



AUSTRALIAN INDUSTRIAL REGISTRY

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Ref: FR2003/703-[105N-SAST]

Mr Graham Murray
District Secretary
CFMEU - Mining and Energy Division
South Australia District Branch
Trades Hall, 11-16 South Terrace
ADELAIDE SA 5000

Dear Mr Murray

Re: Construction, Forestry, Mining and Energy Union-Mining and Energy Division South Australia District Branch - Financial Reporting Obligations under *Workplace Relations Act 1996*

This is a courtesy letter to remind you of the financial reporting obligations of the abovenamed body under the *Workplace Relations Act 1996* ('the Act') for the financial year ended 31 December, 2003.

While the accounting, auditing and reporting obligations have changed with the introduction of the *Registration and Accountability of Organisations* Schedule (the RAO Schedule) which generally came into operation on 12 May 2003, Part IX, Division 11 of the Act continues to apply in relation to a financial year of an organisation that ends on 31 December, 2003. The corresponding obligations set out in the RAO Schedule apply to each financial year of an organisation that starts on or after 1 July 2003.

Now that the financial year for 31 December, 2003 has ended, it is timely that you put in train the various steps of the financial reporting requirements. To assist you with this process I have enclosed for your information a notice summarising these requirements including the time-scales prescribed by the legislation.

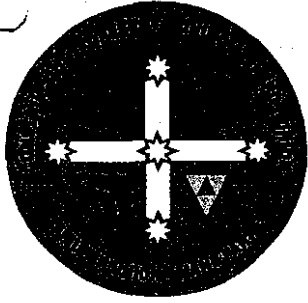
Please note that a branch of an organisation may be exempted from the accounting, auditing and reporting obligations in respect of a financial year by satisfying a Registrar that the branch did not have any financial affairs during the financial year. An application under subsection 271A(1) of the Act must be made within 90 days (unless extended by a Registrar) after the end of the financial year.

Please do not hesitate to contact me on (02) 8374 6618 if you wish to discuss the financial reporting requirements, especially if you anticipate any difficulty in meeting any step in the time-scales prescribed.

Yours sincerely

Belinda Penna

E-mail: belinda.penna@air.gov.au
12 January 2004



Construction Forestry Mining and Energy Union

Construction & General Division
President: Ben Carslake
Secretary: Martin O'Malley

Mining & Energy Division
President: Geoff Day
Secretary: Graham Murray

RECEIVED 13 JUL 2004

Construction Forestry Mining and Energy Union
Mining and Energy Division
Box Q235
Queen Victoria Building Post Office
SYDNEY NSW 1230

29th June 2004

Attention: Bruce Watson


Dear Bruce,

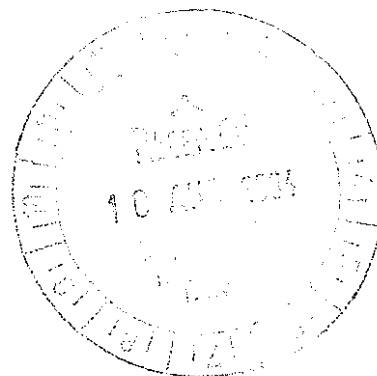
Please find enclosed Secretary's Certificate together with Financial Statements for year ending 31st December 2003, for the Mining & Energy Division of the CFMEU, SA Branch.

The following may assist in finalizing these Accounts.

The "first meeting" took place on 10th March 2004. The "second meeting" took place on 12th May 2004. A summary of the Auditors Report, Accounts and Statements were made available to Members through the March/April Newsletter as per Committee of Management Resolution 10th March 2004.

Yours faithfully,


Geoff Day
President
Mining & Energy Division

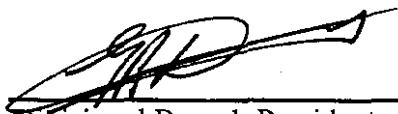


CONSTRUCTION FORESTRY MINING & ENERGY UNION
(Mining & Energy Division, South Australian Divisional Branch)
FOR THE YEAR ENDED 31st DECEMBER 2003

PRESIDENTS CERTIFICATE

Pursuant to Section 280(1) of the Workplace Relations Act 1996,

I, Geoffrey Day certify that the auditor's report, accounts and statements of the abovementioned Divisional Branch for the year ending 31st December 2003, annexed hereto, are copies of the documents presented to the meeting of the Divisional Branch Management Committee on 12th May 2004.



Divisional Branch President
CFMEU SA Mining & Energy Division
South Australian Divisional Branch

Date

29/6/04

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

FINANCIAL STATEMENTS FOR THE
YEAR ENDED 31ST DECEMBER, 2003

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Prepared by:

Major, May & Associates
Chartered Accountants

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CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

SUMMARY OF THE FINANCIAL STATEMENTS For the year ended 31st December, 2003

The Financial Statements of the Division have been audited in accordance with the provisions of the Workplace Relations Act, 1996, as amended (the Act), and the following Summary is provided for Members in accordance with Section 279 (2) of the Act.

A copy of the audited Accounts will be supplied free of charge to Members who request a copy, and the Union's responsibility in this regard is set out below.

