne Neill	Vice-President	1 July 2011 to 30 June 2012
John West	Committee Member	1 July 2011 to 30 June 2012
Cameron Murphy	Committee Member	1 July 2011 to 30 June 2012
Hugh McMaster	Secretary/Treasurer	1 July 2011 to 30 June 2012
Laurie D'Apice	ARTIO Representative	1 July 2011 to 30 June 2012

Trustees of Superannuation Entities

Hugh McMaster, Secretary/Treasurer, is a Director of TWU Nominees Pty Ltd.

Hugh McMaster
Secretary/Treasurer
October 2013



FAIR WORK
COMMISSION

12 March 2013

Mr Hugh McMaster
Branch Secretary/Treasurer
Australian Road Transport Industrial Organization
New South Wales Branch
PO Box 277
HURSTVILLE NSW 2220

By email: hughmc@artionsw.com.au

Dear Mr McMaster

Re: Financial Report for the Australian Road Transport Industrial Organization - New South Wales Branch for the year ended 20 June 2012 (FR2012/472)

I acknowledge receipt to the financial report for the Australian Road Transport Industrial Organization - New South Wales Branch for the year ended 30 June 2012. The report was lodged with the Fair Work Commission on 24 January 2013.

The financial report has not been filed

An examination of the financial report shows elements of non-compliance with the financial reporting obligations under *Fair Work (Registered Organisations) Act 2009* [the RO Act]. I have detailed the areas of concern in the following paragraphs. A fresh financial report addressing the following comments should be prepared, supplied to members and presented to the relevant meeting and lodged in this office accompanied by a designated officer's certificate.

1. Timescale provisions

Sections 253 and 254 of the RO Act require that a General Purpose Financial Report (GPFR) and an Operating Report be prepared as soon as practicable after the end of the financial year. Section 266 requires that the financial report be presented to a general meeting of members or a committee of management meeting within six months after the end of the financial year. In the absence of an extension of time for holding a general meeting [see section 265(5)] the latest possible date of lodgment with the Fair Work Commission is six months and 14 days after the end of the financial year. I have attached a document which sets out the timelines in diagrammatical form.

I note that the branch failed to meet the required timelines. Future failure to meet these timelines may result in an inquiry into the organisation and the General Manager of the Fair Work Commission may apply under s.310(1) of the RO Act to the Federal Court of Australia for a pecuniary penalty order to be imposed on your organisation and, potentially, an officer whose conduct led to the non-compliance

An application requesting an extension of time to present the financial report to the general meeting of the members of the branch must be made. Such application should provide the reason why the financial report was not presented to the general meeting within the prescribed period.

2. Designated Officer's Certificate

Once the financial reports have been supplied to members and presented to the relevant meeting the financial reports and the Designated Officer's Certificate are to be lodged with this office within 14 days of the financial reports being presented to the meeting.

Section 268 of the RAO Schedule requires a certificate by a prescribed designated officer [see definition – regulation 162 of the RAO Regulations] and that the documents lodged are copies of the documents provided to members and presented to a meeting in accordance with section 266. The dates that the financial reports were supplied to members and presented to a meeting should be supplied. I note that no such certificate has been lodged.

3. Auditor's Report

The opinion expressed by the auditor in their report has not fully met the requirements of the Act. Section 257(5) of the RO Act sets out the matters on which an auditor is required to state an opinion. An acceptable form of wording would be as follows:

'In our opinion the general purpose financial report presents fairly in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements in Australia and the requirements of the Fair Work (Registered Organisations) Act 2009.'

A fresh opinion that fully meets the requirements of the Act should be prepared.

4. Auditor's qualifications

Regulation 4 of the *Fair Work (Registered Organisations) Regulations 2009* defines an approved auditor as a person who is a member of CPA Australia, The Institute of Chartered Accountants in Australia or the National Institute of Accountants, and holds a current Public Practice Certificate. In all likelihood the auditor is such a person. However, it is our preference that this is made explicit in future auditor's reports.

The amended auditor's report should provide such information.

