



FAIR WORK
COMMISSION

15 December 2016

Mr Robin Phillips
Executive Director, Tasmanian Branch
Australian Road Transport Industrial Organisation

By email: ed@tta.org.au

Dear Mr Phillips

Re: Lodgement of Financial Statements and Accounts – Australian Road Transport Industrial Organisation, Tasmanian Branch - for year ended 30 June 2016 (FR2016/265)

I refer to the financial report for the Tasmanian Branch of the Australian Road Transport Industrial Organisation. The report was lodged with the Fair Work Commission on 11 December 2016.

The financial report has been filed based on a primary review. This involved confirming whether the financial reporting timelines required under s.253, s.265, s.266 and s.268 of the *Fair Work (Registered Organisations) Act 2009* (RO Act) have been satisfied, all documents required under s.268 of the RO Act were lodged and that various disclosure requirements under the Australian Accounting Standards, RO Act and Reporting Guidelines have been complied with. A primary review does not examine all disclosure requirements.

Please note that the financial report for the year ending 30 June 2017 may be subject to an advanced compliance review.¹

Reporting Requirements

On the FWC website a number of factsheets in relation to the financial reporting process and associated timelines are available. The most recent copy of the Reporting Guidelines and a model set of financial statements can also be found. The FWC recommends reporting units use this model as it will assist in ensuring compliance with the *Fair Work (Registered Organisations) Act 2009*, the s.253 Reporting Guidelines and the Australian Accounting Standards. Access to this information may be obtained via [this link](#).

Should you require further information on the financial reporting requirements of the Act, I may be contacted on [REDACTED] or [REDACTED] or by email at stephen.kellett@fwc.gov.au

Yours sincerely

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch

¹ The full range of disclosure requirements that may apply can be found itemised on the advanced assessment form available at <https://www.fwc.gov.au/documents/documents/organisations/factsheets/org-financial-report-checklist-advanced.pdf>

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Financial Statements

For the Year Ended 30 June 2016

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Financial Statements

For the Year Ended 30 June 2016

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Australian Road Transport Industrial Organisation (Tasmanian Branch)

ABN: 67 940 065 287

Address: PO Box 728, , RIVERSIDE TAS 7250

Australian Road Transport Industrial Organisation (Tasmanian Branch)

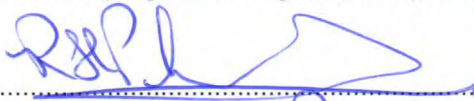
Certificate by Prescribed Designated Officer

s.268 Fair Work (Registered Organisations) Act 2009

Certificate for the period ended 30 June 2016

I, R Phillips, being the Secretary/Treasurer of the Australian Road Transport Industrial Organisation (Tasmanian Branch) certify:

- that the documents lodged herewith are copies of the full report for the Australian Road Transport Industrial Organisation (Tasmanian Branch) for the financial year ended 30 June 2016 referred to in s.268 of the Fair Work (Registered Organisations) Act 2009; and
- that the full report was provided to members of the reporting unit on 4 October 2016; and
- that the full report was presented to a general meeting of members of the reporting unit on 6 December 2016 in accordance with s.266 of the Fair Work (Registered Organisations) Act 2009.

Signature of prescribed designated officer: 
Name of prescribed designated officer: ROBIN HENRY PHILLIPS
Title of prescribed designated officer: SECRETARY / TREASURER
Dated 11th December 2016

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Operating report

for the period ended 30 June 2016

The committee presents its report on the reporting unit for the financial year ended 30 June 2016.

Review of principal activities, the results of those activities and any significant changes in the nature of those activities during the year

The principal activities of the Organisation during the financial year were to provide industrial and organising services to the members consistent with the objects of the organisation and particularly the object of protecting and improving the interest of the members.

The organisation's principal activities resulted in maintaining the industry standards and protecting the members' businesses, particularly those involved with enterprise bargaining and industrial and workplace matters.

No significant change in the nature of these activities occurred during the year.

Significant changes in financial affairs

No significant changes in the Organisation's financial state of affairs occurred during the financial year.