INFORMATION TO BE PROVIDED TO MEMBERS OR REGISTRAR

In accordance with the requirements of the Act, the attention of Members is drawn to the provisions of Sub-Sections (1), (2) and (3) of Section 274, which read as follows:-

- “(1) A Member of an Organisation, or a Registrar, may apply to the Organisation for specified prescribed information in relation to the Organisation.
- (2) An Organisation shall, on application made under Sub-Section (1) by a Member of the Organisation or a Registrar, make the specified information available to the Member or Registrar in such manner, and within such time, as is prescribed.
- (3) A Registrar may only make an application under Sub-Section (1) at the request of a Member of the Organisation concerned, and the Registrar shall provide to a Member information received because of an application made at the request of the Member.”

An Organisation shall not contravene Section 274 (1), (2) & (3). Penalty \$1,000.

Certificates required to be given under the Act, by the Accounting Officer and the Committee of Management, have been completed in accordance with the provisions of the Act, and contain no qualifications.

The Auditor's Report on the Accounts did not contain any particulars of any deficiency, failure or shortcoming as referred to in the Act.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

ABRIDGED STATEMENT OF FINANCIAL PERFORMANCE For the Year Ended 31st December, 2003

	2003 \$	2002 \$
INCOME		
Member Contributions	86,196	87,874
Wages & Other Costs Reimbursed	91	448
	<hr/>	<hr/>
TOTAL INCOME	86,287	88,322
LESS EXPENSES		
Salaries & On-Costs	59,320	57,142
Sub-Branch Expenses	1,316	2,320
Sustentation & Capitation Fees	9,025	10,322
Other Expenses	25,857	18,855
	<hr/>	<hr/>
TOTAL EXPENSES	95,518	88,639
OPERATING SURPLUS/(DEFICIT) FOR THE YEAR	<hr/> <u>\$(9,231)</u>	<hr/> <u>\$ (317)</u>

ABRIDGED STATEMENT OF FINANCIAL POSITION As at 31st December 2003

	2003 \$	2002 \$
ACCUMULATED FUNDS	<u>\$ (25,032)</u>	<u>\$ (14,801)</u>
Represented by:-		
Cash at Bank	41,192	41,772
Fixed Assets at WDV	5,009	9,166
	<hr/>	<hr/>
TOTAL ASSETS	46,201	50,938
Interdivisional Loan Account	19,878	14,386
Leave Provisions	51,353	51,353
	<hr/>	<hr/>
TOTAL LIABILITIES	71,233	65,739
NET ASSETS	<hr/> <u>\$ (25,031)</u>	<hr/> <u>\$ (14,801)</u>

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

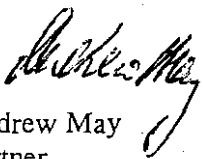
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH

TO THE MEMBERS OF THE C.F.M.E.U., MINING & ENERGY DIVISION

In our opinion, the Summary of the Financial Statements on pages 1 and 2 is a fair and accurate summary of the Reports, Accounts and Statements of the Division, for the year ended 31st December, 2003.

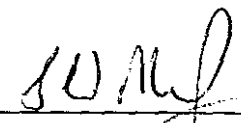
The Auditor's Report on the Accounts did not contain any particulars of any deficiency, failure or shortcoming, as referred to in the Workplace Relations Act, 1996, Sub-Section 276(4). The Organisation will supply, free of charge, a copy of the Reports, Accounts and Statements to any Members who so request.

MAJOR, MAY & ASSOCIATES
Chartered Accountants


Andrew May
Partner
Registered Company Auditor

COMMITTEE OF MANAGEMENT


GEOFFREY R. DAY


GRAHAM MURRAY

ACCOUNTING OFFICER


GEOFFREY R. DAY

Signed at Adelaide this 16th day of JUNE, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

COMMITTEE OF MANAGEMENT'S CERTIFICATE

We, GEOFFREY R. DAY and GRAHAM MURRAY, being two members of the Committee of Management of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, state on behalf of the Committee and in accordance with a resolution passed by the Committee, that:-

- (1) In the opinion of the Committee of Management, the attached Accounts show a true and fair view of the financial affairs of the Branch, as at 31st December, 2003.
- (2) In the opinion of the Committee of Management, meetings of the Committee were held during the year ended 31st December, 2003, in accordance with the Rules of the Division.
- (3) To the knowledge of any member of the Committee, there have been no instances where records of the Branch or other documents, (not being documents containing information made available to a Member of the Branch, under Sub-Section 274 (2) of the Workplace Relations Act, 1996), or copies of those records or other documents, or copies of the Rules of the Division, have not been furnished or made available to Members, as requested in accordance with the requirements of the Workplace Relations Act, 1996, the Regulations thereto, or the Rules of the Division.
- (4) The Branch has complied with Sub-Sections 279 (1) and (6) of the Act in relation to the Financial Accounts in respect of the preceding year, and the Auditor's Report thereon.



GEOFFREY R. DAY



GRAHAM MURRAY

Signed at Adelaide this 16th day of JUNE, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

ACCOUNTING OFFICER'S CERTIFICATE

I, GEOFFREY R. DAY, being the Officer responsible for keeping the accounting records of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, certify that as at 31st December, 2003, the number of Members of the Division was ??? (2002: 259).

