



FAIR WORK
AUSTRALIA

13 January 2012

Mr Dean Hall
State Secretary, Australian Capital Territory Branch
CFMEU
PO Box 498
DICKSON ACT 2602

Dear Hall

**Re: Lodgement of Financial Statements and Accounts – Australian Capital Territory Branch,
Construction, Forestry, Mining and Energy Union – for year ending 31 December 2011
(FR2011/2849)**

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 2011. This is a courtesy letter to remind you of the obligation to either lodge audited financial accounts and statements with Fair Work Australia or an application for exemption under s271 of the *Fair Work (Registered Organisations) Act 2009*.

If, as you have done in previous years, you intend lodging an application for exemption under s271, you should do so within 90 days, that is, by 31 March 2012.

Yours sincerely,

Stephen Kellett

Organisations, Research and Advice Branch



FAIR WORK
AUSTRALIA

16 July 2012

Mr Dean Hall
Secretary, Australian Capital Territory Branch
CFMEU
PO Box 498
DICKSON ACT 2602

Dear Mr Hall

**Lodgement of Financial Documents for year ended 31 December 2011 - Fair Work
(Registered Organisations) Act 2009 ['FW(RO) Act'] - Australian Capital Territory Branch
(FR2011/2849)**

The FW(RO) Act requires audited financial accounts and statements to be lodged with Fair Work Australia within 6 months and 14 days of the end of its financial year. Where a reporting unit wishes to seek an exemption under section 271, it must ordinarily do so within 90 days of the end of the financial year, that is, where the financial year ends on 31 December, by 31 March. However this office has no record of lodgement of an application for exemption under s271 by the Australian Capital Territory Branch constituted under rule 28(i) of the Federal Rules of the Construction, Forestry, Mining and Energy Union.

You must lodge an application for exemption without further delay, with an explanation as to why the application was not lodged earlier within the prescribed period, and with a request to the General Manager for the exercise of her discretion to allow a later time for lodgement, pursuant to subsection 271(3).

Failure to seek an exemption means the obligation to lodge audited financial accounts remains, in which case, I must draw your attention to the civil penalty provisions of the FW(RO) Act [see section 305(2)(ze)]. You should also be aware of the provisions of Part 1 of Chapter 9 of the FW(RO) Act which set out general duties of officers and employees of organisations and their branches in relation to financial management.

You may lodge the application electronically by sending an email with the documents attached to sydney@fwa.gov.au or you may send the documents by fax to (02) 9380 6990.

Yours sincerely,

Stephen Kellett
Organisations, Research & Advice Branch
Fair Work Australia



18/7/2012

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

Dear Sir,

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

I am Secretary of the Construction, Forestry, Mining and Energy Union ACT Branch (the Branch) and occupied that position for the financial year ending 31st December 2011 (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.

ACT Branch

3 Rosevear Place, Dickson ACT 2602 | PO Box 498, Dickson ACT 2602
Phone: (02) 6267 1599 | Fax: (02) 6249 1247
Email: enquiries@act.cfmeu.asn.au | Web: www.cfmeu.asn.au/branch/act

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.
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,


Secretary

CFMEU
ACT Branch.



General Manager
Fair Work Australia
Statutory Services Branch
Level 8
80 Williams Street
East Sydney NSW 2011

Dear General Manager

On 18 July 2012 the Construction, Forestry, Mining and Energy Union ACT Branch (the Branch) submitted their exemption application for the Branch in respect of the financial year. This exemption was submitted outside the timeframe required by Fair Work Australia.

The Branch would like to request an extension of time to submit documentation regarding the lodgement of financial documents for year ended 31 December 2011. The staff member responsible for managing this activity was on maternity leave and other staff members were unaware of the necessity to submit this documentation and the required timeline.

The Branch requests a time exemption for the submissions of this documentation and gives an undertaking that future financial documents will be submitted within the required timelines.

Kind regards

Jason O'Mara
Assistant Secretary
23 July 2012

ACT Branch

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FAIR WORK
AUSTRALIA

CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.271 – Exemption from requirements of Part 3 in respect of financial year

Construction, Forestry, Mining and Energy Union (FR2011/2849)

AILS A CARRUTHERS

MELBOURNE, 26 JULY 2012

s.271 Certificate

[1] On 18 July 2012 an application was made under section 271 of the *Fair Work (Registered Organisations) Act 2009* for a certificate of exemption by the Construction, Forestry, Mining and Energy Union, Australian Capital Territory Branch, in respect of the financial year ending 31 December 2011.

[2] On 24 July 2012 the Branch lodged a request for an extension of time for lodgment, and provided an undertaking that future financial documents will be lodged within the prescribed periods.

[3] After considering the explanation for the delay, and the undertaking provided, I allow an additional period of time for the application to be made up to the date on which the application was lodged.

[4] I CERTIFY that I am satisfied, after considering the prescribed circumstances, that the Branch did not have any financial affairs in the financial year ending 31 December 2011.




DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA



FAIR WORK
AUSTRALIA

26 July 2012

Mr Jason O'Mara
Assistant Secretary
Australian Capital Territory Branch
Construction, Forestry, Mining and Energy Union
PO Box 498
DICKSON ACT 2602

Dear Mr O'Mara,

**Construction, Forestry, Mining and Energy Union, Australian Capital Territory Branch
Application for exemption under s.271 of the *Fair Work (Registered Organisations) Act 2009* - year ended 31 December 2011 (FR2011/2849)**

I refer to the application for a certificate under section 271 of the *Fair Work (Registered Organisations) Act 2009* ("the Act") in respect of the financial year ended 31 December 2011 for the Australian Capital Territory Branch established under the National Rules of the Construction, Forestry, Mining and Energy Union. The application was lodged with Fair Work Australia on 18 July 2012, and a request for an extension of time for lodgment was received on 24 July 2012.

The application was lodged outside the prescribed period. Section 271(3) of the Act provides that an application for exemption from lodging a financial return must be made within 90 days of the end of the financial year, that is, by 31 March immediately following financial year end.

However, I have considered your request for an extension of time, and, having regard to your explanation and to your undertaking that future financial documents will be lodged within time, I have allowed the extension and granted the certificate.

My certificate is enclosed.

Yours sincerely,

Ailsa Carruthers
Delegate of the General Manager
Fair Work Australia