5. Auditor's Disclaimer to Detailed Income Statement

I note that the financial report contains a compilation report. The auditor in the scope of the report states that the income and expenditure statement was prepared to provide financial information to the members of the Committee and that their statutory audit did not cover all details of the additional financial information and did not express an opinion on such financial information and no warranty of accuracy or reliability is given.

Section 253 of the RO Act requires that a reporting unit must cause a general purpose financial report to be prepared.

The statements or notes to the statements must contain certain disclosures (as prescribed by the guidelines).

As the information contained in the Income and Expenditure Statement does not appear to form part of the audited "accounts and statements" the financial documents as lodged do not satisfy the requirements of s253 of the RO Act. In particular, the disclosures 'Membership income', 'Auditors remuneration', 'Legal fees' and 'ARTIO National fees' should be included in the Statement of Comprehensive Income, or the notes to the financial statements.

6. General purpose financial report to be prepared on accrual basis

Section 252 of the RO Act places obligations upon organisations to *keep* financial records. Under section 252(4) an organisation may *keep* the financial records for its membership subscriptions on a cash basis.

This is distinct from the obligation under section 253 to *prepare* a general purpose financial report (GPFR). Section 253 requires that '...a reporting unit must cause a general purpose financial report to be *prepared*, in accordance with the Australian Accounting Standards, from the financial records kept under subsection 252(1) in relation to the financial year...'. Please note that paragraph 27 of Australian Accounting Standard 101 states that 'an entity shall prepare its financial statements, except for cash flow information, using the accrual basis of accounting'.

Note 1 of the notes to the financial statements states that the financial statements have been prepared on an accruals basis whilst note 1(d) states that sponsorship is recognised on a cash basis.

Revenue from sponsorship should be accounted for on an accrual basis and recorded as revenue in the year to which it relates.

The GPFR should be prepared on an accrual basis as required by section 253 of the RO Act and the relevant Australian Accounting Standard (AASB 101(27)).

7. Disclosure of audit fees

AASB 195 at paragraph 10 requires the financial statements to separately disclose amounts paid to the auditor for audit fees and for non-audit services.

8. Disclosure of contributions to another reporting unit

Reporting Guideline 11(b) requires that where contributions to another reporting unit are made, the amount and the name of each reporting unit are to be disclosed in either the profit and loss statement or the notes.

If contributions are made or received from another reporting unit of the organisation, any such contributions and the name(s) of the reporting unit(s) should be disclosed either in the income statement or the notes

I note that the Income and Expenditure Statement provided the disclosure 'ARTIO National fees' of \$15,000. No such disclosure appears in the profit and loss statement or the notes. Such disclosure should be disclosed in the appropriate document.

9. Notes to the Cash Flow Statement

The cash flow statement discloses that \$107,469 was paid to 'Suppliers and Employees'. The notes to the financial statements should contain a breakdown of any cash flows to or from other parts of the union. Item 15 of the reporting guidelines requires that where another reporting unit is the source of a cash inflow or the application of a cash outflow, such cash flow should be separately disclosed in the notes and the name of the other reporting unit should be shown. This is in addition to the requirement under item 11(b) mentioned above.

10. Related Parties

The report does not disclose any related party transactions. Related party transactions are required to be disclosed under AASB124.18.

I note that the Income and Expenditure Statement provides a disclosure 'Secretariat' of \$70,969. The operating report states that the Committee of Management offered Hugh McMaster of Hugh McMaster Consulting Pty Ltd the opportunity to provide secretariat services which was accepted.

-4-

The operating report also states that the organisation had no direct employees and services were provided through an external consultant.

This arrangement would appear to constitute a related party transaction.

The financial report should provide such disclosure as a related party transaction.

Summary

In summary the branch is required to:

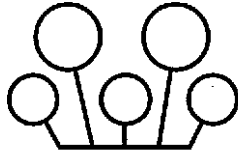
1. Lodge a request for an extension of time to present the financial report to the general meeting of the members of the branch.
2. Prepare fresh financial statements in accordance with the RO Act, the Reporting Guidelines and the Australian Accounting Standards. Such financial statements should contain, among other things, disclosures regarding:
 - Membership income
 - Auditors remuneration
 - Legal fees
 - ARTIO National fees
3. Arrange the preparation of an audit report in accordance with the RO Act and RO Regulations.
4. Supply to members of the branch the amended financial report, supply such to a relevant meeting of the branch and lodge the amended financial report accompanied with a designated officer's certificate in the Fair Work Commission.

