



FAIR WORK
AUSTRALIA

30 June 2010

Ms Gail Gorman
Administration Manager, South Australian District Branch
Construction, Forestry, Mining and Energy Union
Level 1, 32 South Terrace
ADELAIDE SA 5000



Dear Ms Gorman

**Re: Lodgment of Financial Accounts and Statements – South Australian District Branch –
for year ending 31 December 2009 (FR2009/10210)**

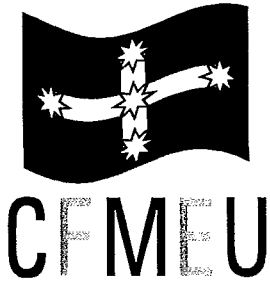
Thank you for lodging the above financial statements and accounts, which were received by Fair Work Australia on 24 June 2010.

The documents have been filed.

Yours respectfully,

Stephen Kellett

Statutory Services Branch



Construction Forestry Mining & Energy Union

Level 1, 32 South Tce Adelaide SA 5000

P: 8231 5532 F: 2831 3822

ABN 71 560 759 083

queries@sa.cfmeu.asn.au

www.cfmeu.asn.au

Fair Work Australia
Level 8, 80 William Street
East Sydney 2011

21st June 2010

Re: Financial Statements and Accounts

Dear Sir/Madam,

Please find enclosed 2009 Audited Accounts for the

CFMEU Mining & Energy Division SA Branch & Certificate (Section 268)

If you require any further information please contact the writer.

Yours faithfully,

Gail Gorman (Ms)
Administration Manager



Construction, Forestry, Mining and Energy Union

**(Mining & Energy Division
South Australian Branch)**

FOR THE YEAR ENDED 31 DECEMBER 2009

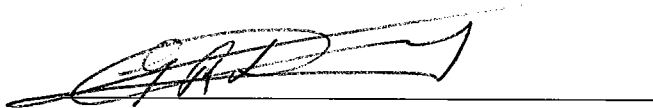
Schedule 1

Workplace Relations Act 1996

Section 268

CERTIFICATE

Pursuant to Section 268 of Schedule 1 of the *Workplace Relations Act 1996*, I, Geoffrey Day, certify that the documents attached hereto are copies of the documents provided to members of the above-named Division on the 28th April 2010 and presented to a final meeting in a series of meetings, on the 10th of June 2010.



Divisional Branch President
CFMEU
Mining & Energy Division
South Australian Branch

11th June 2010

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

FINANCIAL REPORT FOR THE
YEAR ENDED 31ST DECEMBER, 2009

CONTENTS

	Page No.
Operating Report	2-3
Committee of Management Statement	4
Auditor's Report	5-6
Statement of Financial Position	7
Statement of Accumulated Funds	8
Income Statement	9
Statement of Cash Flows	10
Notes to the Financial Report	11-13
Auditor's Independence Declaration	14

Prepared by:

Major, May & Associates
Chartered Accountants

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

OPERATING REPORT FOR THE YEAR ENDED 31ST DECEMBER 2009

Principal Activities

The CFMEU, Mining & Energy Division, SA Branch (“the Union”) is committed to advancing the wages, conditions and well-being of its membership.

The Union’s principal activities during the year were:

- Joining up new members.
- Representation of members and others on the job.
- Union-negotiated collective agreements.
- Assisting members with legal representation.
- Facilitating access to training courses.
- Keeping members informed of developments via meetings and newsletters.
- Sale of products to union members.
- Representing members and other workers through Tri-partite and Bi-partite key Government and Industry Committees.
- Pursuing the objectives of the organisation as prescribed by Rule 4, Objects of the CFMEU.

Financial Affairs

There were no significant changes to the Union’s financial affairs during the year.

Members’ Rights to Resign

Members have the right to resign from the Union in accordance with section 174 of Schedule 1B of the Workplace Relations Act 1996 and Rule 11 of the Federal Rules.

Superannuation Fund Trustees

The officers and members listed below were trustees or directors of a trustee company of a Superannuation Fund as a consequence of their position with the Union:

- Nil

Number of Members

The number of members at the end of the financial year recorded in the register of members and taken to be members of the Union was 232 (2008: 230).

Number of Employees

The number of full-time equivalent employees of the Union at the end of the financial year was nil.

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

**OPERATING REPORT FOR THE YEAR ENDED 31ST DECEMBER 2009
(CONT)**

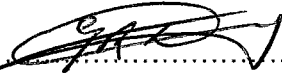
Committee of Management

The members of the Committee of Management at any time during the financial year were as follows:

Geoff Day	Allan Cooper
Robert Geyer	Graham Murray
Tony Nickels	Larry Young

All Appointments were for the Period 1st January 2009 – 31st December 2009.