In my opinion:-

- (1) The attached Accounts show a true and fair view of the financial affairs of the Branch, as at 31st December, 2003.
- (2) A record has been kept of all moneys paid by or collected from Members, and all moneys so paid or collected have been credited to the appropriate Bank Account in accordance with the Rules of the Division.
- (3) Before any expenditure was incurred by the Branch, approval of that expenditure was obtained in accordance with the Rules of the Division.
- (4) In the case of the Accounts prepared in accordance with Sub-Section 273 (1) of the Act, and, in particular, with regard to funds of the Branch, raised by compulsory levies or voluntary contributions from Members, or funds other than the General Fund, operated in accordance with the Rules, no payments were made out of any such fund for purposes other than those for which the fund was operated.
- (5) No loans or other financial benefits, other than remuneration in respect of their full-time employment with the Branch, were made to persons holding office in the Branch.
- (6) The register of Members of the Branch was maintained in accordance with the Act.

Signed at Adelaide this 16th day of JUNE, 2004.



GEOFFREY R. DAY

**CONSTRUCTION, FORESTRY, MINING & ENERGY UNION
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

AUDITOR'S REPORT
YEAR ENDED 31ST DECEMBER, 2003



SCOPE

We have audited the Accounts, being the Statement of Financial Position, Statement of Accumulated Funds, Statement of Financial Performance and Notes to and forming part of the Accounts, of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, for the year ended 31st December, 2003.

The Committee of Management is responsible for the preparation and presentation of the Accounts and the information they contain.

We have conducted an independent audit of these Accounts in order to express an opinion on them to the Members of the Branch.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the Accounts are free from material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the Accounts, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the Accounts are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view of the Branch which is consistent with our understanding of its financial position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion:-

- (1) There were kept by the Branch in respect of the period ended 31st December, 2003, satisfactory accounting records detailing the sources and nature of the Income of the Branch (including Income from Members) and the nature and the purposes of Expenditure.
- (2) The attached Accounts and Statements are properly drawn up:-
 - (a) in accordance with Section 273 of the Workplace Relations Act, 1996, as amended;
 - (b) so as to give a true and fair view of:
 - (i) the state of affairs of the Branch as at 31st December, 2003; and
 - (ii) the Income and Expenditure and Deficit of the Branch for the year ended on that date;
 - (c) in accordance with applicable Accounting Standards.

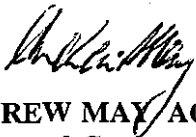
**CONSTRUCTION, FORESTRY, MINING & ENERGY UNION
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

AUDITOR'S REPORT (cont.)

AUDIT OPINION (cont.)

- (3) We received from the Officers and Employees of the Branch all the information and explanations which we required for the purposes of our audit.

MAJOR, MAY & ASSOCIATES
Chartered Accountants



ANDREW MAY ACA, BA (Acc)
Registered Company Auditor
Partner

Signed at Adelaide this 17th day of June, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH

STATEMENT OF FINANCIAL POSITION
As at 31st December 2003

	Note	2003	2002
ACCUMULATED FUNDS		\$	\$
Accumulated Surplus/(Deficit)		(67,918)	(58,687)
Leigh Creek Levy Fund	5	42,886	43,886
TOTAL FUNDS		\$ (25,032)	\$ (14,801)
These funds are represented by:-			
CURRENT ASSETS			
Bank Accounts			
Port Pirie Commonwealth Account		487	159
Leigh Creek Powerstate Account		228	226
Leigh Creek Levy Fund	5	40,477	41,387
TOTAL CURRENT ASSETS		41,192	41,772
NON CURRENT ASSETS			
Motor Vehicle at Cost		27,711	27,711
Less Accumulated Depreciation		(22,702)	(18,545)
TOTAL NON CURRENT ASSETS		5,009	9,166
TOTAL ASSETS		46,201	50,938
CURRENT LIABILITIES			
Provision for Annual Leave		7,560	7,560
Provision for Long Service Leave		43,793	43,793
Interdivisional Loan Account		19,878	14,386
TOTAL CURRENT LIABILITIES		71,233	65,739
NET ASSETS		\$ (25,032)	\$ (14,801)

To be read in conjunction with the notes to the accounts

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH

STATEMENT OF FINANCIAL PERFORMANCE
For the year ended 31st December, 2003

	2003	2002
	\$	\$
INCOME		
Members' Contributions	86,196	87,874
Wages & Other Costs Reimbursed	91	348
	<u>86,287</u>	<u>88,322</u>
TOTAL INCOME		
LESS EXPENDITURE		
Audit & Accountancy Fees	545	570
Depreciation	4,157	4,157
Motor Vehicle Expenses	2,576	2,900
Port Pirie Welfare Fund	5,296	4,322
Provision for Annual Leave	245	2,296
Salaries - Officials	53,794	50,031
Sub-Branch Expenses		
- Leigh Creek	227	220
- Port Pirie	780	1,796
- Whyalla	309	325
Superannuation	4,251	3,951
Sustentation & Capitation	9,025	10,322
Telephone	1,198	451
Travel & Accommodation	12,084	6,434
Workcover	1,031	864
	<u>95,518</u>	<u>88,639</u>
TOTAL EXPENDITURE		
OPERATING SURPLUS/(DEFICIT)	<u>\$ (9,231)</u>	<u>\$ (317)</u>

