



FAIR WORK  
COMMISSION

11 October 2013

Ms Barbara Connolly  
Executive Director  
Building Service Contractors Association of Australia, New South Wales Division  
PO Box 554  
CROWS NEST NSW 1585

Dear Ms Connolly

**Re: Lodgment of Financial Statements and Accounts - Building Service Contractors Association of Australia, NSW Division – for year ending 31 December 2012 (FR2012/609)**

I refer to the above financial statements and accounts which were lodged with the Fair Work Commission on 11 July 2013.

The report did not comply with various technical requirements. The notice setting out subsections 1, 2 and 3 of section 272 of the Act was again omitted, and the balances of employee benefits (salary, superannuation and leave provisions) were not identified as balances with respect to employees who were not office-holders (or office-holders, as the case may be). The relevant Reporting Guidelines were paragraphs 11(g) and 11(h). The equivalents in the new Reporting Guidelines issued on 26 June 2013 are paragraphs 17(f) and 17(g).

I note that the required 21 days period prior to the holding of the Annual general meeting on 27 June 2013 was complied with, although the dating of the Operating Report and Committee of Management Statement on 11 June and the Auditor's report on 17 June could suggest that they were not included in the documents provided to members on 6 June. Section 265 makes it quite clear that the members must be provided with the full report, which includes these documents. For the avoidance of doubt, these documents should be signed and dated no later than the date on which the full report is first provided to members.

Finally, the introductory paragraph of the auditor's report should include the Committee of Management Statement in the list of statements comprising the audited report, in accordance with Australian Auditing Standard (ASA) 700, in view of subsection 253(2) (see overleaf) and I ask you to bring this to the auditor's attention.

The documents have been filed. The new Reporting Guidelines (attached) contain various additional requirements and these should be closely followed. I also include overleaf a clarification of particular disclosures. Please do not hesitate to contact me on (02) [REDACTED] if you have any queries in relation to the above.

Yours sincerely

Stephen Kellett  
Senior Adviser, Regulatory Compliance Branch

Extract from Act (253 Reporting unit to prepare general purpose financial report)

- “(2) The general purpose financial report must consist of:
- (a) financial statements containing:
    - (i) a profit and loss statement, or other operating statement; and
    - (ii) a balance sheet; and
    - (iii) a statement of cash flows; and
    - (iv) any other statements required by the Australian Accounting Standards; and
  - (b) notes to the financial statements containing:
    - (i) notes required by the Australian Accounting Standards; and
    - (ii) information required by the reporting guidelines (see section 255); and
  - (c) any other reports or statements required by the reporting guidelines (see section 255).”

Table of particular requirements

Provision	What it says	Explanation
<p>S254(2)(a)</p> <p>Operating Report</p>	<p>“The operating report must contain a review of the reporting unit’s principal activities during the year, <i>the results of those activities</i> and any significant changes in the nature of those activities during the year”</p>	<p>This is a subtle and overlooked/ misinterpreted element of operating report reviews, and it does not appear that FWC has previously clarified this.</p> <p>Though results are sometimes expressed as an operating financial profit or loss, more correctly, the results envisaged by the Act here are those which reflect the activities described. The ‘principal activities’ have been described and have not changed but there should be some indication that results have been reviewed.</p> <p>There is no prescribed degree of detail; a brief or simple statement that the activities have achieved their objectives would suffice, although the organisation may choose to identify particular results it regards as significant.</p>
<p>S272 RO Act</p>	<p>“Information to be provided to members or General Manager”</p> <p><i>(5) [Notice in reports] A general purpose financial report prepared under section 253 ..... must include a notice drawing attention to subsections (1), (2) and (3) of this section and <u>setting out those subsections.</u></i></p>	<p>This notice, consisting of the wording of subsections 1, 2 and 3 must be included in the organisation’s financial reports. Its omission was previously noted by FWC.</p>