Right of members to resign

A member has the right to resign from the branch under s174 of the Fair Work (Registered Organisations) Act 2009, in accordance with rule 15 of the rules of the Branch, which reads:

15 - Withdrawal from Membership

- (1) *A member of the Branch may resign from membership by written notice addressed and delivered to the Secretary/Treasurer of the Branch of which he is a member. A notice shall be taken to have been received by the Branch when it is so delivered.*
- (2) *A notice of resignation from membership of the Branch takes effect:*
 - (a) *where the member ceases to be eligible to become a member of the Branch;*
 - (i) *on the day on which the notice is received by the Branch; or*
 - (ii) *on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;**whichever is later; or*
 - (b) *in any other case:*
 - (i) *at the end of two (2) weeks after the notice is received by the Branch; or*
 - (ii) *on the day specified in the notice;**whichever is later*

Australian Road Transport Industrial Organisation (Tasmanian Branch)

**Operating report
for the period ended 30 June 2016**

Right of members to resign (continued)

- (3) *A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered in accordance with Rule 15(1).*
- (4) *A resignation from membership of the Branch is valid even if it is not affected in accordance with this section if the member is informed in writing by or on behalf of the Branch that the resignation has been accepted.*

Officers & employees who are superannuation fund trustee(s) or director of a company that is a superannuation fund trustee

Robin Phillips is a director of TWU Superannuation Nominees Pty Ltd, a trustee company that is the trustee of the TWUSUPER. The criterion for being a trustee was not that the officer is an officer of the reporting unit.

No other officer held a position as a trustee or a director of a company that is a trustee of a superannuation entity during the reporting period.

Number of members

The number of persons who, at the end of the reporting period, were recorded on the Register of members of the organisation was 34.

Number of employees

The organisation has no employees.

Names of Committee of Management members and period positions held during the financial year

The names of committee members throughout the year and at the date of this report are:

- J DeBruyn
- J Miller
- M. THORPE*
- P Molineux
- A Murray
- R Phillips

The above persons held office for the full year unless otherwise indicated.

Signature of designated officer: *[Handwritten Signature]*

Name and title of designated officer: *ROBIN HALEY PHILLIPS
SECRETARY - TREASURER*

Dated: 20 September 2016

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Committee of Management Statement for the period ended 30 June 2016

On the 20 September 2016 the Committee of Management of the Australian Road Transport Industrial Organisation (Tasmanian Branch) passed the following resolution in relation to the general purpose financial report (GPFR) for the year ended 30 June 2016:

The Committee of Management declares that in its opinion:

- (a) the financial statements and notes comply with the Australian Accounting Standards;
- (b) the financial statements and notes comply with the reporting guidelines of the General Manager;
- (c) the financial statements and notes give a true and fair view of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- (d) there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they become due and payable; and
- (e) during the financial year to which the GPFR relates and since the end of that year:
 - (i) meetings of the committee of management were held in accordance with the rules of the organisation including the rules of a branch concerned; and
 - (ii) the financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of a branch concerned; and
 - (iii) the financial records of the reporting unit have been kept and maintained in accordance with the RO Act; and
 - (iv) where the organisation consists of two or more reporting units, the financial records of the reporting unit have been kept, as far as practicable, in a consistent manner with each of the other reporting units of the organisation; and
 - (v) where information has been sought in any request by a member of the reporting unit or General Manager duly made under section 272 of the RO Act has been provided to the member or General Manager; and
 - (vi) where any order for inspection of financial records has been made by the Fair Work Commission under section 273 of the RO Act, there has been compliance.
- (f) no revenue has been derived from undertaking recovery of wages activity during the reporting period.

This declaration is made in accordance with a resolution of the Committee of Management.

Signature of designated officer: 

Name and title of designated officer: 

Dated: 20 September 2016

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Statement of Comprehensive Income

For the Year Ended 30 June 2016

	2016	2015
Note	\$	\$
Revenue		
Subscriptions	8,200	7,700
Total revenue	<u>8,200</u>	<u>7,700</u>
Expenses		
Subscriptions (Capitation to ARTIO National)	7,700	7,724
Bank charges	120	121
Total expenses	<u>7,820</u>	<u>7,845</u>
Income tax expense	-	-
Total comprehensive income for the year	<u><u>380</u></u>	<u><u>(145)</u></u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Statement of Changes in Equity

For the Year Ended 30 June 2016

2016

	Retained Earnings	Total
	\$	\$
Balance at 1 July 2015	1,898	1,898
Profit for the year	380	380
Balance at 30 June 2016	2,278	2,278

2015

	Retained Earnings	Total
	\$	\$
Balance at 1 July 2014	2,043	2,043
Loss for the year	(145)	(145)
Balance at 30 June 2015	1,898	1,898