To be read in conjunction with the notes to the accounts

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE ACCOUNTS For the year ended 31st December, 2003

Note 1. Accounting Methods

Membership Contributions are accounted for on a cash basis. Otherwise, the Accounts are prepared under the Historical Cost Convention on an accruals basis and in accordance with the Accounting Standards jointly issued by the Australian Professional Accounting Bodies. In particular:-

- (a) The Accounts have not been adjusted to reflect changes in the general purchasing power of the dollar or in the prices of specific assets.
- (b) Provision for Employee Benefits, in the form of Accrued Annual Leave, has been made based on the estimated accrued entitlements of all employees on the basis of their terms of employment. The Long Service Leave provision in respect of this Branch was previously considered to be a National Office expense, but the liability for this Provision was passed to the SA Branch from 1st July 2001.

Note 2. Divisional Rationalisation

Since 1st September 1996, the Mining and Energy Division, South Australian Branch, has operated financially via a loan account with the Construction and General Division, South Australian Branch, utilising that Branch's Bank Account for all of its income and payments.

Note 3. Information to be provided to Members or Registrar

In accordance with the requirements of the Workplace Relations Act, 1996, the attention of Members is drawn to the provisions of Section 274, which read as follows:-

- “(1) A Member of an Organisation, or a Registrar, may apply to the Organisation for specified prescribed information in relation to the Organisation.
- (2) An Organisation shall, on application made under Sub-Section (1) by a Member of the Organisation or a Registrar, make the specified information available to the Member or Registrar in such manner, and within such time, as is prescribed.
- (3) A Registrar may only make an application under Sub-Section (1) at the request of a Member of the Organisation concerned and the Registrar shall provide to a Member information received because of an application made at the request of the Member.”

An Organisation shall not contravene Sections 274 (1), (2) and (3). Penalty \$1,000.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE ACCOUNTS
For the year ended 31st December, 2003

Note 4. Mining and Energy Division Sub Branches

The Mining and Energy Division operates sub-branches at Leigh Creek and Port Pirie in South Australia. These sub-branches are funded via a self-imposed levy which is added to the members' contributions, and is then redistributed via the Adelaide branch.

Note 5. Leigh Creek Levy Fund

	2003	2002
	\$	\$
Opening Balance, 1st January, 2003	43,866	50,931
Income		
Interest Received	82	304
Total Income	82	304
Less Expenditure		
Bank Charges	18	19
Removal Expenses	1,044	7,350
Total Expenses	1,062	7,369
Closing Balance 31st December 2003	\$42,886	\$43,866

It is important to understand that while the above Levy Fund is administered via the Union, the Levy Fund Bank Account is an asset of the Members, and as such is not available to the Union for its ongoing operations.

Note 6. Salaries - Officials

From 1st July 2000, the President of the SA Branch of the Mining & Energy Division has been employed by the SA Branch of the Construction & General Division.



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Geoff Day
Branch President
CFMEU Mining & Energy Division
South Australian District Branch
1st Floor, Trades Hall
11-16 South Terrace
ADELAIDE SA 5000

Dear Mr Day

**Re: Lodgement of Financial Statements and Accounts for the Mining & Energy Division,
South Australian District Branch for the year ending 31 December 2003 (FR2003/703)**

I refer to the financial statements and accounts which were lodged in the Registry on 10 August 2004.

Sequence of Events

From the information you have provided it appears that the sequence of events and relevant dates in the production and lodgement of your financial return included:

- 10 March 2004 - date of the "first meeting" of the Committee of Management
- March/April 2004 - Summary of the Auditors Report, accounts and statements made available to the members through March/April 2004 Newsletter
- 12 May 2004 - date of the "second meeting" of Committee of Management
- 16 June 2004 - date of the certificates given by the accounting officer and the committee of management, and the date on the Summary of the Financial Statements
- 17 June 2004 - date of the auditor's report
- 10 August 2004 - documents lodged in Registry

If this sequence of events is correct the Accounting Officer's Certificate, the Committee of Management Certificate, the Summary of the Financial Statements and the Auditor's Report are all dated after the documents were distributed to the members in the March/April Newsletter.

Therefore, it is unclear what documents were provided to the members and whether your organisation has complied with its financial reporting obligations, particularly regarding provision of the Auditor's report to the members and the presentation of the report to the "second meeting".

I would appreciate your comments on these matters within fourteen days. If the documents including the signed and dated Auditor's report have been provided to the members and presented to a "second meeting" please provide details.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter McKerrow', written over a horizontal line.

Peter McKerrow
Assistant Manager, NSW Registry

17 August 2004



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
60 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Geoff Day
Branch President
CFMEU Mining & Energy Division
South Australian District Branch
1st floor, Trades Hall
11 - 16 South Terrace
ADELAIDE SA 5000

Branch Financial Return for year ending 31 December 2003 (FR2003/703)

Dear Mr Day

On 17 August 2004 I wrote to you seeking clarification of whether the Branch had completed its financial reporting obligation to its members. Attached is a copy of my letter.