**BUILDING SERVICE CONTRACTORS ASSOCIATION OF AUSTRALIA NSW DIVISION**
**Section 268 Fair Work (Registered Organisations) Act 2009 (RO Act)**
**DESIGNATED OFFICER CERTIFICATE**

I, Jamie Halfhide being the Vice President / Secretary of the Building Service Contractors Association of Australia NSW Division certify:

- that the documents lodged herewith are copies of the full report referred to in s.268 of the RO Act for the Building Service Contractors Association of Australia NSW Division for the period ended 31 December 2012; and
- that the full report was provided to members of the reporting unit on 6 June 2013 in accordance with s.265 of the RO Act; and
- that the full report was presented to the Annual General Meeting of the reporting unit on 27 June 2013 in accordance with s.266 of the RO Act.

<b>Date</b>	11 July 2013
<b>Signature of prescribed designated officer</b>	
<b>Name of prescribed designated officer</b>	Jamie Halfhide
<b>Office Held</b>	Vice President / Secretary

Representing  
Contractors for:

- Cleaning
- Facilities Management
- Grounds Maintenance
- Security



**Mitchell & Partners**  
CHARTERED ACCOUNTANTS

**BUILDING SERVICE CONTRACTORS ASSOCIATION OF AUSTRALIA**  
**NSW DIVISION**  
**A.B.N. 13 033 709 955**

**FINANCIAL REPORT**  
**FOR THE YEAR ENDED**  
**31 DECEMBER 2012**

All mail to: **G.P.O. Box 5460 Sydney NSW 2001 Australia**

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**Chartered Accountants**

***beyond accounting***



Liability limited by a  
scheme approved under the  
Professional Standards Legislation

**Building Service Contractors Association Of Australia NSW Division**

**ABN 13 033 709 955**

**Financial Report for the Year Ended 31 December 2012**

<b>Contents</b>	<b>Page</b>
<b>Operating Report</b>	<b>2-3</b>
<b>Committee of Management Statement</b>	<b>4</b>
<b>Income Statement</b>	<b>5</b>
<b>Balance Sheet</b>	<b>6</b>
<b>Statement of Changes in Equity</b>	<b>7</b>
<b>Cash Flow Statement</b>	<b>8</b>
<b>Notes to the Financial Statements</b>	<b>9-11</b>
<b>Independent Audit Report</b>	<b>12</b>

## **OPERATING REPORT**

This Operating Report covers the activities of the Building Service Contractors Association Of Australia NSW Division (the Association) for the financial year ended 31st December 2012, the results of those activities and any significant changes in the nature of those activities during the year.

### **1. Principal Activities of the Association**

The principal activity of the Association during the financial year was the provision of services to members in the contract cleaning and security industries.

The Association negotiates with industry stakeholders to improve the working conditions for its members and enhance the image of both industries.

Members are kept up to date by way of regular postal and emailed information on industrial relations and other issues concerning their industry. Networking opportunities are provided by quarterly members meeting.

### **2. Operating result**

The profit of the association for the financial year amounted to \$ 86,063 (2011:\$ 100,043).

### **3. Membership of the Association**

At the end of the financial year the number of members was 74 for the cleaning division and 343 for the security division.

### **4. Members Right to Resign**

All members of the Association have the right to resign from the Association in accordance with Rule 9 of the Association rules, and Chapter 6 Part 3 Section 174 of Fair Work (Registered Organisations) Act 2009, by providing written notice addressed and delivered to the BSCCA NSW office. Detail of Rule 9 is as follows:-

