



FAIR WORK  
COMMISSION

27 March 2014

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

Dear Mr Hall

**Re: Lodgement of Financial Accounts and Statements – Construction, Forestry, mining and Energy Union, Australian Capital Territory Branch - for year ending 31 December 2013 (FR2013/438)**

I refer to the application for an exemption from Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 lodged with the Fair Work Commission on 25 June 2013.

The Delegate has granted a certificate. The certificate is attached.

Yours sincerely

Stephen Kellett  
Senior Adviser, Regulatory Compliance Branch



# CERTIFICATE

*Fair Work (Registered Organisations) Act 2009*

s.271—Certificate of exemption from requirements of Chapter 8, Part 3

**Construction, Forestry, Mining and Energy Union**  
(FR2013/438)

MR ENRIGHT

MELBOURNE, 26 MARCH 2014

*Certificate of exemption from the requirements of Chapter 8, Part 3 of the Fair Work (Registered Organisations) Act 2009*

[1] On 25 March 2014 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the Australian Capital Territory Branch of the Construction, Forestry, Mining and Energy Union for a certificate of exemption in respect of the financial year ended 31 December 2013.

[2] I am satisfied that the said Branch is a reporting unit that did not have any financial affairs in respect of the financial year ended 31 December 2013.



DELEGATE OF THE GENERAL MANAGER

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**From:** KELLETT, Stephen  
**To:** ["Shayne Hall"](#)  
**Subject:** RE: Certificate under s271  
**Date:** Thursday, 27 March 2014 8:31:00 PM  
**Attachments:** [CFMEU ACTU FR2013 438 s271 certificate.pdf](#)  
[CFMEU ACTU FR2013 438 \(final\).pdf](#)

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Dear Shayne,

Please see the Delegate's certificate and my letter attached.

Yours sincerely

STEPHEN KELLETT  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

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# CFMEU

## CONSTRUCTION

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

**CFMEU ACT**  
3 Rosevear Place  
Dickson ACT 2602  
PO Box 498  
Dickson 2602  
Ph 02 6267 1599  
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ABN: 38 491 952 173

To whom it may concern

### **RE- Fair Work (Registered Organisations) ACT 2009) Section 271**

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 31 December 2013 (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.
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 incurs 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

25 March 2014



26 February 2014

Mr Dean Hall  
State Secretary  
Construction, Forestry, Mining and Energy Union-Australian Capital Territory Branch  
Sent by email: [dhall@act.cfmeu.asn.au](mailto:dhall@act.cfmeu.asn.au)

Dear Mr Hall,

**Re: Lodgement of Financial Report - [FR2013/438]  
Fair Work (Registered Organisations) Act 2009 (the RO Act)**

The financial year of the Australian Capital Territory Branch of the Construction, Forestry, Mining and Energy Union (the reporting unit) ended on 31 December 2013.

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 2014 (being the expiry date of 6 months and 14 days from 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 and guidance notes in relation to financial reporting under the RO Act are provided on the Fair Work Commission website. Additionally, the General Manager's updated Reporting Guidelines, that apply to all financial reports prepared on or after 30 June 2013, are also available on the website together with slides relating to our financial Reporting Guidelines Webinar.

The Fair Work Commission has also developed a model set of financial statements for the 2012-2013 financial year. There is no requirement to use this model but it may be a useful resource to ensure compliance with the RO Act, the Reporting Guidelines and the Australian Accounting Standards. All of the above information can be accessed through our website under [Compliance & litigation](#).

The financial report and any statement of loans, grants or donations made during the financial year [statement must be lodged within 90 days of end of financial year] can be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). A sample statement of loans, grants or donations is available at [sample documents no.5](#)

**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 \$51,000 for a body corporate and \$10,200 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.		
<p>(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.</p> <p>(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).</p>	/ /	As soon as practicable after end of financial year
Auditor's Report prepared and signed and given to the Reporting Unit - s257	/ /	<p>Within a reasonable time of having received the GPFR</p> <p>(NB: Auditor's report must be dated on or after date of Committee of Management Statement</p>
<p>Provide full report free of charge to members – s265</p> <p>The full report includes:</p> <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>	/ /	<p>(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,</p> <p>or</p> <p>(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.</p>
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.