Following phone discussions between the Registry and your office on 27 September and 27 October 2004, the Registry was referred to the Divisional office of the Union who we were advised would provide the information sought.

On several occasions since October 2004 the Registry has initiated contact with the Divisional office to ascertain when a response to these matters would be provided. To date none has been received.

From the information the Registry has, the Branch does not appear to have yet discharged its financial reporting obligations to its members for the financial year ending 31 December 2003. In particular, from the information provided, the Branch does not appear to have provided members with the copy of the summary of the auditor's report, accounts and statements which according to the copy attached to your letter was signed and dated by the auditor on 16 June 2004.

The date of the Committee of Management Certificate also indicates that the committee did not express its opinion on the accounts until 16 June 2004 and the auditor's report is dated 17 June 2004.

All these dates are after the date on which you indicate the Branch provided members the "summary" in March/April 2004. If the Branch has not yet provided the summary dated 16 June 2004 to its members, it should arrange to do so without delay.

Your urgent attention to this matter would be appreciated.

I have also written to the auditor of the Branch and enclose a copy of my letter.

Yours sincerely

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

Peter McKerrow
for Deputy Industrial Registrar

21 April 2005



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Messrs Major, May and Associates
Chartered Accountants
PO Box 110
PROSPECT SA 5082

Audit Report and Summary for year ending 31 December 2003
CFMEU Mining and Energy Division SA District Branch

Dear Sirs

On 10 August 2004, the Branch lodged in the Registry copies of your firm's audit report and a summary of the report, accounts and statements dated 16 and 17 June 2004 respectively. These documents were accompanied by a Committee of Management Statement dated 16 June 2004.

The Branch secretary advised that the Branch had provided "summary of the Auditors Report, Accounts and Statements" to its members in March/April 2004.

As you will note the stated date of provision to members predates the signing and dating of the summary, audit report and committee of management certificate lodged in the Registry.

Before filing an organisation's financial documents it is the practice of the Industrial Registrar to satisfy himself that the organisation has provided its members with the relevant documents and the date of provision.

The Registry has sought clarification from the Branch but to date the Branch has not provided the information sought. I would be grateful if you could confirm the date on which your firm provided the Branch with its certificate or opinion that the summary of the audit report, accounts and statements was a fair and accurate summary and the date it gave its audit opinion.

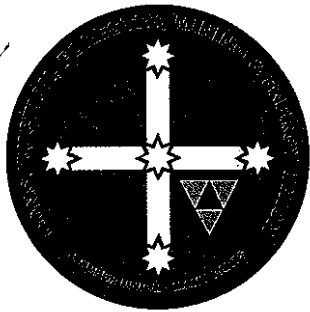
If you have any queries, please contact me on (02) 8374 6666.

Your sincerely

A handwritten signature in black ink, appearing to read 'Peter McKerrow', with a long, sweeping horizontal stroke extending to the right.

Peter McKerrow
for Deputy Industrial Registrar

21 April 2005



Construction Forestry Mining and Energy Union

Construction & General Division
President: Peter Kaine
Secretary: Martin O'Malley

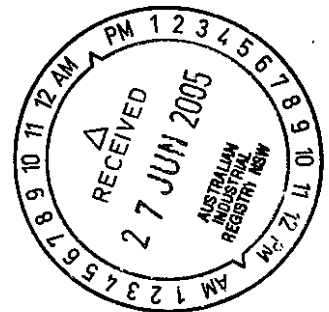
Mining & Energy Division
President: Geoff Day
Secretary: Graham Murray

Deputy Industrial Registrar
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

23rd June 2005

Dear Madam,

**Re: Mining and Energy Division, South Australian Branch
Audited Accounts for Year ending 31st December 2003**



Following our recent telephone conversation I need to explain that due to the nature of our organisational structure I take responsibility for preparing and administering the accounts for the Mining and Energy Division in South Australia. I would like to apologise for the time it has taken to respond to your various letters.

Following the Deputy Registrar's initial inquiry and our response I was taken ill. On returning to work 3 months later I was unaware that the issue had not been resolved until I received your final letter.

On investigating, it became clear that a certain amount of confusion occurred through the South Australian Branch as a result of the joint administration between the Mining and Energy Division's 2003 Audit, the Construction and General Division's 2003 Audit and other organisations that I and others are responsible for and the dates these documents were sent to the Federal Office.

Please find enclosed a further copy of the South Australian Mining and Energy Division's 2003 Audited Accounts with original dates of Committee of Management Certificate and Auditor's Report.

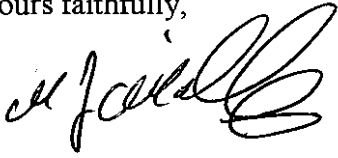
The sequence of events were as stated,

- 12th February - COM endorsed 2003 Audited Summary to be given to members
- 10th March received 2003 Audited Accounts
- 10th March presented Audited Accounts to "first meeting" of COM for endorsement
- Made 2003 Audited Accounts available to members via March/April Newsletter
- 12th May presented 2003 Audited Accounts to "second meeting" of COM received endorsement

2.

I hope this letter meets your approval.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M J O'Malley', with a stylized flourish at the end.