#### **9. - RESIGNATION OF MEMBERSHIP**

- 9.1 A BSCAA NSW member may resign from membership by written notice addressed and delivered to the Executive Director.
- 9.2 Where a BSCAA NSW member ceases to be eligible to become a member of BSCAA NSW a notice of resignation of membership takes effect on whichever of the following is later:
  - (a) on the day the notice is received by BSCAA NSW; or
  - (b) on the day specified in the notice of resignation, which is a day not earlier than the day when the BSCAA NSW member ceases to be eligible to become a BSCAA NSW member.
- 9.3 Where a BSCAA NSW member resigns membership for reasons other than set out in Rule 9.2 notice of resignation takes effect on whichever of the following is later:
  - (a) at the end of 2 weeks after the notice is received by BSCAA NSW; or
  - (b) on the day specified in the notice.
- 9.4 Any dues payable but not paid by a former BSCAA NSW member in relation to a period before that former BSCAA NSW member's resignation from BSCAA NSW took effect, may be sued for and recovered in the name of BSCAA NSW in a court of competent jurisdiction, as a debt due to BSCAA NSW.
- 9.5 A notice delivered to the Executive Director is taken to have been received by BSCAA NSW when it was delivered.
- 9.6 A notice of resignation that has been received by BSCAA NSW is not invalid because it was not addressed and delivered in accordance with Rule 9.1.
- 9.7 A resignation from membership of BSCAA NSW is valid even if it is not effected in accordance with these Rules if the BSCAA NSW member is informed in writing by or on behalf of BSCAA NSW that the resignation has been accepted.

**5. Members of the Committee of Management**

The following persons were members of the Committee of Management;

Roderick Gesterkamp (President appointed 11 January 2012)  
Adam Atkin (Acting president retired 11 January 2012)  
Jamie Halfhide (Vice President appointed 11 January 2012)  
Alex Pavlakis (Security Division Chairman appointed 6 June 2012)  
Julian Claxton (Security Division Chairman retired 6 June 2012)  
Aimee Bleasdale  
Adam Atkin  
Tony Carmona  
Ravindra Naidoo  
Martin Stack  
Lemi Stipcevic  
George Tsivis  
Raelene Verran  
Peter Warren (retired 6 June 2012)

**6. Superannuation Trustees**

No Officer or member of the Association is:

- (1) a trustee of a superannuation entity or an exempt public sector superannuation scheme; or
- (2) A director of a company that is a trustee of a superannuation entity or an exempt public sector superannuation scheme; and

Where a criterion for the officer or member being the trustee or director is that the officer or member is an officer or member of a registered organisation.

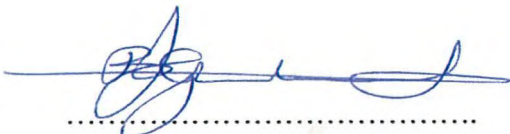
**7. Employees of the Association**

The Association had 2 full time employees during the year.

**8. Significant Changes**

There were no significant changes in the Association's state of affairs during the year.

Signed in accordance with the resolution by the Committee of Management



.....  
Rick Gesterkamp (President)

Dated this 11<sup>th</sup> day of June 2013



.....  
Jamie Halfhide (Secretary)

Dated this 11<sup>th</sup> day of June 2013

## Committee of Management Statement

On 5-4-13 the Committee of Management of the Building Service Contractors Association of Australia NSW Division, passed the following resolution in relation to the general purpose financial report (GPFR) of the reporting unit for the financial year ended 31st December 2012:

The Committee of Management declares in relation to the GPFR that in its opinion:

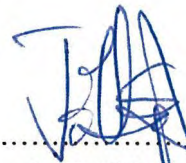
- a. the financial statements and notes comply with the Australian Accounting Standards;
- b. the financial statements and notes comply with the reporting guidelines of the Fair Work Australia;
- c. the financial statements and notes give a true and fair view of the financial performance, financial position 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;
- 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 kept and maintained in accordance with the rules of the organisation including the rules of the branch concerned; and
  - (iii) the financial records of the reporting unit have been kept and maintained in accordance with the Fair Work (Registered Organisations) Act 2009 and the Fair Work (Registered Organisations) Regulations 2009; and
  - (iv) where the organisation consists of 2 or more reporting units; the financial records of the reporting unit have been kept as far as practicable, in a consistent manner to each of the other reporting units of the organisation; and
  - (v) no information has been sought in any request of a member of the reporting unit or a Registrar duly made under section 272 of the Fair Work (Registered Organisations) Act 2009;
  - (vi) no orders have been made by the Commission under section 273 of the Fair Work (Registered Organisations) Act 2009 during the period.
- f. in relation to recovery of wages activity;  
there was no recovery of wages activity during the year.