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Statement of Financial Position

As At 30 June 2016

	Note	2016 \$	2015 \$
ASSETS			
Current Assets			
Cash and cash equivalents		<u>2,278</u>	<u>1,898</u>
Total Current Assets		<u>2,278</u>	<u>1,898</u>
Non-Current Assets			
TOTAL ASSETS		<u>2,278</u>	<u>1,898</u>
LIABILITIES			
Current Liabilities			
Non-Current Liabilities			
NET ASSETS		<u>2,278</u>	<u>1,898</u>
EQUITY			
Accumulated funds		<u>2,278</u>	<u>1,898</u>
TOTAL EQUITY		<u>2,278</u>	<u>1,898</u>

The accompanying notes form part of these financial statements.

Australian Road Transport Industrial Organisation (Tasmanian Branch)
For the Year Ended 30 June 2016

Recovery of Wages Activity

	2016	2015
	\$	\$
Cash assets in respect of recovered money at beginning of year		
Receipts	-	-
Total receipts	-	-
Payments		
Total payments	-	-
Cash assets in respect of recovered money at end of year	-	-
Number of workers to which the monies recovered relates	-	-
Aggregate payables to workers attributable to recovered monies but not yet distributed		
Payable balance	-	-
Number of workers the payable relates to	-	-
Fund or account operated for recovery of wages		

Australian Road Transport Industrial Organisation (Tasmanian Branch)

Statement of Cash Flows
For the Year Ended 30 June 2016

	2016	2015
Note	\$	\$
OPERATING ACTIVITIES:		
Cash received		
Receipts from members	<u>8,200</u>	7,700
Cash used		
Payments to suppliers	(7,700)	(7,724)
Bank charges	(120)	(121)
Payments to employees	-	-
Cash flows from other reporting units	-	-
Cash flows to other reporting units	-	-
Net cash from (used by) operating activities	<u>380</u>	<u>(145)</u>
INVESTING ACTIVITIES:		
FINANCING ACTIVITIES:		
Net increase (decrease) in cash held	380	(145)
Cash and cash equivalents at the beginning of the reporting period	<u>1,898</u>	2,043
Cash and cash equivalents at the end of the reporting period	<u><u>2,278</u></u>	<u><u>1,898</u></u>

Notes to the Financial Statements

For the Year Ended 30 June 2016

1 Summary of Significant Accounting Policies

(a) Basis of preparation of the financial statements

The financial statements are general purpose financial statements and have been prepared in accordance with Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period and the Fair Work (Registered Organisation) Act 2009. For the purpose of preparing the general purpose financial statements, the reporting unit is a not-for-profit entity.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost, except for certain assets and liabilities measured at fair value, as explained in the accounting policies below. Historical cost is generally based on the fair values of the consideration given in exchange for assets. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars.

(b) Income Tax

The Organisation is exempt from income tax under Division 50 of the Income Tax Assessment Act 1997.

(c) Revenue and other income

Revenue is recognised when the amount of the revenue can be measured reliably, it is probable that economic benefits associated with the transaction will flow to the entity and specific criteria relating to the type of revenue as noted below, has been satisfied.

Revenue is measured at the fair value of the consideration received or receivable and is presented net of returns, discounts and rebates.

(d) Property, Plant and Equipment

Property, plant and equipment is carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all property, plant and equipment is depreciated over the useful lives of the assets to the Organisation commencing from the time the asset is held ready for use.

Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

(e) Financial instruments

Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Organisation becomes a party to the contractual provisions of the instrument. For financial assets, this is the equivalent to the date that the Organisation commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted). Financial instruments are initially measured at cost on trade date, which includes transaction costs, when the related contractual rights or obligations exist. Subsequent to

Notes to the Financial Statements

For the Year Ended 30 June 2016

1 Summary of Significant Accounting Policies (continued)

initial recognition these instruments are measured as set out below.

Classification and subsequent measurement

Financial instruments are subsequently measured at cost. The Organisation has no assets or liabilities which are carried at fair value.

Financial Risk Management

The only financial instrument held by the Organisation is cash in its operating bank account. It is not exposed to any significant risk from financial instruments in the form of either market risk, credit risk or liquidity risk. Accordingly, no quantitative disclosures in relation to these are required in the financial report.