Signed on behalf of the Committee of Management by:



.....
Geoffrey Ronald Day
President
CFMEU
Mining and Energy Division, SA Branch

Date: 28th April 2010

**CONSTRUCTION, FORESTRY MINING & ENERGY UNION
MINING & ENERGY DIVISION, SA BRANCH**

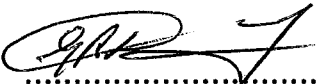
COMMITTEE OF MANAGEMENT STATEMENT

On the 28th April 2010, the Committee of Management of the Union passed the following resolution to the general purpose financial report (GPFR) of the Union for the year ended 31st December, 2009.

The Committee declares in relation to the GPFR that in its opinion:

- (a) the financial report and notes comply with the applicable Australian Accounting Standards;
- (b) the financial report and notes comply with the reporting guidelines of the Industrial Registrar;
- (c) the financial report and notes give a true and fair view of the financial performance, financial position and cash flows of the Union for the financial year ended 31st December 2009;
- (d) there are reasonable grounds to believe that the Union will be able to pay its debts as and when they become due and payable, subject to the ongoing financial support of the CFMEU, Construction & General Division, as detailed in Note 2 to the Financial Report; and
- (e) during the financial year ended 31st December, 2009 and since the end of the financial year:
 - (i) meetings of the COM were held in accordance with the rules of the organisation and the rules of the COM;
 - (ii) the financial affairs of the Union have been managed in accordance with the rules of the organisation and the rules of the Union;
 - (iii) the financial records of the Union have been kept and maintained in accordance with Schedule 1B to the Workplace Relations Act 1996 and the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003;
 - (iv) the financial records of the Union have been kept, as far as practicable, in a manner consistent with each of the other branches of the organisation;
 - (v) no information has been sought in any request of a member of the Union or a Registrar under section 272 of Schedule 1B to the Workplace Relations Act 1996; and
 - (vi) no orders have been made by the Commission under section 273 of Schedule 1B to the Workplace Relations Act 1996.

For the Committee of Management



.....
Geoffrey Ronald Day
President

**CONSTRUCTION, FORESTRY,
MINING & ENERGY UNION**
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH
AUDITOR'S REPORT
YEAR ENDED 31ST DECEMBER, 2009



Report on the Financial Report

We have audited the Financial Report, being the Statement of Financial Position, Statement of Accumulated Funds, Income Statement, Statement of Cash Flows 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, 2009.

Committee's Responsibility for the Financial Report

The Committee of Management is responsible for the preparation and fair presentation of the Financial Report and has determined that the accounting policies described in Note 1 to the Financial Report, which form part of the Financial Report, are consistent with the financial reporting requirements of the Workplace Relations Act 1996, as amended, and are appropriate to meet the needs of the members. The Committee's responsibilities also include establishing and maintaining internal controls relevant to the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the Financial Report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the Financial Report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement in the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Committee, as well as evaluating the overall presentation of the financial report.

The Financial Report has been prepared for distribution to members for the purpose of fulfilling the Committee's financial reporting obligations under the Workplace Relations Act 1996, as amended. We disclaim any assumption of responsibility for any reliance on this report or on the Financial Report to which it relates to any person other than the members, or for any other purpose other than that for which it was prepared.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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

AUDITOR'S REPORT (cont.)

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Audit Opinion

- (1) There were kept by the Branch in respect of the year ended 31st December, 2009, 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 Financial Report and Statements are properly drawn up:-
 - (a) in accordance with 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, 2009; and
 - (ii) the Income and Expenditure and Surplus of the Branch for the year ended on that date;
 - (c) in accordance with applicable Accounting Standards; and
 - (d) so as to comply with any other requirements imposed by the Reporting Guidelines or Part 3 of Chapter 8 of Schedule 1B of the Act.
- (3) We received from the Officers and Employees of the Branch all the information and explanations that 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 28th day of April, 2010.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