For the Committee of Management:



.....  
Rick Gesterkamp (President)

Dated this 11<sup>th</sup> day of June 2013



.....  
Jamie Halfhide (Secretary)

Dated this 11<sup>th</sup> day of June 2013



**Building Service Contractors Association Of Australia NSW Division**

**ABN 13 033 709 955**

**INCOME STATEMENT FOR THE YEAR ENDED 31 DECEMBER 2012**

	Note	2012	2011
<b>INCOME</b>			
Members' subscriptions		262,810	274,066
Members meeting income		4,522	3,750
Excellence Awards (including sponsorship)		35,856	32,773
Insurance Commission		1,873	2,090
Interest Income		9,025	6,405
Sundry income		86	61
Administration Fee from National office		40,000	20,000
Sitting fee LSL Board		4,030	-
Reimbursement (Interstate and Singapore)		-	8,128
		<hr/>	<hr/>
		358,202	347,273
<b>EXPENDITURE</b>			
Advertising		9,204	-
Audit		2,000	3,000
Bank charges		2,859	3,257
Computer expenses		1,556	1,164
Depreciation		3,764	3,508
Loss on disposal of Depreciable Asset		1,696	-
Excellence Awards		35,941	27,371
Industrial Advocacy		3,300	3,980
Insurance		4,808	4,157
Members meetings		6,913	6,443
National Office expenses		2,709	2,114
Postages		2,724	4,086
Printing & stationary		5,633	8,698
Provision for annual leave/long services leave		422	4,658
Provision for impairment		-	(23,995)
Rent & outgoings		20,370	19,636
Security expenses		814	98
Subscription expenses		3,503	3,216
Salary		80,055	108,037
Salary sacrifice super		35,890	36,504
Superannuation		10,105	12,868
Sundry expenses		2,147	1,900
Telephone		5,514	4,589
Temporary staff		29,226	-
Travel		986	5,244
Website development		-	300
WFBSC Congress 2011		-	1,783
Singapore delegation		-	4,613
		<hr/>	<hr/>
		272,139	247,230
Operating Surplus		<hr/>	<hr/>
		86,063	100,043

**Building Service Contractors Association Of Australia NSW Division**  
**ABN 13 033 709 955**

**BALANCE SHEET AS AT 31 DECEMBER 2012**

	Note	2012 \$	2011 \$
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	2	272,559	156,890
Trade and other receivables	3	5,371	33,998
<b>TOTAL CURRENT ASSETS</b>		<u>277,930</u>	<u>190,888</u>
<b>NON CURRENT ASSETS</b>			
Plant and equipment	4	11,705	12,173
<b>TOTAL NON CURRENT ASSETS</b>		<u>11,705</u>	<u>12,173</u>
<b>TOTAL ASSETS</b>		<u>289,635</u>	<u>203,061</u>
<b>CURRENT LIABILITIES</b>			
Trade and other payables	5	20,386	20,297
Other provisions	6	25,780	25,358
<b>TOTAL CURRENT LIABILITIES</b>		<u>46,166</u>	<u>45,655</u>
<b>TOTAL LIABILITIES</b>		<u>46,166</u>	<u>45,655</u>
<b>NET ASSETS</b>		<u>243,469</u>	<u>157,406</u>
<b>MEMBERS' FUNDS</b>			
Accumulated surplus		243,469	157,406
<b>TOTAL MEMBERS' FUNDS</b>		<u>243,469</u>	<u>157,406</u>

The accompanying notes form part of these financial statements.