(f) Cash and cash equivalents

Cash and cash equivalents include cash on hand and deposits held at call with banks.

For the purposes of the statement of cash flows, because all transactions of the entity have been in cash, the cash flow from operations is identical to the net profit, and so reconciliation is not necessary.

(g) Employee benefits

The organisation has no employees, and therefore its financial statements reflect nil amounts for employee entitlement provisions or for employee benefits expense.

No remuneration is paid to any of the management committee.

(h) Critical accounting estimates and judgments

No significant estimates and judgements were required during the preparation of these financial statements regarding assumptions about current and future events affecting transactions and balances. All transactions and balances are in cash, in relation to which there is no uncertainty.

(i) Adoption of new and revised accounting standards

During the current year, the Organisation adopted (to the extent relevant) all new and revised accounting standards. There were no changes required as a result of new accounting standards, and no changes are anticipated in future years from accounting standards issued but not yet operative.

Notes to the Financial Statements

For the Year Ended 30 June 2016

2 Events Occurring After the Reporting Date

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the Organisation, the results of those operations or the state of affairs of the Organisation in future financial years.

3 Section 272 Fair Work (Registered Organisations) Act 2009

In accordance with the requirements of the Fair Work (Registered Organisations) Act 2009, the attention of members is drawn to the provisions of subsections (1) to (3) of section 272, which reads as follows:

Information to be provided to members or General Manager:

- (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).

4 Nil Activities under Reporting Guidelines

During the reporting period, no transactions in relation to any of the following items required to be reported occurred:

- 10 - going concern financial support received from another reporting unit
- 11 - going concern financial support provided to another reporting unit
- 12 - acquired an asset or liability due to an amalgamation under Part 2 of Chapter 3, a restructure of the branches of an organisation, a determination or revocation by the General Manager
- 14(b) - capitation fees received
- 14(c) - compulsory levies raised
- 14(d) - donations or grants received
- 14(e) - financial support received from another reporting unit
- 16(a) - fees incurred as consideration for employers making payroll deductions of membership subscriptions
- 16(c) - affiliation fees paid to each entity
- 16(d) - compulsory levies imposed
- 16(e) - grants or donations paid
- 16(h) - fees or allowances paid to persons to attend a conferences or other meeting as a representative of the reporting unit
- 16(i) - expenses incurred with holding meeting of members or any conferences or meeting of

Notes to the Financial Statements

For the Year Ended 30 June 2016

4 Nil Activities under Reporting Guidelines (continued)

councils, committees, panels or other bodies

- 16(j) - legal costs or other litigation expenses incurred
- 16(k) - penalties imposed under the RO Act.
- 18 - receivable or payable with another reporting unit
- 20(a) - payables to employers as consideration for the employers making payroll deductions of membership subscriptions
- 20(b) - payables in respect of legal costs and other expenses related to litigation or other legal matters.

5 Financial Affairs Administered by Another Entity

Bookkeeping and other aspects of financial administration are undertaken by the Tasmanian Transport Association Ltd. The volume and value of work involved is insignificant, and accordingly has not been quantified for the purposes of this report.

Independent Auditor's Report

To the members of Australian Road Transport Industrial Organisation (Tasmanian Branch)

Report on the Financial Report

We have audited the accompanying financial report of Australian Road Transport Industrial Organisation (Tasmanian Branch), which comprises the statement of financial position as at 30 June 2016, the statement of comprehensive income, statement of changes in equity, recovery of wages activity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the committee of management statement.

Committee's Responsibility for the Financial Report

The Committee of the organisation are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Fair Work (Registered Organisations) Act 2009* and is appropriate to meet the needs of the members.

The Committee's responsibility also includes such internal control as the directors 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

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about 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 judgement, 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 organisation'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 organisation'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.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

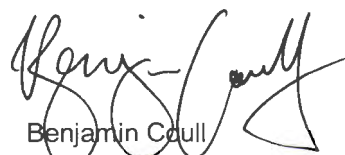
In conducting our audit, we have complied with the independence requirements of APES 110 *Code of Ethics for Professional Accountants* and the *Fair Work (Registered Organisations) Act 2009*.

Auditor's Opinion

In our opinion:

- (a) the financial report of Australian Road Transport Industrial Organisation (Tasmanian Branch) is in accordance with the *Fair Work (Registered Organisations) Act 2009*, including:
 - (i) giving a true and fair view of the organisation's financial position as at 30 June 2016 and of its performance for the year ended on that date; and
 - (ii) complying with Australian Accounting Standards.
- (b) Australian Road Transport Industrial Organisation (Tasmanian Branch) is a going concern, and is able to meet its financial obligations as and when they fall due.