Martin J O'Malley
Secretary
Construction and General Division

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

FINANCIAL STATEMENTS FOR THE
YEAR ENDED 31ST DECEMBER, 2003

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Prepared by:

Major, May & Associates
Chartered Accountants

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CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

SUMMARY OF THE FINANCIAL STATEMENTS For the year ended 31st December, 2003

The Financial Statements of the Division have been audited in accordance with the provisions of the Workplace Relations Act, 1996, as amended (the Act), and the following Summary is provided for Members in accordance with Section 279 (2) of the Act.

A copy of the audited Accounts will be supplied free of charge to Members who request a copy, and the Union's responsibility in this regard is set out below.

INFORMATION TO BE PROVIDED TO MEMBERS OR REGISTRAR

In accordance with the requirements of the Act, the attention of Members is drawn to the provisions of Sub-Sections (1), (2) and (3) of Section 274, which read as follows:-

- “(1) A Member of an Organisation, or a Registrar, may apply to the Organisation for specified prescribed information in relation to the Organisation.
- (2) An Organisation shall, on application made under Sub-Section (1) by a Member of the Organisation or a Registrar, make the specified information available to the Member or Registrar in such manner, and within such time, as is prescribed.
- (3) A Registrar may only make an application under Sub-Section (1) at the request of a Member of the Organisation concerned, and the Registrar shall provide to a Member information received because of an application made at the request of the Member.”

An Organisation shall not contravene Section 274 (1), (2) & (3). Penalty \$1,000.

Certificates required to be given under the Act, by the Accounting Officer and the Committee of Management, have been completed in accordance with the provisions of the Act, and contain no qualifications.

The Auditor's Report on the Accounts did not contain any particulars of any deficiency, failure or shortcoming as referred to in the Act.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

ABRIDGED STATEMENT OF FINANCIAL PERFORMANCE For the Year Ended 31st December, 2003

	2003 \$	2002 \$
INCOME		
Member Contributions	86,196	87,874
Wages & Other Costs Reimbursed	91	448
TOTAL INCOME	86,287	88,322
LESS EXPENSES		
Salaries & On-Costs	59,320	57,142
Sub-Branch Expenses	1,316	2,320
Sustentation & Capitation Fees	9,025	10,322
Other Expenses	25,857	18,855
TOTAL EXPENSES	95,518	88,639
OPERATING SURPLUS/(DEFICIT) FOR THE YEAR	\$(9,231)	\$(317)

ABRIDGED STATEMENT OF FINANCIAL POSITION As at 31st December 2003

	2003 \$	2002 \$
ACCUMULATED FUNDS	\$(25,032)	\$(14,801)
Represented by:-		
Cash at Bank	41,192	41,772
Fixed Assets at WDV	5,009	9,166
TOTAL ASSETS	46,201	50,938
Interdivisional Loan Account	19,878	14,386
Leave Provisions	51,353	51,353
TOTAL LIABILITIES	71,233	65,739
NET ASSETS	\$(25,031)	\$(14,801)

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

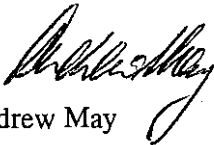
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH

TO THE MEMBERS OF THE C.F.M.E.U., MINING & ENERGY DIVISION

In our opinion, the Summary of the Financial Statements on pages 1 and 2 is a fair and accurate summary of the Reports, Accounts and Statements of the Division, for the year ended 31st December, 2003.

The Auditor's Report on the Accounts did not contain any particulars of any deficiency, failure or shortcoming, as referred to in the Workplace Relations Act, 1996, Sub-Section 276(4). The Organisation will supply, free of charge, a copy of the Reports, Accounts and Statements to any Members who so request.

MAJOR, MAY & ASSOCIATES
Chartered Accountants

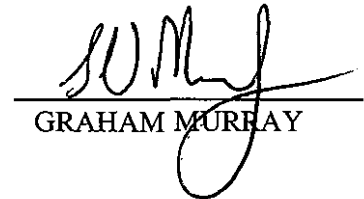


Andrew May
Partner
Registered Company Auditor

COMMITTEE OF MANAGEMENT



GEOFFREY R. DAY



GRAHAM MURRAY

ACCOUNTING OFFICER



GEOFFREY R. DAY

Signed at Adelaide this 10th day of March, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

COMMITTEE OF MANAGEMENT'S CERTIFICATE

We, GEOFFREY R. DAY and GRAHAM MURRAY, being two members of the Committee of Management of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, state on behalf of the Committee and in accordance with a resolution passed by the Committee, that:-

- (1) In the opinion of the Committee of Management, the attached Accounts show a true and fair view of the financial affairs of the Branch, as at 31st December, 2003.
- (2) In the opinion of the Committee of Management, meetings of the Committee were held during the year ended 31st December, 2003, in accordance with the Rules of the Division.
- (3) To the knowledge of any member of the Committee, there have been no instances where records of the Branch or other documents, (not being documents containing information made available to a Member of the Branch, under Sub-Section 274 (2) of the Workplace Relations Act, 1996), or copies of those records or other documents, or copies of the Rules of the Division, have not been furnished or made available to Members, as requested in accordance with the requirements of the Workplace Relations Act, 1996, the Regulations thereto, or the Rules of the Division.
- (4) The Branch has complied with Sub-Sections 279 (1) and (6) of the Act in relation to the Financial Accounts in respect of the preceding year, and the Auditor's Report thereon.



