



Australian Government
Australian Industrial Registry

27 March 2009

Mr Colin Alderson
President
Victorian Branch
Australian Trainers' Association
PO Box 585
FLEMINGTON VIC 3031

Dear Mr Alderson,

Application for a Certificate of Exemption from the Requirements of Part 3 of Chapter 8 of Schedule 1 to the Workplace Relations Act 1996 (RAO Schedule) for the year ended 30 June 2008 (FR2008/292)

I refer to your application that was lodged on 5 March 2009 for a certificate of exemption under section 271(1) of the RAO Schedule for the Victorian Branch of the Australian Trainers' Association for the financial year ended 30 June 2008.

I have granted the application. My certificate is enclosed.

You should be aware, if making application in future, that section 271(3) of the RAO Schedule requires an application for exemption under section 271(1) to be lodged within 90 days of the end of the financial year. As it is with respect to the financial year ended 30 June 2008, this application should have been lodged by 28 September 2008. It is therefore more than five months out of time. I note that no request for an extension of time has been made with this application.

I am prepared to grant the Branch an extension of time for lodging the application until 5 March 2009 but I remind you that a Registrar's power to grant an extension is discretionary. In determining whether or not to grant an extension, I may examine all relevant circumstances, including whether the requirements of the RAO Schedule have been met in the past. Applicants should not assume that an extension will always be granted. In future you will also be required to make a written request for an extension should a section 271 application be made outside the 90 day period.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Terry Nassios', written over a faint, illegible stamp.

Terry Nassios
Deputy Industrial Registrar



Workplace Relations Act 1996

s.271 certificate of exemption from requirements of Chapter 8, Part 3, Schedule 1

Australian Trainers' Association – Victorian Branch
(FR2008/292)

CERTIFICATE

On 5 March 2009 an application was made under subsection 271 of Schedule 1 of the *Workplace Relations Act 1996* by the Victorian Branch of the Australian Trainers' Association for a certificate of exemption in respect of the financial year ended 30 June 2008. I am satisfied that the said Branch is a reporting unit that did not have any financial affairs in the year ended 30 June 2008.



Terry Nassios
DEPUTY INDUSTRIAL REGISTRAR

27 March 2009



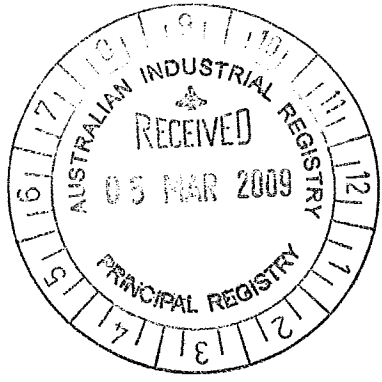
AUSTRALIAN TRAINERS' ASSOCIATION

Victorian Branch

AN ORGANISATION UNDER THE WORKPLACE RELATIONS ACT 1996

September 30, 2008

The Registrar
Australian Industrial Registry
GPO Box 1994S
MELBOURNE VIC 3001



Dear Sir/Madam,

RE: AUSTRALIAN TRAINERS' ASSOCIATION
VICTORIAN BRANCH

We make the following representations with respect to the application for exemption pursuant to s271 of Schedule 1 of the *Workplace Relations Act 1996* for the above-mentioned branch for the financial year ended June 30, 2008.

The branch did not hold an interest in any real property or personal property for the financial year ended June 30, 2008.

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 (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 - Victorian Branch Committee:

COLIN ALDERSON - President.

Correspondence: PO Box 585
Flemington Vic 3031
Telephone: (03) 9372 1688 Facsimile: (03) 9372 1699





Australian Government
Australian Industrial Registry

2 March 2009

Mr Colin Alderson
President
Australian Trainers' Association
Victorian Branch
PO Box 585
FLEMINGTON VIC 3031

Dear Mr Alderson,

Australian Trainers' Association – Victorian Branch
Lodgement of Financial Documents for year ended 30 June 2008 [FR2008/292]
Schedule 1 of the Workplace Relations Act 1996 (RAO Schedule)

I refer to my letter of 27 January 2009 addressed to Mr Carey of your organisation requesting written advice in relation to your branch's outstanding financial reports for the year ended 30 June 2008. A copy of that letter is attached for your information. As yet, no response has been received from the branch.