A stylized signature of the company name "Synectic" in a cursive script.
Synectic Audit & Assurance Pty Ltd

A handwritten signature of Benjamin Cull in black ink.
Benjamin Cull
Director

Date: 20 September 2016

*Fellow and Certificate of Public Practice holder, Chartered Accountants Australia & New Zealand (No. 93983)
Registered Company Auditor (No. 217746)*



8 December 2016

Mr Robin Phillips
Secretary/Treasurer
Australian Road Transport Industrial Organization-Tasmanian Branch
Sent via email: ed@tta.org.au

Dear Mr Phillips,

Lodgement of Financial Report - Reminder to lodge

The Fair Work Commission's (the Commission) records disclose that the financial year of the Australian Road Transport Industrial Organization-Tasmanian Branch (the reporting unit) ended on the 30 June 2016.

As you would be aware, the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires that a reporting unit prepare a financial report in accordance with the RO Act, make it available to the members and then must lodge the financial report within 14 days after the general meeting of members, or if the rules of the reporting unit allow, the Committee of Management meeting (s.268).

The maximum period of time allowed under the RO Act for the full financial report to be presented to a general meeting of members or a committee of management meeting is six months after the expiry date of its financial year (s.253, s254, s265, s.266, s.268). The full report must be lodged with the Commission within 14 days of that meeting.

The Commission encourages your reporting unit to lodge its financial report at the earliest opportunity in order to ensure compliance with its obligations. Failure of a reporting unit to lodge its financial report is a breach of a civil penalty provision of the RO Act. This can result in the General Manager instituting an inquiry or investigation into a reporting unit's non-compliance under Chapter 11, Part 4 of the RO Act. The actions available to the General Manager following an investigation include issuing Federal Court legal proceedings for breach of a civil penalty provision. The orders available to the Federal Court include imposition of a pecuniary penalty on the organisation or individual officer, whose conduct led to the contravention, of up to \$54,000 per contravention on the organisation and up to \$10,800 per contravention on an officer whose conduct led to the contravention.

Failure to lodge a financial report may result in legal proceedings being issued with the possibility of a pecuniary penalty (up to \$54,000 for a body corporate and \$10,800 for an individual per contravention) being imposed upon your organisation and/or an officer whose conduct led to the contravention.

We encourage you to lodge the full financial report directly to orgs@fwc.gov.au. That is the official email address for electronic lodgements of material related to registered organisations matters.

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone : (03) 8661 7777
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

Should you seek any clarification in relation to the above, please contact me on (03) 8656 4699 or via email at Sam.Gallichio@fwc.gov.au.

Yours sincerely,



Sam Gallichio
Adviser
Regulatory Compliance Branch



15 July 2016

Mr Robin Phillips
Secretary/Treasurer
Australian Road Transport Industrial Organization-Tasmanian Branch
By email: ed@tta.org.au

Dear Mr Phillips,

**Re: Lodgement of Financial Report - [FR2016/265]
*Fair Work (Registered Organisations) Act 2009 (the RO Act)***

The financial year of the Australian Road Transport Industrial Organization-Tasmanian Branch (the reporting unit) ended on 30 June 2016.

This is a courtesy letter to remind you of the obligation to prepare and lodge the financial report for the reporting unit by the due date under s.268 of the RO Act, that being within 14 days after the meeting referred to in s.266 of the RO Act.

Timelines

The RO Act sets out a particular chronological order in which financial documents and statements must be prepared, audited, provided to members and presented to a meeting. For your assistance, the attached *Timeline/Planner* summarises these requirements.

Fact sheets, guidance notes and model statements

Fact sheets and guidance notes in relation to financial reporting under the RO Act are provided on the Fair Work Commission website. This includes a model set of financial statements which have been developed by the FWC. It is not obligatory to use this model but it is a useful resource to ensure compliance with the RO Act, the Reporting Guidelines and the Australian Accounting Standards. The model statement, Reporting Guidelines and other resources can be accessed through our website under [Financial Reporting](#) in the Compliance and Governance section.