Should you wish to discuss this matter I may be contacted on (03) 8661 7893 or by email at larry.powell@fwc.gov.au.

Yours sincerely,



Larry Powell
Regulatory Compliance Branch



ARTIO

Australian Road Transport
Industrial Organisation

New South Wales Branch

PO Box 277
HURSTVILLE NSW 2220
Tel/Fax: 02 9579 2333
Mob: 0412 880861
Email: hughmc@artionsw.com.au
ABN: 93149961882

24 January 2013

The General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3000

By email: Robert.pettifer@fwc.gov.au

Dear Robert

RE: ARTIO NSW Financial Statements for 2011-12

Please find attached financial statements for the Australian Road Transport Industrial Organisation NSW Branch (ARTIO NSW) for the 2011-12 year. These statements, along with the supporting paperwork, were presented to a Committee of Management meeting on 12 November 2012.

These financial statements were then referred to the ARTIO NSW Auditor with the necessary paperwork. The auditor approved the full accounts and these were then accepted, along with the Auditor's Report at the Annual General Meeting. These financial statements were then considered at an Annual General Meeting of ARTIO NSW on 17 January 2013.

The amended accounts and accompanying documents were provided to members on 3 December 2012.

Please contact me, telephone 0412 880861, if you require any further information.

Yours sincerely

Hugh McMaster
Secretary/Treasurer

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Financial Statements
For the Year ended 30 June 2012

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Committee of Management Statement
For the Year ended 30 June 2012

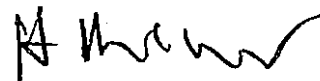
On ^{12th}..... November 2012 the Committee of Management of the Australian Road Transport Industrial Organisation NSW Branch passed the following resolution for the general purpose financial report of the reporting unit for the financial year ending 30 June 2012.

In the opinion of the committee of management regarding the accompanying financial statements;

1. The financial statements and notes comply with Australian Accounting Standards.
2. The financial statements and notes comply with the reporting requirements of the General Manager, Fair Work Australia.
3. The financial statements and notes present a true and fair view of the financial position of the reporting unit as at 30 June 2012 and its performance for the year ended on that date.
4. At the date of this statement, there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they fall due.
5. During and since the financial year ended 30 June 2012:
 - (a) Meetings of the Committee of Management were held in accordance with the rules of the organisation including the rules of the branch concerned; and
 - (b) The financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of the branch concerned; and
 - (c) The financial affairs of the reporting unit have been maintained in accordance with the Fair Work (Registered Organisations) Act 2010 and the Fair Work (Registered Organisations) Regulations 2009 ; and
 - (d) No request of a member of the reporting unit or Registrar was made under Section 272 of the Fair Work (Registered Organisations) Act 2010; and
 - (e) There has been no order of inspection of the financial records made by the Commission under section 273 of the Fair Work (Registered Organisations) Act 2010.

The reporting unit consists of two or more reporting units.

This statement is signed for and on behalf of the Committee of Management by:



.....
Hugh McMaster
Secretary/Treasurer

Dated this ^{13th}..... day of ^{November}.....2012

Australian Road Transport Industrial Organisation (NSW Branch)

**Annual Report
for the Year Ended 30 June 2012**

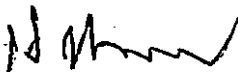
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Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notice to Members
For the Year Ended 30 June 2012

The Committee wishes to draw the Members' attention to the following provisions of the Fair Work (Registered Organisations) Act 2009 contained in sub-sections of section 272 in Division 7 which deals with Members' access to financial records:

1. A member of a reporting unit, or the General Manager, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
2. The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
3. A reporting unit must comply with an application made under subsection (1).