GEOFFREY R. DAY



GRAHAM MURRAY

Signed at Adelaide this *10th* day of *March*, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

ACCOUNTING OFFICER'S CERTIFICATE

I, GEOFFREY R. DAY, being the Officer responsible for keeping the accounting records of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, certify that as at 31st December, 2003, the number of Members of the Division was ??? (2002: 259).

In my opinion:-

- (1) The attached Accounts show a true and fair view of the financial affairs of the Branch, as at 31st December, 2003.
- (2) A record has been kept of all moneys paid by or collected from Members, and all moneys so paid or collected have been credited to the appropriate Bank Account in accordance with the Rules of the Division.
- (3) Before any expenditure was incurred by the Branch, approval of that expenditure was obtained in accordance with the Rules of the Division.
- (4) In the case of the Accounts prepared in accordance with Sub-Section 273 (1) of the Act, and, in particular, with regard to funds of the Branch, raised by compulsory levies or voluntary contributions from Members, or funds other than the General Fund, operated in accordance with the Rules, no payments were made out of any such fund for purposes other than those for which the fund was operated.
- (5) No loans or other financial benefits, other than remuneration in respect of their full-time employment with the Branch, were made to persons holding office in the Branch.
- (6) The register of Members of the Branch was maintained in accordance with the Act.

Signed at Adelaide this *10th* day of *March*, 2004.



GEOFFREY R. DAY

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH

AUDITOR'S REPORT
YEAR ENDED 31ST DECEMBER, 2003



SCOPE

We have audited the Accounts, being the Statement of Financial Position, Statement of Accumulated Funds, Statement of Financial Performance and Notes to and forming part of the Accounts, of the Construction, Forestry, Mining & Energy Union, Mining & Energy Division, South Australian Branch, for the year ended 31st December, 2003.

The Committee of Management is responsible for the preparation and presentation of the Accounts and the information they contain.

We have conducted an independent audit of these Accounts in order to express an opinion on them to the Members of the Branch.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the Accounts are free from material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the Accounts, and the evaluation of accounting policies and significant accounting estimates.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the Accounts are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements and statutory requirements so as to present a view of the Branch which is consistent with our understanding of its financial position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion:-

- (1) There were kept by the Branch in respect of the period ended 31st December, 2003, satisfactory accounting records detailing the sources and nature of the Income of the Branch (including Income from Members) and the nature and the purposes of Expenditure.
- (2) The attached Accounts and Statements are properly drawn up:-
 - (a) in accordance with Section 273 of the Workplace Relations Act, 1996, as amended;
 - (b) so as to give a true and fair view of:
 - (i) the state of affairs of the Branch as at 31st December, 2003; and
 - (ii) the Income and Expenditure and Deficit of the Branch for the year ended on that date;
 - (c) in accordance with applicable Accounting Standards.

**CONSTRUCTION, FORESTRY, MINING & ENERGY UNION
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

AUDITOR'S REPORT (cont.)

AUDIT OPINION (cont.)

- (3) We received from the Officers and Employees of the Branch all the information and explanations which we required for the purposes of our audit.

**MAJOR, MAY & ASSOCIATES
Chartered Accountants**



**ANDREW MAY ACA, BA (Acc)
Registered Company Auditor
Partner**

Signed at Adelaide this *10th* day of *March*, 2004.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

STATEMENT OF FINANCIAL POSITION As at 31st December 2003

	Note	2003	2002
ACCUMULATED FUNDS		\$	\$
Accumulated Surplus/(Deficit)		(67,918)	(58,687)
Leigh Creek Levy Fund	5	42,886	43,886
		<hr/>	<hr/>
TOTAL FUNDS		\$ (25,032)	\$ (14,801)
		<hr/>	<hr/>
These funds are represented by:-			
CURRENT ASSETS			
Bank Accounts			
Port Pirie Commonwealth Account		487	159
Leigh Creek Powerstate Account		228	226
Leigh Creek Levy Fund	5	40,477	41,387
		<hr/>	<hr/>
TOTAL CURRENT ASSETS		41,192	41,772
		<hr/>	<hr/>
NON CURRENT ASSETS			
Motor Vehicle at Cost		27,711	27,711
Less Accumulated Depreciation		(22,702)	(18,545)
		<hr/>	<hr/>
TOTAL NON CURRENT ASSETS		5,009	9,166
		<hr/>	<hr/>
TOTAL ASSETS		46,201	50,938
		<hr/>	<hr/>
CURRENT LIABILITIES			
Provision for Annual Leave		7,560	7,560
Provision for Long Service Leave		43,793	43,793
Interdivisional Loan Account		19,878	14,386
		<hr/>	<hr/>
TOTAL CURRENT LIABILITIES		71,233	65,739
		<hr/>	<hr/>
NET ASSETS		\$ (25,032)	\$ (14,801)
		<hr/>	<hr/>