STATEMENT OF FINANCIAL POSITION As at 31st December 2009

	Note	2009	2008
ACCUMULATED FUNDS		\$	\$
Accumulated Surplus/(Deficit)		(100,964)	(82,539)
Port Pirie Welfare Fund	5	22,441	24,343
Leigh Creek Levy Fund	5	24,558	30,811
		\$ (53,965)	\$ (27,385)
These funds are represented by:-			
CURRENT ASSETS			
Bank Accounts			
Port Pirie ACCU Accounts		743	1,583
Port Pirie Welfare Fund	5	21,698	22,760
Leigh Creek Powerstate Account		243	240
Leigh Creek Levy Fund	5	21,092	28,039
		43,776	52,622
TOTAL CURRENT ASSETS		43,776	52,622
TOTAL ASSETS		43,776	52,622
CURRENT LIABILITIES			
Creditors & Accruals		3,071	4,894
Provision for Annual Leave		14,575	13,880
Provision for Long Service Leave		53,738	51,540
Interdivisional Loan Account		26,357	9,693
		97,741	80,007
TOTAL CURRENT LIABILITIES		97,741	80,007
NET ASSETS		\$ (53,965)	\$ (27,385)

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

**MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

**STATEMENT OF ACCUMULATED FUNDS
For the year ended 31st December, 2009**

	2009	2008
Total Surplus/(Deficit)	\$ (18,425)	\$ (17,734)
Add Accumulated (Deficit) at the beginning of the Year	<u>(82,539)</u>	<u>(64,805)</u>
ACCUMULATED (DEFICIT) AT THE END OF THE YEAR	<u>\$ (100,964)</u>	<u>\$ (82,539)</u>

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

INCOME STATEMENT For the year ended 31st December, 2009

	Note	2009 \$	2008 \$
INCOME			
Members' Contributions		90,506	90,400
Meeting Costs Reimbursed & Sundry Income		<u>-</u>	<u>140</u>
TOTAL INCOME		<u>90,506</u>	<u>90,540</u>
LESS EXPENDITURE			
Audit & Accounting Fees		740	750
BIRST Payments		2,080	2,160
Meeting Expenses		2,438	1,308
Motor Vehicle Expenses		6,004	5,982
Provision for Annual Leave		696	(1,900)
Provision for Long Service Leave		2,198	1,516
Salaries - Officials	6	63,659	65,170
Sub-Branch Expenses		1,804	1,868
Sundry Expenses		482	-
Superannuation	6	8,303	8,472
Sustentation & Capitation		8,791	9,458
Telephone		1,554	1,401
Travel & Accommodation		8,755	10,892
Workcover	6	<u>1,427</u>	<u>1,197</u>
TOTAL EXPENDITURE		<u>108,931</u>	<u>108,274</u>
OPERATING SURPLUS/(DEFICIT)		<u>(\$18,425)</u>	<u>(\$17,734)</u>

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

STATEMENT OF CASH FLOWS For the year ended 31st December, 2009

	Notes	2009 \$	2008 \$
CASH FROM OPERATING ACTIVITIES			
Members' Contributions		90,506	90,400
Other Income		-	140
Payments to Suppliers and Employees		(99,352)	(93,138)
NET CASH PROVIDED/(USED) BY OPERATING ACTIVITIES	8	<u>(8,846)</u>	<u>(2,598)</u>
CASH FROM INVESTING ACTIVITIES			
Payment for Plant & Equipment		-	-
NET CASH USED IN INVESTING ACTIVITIES		<u>-</u>	<u>-</u>
NET INCREASE/(DECREASE) IN CASH HELD		(8,846)	(2,598)
Cash at Beginning of Year	7	52,622	55,220
CASH AT END OF YEAR	7	<u>\$43,776</u>	<u>\$52,622</u>

To be read in conjunction with the Notes to the Financial Report.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
For the year ended 31st December, 2009

Note 1. Accounting Methods

Membership Contributions are accounted for on a cash basis. Otherwise, the Financial Report is 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 Financial Report has not been adjusted to reflect changes in the general purchasing power of the dollar or in the prices of specific assets.
- (b) Provision for 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 on 1st July, 2001.

Note 2. Divisional Rationalisation & Financial Support

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

The Division will be able to continue operating provided it continues to receive the financial support of the Construction & General Division.

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 272 of Schedule 1B, which read as follows:-

- “(1) A Member of a reporting unit, or a Registrar, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
- (2) The application must be in writing and must specify the period within which, and the manner in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
- (3) A reporting unit must comply with an application made under subsection (1).”

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

MINING & ENERGY DIVISION SOUTH AUSTRALIAN BRANCH

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
For the year ended 31st December, 2009

Note 4. Mining & Energy Division Sub Branches

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

Note 5. Leigh Creek Levy Fund & Port Pirie Welfare Fund

Although the above Levy Funds are administered by the Union, the Levy Fund Bank Accounts are assets of the Members, and as such are not available to the Union for its ongoing operations.

Note 6. Salaries – Officials

Since 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 of the CFMEU. His salary and on-costs continue to be allocated to the Mining and Energy Division via the Loan Account mentioned in Note 2.