Under Part 3, Chapter 8 of Schedule 1 of the *Workplace Relations Act 1996* (the RAO Schedule) obligations are imposed on an organisation in relation to each financial year of the organisation to keep accounting records, prepare and have audited accounts and statements, provide copies of the auditor's report, accounts and statements free of charge to the members, present the documents to a general meeting of the members (or a meeting of the committee of management) and lodge copies in the Industrial Registry. This legislative scheme has been designed to ensure that an organisation is accountable to its members in relation to the financial affairs of the organisation.

In the absence of lodgement of the financial reports, I request you contact me by telephone or email on receipt of this letter to discuss the lodgement of the said financial reports. I remind the branch that under s305(2)(ze) of the RAO Schedule civil penalties may apply for failure to meet these requirements.

I request that you contact me before 15 March 2009. I can be contacted by telephone on (03) 8661 7817 or email at: robert.pfeiffer@airc.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Pfeiffer'.

Robert Pfeiffer
Statutory Services Branch



Australian Government
Australian Industrial Registry

27 January 2009

Mr PG Carey
Australian Trainers' Association-Victorian Branch
(03) 9372 1699

Dear Mr Carey,

**Lodgement of Financial Documents for year ended 30 June 2008 [FR2008/292]
Schedule 1 of the Workplace Relations Act 1996 (RAO Schedule)**

The RAO Schedule requires the Australian Trainers' Association-Victorian Branch to lodge audited financial accounts and statements with the Registry within 6 months and 14 days of the end of its financial year.

The Registry has no record of lodgement of financial documents for year ended **30 June 2008**, which should have been lodged with the Registry by **14 January 2009**.

In order to avoid further exposure to a civil (pecuniary) penalty, you are required to lodge the following documents without further delay:

- A *general purpose financial report* (see section 253(2)(a) of the RAO Schedule);
- A *Committee of Management statement* (see the Registrar's Guidelines);
- An *operating report* (see section 254(2));
- An *auditor's report* (see sections 257(5) to 257(11)); and
- A *certificate of the secretary or other authorised officer* (see section 268)).

I note for your information, that the general purpose financial report must be prepared in accordance with not only the applicable Australian Accounting Standards but also the Registrar's Reporting Guidelines. A copy of the Guidelines is available on our website (details of which are provided below).

The RAO Schedule sets out a particular chronological order in which these documents and statements must be prepared, made available to members and presented to a meeting. All of these events must occur within timeframes that are also specified in the RAO Schedule. Detailed information can be found on our website at <http://www.airc.gov.au/registered/FR/information.htm>, including:

- Fact sheets – the following fact sheets provide information regarding financial reporting:
 - Sheet 6 – Accounting, Auditing and Reporting Obligations;
 - Sheet 7 – Information Needs of Members;
 - Sheet 8 – Financial Reporting Process and Time Limits;
 - Sheet 9 – Diagrammatic Summary of Financial Reporting Process and Time Limits; and
 - Sheet 10 – Auditors.
- Sample Documents – a sample Committee of Management Statement and Designated Officer's Certificate is available;
- RAO Schedule and RAO Regulations;
- Registrar's Reporting Guidelines – the Guidelines set out requirements that must be met **in addition to** those required by Australian Accounting Standards; and
- Document Checklist and Timeline Planner to assist with meeting timeframes.

In the absence of lodgement of the outstanding documents, I request that you state in writing by **17 February 2009**:

- whether a Committee of Management statement and Operating Report have been prepared;
- whether the auditor has audited the general purpose financial report and, if so, the date upon which the auditor signed the audit report;
- whether (and, if so, when) members have been provided with the full report. The 'full report' is made up of the general purpose financial report (including the Committee of Management statement), the auditor's report and the operating report;
- if it has been provided to members, whether the full report has also been presented to a general meeting or committee of management meeting and, if so, when; and
- when a copy of the full report will be lodged with the Industrial Registry.

I draw your attention to the civil penalty provisions of the RAO Schedule [see section 305(2)(ze)] which allow the Federal Court to impose a pecuniary penalty upon a person or organisation where the requirements of section 268 have not been met. You should also be aware of the provisions of Part 1 of Chapter 9 of the RAO Schedule which set out general duties of officers and employees of organisations and their branches in relation to financial management.

The Registry strongly encourages you to lodge documents electronically by sending an email with the documents attached to orgs@airc.gov.au. Alternatively, you can send the documents by fax to (03) 9655 0410.

Yours sincerely,



Robert Pfeiffer
Statutory Services Branch