To be read in conjunction with the notes to the accounts

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

**MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

STATEMENT OF ACCUMULATED FUNDS

For the year ended 31st December, 2003

	2003	2002
	\$	\$
Total Surplus/(Deficit)	(9,231)	(317)
Add Accumulated (Deficit) at the beginning of the Year	(58,687)	(58,370)
ACCUMULATED (DEFICIT) AT THE END OF THE YEAR	<u>\$ (67,918)</u>	<u>\$ (58,687)</u>

To be read in conjunction with the notes to the accounts

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

STATEMENT OF FINANCIAL PERFORMANCE For the year ended 31st December, 2003

	2003	2002
	\$	\$
INCOME		
Members' Contributions	86,196	87,874
Wages & Other Costs Reimbursed	91	348
	86,287	88,322
TOTAL INCOME		
LESS EXPENDITURE		
Audit & Accountancy Fees	545	570
Depreciation	4,157	4,157
Motor Vehicle Expenses	2,576	2,900
Port Pirie Welfare Fund	5,296	4,322
Provision for Annual Leave	245	2,296
Salaries - Officials	53,794	50,031
Sub-Branch Expenses	227	220
- Leigh Creek	780	1,796
- Port Pirie	309	325
- Whyalla	4,251	3,951
Superannuation	9,025	10,322
Sustentation & Capitation	1,198	451
Telephone	12,084	6,434
Travel & Accommodation	1,031	864
Workcover	95,518	88,639
	95,518	88,639
TOTAL EXPENDITURE	95,518	88,639
OPERATING SURPLUS/(DEFICIT)	\$ (9,231)	\$ (317)

To be read in conjunction with the notes to the accounts

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE ACCOUNTS For the year ended 31st December, 2003

Note 1. Accounting Methods

Membership Contributions are accounted for on a cash basis. Otherwise, the Accounts are prepared under the Historical Cost Convention on an accruals basis and in accordance with the Accounting Standards jointly issued by the Australian Professional Accounting Bodies. In particular:-

- (a) The Accounts have not been adjusted to reflect changes in the general purchasing power of the dollar or in the prices of specific assets.
- (b) Provision for Employee Benefits, in the form of Accrued Annual Leave, has been made based on the estimated accrued entitlements of all employees on the basis of their terms of employment. The Long Service Leave provision in respect of this Branch was previously considered to be a National Office expense, but the liability for this Provision was passed to the SA Branch from 1st July 2001.

Note 2. Divisional Rationalisation

Since 1st September 1996, the Mining and Energy Division, South Australian Branch, has operated financially via a loan account with the Construction and General Division, South Australian Branch, utilising that Branch's Bank Account for all of its income and payments.

Note 3. Information to be provided to Members or Registrar

In accordance with the requirements of the Workplace Relations Act, 1996, the attention of Members is drawn to the provisions of Section 274, which read as follows:-

- “(1) A Member of an Organisation, or a Registrar, may apply to the Organisation for specified prescribed information in relation to the Organisation.
- (2) An Organisation shall, on application made under Sub-Section (1) by a Member of the Organisation or a Registrar, make the specified information available to the Member or Registrar in such manner, and within such time, as is prescribed.
- (3) A Registrar may only make an application under Sub-Section (1) at the request of a Member of the Organisation concerned and the Registrar shall provide to a Member information received because of an application made at the request of the Member.”

An Organisation shall not contravene Sections 274 (1), (2) and (3). Penalty \$1,000.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE ACCOUNTS
For the year ended 31st December, 2003

Note 4. Mining and Energy Division Sub Branches

The Mining and Energy Division operates sub-branches at Leigh Creek and Port Pirie in South Australia. These sub-branches are funded via a self-imposed levy which is added to the members' contributions, and is then redistributed via the Adelaide branch.

Note 5. Leigh Creek Levy Fund

	2003	2002
	\$	\$
Opening Balance, 1st January, 2003	43,866	50,931
Income		
Interest Received	82	304
Total Income	82	304
Less Expenditure		
Bank Charges	18	19
Removal Expenses	1,044	7,350
Total Expenses	1,062	7,369
Closing Balance 31st December 2003	\$42,886	\$43,866

It is important to understand that while the above Levy Fund is administered via the Union, the Levy Fund Bank Account is an asset of the Members, and as such is not available to the Union for its ongoing operations.

Note 6. Salaries – Officials

From 1st July 2000, the President of the SA Branch of the Mining & Energy Division has been employed by the SA Branch of the Construction & General Division.



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Martin O'Malley
CFMEU Mining & Energy Division
South Australia District Branch
1st Floor Trades Hall
11-16 South Terrace
ADELAIDE SA 5000

Dear Mr O'Malley

**Re: Financial Statements and Accounts for the CFMEU Mining & Energy Division,
South Australian District Branch for the year ending 31 December 2003 (FR2003/703)**

I refer to the abovementioned financial statements and accounts. Thank you for your letter of 23 June 2005, which clarified the sequence of events that occurred in respect of the provision of the financial documents to the members.

I am also in receipt of an email of 8 July 2005 confirming the number of members of the Mining & Energy Division South Australian District Branch for the year ending 31 December 2003.

Following the receipt of this information, the financial documents have now been filed, and may be viewed on the internet at www.e-airc.gov.au/105nsast/financial.

Thank you for your assistance in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Belinda Penna'.

Belinda Penna
for Deputy Industrial Registrar

11 July 2005