



FAIR WORK  
AUSTRALIA

31 May 2011

Mr Malcolm Tulloch  
State Secretary  
New South Wales Branch  
Construction, Forestry, Mining and Energy Union  
Locked Bag 1  
LIDCOMBE NSW 1825

Dear Mr Tulloch

**Re: s271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union, New South Wales Branch - for year ending 31 December 2010 (FR2010/2848)**

I refer to your application dated 26 May 2011 under s. 271 of the *Fair Work (Registered Organisations) Act 2009* which was received by Fair Work Australia on 27 May 2011.

The application has been granted and the certificate is enclosed.

Yours sincerely,

James Hall  
Fair Work Australia



FAIR WORK  
AUSTRALIA

# CERTIFICATE

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

**Construction, Forestry, Mining and Energy Union**  
(FR2010/2848)

T. NASSIOS

MELBOURNE, 31 MAY 2011

*S271 - Certificate of Exemption.*

[1] On 27 May 2011, the New South Wales Branch of the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia an application under s. 271(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 CERTIFY that I am satisfied, after considering the prescribed circumstances, that the branch did not have any financial affairs in the aforesaid financial year.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

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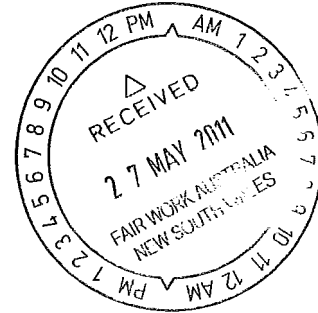
**CONSTRUCTION FORESTRY MINING AND ENERGY UNION  
NEW SOUTH WALES BRANCH**



**CFMEU  
CONSTRUCTION  
AND GENERAL**

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 Secretary of the Construction, Forestry, Mining and Energy Union New South Wales Branch (the Branch) and occupied that position for the financial year ending 31<sup>st</sup> 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.

Construction Forestry  
Mining and Energy Union  
New South Wales Branch

Malcolm Tulloch  
State Secretary  
Peter McClelland  
State President

12 Railway Street  
LIDCOMBE

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3. The CFMEU and each Division and Divisional (or District) Branch thereof submit annual financial returns in accordance with Chapter 8 of the Act.
4. CFMEU State Branches, including the Branch, 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 various Divisional/District Branches within the State of New South Wales expend 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 New South Wales Branch.  
26/05/2011



FAIR WORK  
AUSTRALIA

11 January 2011

The NSW State Secretary  
Construction, Forestry, Mining and Energy Union - New South Wales Branch  
10-12 Railway Street  
Lidcombe NSW 2141

Dear Sir,

**Lodgement of Financial Documents for year ended 31 December 2010 [FR2010/2848]  
Fair Work (Registered Organisations) Act 2009 (the RO Act)**

The financial year of the Construction, Forestry, Mining and Energy Union - New South Wales 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.

Level 8, Terrace Tower  
80 William Street  
East Sydney NSW 2011

Telephone: (02) 8374 6666  
Email : [RIASydney@fwa.gov.au](mailto:RIASydney@fwa.gov.au)  
Internet : [www.fwa.gov.au](http://www.fwa.gov.au)

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](http://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](mailto: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](mailto: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)	/ /

<i>Within 6 months of end of financial year</i>
<i>Within 6 months of end of financial year</i>

Lodge full report with Fair Work Australia, together with the #Designated Officer's certificate <sup>++</sup> – s268	/ /
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<i>Within 14 days of meeting</i>
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\* 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.