.....
Hugh McMaster
Secretary/Treasurer

Dated this 13th day of November 2012

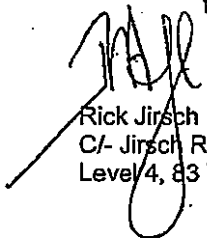
Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Auditors Independence Declaration
Under Australian Professional Ethical Pronouncements

To Members of Australian Road Transport Industrial Organisation (NSW Branch)

I declare that, to the best of my knowledge and belief, in relation to the audit of Australian Road Transport Industrial Organisation (NSW Branch) for the year ended 30 June 2012 there have been;

- a) no contraventions of any auditor independence requirements as set out in the Australian Professional Ethical Pronouncements in relation to the audit; and
- b) no contraventions of any applicable code of professional conduct in relation to the audit.


Rick Jirsch
C/- Jirsch Reilly Tang Pty Ltd
Level 4, 83 York St, Sydney NSW 2000

Dated this 13th day of November 2012

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Comprehensive Income
For the Year ended 30 June 2012

	Note	2012 \$	2011 \$
Revenue		124,116	162,724
Other Expenses		139,897	112,044
(Loss)/Profit for the year		<u><u>(15,781)</u></u>	<u><u>50,680</u></u>
Total Comprehensive (Loss)/Income		<u><u>(15,781)</u></u>	<u><u>50,680</u></u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Financial Position
As at 30 June 2012

	Note	2012 \$	2011 \$
Current Assets			
Cash and Cash Equivalents	2	77,100	54,358
Trade and Other Receivables	4	-	2,425
Other Current Assets		1,662	1,622
Total Current Assets		<u>78,762</u>	<u>58,405</u>
Total Assets		<u>78,762</u>	<u>58,405</u>
Current Liabilities			
Trade and Other Payables	5	41,138	5,000
Total Current Liabilities		<u>41,138</u>	<u>5,000</u>
Total Liabilities		<u>41,138</u>	<u>5,000</u>
Net Assets		<u>37,624</u>	<u>53,405</u>
Equity			
Retained Profits	6	37,624	53,405
Total Equity		<u>37,624</u>	<u>53,405</u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Changes in Equity
For the Year ended 30 June 2012

	2012	2011
	\$	\$
Retained Earnings		
Balance at 1 July 2011	53,405	2,725
(Loss)/Profit Attributable to Members	(15,781)	50,680
Balance at 30 June 2012	<u>37,624</u>	<u>53,405</u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Statement of Cash Flows
For the Year ended 30 June 2012

	Note	2012 \$	2011 \$
Cash Flows from Operating Activities			
Receipts from Customers		130,211	167,707
Payments to Suppliers and Employees		<u>(107,469)</u>	<u>(122,650)</u>
Net Cash Inflow from Operating Activities	3	<u>22,742</u>	<u>45,057</u>
Net Increase in Cash Held		<u>22,742</u>	<u>45,056</u>
Cash and Cash Equivalents as at 1 July 2011		54,358	9,302
Cash and Cash Equivalents as at 30 June 2012		<u><u>77,100</u></u>	<u><u>54,358</u></u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements are general purpose financial statements because the branch is a reporting entity. The financial statements have been prepared in order to meet the requirements of the Fair Work (Registered Organisations) Act 2009.

The financial statements have been prepared in accordance with the mandatory Australian Accounting Standards applicable to entities reporting under the Fair Work (Registered Organisations) Act 2009 and the significant accounting policies disclosed below, which the committee has determined are appropriate to meet the needs of the members. Such accounting policies are consistent with the previous period unless stated otherwise.

The financial statements have been prepared on an accruals basis and are based on historical costs unless stated otherwise in the notes. The accounting policies that have been adopted in the preparation of the statements are as follows:

(a) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

(b) Income Tax

The branch is exempt from income tax under subdivision 50 of the Income Tax Assessment Act 1997 as it is an income tax exempt body.

(c) Trade and Other Receivables

Trade receivables are recognised initially at the transaction price (i.e. cost) and are subsequently measured at cost less provision for impairment. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

At the end of each reporting period, the carrying amount of trade and other receivables are reviewed to determine whether there is any objective evidence that the amounts are not recoverable. If so, an impairment loss is recognised immediately in income statement.

