



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
(FR2010/2843)

T. NASSIOS

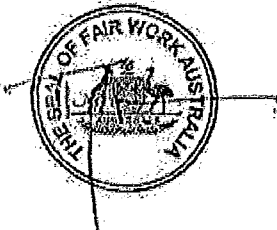
MELBOURNE, 11 AUGUST 2011

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 2010.

[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.



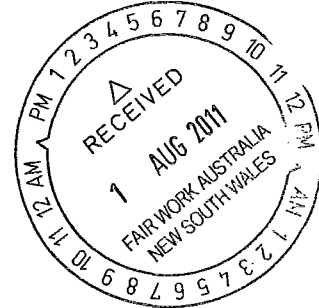
DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR512801 >

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 Secretary of the Construction, Forestry, Mining and Energy Union ACT Branch (the Branch) and occupied that position for the financial year ending 31st December 2010 (the financial year).

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 year.

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 year.

ACT Branch

6. The Branch had no reason to keep accounting records and did not have any financial affairs during the financial year.
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 year.
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,



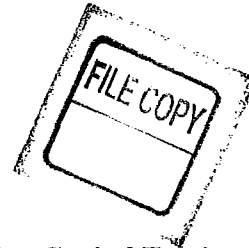
Dean Hall
Secretary
CFMEU - ACT Branch



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 lodgment 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
Construction, Forestry, Mining and Energy Union - Australian Capital Territory Branch
Fax (02) 6249 1247

Dear Mr Wason,

**Lodgement of Financial Documents for year ended 31 December 2010 [FR2010/2843]
Fair Work (Registered Organisations) Act 2009 (the RO Act)**

The financial year of the Construction, Forestry, Mining and Energy Union-Australian Capital Territory Branch (the "reporting unit") has recently ended. This is a courtesy letter to remind you of the obligation to prepare and process the reporting unit's financial documents. The full financial report must be lodged with Fair Work Australia within a period of 6 months and 14 days of the end of the financial year.

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. The attached *Timeline/Planner* summarises these requirements, but I also describe the sequence here.

When the accounts have been prepared ready for the auditor, you or other officers of the Committee of Management must complete, sign and date a "Committee of Management Statement". This Statement effectively approves the accounts for audit and is usually completed at a "first" Committee meeting.

When the auditor has completed his or her audit, he or she must sign and date the "Auditor's Report". The signing and dating of the Auditor's Report may coincide with the date of the "first" Committee Meeting.

Only when the Auditor's Report has been signed and dated is the financial report ready for distribution or publication for the members. This is because the members must be able to see that the report has been audited.

The final event is a formal presentation of the financial report to a "second" meeting. This can be a general meeting of the members, or a separate meeting of the Committee. A general meeting of the members is the default format unless your rules provide for members to petition a special general meeting to consider the report, in which case you can avail itself of the convenience of a Committee meeting instead (see s266).

If you intend to present the report to a general meeting, you must not hold the meeting until at least 21 days have elapsed since distributing or publishing the report to your members. (see s265(5)) If you intend and are permitted to present the report to a Committee meeting, this can be held at any time after the Auditor has signed his report. But this must be a "second" Committee meeting, separate from that at which the various documents were originally signed.

The documents must be lodged within 14 days of the "second" meeting. Your Certificate should provide the date the report was distributed/made available to the members and the date of presentation to the "second" meeting. This will enable Fair Work Australia to be satisfied that you have complied with the relevant sections of the Act

For additional information, if you need it, financial reporting fact sheets and sample documents can be found on our Fair Work Australia website (www.fwa.gov.au). You will find that the legislative requirements remain largely unchanged to that of the former requirements under Schedule 1 of the Workplace Relations Act 1996. The information can be viewed at [FWA Registered Organisations Fact Sheets](#)

This office encourages you to lodge all financial reports electronically (e.g. as pdf files) at RIASydney@fwa.gov.au. Alternatively, you can forward the documents by fax to (02) 9380 6990 .

If you need any further information or if you believe you will be unable to lodge the full financial report within the period mentioned above please contact me on (02) 8374 6666 or by email at RIASydney@fwa.gov.au.

Yours sincerely,



Steve Teece
Registered Organisations – New South Wales
Fair Work Australia

TIMELINE/ PLANNER

Financial reporting period ending:	/ /
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Prepare financial statements and Operating Report.
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(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.	/ /
(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).	

As soon as practicable after end of financial year

Auditor's Report prepared and signed and given to the Reporting Unit - s257	/ /
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*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: <input type="checkbox"/> the General Purpose Financial Report (which includes the Committee of Management Statement); <input type="checkbox"/> the Auditor's Report; and <input type="checkbox"/> the Operating Report.	/ /
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*(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	/ /
(b) where the rules of organisation or branch allow* - a Committee of Management meeting - s266 (3)	/ /

Within 6 months of end of financial year

Within 6 months of end of financial year

Lodge full report with Fair Work Australia, together with the #Designated Officer's certificate** – s268	/ /
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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.