**Building Service Contractors Association Of Australia NSW Division**  
**ABN 13 033 709 955**

**STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 31 DECEMBER 2012**

	Accumulated Surplus \$	Financial Assets Reserve \$	General Reserves \$	Total \$
Balance at 1 January 2010	13,973	-	-	13,973
Reverse accumulated surplus re National	(13,854)	-	-	(13,854)
Operating surplus	57,244	-	-	57,244
Balance at 31 December 2010	57,363	-	-	57,363
Operating surplus	100,043	-	-	100,043
Balance at 31 December 2011	157,406	-	-	157,406
Operating surplus	86,063	-	-	86,063
Balance at 31 December 2012	243,469	-	-	243,469

The accompanying notes form part of these financial statements.

**Building Service Contractors Association Of Australia NSW Division**  
**ABN 13 033 709 955**  
**STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 DECEMBER 2012**

	Note	2012 \$	2011 \$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts from members		290,882	262,110
Other operating receipts		62,347	40,052
Excellence Awards (including sponsorship)		24,020	23,000
Payments to suppliers and employees		(265,613)	(267,275)
Interest received		9,025	6,405
Net cash provided by operating activities	7	120,661	72,459
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Loan repayment from National Office		-	12,230
Purchase of property, plant and equipment		(4,992)	(3,688)
Net cash used in investing activities		(4,992)	8,542
Net increase in cash held		115,669	81,001
Cash and cash equivalents at beginning of financial year		156,890	75,889
Cash and cash equivalents at end of financial year	2	272,559	156,890

The accompanying notes form part of these financial statements.

## Building Service Contractors Association Of Australia NSW Division

ABN 13 033 709 955

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

### Note 1: Summary of Significant Accounting Policies

#### Basis of Accounting

The financial report is a general purpose financial report that has been prepared in accordance *the Fair Work (Registered Organisations) Act 2009* and applicable Accounting Standards, Urgent Issues Group Consensus Views and other Authoritative Pronouncements of the Australian Accounting Standards Board.

The report is also prepared under the historical cost convention and except where stated does not take into account changing money values or current valuations of non-current assets.

The following specific accounting policies, which are consistent with the previous year unless otherwise stated, have been adopted in the preparation of this report;

#### a. **Income Tax**

The income of the Building Service Contractors Association of Australia NSW Division is exempt from Income Tax Section 50 of the *Income Tax Assessment Act*, being a registered union of employers *Fair Work (Registered Organisations) Amendment Act 2012*.

#### b. **Impairment of Assets**

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

#### c. **Employee Benefits**

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

#### d. **Provisions**

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting year.

#### e. **Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

#### f. **Revenue and Other Income**

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. For this purpose, deferred consideration is not discounted to present values when recognising revenue.

Revenue from the provision of membership subscriptions is recognised when invoices are raised.

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument. Dividend revenue is recognised when the right to receive a dividend has been established.

**Building Service Contractors Association Of Australia NSW Division****ABN 13 033 709 955**

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

## Note 1: Summary of Significant Accounting Policies

Grant and donation income is recognised when the entity obtains control over the funds, which is generally at the time of receipt.

**g. 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 Tax Office. 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 assets and liabilities statement are shown inclusive of GST.