Loans, grants and donations: our focus this year

Also you are reminded of the obligation to prepare and lodge a statement showing the relevant particulars in relation to each loan, grant or donation of an amount exceeding \$1,000 for the reporting unit during its financial year. Section 237 requires this statement to be lodged with the FWC within 90 days of the end of the reporting unit's financial year, that is on or before 28 September 2016. A sample statement of loans, grants or donations is available at [sample documents](#).

Over the past year we have noted issues in organisations' financial reports relating to timelines and how loans, grants and donations are reported. We will be focusing closely on these areas this year. Please find attached below fact sheets relating to these requirements or alternatively visit our website for information regarding [financial reporting timelines](#) and [loans, grants and donations](#).

It is requested that the financial report and any Statement of Loans, Grant or Donations be lodged electronically by emailing orgs@fwc.gov.au.

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone : (03) 8661 7777
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

Civil penalties may apply

It should be noted that s.268 is a civil penalty provision. Failure to lodge a financial report may result in legal proceedings being issued with the possibility of a pecuniary penalty (up to \$54,000 for a body corporate and \$10,800 for an individual per contravention) being imposed upon your organisation and/or an officer whose conduct led to the contravention.

Contact

Should you wish to seek any clarification in relation to the above, email orgs@fwc.gov.au.

