

22 July 2015

Mr Brian Parker  
State Secretary  
Construction, Forestry, Mining and Energy Union – New South Wales Branch



via email: [enquiries@nsw.cfmeu.asn.au](mailto:enquiries@nsw.cfmeu.asn.au)

Dear Mr Parker

**Section 271 application for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 for financial year ended 31 December 2014 (FR2014/463)**

I refer to your application pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009* (RO Act), lodged in the Fair Work Commission (FWC) on 13 July 2015, in respect of the New South Wales Branch of the Construction, Forestry, Mining and Energy Union (CFMEU NSW) for the financial year ended 31 December 2014.

I am satisfied that the CFMEU NSW is a reporting unit and that it did not have any financial affairs in the financial year which ended 31 December 2014. The attached certificate reflects this decision.

I take this opportunity to remind you of the importance of the reporting unit strictly complying with each applicable aspect of the legislative reporting requirements under the RO Act, the *Fair Work (Registered Organisations) Regulations 2009* and the Reporting Guidelines.

An application pursuant to s271 of the RO Act is required to be filed within 90 days after the end of the financial year. This application is approximately 3 months late. On 14 July 2015 you provided additional information into the circumstances which lead to the late lodgement of this application. It was stated that the timeframe was missed due to an administrative oversight due to annual leave arrangements when the initial reminder notice from the FWC was sent to the CFMEU NSW. A request for an extension of time was also included.

Having considered the further material lodged and all of the relevant circumstances, in this instance I have allowed the application to be made more than 90 days after the end of the financial year.

If you wish to discuss this matter, please contact Ms Joanne Fenwick on 03) 8661 7886 or by email to [joanne.fenwick@fwc.gov.au](mailto:joanne.fenwick@fwc.gov.au).

Yours sincerely



Chris Enright  
Director  
Regulatory Compliance Branch

11 Exhibition Street Telephone: (03) 8661 7777  
Melbourne VIC 3000 International: (613) 8661 7777  
GPO Box 1994 Facsimile: (03) 9655 0401  
Melbourne VIC 3001 Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)



# CERTIFICATE

*Fair Work (Registered Organisations) Act 2009*

s.271 - Reporting unit's exemption from requirements of Chapter 8, Part 3

**Construction, Forestry, Mining and Energy Union – New South Wales Branch**  
(FR2014/463)

MR ENRIGHT

MELBOURNE, 22 JULY 2015

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

[1] On 13 July 2015 an application was made under s 271 (1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the New South Wales Branch of the Construction, Forestry, Mining and Energy Union for a certificate of exemption in respect of the financial year ended 31 December 2014.

[2] The application was lodged three months after the 90 day period ordinarily prescribed by sub-section 271(3) of the Act. The Branch sought an extension of time under sub-section 271(3) of the Act to allow a later period for lodgement. Further information was subsequently submitted to the Fair Work Commission on 14 July 2015 by the New South Wales Branch of the Construction, Forestry, Mining and Energy Union in relation to the events surround the late lodgement.

[3] Having regard to the circumstances, I approve the extension requested under s 271 (3) of the Act.

[4] On the basis of the material provided in the application, I am satisfied that the applicant is a reporting unit that does not have any financial affairs in respect of the financial year which ended 31 December 2014.



DELEGATE OF THE GENERAL MANAGER

# CFMEU

## CONSTRUCTION

14 July, 2015

**ROBERT PFEIFFER**  
Senior Adviser  
Regulatory Compliance Branch  
Fair Work Commission  
11 Exhibition Street  
Melbourne Victoria 3000

**CFMEU NSW**  
12 Railway St,  
Lidcombe NSW 2141  
Locked Bag 1  
Lidcombe 1825  
**Secretary:** Brian Parker  
**President:** Rita Mallia  
**Ph** 02 9749 0400  
**Fax** 02 9649 7100  
**cfmeunsw.asn.au**  
**enquiries@nsw.cfmeu.asn.au**  
ABN: 17 524 350 154

Attn: Joanne Fenwick

By email: [joanne.fenwick@fwc.gov.au](mailto:joanne.fenwick@fwc.gov.au)

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

I refer to our application for a certificate of exemption for the Branch in respect of the financial year ending 31 December, 2014 which was lodged via email and hard copy 13 July, 2014 and subsequent telephone calls regarding same.

We are aware that the application for exemption was required to be lodged by 31 March, 2015 however this deadline was missed due to an administrative oversight on behalf of the General Manager, Kylie Wray who had set a reminder to lodge this early in the new year.

Unfortunately, the reminder was set whilst Kylie was on annual leave and the deadline was inadvertently missed and was not picked up on until receiving reminders from the Fair Work Commission this week.

Once the reminders were received, the application was lodged immediately.

We respectfully request an extension of time in order to process the application received by the Commission on 13 July, 2015.

Yours sincerely



Rita Mallia  
Acting Secretary/President  
CFMEU

# CFMEU

## CONSTRUCTION

13 July, 2015

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

**CFMEU NSW**  
12 Railway St,  
Lidcombe NSW 2141

Locked Bag 1  
Lidcombe 1825

**Secretary:** Brian Parker  
**President:** Rita Mallia

**Ph** 02 9749 0400

**Fax** 02 9649 7100

**cfmeunsw.asn.au**

**enquiries@nsw.cfmeu.asn.au**

ABN: 17 524 350 151

Attn: David Vale

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 31st December 2014 (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 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

A handwritten signature in black ink, appearing to read 'B. P. O. A.' with a long horizontal flourish extending to the right.

Secretary  
CFMEU New South Wales Branch