



FairWork
Commission

6 October 2015

Mr Richard Jolly
President
Australian Trainers' Association, South Australian Branch
11 Wallace Street
GLENELG EAST SA 5045

via email: atasa@austrainers.com.au

Dear Mr Jolly

Section 271 application for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 for financial year ended 30 June 2015 (FR2015/127)

I refer to your application pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009* (RO Act), lodged in the Fair Work Commission (FWC) on 1 September 2015 in respect of the South Australian Branch of the Australian Trainers' Association (ATA SA) for the financial year ended 30 June 2015.

Having taken into account and relying upon the particulars you provided in your application and the declarations you made associated with that application, I am satisfied that the ATA SA is a reporting unit and that it did not have any financial affairs in the financial year which ended 30 June 2015. The attached certificate reflects this decision.

The FWC has recently sought further advice on the application and operation of s271 of the RO Act. The FWC has also reviewed the internal processes and procedures it currently applies when assessing all s271 applications. In order to ensure the General Manager or her Delegate has sufficient information to be satisfied that the requirements of s271, including and in particular that the applicant did not have financial affairs in the relevant period have been addressed, as a minimum the FWC expects the following questions to be addressed in all future s271 applications:

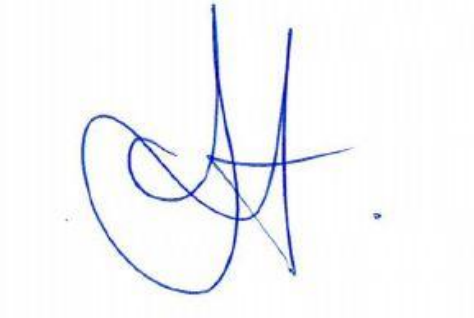
- Does the reporting unit maintain a bank account?
- Does the reporting unit hold money in cash?
- Did the reporting unit receive any revenue during the financial year?
- Did the reporting unit expend any money during the financial year?
- Did the reporting unit incur any liabilities during the financial year?
- Did another reporting unit receive money or incur financial obligations so that the reporting unit could conduct its activities? If so, which reporting unit and provide details of the arrangement.
- Did another person, body corporate or trust receive money or incur financial obligations so that the applicant reporting unit could conduct its activities? If so, provide details of the arrangement.

The application submitted by ATA SA largely addresses those questions however I thought it prudent to provide you with advanced notice about our future requirements in the event your organisation made similar applications in the future.

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If you wish to discuss this matter, please contact Ms Joanne Fenwick on 03) 8661 7886 or by email to joanne.fenwick@fwc.gov.au.

Yours sincerely



Chris Enright
Director
Regulatory Compliance Branch



CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.271 - Reporting unit's exemption from requirements of Chapter 8, Part 3

Australian Trainers' Association – South Australian Branch
(FR2015/127)

MR ENRIGHT

MELBOURNE, 06 OCTOBER 2015

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

[1] On 01 September 2015 an application was made under s 271 (1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the South Australian Branch of the Australian Trainers' Association for a certificate of exemption in respect of the financial year ended 30 June 2015.

[2] I am satisfied that the applicant is a reporting unit that does not have any financial affairs in respect of the financial year which ended 30 June 2015.



DELEGATE OF THE GENERAL MANAGER

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20 August 2015

SOUTH AUSTRALIAN BRANCH

General Manager

Fair Work Commission
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MELBOURNE VIC 3001

President: Richard Jolly

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GLENELG EAST SA 5045

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Dear Sir/Madam,

RE: AUSTRALIAN TRAINERS' ASSOCIATION - SOUTH AUSTRALIA BRANCH

We make the following representations with respect to the application for exemption pursuant to s271(1) of the *Fair Work (Registered Organisations) Act 2009* for the above-mentioned branch for the financial year ended 30 June 2015.

The branch did not hold an interest in any real property or personal property for the financial year ended 30 June 2015.

The branch did not have any financial affairs in the financial year.

The branch does not act as trustee in any form.

The branch does not have any funds under rule 41 of the Association's Constitution.

The members of the branch pay levies under the rules of the organisation to the central body Australian Trainers' Association – Federal Branch (ATA Federal).

The branch has elected to allow ATA Federal to retain the total of subscription fees collected by the Federal Office. Therefore, the Federal Office retains the total of fees received for the branch, due to the branch not operating a bank account and relies on the Federal Office to complete administrative and/or secretarial duties.

The branch has not secured any funds to discharge its obligations.

The branch did not produce financial accounts for the last financial year.

It can be concluded that ATA Federal has effective control over the funds of the branch with respect to the management of funds.

Signed by and on behalf of the ATA – South Australian Branch Committee:

RICHARD JOLLY, President