Yours sincerely,

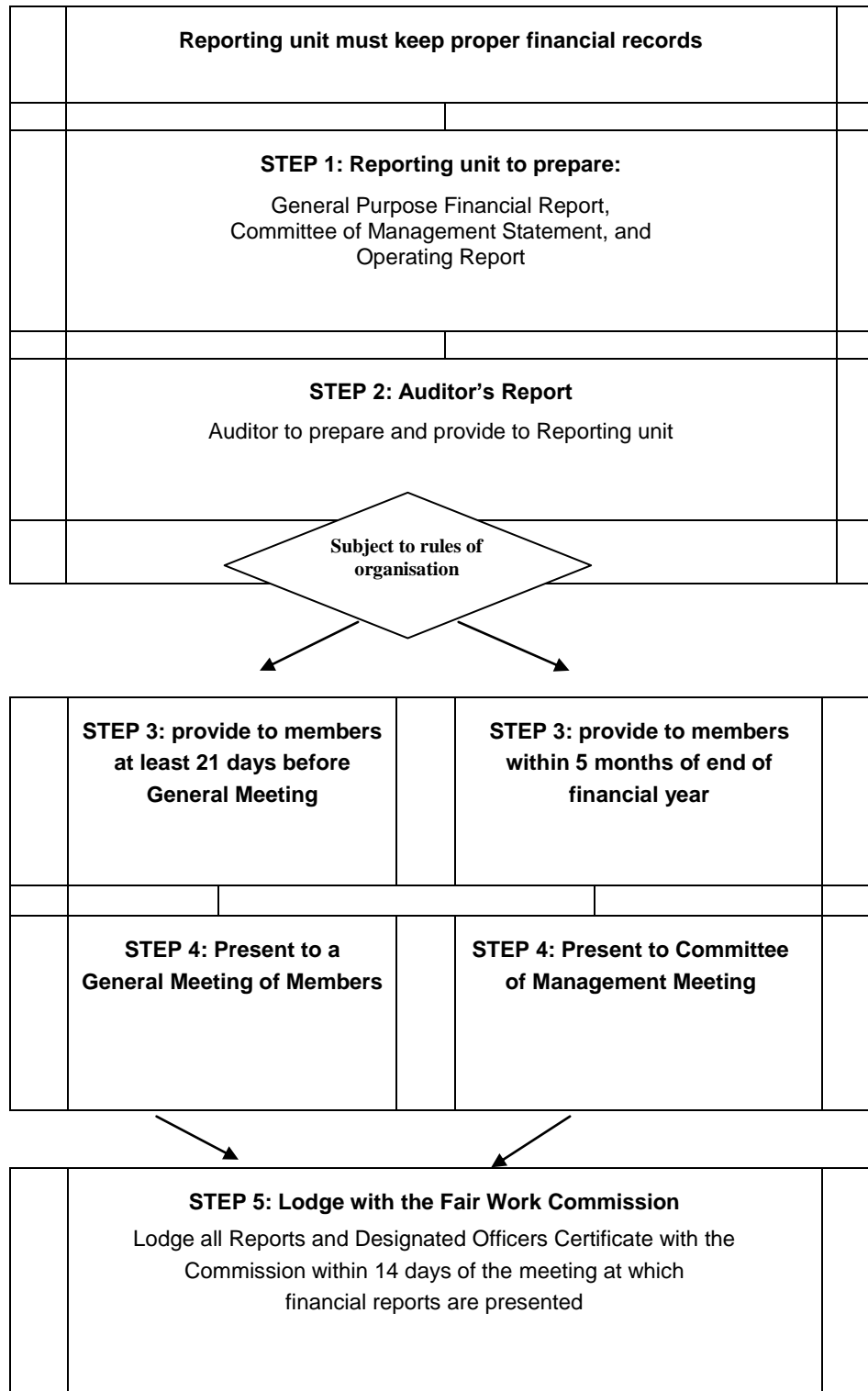


Anastasia Kyriakidis
Adviser
Regulatory Compliance Branch

Financial reporting timelines

Financial reports are to be lodged with the Fair Work Commission (the Commission) within 14 days of the meeting at which the financial reports have been presented, by completing the steps as outlined below.

See Fact sheet—Financial reporting for an explanation of each of these steps.



Fact Sheet - Loans, Grants & Donations

The Loans, Grants & Donations Requirements

The *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires an organisation or branch to lodge a loans, grants and donations statement (the statement) within **90 days** of the ending of the financial year.

Under the General Manager's Reporting Guidelines, a reporting unit's General Purpose Financial Report (the financial report) must break down the amounts of grants and donations (see below). The figures in the financial report will be compared to the loans, grants and donations statement.

The Loans, Grants & Donations Statement

Section 237 of the RO Act applies to every loan, grant and donation made by an organisation or branch during the financial year that exceed \$1000. The following information must be supplied to the Commission for each relevant loan, grant or donation:

the amount,

the purpose,

the security (if it is a loan),

the name and address of the person to whom it was made,* and







the arrangements for repaying the loan.*

*The last two items are not required if the loan, grant or donation was made to relieve a member of the organisation (or their dependent) from severe financial hardship.

The statement must be lodged within 90 days of the end of the financial year and the Commission has a [Template Loans, Grants and Donations Statement](#) on its website. The Commission encourages branches and organisations to lodge the statement even if all of the figures are NIL.

Common misconceptions

Over the years, staff of the Commission have noted that there are some common misunderstandings made in relation to the Statement. They include:

Misconception	Requirement
 Only reporting units must lodge the Statement.	 All branches and organisations, regardless of whether they lodge a financial report, must lodge the statement within 90 days of the end of the financial year. An organisation cannot lodge a single statement to cover all of its branches.
 Employees can sign the Statement.	 The statement must be signed by an elected officer of the relevant branch.
 Statements can be lodged with the financial report.	 The deadline for the statement is much shorter (90 days) and if it is lodged with the financial report it is likely to be late.

Grants & Donations within the Financial Report

Item 16(e) of the [General Manager's Reporting Guidelines](#) requires the reporting unit to separate the line items relating to grants and donations into grants or donations that were \$1000 or less and those that exceeded \$1000.

As such, the note in the financial report relating to grants and donations will have four lines.

In the [Commission's Model Statements](#) the note appears as follows:

Note 4E: Grants or donations*

Grants:	2016	2015
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Donations:		
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Total grants or donations	-	-

Item 17 of the General Manager's Reporting Guidelines requires that these line items appear in the financial report even if the figures are NIL.

Implications for filing the Financial Report

During their review of the 2016 financial report staff of the Commission will confirm that the figures in the financial report match the disclosures made in the statement. Any inconsistencies in these figures will be raised with the organisation or branch for explanation and action.

This may involve lodging an amended loans, grants or donations statement. Any failure to lodge a loans, grants or donations statement or lodging a statement that is false or misleading can attract civil penalties under the RO Act.

If a reporting unit did not fully comply with these requirements in their 2015 financial report, its filing letter will have included a statement reminding the reporting unit of its obligations.

It is strongly recommended that all reporting units review their filing letters from the previous financial year to ensure any targeted concerns are addressed in their latest financial report. Failure to address these individual concerns may mean that a financial report cannot be filed.

Previous financial reports and filing letters are available from the [Commission's website](#).

Further information

If you have any further questions relating to the loan, grant and donation disclosure requirements in the statement or the financial report, please contact the Regulatory Compliance Branch on orgs@fwc.gov.au