(d) Revenue and Other Income

Revenue is measured at the fair value of the consideration received or receivable and is recorded in the period to which it relates, except for sponsorship income which is recognised on a cash basis.

Income from other sources is recognised when the fee in respect of other products or services provided is receivable.

All revenue is stated net of the amount of goods and services tax (GST).

(e) Trade and Other Payables

Trade and other payables represent the liabilities at the end of the reporting period for goods and services received by the company that remain unpaid.

Trade payables are recognised at their transaction price. Trade payables are obligations on the basis of normal credit terms.

These notes should be read in conjunction with the attached Compilation Report.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

- (f) **Goods and Services Tax (GST)**
Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables in the balance sheet are shown inclusive of GST. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Notes to the Financial Statements
For the Year ended 30 June 2012

	2012	2011
	\$	\$
2. Cash and Cash Equivalents		
Cash at Bank	<u>77,100</u>	<u>54,358</u>
	<u>77,100</u>	<u>54,358</u>
3. Cash Flow Information		
Reconciliation of Cash Flow from Operations with Profit after Income Tax		
Loss after Income Tax	(15,781)	50,680
Changes in Assets and Liabilities		
Decrease in Trade and Other Receivables	480	485
Increase in Trade and Other Payables	38,043	(6,109)
Net Cash Increase in Cash Held	<u>22,742</u>	<u>45,056</u>
4. Trade and Other Receivables		
Current		
Trade Debtors	-	520
Provision for GST	-	1,905
	-	<u>2,425</u>
Total Trade and Other Receivables	<u>-</u>	<u>2,425</u>
5. Trade and Other Payables		
Current		
Accrued expenses	2,500	2,500
Trade creditors	7,223	-
Income received in advance	31,241	2,500
Provision for GST	174	-
	41,138	5,000
Total Trade and Other Payables	<u>41,138</u>	<u>5,000</u>
6. Retained Earnings		
Retained Earnings at the Beginning of the Financial Year	53,405	2,725
Add		
Net profit attributable to members of the company	-	50,680
Less		
Net loss attributable to members of the company	15,781	-
Retained Earnings at the End of the Financial Year	<u>37,624</u>	<u>53,405</u>

These notes should be read in conjunction with the attached Compilation Report.

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Independent Auditor's Report to the Members of
Australian Road Transport Industrial Organisation (NSW Branch)

Report on the Financial Report

I have audited the accompanying financial report, being a general purpose financial report, of Australian Road Transport Industrial Organisation (NSW Branch) (the branch), which comprises the statement of financial position as at 30 June 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, the committee of management statement and the notice to members.

Committee's Responsibility for the Financial

The committee of the branch are responsible for the preparation of the financial report and have determined that the accounting policies described in Note 1 to the financial report are appropriate to meet the requirements and needs of the members. The committee's responsibilities also include such internal control as the committee determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on my audit. I have conducted my audit in accordance with Australian Auditing Standards. Those standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting my audit, I have complied with the independence requirements of Australian professional ethical pronouncements. I confirm that the independence declaration, which has been given to the committee of Australian Road Transport Industrial Organisation (NSW Branch), would be in the same terms if given to the committee as at the time of the auditor's report.

Auditor's Opinion

In my opinion, the financial report of Australian Road Transport Industrial Organisation (NSW Branch) presents fairly with:

- a. giving a true and fair view of the branch's financial position as at 30 June 2012 and of its performance for the year ended on that date in accordance with the accounting policies and the Australian Accounting Standards described in Note 1; and

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Independent Auditor's Report to the Members of
Australian Road Transport Industrial Organisation (NSW Branch)

b. The requirements of the Fair Work (Registered Organisations) Act 2009.

Basis of Accounting

Without modifying my opinion, I draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the committee's financial reporting responsibilities. As a result, the financial report may not be suitable for another purpose.


Rick Jirsch
C/- Jirsch Reilly Tang Pty Ltd
Level 4, 83 York St, Sydney NSW 2000

Dated this 13th day of November 2012

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

**Compilation Report To the Reporting Unit
For the Year ended 30 June 2012**

We have compiled the accompanying general purpose financial statements of Australian Road Transport Industrial Organisation (NSW Branch) which comprise the attached income and expenditure statement for the year ended 30 June 2012. The specific purpose for which the general purpose financial statements have been prepared is to provide financial information to the members of the Committee.