CONSTRUCTION, FORESTRY, MINING & ENERGY UNION

**MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

NOTES TO AND FORMING PART OF THE FINANCIAL REPORT
For the year ended 31st December, 2009

Note 7. Reconciliation of Cash

For the purpose of the Statement of Cash Flows, Cash includes Cash on Hand, and in At Call Deposits with Banks or Financial Institutions, net of Bank Overdrafts.

	2009	2008
	\$	\$
Cash at Bank	43,776	52,622
Cash on Hand	-	-
	<u>43,776</u>	<u>52,622</u>

Note 8. Reconciliation of Cash Flow from Operations with Net Surplus

Net Surplus/(Deficit)	(18,425)	(17,734)
Non Cash Flows in Net Surplus		
Employee Leave Provisions	2,894	(384)
Changes in Liabilities & Equity		
Increase/(Decrease) in Levy Funds Held	(8,155)	(2,598)
Increase/(Decrease) in Creditors	14,840	18,118
CASH FLOWS PROVIDED/(USED) BY OPERATIONS	<u>(\$8,846)</u>	<u>(\$2,598)</u>

**MAJOR, MAY
& ASSOCIATES**
CHARTERED ACCOUNTANTS

196 MAGILL ROAD
NORWOOD SA 5067
PO BOX 3460
NORWOOD SA 5067
TELEPHONE 08 8331 0422
FACSIMILE 08 8331 0433

TIM MAJOR
ANDREW MAY

**AUDITOR'S INDEPENDENCE DECLARATION
TO THE MEMBERS OF
CONSTRUCTION, FORESTRY,
MINING & ENERGY UNION
MINING & ENERGY DIVISION
SOUTH AUSTRALIAN BRANCH**

[m]²

In accordance with the requirements of Section 307C of the Corporations Act 2001, as lead auditor for the audit of the Branch for the year ended 31st December 2009, I declare that, to the best of my knowledge and belief, there have been:

- a) No contraventions of the auditor independence requirements of the Corporations Act 2001 in relation to the audit; and
- b) No contraventions of any applicable code of professional conduct in relation to the audit.

Signed at Norwood, South Australia,
this 28th day of April 2010.

MAJOR, MAY & ASSOCIATES
Chartered Accountants



ANDREW MAY
Partner
Registered Company Auditor

11 January 2010



Mr Chris Hogan
Secretary, South Australian District Branch, Mining and Energy Division
Construction, Forestry, Mining and Energy Union
Trades Hall, 1st Floor, 32 South Terrace
ADELAIDE SA 5000



Fair Work
Australia

Dear Mr Hogan

**Lodgment of Financial Statements and Accounts –
South Australian District Branch, Mining & Energy Division - for year ended 31 December 2009
(FR2009/10210)**

The financial year of the South Australian District Branch has recently ended. This is a courtesy letter to remind you of the obligation to prepare the reporting unit's financial documents and to lodge audited financial accounts and statements with Fair Work Australia within the prescribed time frame unless a 1 month extension or an application for a certificate of exemption under the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') is applied for and granted.

The documents you must lodge include:

(i) A *general purpose financial report* [see section 253(2)]; (ii) A *Committee of Management statement* (see the General Manager's Reporting Guidelines); (iii) An *operating report* [see section 254(2)]; (iv) An *auditor's report* [see sections 257(5) to 257(11)]; and (v) A *certificate* of the *secretary or other designated officer* [see section 268(c)].

I draw your particular attention to

- (a) s237 which requires you to prepare and lodge *a separate statement* providing the prescribed particulars of any loan, grant or donation made during the year which exceeds \$1,000;
- (b) s265(5) which requires you to publish or otherwise *provide your members with completed/signed copies* of the audited accounts, report and statements before final presentation and lodgment; and
- (c) s266 which requires you to *present the completed documents to an eligible meeting(s)* (either of the members or of the committee, whichever applies). Note that this meeting (or series of meetings) is distinct from any initial committee meeting convened to prepare, sign or otherwise approve pre-audited documents.

Relevant references may be found at <http://www.fwa.gov.au/index.cfm?pagename=regorgsfrguidelines> and <http://www.fwa.gov.au/index.cfm?pagename=legislationfwroact>. If you are in any doubt as to the requirements or wish to clarify any aspect of the relevant legislation, or anticipate any difficulty in complying with the requirements, do not hesitate to contact Fair Work Australia.

Yours sincerely,

Stephen Kellett
Statutory Services Branch

Fair Work Australia
Level 8, 80 William Street
EAST SYDNEY NSW 2011

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