



FAIR WORK
AUSTRALIA

11 August 2011

Mr Dean Hall
Secretary
Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
PO BOX 498
DICKSON ACT 2602

Dear Mr Hall

**Re: s271 Certificates of Exemption - Construction, Forestry, Mining and Energy Union,
Australian Capital Territory Branch - for years ending 31 December 2008, 2009 & 2010.
(FR2008/566; FR2009/10242; FR2010/2843)**

I refer to your three applications dated 27 July 2011 which were lodged with Fair Work Australia on 1 August 2011 for certificates of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* (the Act) in respect of the Australian Capital Territory Branch of the Construction, Forestry, Mining and Energy Union for the financial years ending 31 December 2008, 2009 and 2010 respectively.

Section 271(3) states that an application for an exemption from the requirements of Part 3 of the Act must be made within 90 days after the end of the financial year. Each of the three applications you have made for a certificate of exemption is well outside the permissible period for making such applications, particularly for the financial years ending 31 December 2008 and 2009. Under the Act the General Manager may allow a longer period for an application to be lodged but is not compelled to do so.

On this occasion I have granted the applications, however in future an application for a s271 certificate must be made within 90 days after the end of the financial year in accordance with s271(3) of the Act.

The certificates are enclosed.

Yours sincerely

Terry Nassios
Delegate of the General Manager
Fair Work Australia



FAIR WORK
AUSTRALIA

CERTIFICATE

Fair Work (Registered Organisations) Act 2009
s.271 – Certificate of exemption

Construction, Forestry, Mining and Energy Union
(FR2008/566)

T. NASSIOS

MELBOURNE, 11 AUGUST 2011

S271 - Certificate of Exemption.

[1] On 1 August 2011 the Australian Capital Territory Branch of the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia an application under s271(1) for a certificate of exemption from the requirements of Part 3, Chapter 8 of the *Fair Work (Registered Organisations) Act 2009*, in respect of the financial year ending 31 December 2008.

[2] I allow an additional period of time for the application to be made up to the date on which the application was lodged.

[3] I CERTIFY that I am satisfied, after considering the prescribed circumstances, that the reporting unit did not have any financial affairs in the aforesaid financial year.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

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27 July 2011

Fair Work Australia,
Statutory Services Branch
Level 8
80 William Street
East Sydney
NSW 2011



ATTENTION STEPHEN KELLETT

Dear Sir,

**Re: *Fair Work (Registered Organisations) Act 2009*
Section 271
Application for Certificate**

I am the current Secretary of the Construction, Forestry, Mining and Energy Union ACT Branch (the Branch) and was the Assistant Secretary for the years ending 31 December 2008 and 31 December 2009 (the financial years).

Pursuant to section 271 of the *Fair Work (Registered Organisations) Act 2009* (the Act), I hereby apply for a certificate of exemption for the Branch in respect of the financial years.

In support of this application I submit as follows:

1. The CFMEU consists of a number of Divisions.
2. There exists a number of Divisional Branches (or in the case of the Mining and Energy Division, District Branches) within these Divisions. Such Divisional (or District) Branches function within a designated geographical area, in most cases being the State or Territory in which they are established.
3. The CFMEU and each Division and Divisional (or District) Branch thereof submit annual financial returns in accordance with the Act.
4. CFMEU State Branches consist of the members and officers of each Divisional (or District) Branch in each State or Territory.
5. The Branch has not had an account with a bank or any other financial institution nor has it had custody of any real property or monies during the financial years.

ACT Branch

6. The Branch had no reason to keep accounting records and did not have any financial affairs during the financial years.
7. The Branch has not traded or carried out financial transactions of any kind and has not expended economic resources or incurred any financial obligations to conduct its activities during the financial years.
8. The Divisional Branch within the ACT expends their own economic resources and incur financial obligations so that the Branch may conduct its activities.
9. No person or body corporate or trust expends its own economic resources or incurs financial obligations so that the Branch may conduct its activities.
10. Notwithstanding the above, the Branch has functioned in accordance with the rules of the CFMEU including the rules relating to Branches.

Yours faithfully,



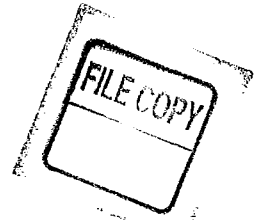
Dean Hall
Secretary
CFMEU - ACT Branch



FAIR WORK
AUSTRALIA

21 July 2011

Mr George Wason
State Secretary, Australian Capital Territory Branch
CFMEU
PO Box 498
DICKSON ACT 2602



Dear Mr Wason,

**Re: Lodgement of Financial Statements and Accounts – Australian Capital Territory Branch,
CFMEU – for years ending 31 December 2010 (FR2010/2843), 31 December 2009 (FR2009/10242),
31 December 2008 (FR2008/566)**

The financial year of the Australian Capital Territory Branch established under the National Rules of the Construction, Forestry, Mining and Energy Union ended on 31 December 2010. The prescribed period in which a return or application for exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* should have been lodged has now expired and there is no record of lodgment.

There is also no record of lodgement of returns or applications for exemption for the years ending 31 December 2008 and 31 December 2009.

If the returns or applications for exemption are ready to be lodged, please do so without further delay, or advise if there are circumstances preventing lodgment at this time.