The income and expenditure statement is in accordance with the books and records of Australian Road Transport Industrial Organisation (NSW Branch) which have been subjected to the auditing procedures applied in our statutory audit of the company for the year ended 30 June 2012.

It will be appreciated that our statutory audit did not cover all details of the additional financial information. Accordingly, we do not express an opinion on such financial information and no warranty of accuracy or reliability is given.

Jirsch Reilly Tang Pty Ltd
Chartered Accountants
Level 4, 83 York St, Sydney NSW 2000


Jason Tang
30 October 2012

Australian Road Transport Industrial Organisation (NSW Branch)
ABN 93 149 961 882

Income and Expenditure Statement
For the Year Ended 30 June 2012

	2012	2011
	\$	\$
Revenue		
Membership income	46,482	41,699
Sitting fees - TWU super	30,118	24,000
Sponsorship	42,286	40,273
Travel reimbursements	4,168	707
Event income	1,062	15,313
Government Payments		
- Government Grants	-	40,732
	124,116	162,724
 Expenditure		
Auditors remuneration	2,855	2,500
Bank Charges	335	445
Consultancy Fees	-	288
Event Expenditure	8,919	9,142
IR consultancy fees	5,000	5,000
Insurance	2,302	2,344
Legal fees	24,708	23,167
ARTIO National fees	15,000	13,452
Printing & Stationery	3,531	218
Secretariat	70,969	46,342
Service fees	666	7,303
Travelling expenses	5,612	1,843
	139,897	112,044
 (Loss)/Profit for the year	(15,781)	50,680

*This Income and Expenditure Statement has not been audited and should be read in conjunction with the attached
Compilation Report.*

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION NSW BRANCH

OPERATING REPORT FOR THE YEAR ENDING 30 JUNE 2012

Establishment

On 12 April 2008, agreement was reached to form the Australian Road Transport Industrial Organisation NSW Branch. A Committee of Management was elected and agreed to oversee its establishment and operation.

The Committee of Management offered Hugh McMaster of Hugh McMaster Consulting Pty Ltd the opportunity to provide secretariat services. This offer was accepted and by August 2008 a properly functioning organisation was in place.

Principal Activities

The principal activities of the Association during the financial year were to promote, protect and advance the interests of its members through federal and state awards and state based contract determinations, and the provision of advice to and representation of members.

Results of Principal Activities

The Association's principal activities resulted in maintaining and improving the position of its members within an industrial relations framework.

Significant Changes in the Nature of Principal Activities

There were no significant changes in the nature of the Association's principal activities during the financial year.

Significant Changes in Association's Financial Affairs

No matters or circumstances arose during the reporting year which significantly affected the financial affairs of the Association.

Number of Members

The number of persons who, at the end of the financial year, were recorded on the Register of Members was twenty.

Right of Members to Resign

Any member has the right to resign from the Association in accordance with the provisions of Rule 11.

Number of Employees

The Organisation has no direct employees and services are provided through an external consultant to the equivalent of 0.25 of a full time employee.

Members of the Committee of Management

The persons who held office as members of the Committee of Management of the Association at the beginning of the financial year and throughout that year were:

Laurie D'Apice	President	1 July 2011 to 30 June 2012
Mark Wintle	Vice-President	1 July 2011 to 30 June 2012
Gaylynne Neill	Vice-President	1 July 2011 to 30 June 2012
John West	Committee Member	1 July 2011 to 30 June 2012
Cameron Murphy	Committee Member	1 July 2011 to 30 June 2012
Hugh McMaster	Secretary/Treasurer	1 July 2011 to 30 June 2012
Laurie D'Apice	ARTIO Representative	1 July 2011 to 30 June 2012

Trustees of Superannuation Entities

Hugh McMaster, Secretary/Treasurer, is a Director of TWU Nominees Pty Ltd.



Hugh McMaster
Secretary/Treasurer
3 December 2012