## NOTE 2: CASH AND CASH EQUIVALENT

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Cash on hand	400	400
Cash at bank	111,120	51,644
Cash on deposit	161,039	104,846
	<hr/> 272,559	<hr/> 156,890

## NOTE 3: TRADE AND OTHER RECEIVABLES

Trade receivable	2,769	33,443
Other receivable	2,602	-
BSCAA – National Office	58,434	58,434
Provision for doubtful debts	(58,434)	(58,434)
GST receivable	-	556
	<hr/> 5,371	<hr/> 33,998

## NOTE 4: PLANT AND EQUIPMENT

Plant and equipment – at cost	31,843	33,181
Less accumulated depreciation	(20,138)	(21,008)
	<hr/> 11,705	<hr/> 12,173

## NOTE 5: TRADE AND OTHER PAYABLE

Trade creditor	-	1,120
Accrual	10,700	8,800
PAYG withholding	4,982	4,953
GST payable	2,924	-
Super payable	577	1,788
Salary sacrifice	673	3,042
BSCAA - WA	530	430
BSCAA - SA	-	164
	<hr/> 20,386	<hr/> 20,297

## NOTE 6: PROVISION

Provision for staff entitlements	25,780	25,358
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Building Service Contractors Association Of Australia NSW Division

ABN 13 033 709 955

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2012

	2012	2011
	\$	\$
NOTE 7: CASH FLOW STATEMENT		
A. Reconciliation of Net Cash Provided by operating activities to Operating surplus/(deficit)	86,063	100,043
Depreciation	3,764	3,508
Loss on disposal of depreciable asset	1,696	-
Provision for impairment	-	(23,994)
Provision for employee entitlement	422	4,658
Increase in Debtors	28,072	(15,706)
Increase in Creditors	644	3,950
	<hr/>	<hr/>
	120,661	72,459

NOTE 8: SEGMENT REPORTING

The Association operates predominantly in one business and geographical segment, being a Association of employees providing industrial and workplace relations services to its members in New South Wales.

NOTE 9: FINANCIAL INSTRUMENT

*Interest Rate Risk*

The Association's exposure to interest rate risk, which is the risk that a financial instrument's value will fluctuate as a result of changes in market interest rates and the effective weighted average interest rates on those financial assets is not material.

*Credit Risk*

The maximum exposure to credit risk, excluding the value of any collateral or other security, at balance date to recognised financial assets is the carrying value of those assets, net of any provisions for doubtful debts, as disclosed in the balance sheet and notes to and forming part of those financial statements.

The Association does not have any material credit risk exposure to any single debtor or group of debtors under financial instruments entered into by the Association.

*Net Fair Values*

Assets and liabilities have been valued at their net fair value at balance date. This value approximates their carrying value. No financial assets and financial liabilities are readily traded on organised markets in standardised form. Financial assets where the carrying value exceeds fair net values have not been written down as the company intends to hold these assets to maturity.

The aggregate net fair values and carrying amounts of financial assets and financial liabilities are disclosed in the balance sheet and in the notes to and forming part of the financial statements.

NOTE 10: ASSOCIATION DETAIL

The registered office of the Association is:

Building Service Contractors Association Of Australia NSW Division, Suite 3,139 Alexander St, Crows Nest NSW 2065.



**Mitchell & Partners**  
CHARTERED ACCOUNTANTS

**INDEPENDENT AUDIT REPORT  
TO THE MEMBERS OF BUILDING SERVICE CONTRACTORS ASSOCIATION OF  
AUSTRALIA NSW DIVISION**

**Scope**

We have audited the accompanying general purpose financial report of the Building Service Contractors Association of Australia NSW Division for the year ended 31 December 2012 comprising Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows and Notes to and Forming Part of the Financial Statements.

The Association's Committee is responsible for the preparation and true and fair presentation of the financial report and the information they contain. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

**Audit approach**

Our audit has been conducted in accordance with Australian Auditing Standards in order to provide reasonable assurance as to whether the financial report is free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material aspects, the financial report is presented fairly in accordance with statutory requirements so as to present a view which is consistent with our understanding of the Association's financial position and as represented by the results of its operations and cash flows.

The audit opinion expressed in this report has been formed on the above basis.