Yours sincerely,

Stephen Kellett

Statutory Services Branch



FAIR WORK
AUSTRALIA

11 January 2011

Mr George Wason
State Secretary, Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
2 Badham Street
DICKSON ACT 2602



Dear Mr Wason

**Re: Financial Reporting – Construction, Forestry, Mining and Energy Union, Tasmania Branch
- for years ending 31 December 2008 (FR2008/566), 31 December 2009 (FR2009/10242)**

You may have received, or will shortly receive, a letter reminding you about the need to comply with the financial reporting requirements of the Fair Work (Registered Organisations) Act 2009 in respect of the year just ended, 31 December 2010. I am writing however to remind you about the two previous years.

There is no record of any lodgement by the above Branch of any application under s271 for an exemption on the basis of no financial affairs, as has been the practice in past years, for either of the above two financial years.

While ever an exemption from reporting financially has not been applied for and granted, the obligation to lodge a financial return remains.

If you intend to lodge s271 applications, two separate applications should be lodged, one for each year. If there are circumstances preventing lodging such applications at present, I would appreciate your advice.

Yours respectfully,

Stephen Kellett

Statutory Services Branch



FAIR WORK
AUSTRALIA

10 August 2010

Mr George Wason
State Secretary, Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
2 Badham Street
DICKSON ACT 2602



Dear Mr Wason

**Re: Financial Reporting – Construction, Forestry, Mining and Energy Union, Tasmania Branch
- for years ending 31 December 2008 (FR2008/566), 31 December 2009 (FR2009/10242)**

There is no record of any lodgement by the above Branch of any application under s271 for an exemption on the basis of no financial affairs, as has been the practice in past years, for either of the above two financial years.

While ever an exemption from reporting financially has not been applied for and granted, the obligation to lodge a financial return remains.

Two separate applications should be lodged. If there are circumstances preventing lodging such applications at present, I would appreciate your advice clarifying those reasons.

Yours respectfully,

Stephen Kellett

Statutory Services Branch

12 January 2010

Ms Sarah Schoonwater,
Secretary, Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
2 Badham Street
DICKSON ACT 2602



Fair Work
Australia



Dear Ms Schoonwater

**Financial Reporting – Australian Capital Territory Branch - for year ended 31 December 2008
(FR2008/566)**

This is a reminder letter regarding the outstanding financial reporting obligations under the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') in respect of the Australian Capital Territory Branch of the federally registered Construction, Forestry, Mining and Energy Union (i.e. *not* the Divisional Branch).

In past years an application under s271 of the Act - for an exemption on the basis of no financial affairs - has been made. However, our records do not indicate that such an application was made in respect of the financial year ending 31 December 2008. This is therefore significantly overdue.

If an application under s271 for this particular year is appropriate, it should be lodged as soon as possible. (I have also written to you in relation to the financial year recently ended, on 31 December 2009. If the same circumstances apply, it will mean that you must lodge two separate applications, one for each year.)

Applications under s271 may be lodged electronically at riasydney@fwa.gov.au, or alternatively, by facsimile at (02) 9380 6990.

Relevant references may be found at <http://www.fwa.gov.au/index.cfm?pagename=regorgsfrguidelines> and <http://www.fwa.gov.au/index.cfm?pagename=legislationfwroact>. If you are in any doubt as to the requirements or wish to clarify any aspect of the relevant legislation, or anticipate any difficulty in complying with the requirements, do not hesitate to contact Fair Work Australia.

Yours sincerely,

Stephen Kellett
Statutory Services Branch

Fair Work Australia
Level 8, 80 William Street
EAST SYDNEY NSW 2011

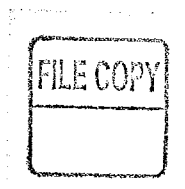
Telephone: (02) 8374 6666/ Mobile :
0429 462 979
Facsimile: (02)9380 6990
Email : stephen.kellett@fwa.gov.au
Internet : www.fwa.gov.au



Australian Government
Australian Industrial Registry

13 January 2009

Ms Sarah Schoonwater
Secretary, Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
2 Badham Street
DICKSON ACT 2602



Dear Ms Schoonwater

**Lodgement of Financial Statements and Accounts – Australian Capital Territory Branch -
Schedule 1 of *Workplace Relations Act 1996* (RAO Schedule) -
for year ended 31 December 2008 (FR2008/566)**

The financial year of the Construction, Forestry, Mining and Energy Union, Australian Capital Territory Branch has recently ended. This is a courtesy letter to remind the Branch of the obligations imposed by the RAO Schedule regarding the preparation of financial accounts and statements.

I direct your attention to our website <http://www.airc.gov.au/registered/FR/information.htm> where relevant detailed information may be found. This includes Fact sheets (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); the RAO Schedule and RAO Regulations; and Registrar's Reporting Guidelines (setting out requirements that must be met in addition to those required by Australian Accounting Standards).

In previous years the Branch has applied under s271(1) for a certificate of exemption from Chapter 8, Part 3 of the RAO Schedule and if this applies again I encourage you to lodge your application as soon as practicable.

The Registry strongly encourages you to lodge applications/documents electronically by sending an email with the documents attached to orgs@airc.gov.au. Alternatively, you may wish to send the documents by fax to (02) 9380 6990.

If you need any further information or assistance please contact me on 0429 462 979 or by email at stephen.kellett@airc.gov.au.

Yours sincerely,

Stephen Kellett
Statutory Services Branch