**Independence**

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

**Audit opinion**

In our opinion,

- (a) the financial report is properly drawn up so as to present fairly the financial position of the Association as at 31 December 2012 and its performance for the year ended on that date;
- (b) the financial report is in accordance with the provisions of the *Fair Work Act 2009* and Australian Accounting Standards; and
- (c) complying with the requirement of Part 3 of Charter 8 of the Fair Work (Registered Organisations) Act 2009

**Mitchell & Partners**  
*Chartered Accountants*

**Bun Kiem Lee**

Date: 19<sup>th</sup> June 2013

*The audit opinion expressed in this report has been formed on the above basis.*

All mail to: G.P.O. Box 5460 Sydney NSW 2001 Australia

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FAIR WORK  
COMMISSION

18 January 2013

Ms Barbara Connolly  
Executive Director  
Building Services Contractors Association of Australia, New South Wales Division  
Sent by email: [bscaansw@bscaa.com](mailto:bscaansw@bscaa.com)

Dear Ms Connolly,

**Re: Lodgement of Financial Report - [FR2012/609]**  
**Fair Work (Registered Organisations) Act 2009 (the RO Act)**

The financial year of the Building Services Contractors Association of Australia, New South Wales Division (the reporting unit) ended on 31 December 2012.

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, namely 15 July 2013 (that is the period within 6 months and 14 days of the end of the financial year) under s.268 of the RO Act.

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 regarding financial reporting under the RO Act are provided on the Fair Work Commission website at: [Financial Reporting Fact Sheets](#).

The documents can be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If it is envisaged that the financial report cannot be lodged by the due date you are requested to contact this office prior to the due date to discuss the issue.

**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 \$33,000 for a body corporate and \$6,600 for an individual per contravention) being imposed upon an officer whose conduct led to the contravention and/or your organisation.

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7936 or via email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au).

Yours sincerely,

Robert Pfeiffer  
Senior Adviser  
Regulatory Compliance Branch

## TIMELINE/ PLANNER

Financial reporting period ending:	/ /	
Prepare financial statements and Operating Report.		
(a) A Committee of Management Meeting must consider the financial statements, and if satisfied, pass a resolution declaring the various matters required to be included in the Committee of Management Statement.	/ /	As soon as practicable after end of financial year
(b) A # designated officer must sign the Statement which must then be forwarded to the auditor for consideration as part of the General Purpose Financial Report (GPFR).		
Auditor's Report prepared and signed and given to the Reporting Unit - s257	/ /	Within a reasonable time of having received the GPFR (NB: Auditor's report must be dated on or after date of Committee of Management Statement)
Provide full report free of charge to members – s265 The full report includes: <ul style="list-style-type: none"> <li>the General Purpose Financial Report (which includes the Committee of Management Statement);</li> <li>the Auditor's Report; and</li> <li>the Operating Report.</li> </ul>	/ /	(a) if the report is to be presented to a General Meeting (which must be held within 6 months after the end of the financial year), the report must be provided to members 21 days before the General Meeting,  or  (b) in any other case including where the report is presented to a Committee of Management meeting*, the report must be provided to members within 5 months of end of financial year.
Present full report to:		
(a) General Meeting of Members - s266 (1),(2); OR	/ /	Within 6 months of end of financial year
(b) where the rules of organisation or branch allow* - a Committee of Management meeting - s266 (3)	/ /	Within 6 months of end of financial year
Lodge full report with the Fair Work Commission, together with the #Designated Officer's certificate++ – s268	/ /	Within 14 days of meeting

\* the full report may only be presented to a committee of management meeting if the rules of the reporting unit provide that a percentage of members (not exceeding 5%) are able to call a general meeting to consider the full report.

# The Committee of Management Statement and the Designated Officer's certificate must be signed by the Secretary or another officer who is an elected official and who is authorised under the rules (or by resolution of the organisation) to sign the statement or certificate – s243.

++ The Designated Officer's certificate must state that the documents lodged are copies of the documents provided to members and presented to a meeting in accordance with s266 – dates of such events must be included in the certificate. The certificate cannot be signed by a non-elected official.