



FAIR WORK
AUSTRALIA

11 October 2010

Mr Martin O'Malley
State Secretary, South Australian Branch
Construction, Forestry, Mining and Energy Union
Level 1, 32 South Terrace
ADELAIDE SA 5000



Dear Mr O'Malley

Re: Application for certificate of exemption from requirements of Chapter 8, Part 3 of *Fair Work (Registered Organisations) Act 2009* (FR2009/10232)

I refer to your application for the above certificate in respect of the South Australian Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2009.

I draw your attention to two matters which should be rectified and addressed in any future applications.

Firstly, your application was incorrectly addressed to the "Industrial Registrar, Australian Industrial Registry" and incorrectly made under s271 of "Schedule 1 of the Workplace Relations Act 1996." The former Australian Industrial Registry is now part of Fair Work Australia. Since 1 July 2009, applications must be made to "the General Manager, Fair Work Australia" and made under the relevant provisions of the "Fair Work (Registered Organisations) Act 2009".

Secondly, although the date of your application was 1 February 2010, it was not lodged until 7 September 2010, some 5 months after the 90 days prescribed by s271(3) of the Act.

I have exercised my discretion and granted the application and my certificate is enclosed. However future applications must comply with the Act.

Yours sincerely

Terry Nassios
Acting General Manager, Fair Work Australia



CERTIFICATE

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

Construction, Forestry, Mining and Energy Union
(FR2009/10232)

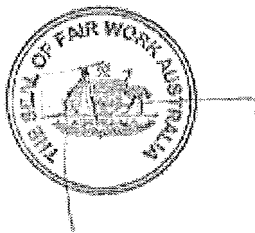
TERRY NASSIOS

MELBOURNE, 11 OCTOBER 2010

S271 - Certificate of Exemption.

[1] On 7 September 2010 the South Australian Branch of the Construction, Forestry, Mining and Energy Union lodged with Fair Work Australia an application under s271(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 2009.

[2] I CERTIFY that I am satisfied, after considering the prescribed circumstances, that the reporting unit did not have any financial affairs in the aforesaid financial year.



ACTING GENERAL MANAGER
FAIR WORK AUSTRALIA

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CONSTRUCTION FORESTRY MINING & ENERGY UNION

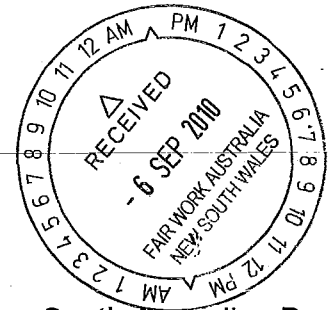
SOUTH AUSTRALIAN BRANCH

Industrial Registrar
Australian Industrial Registry
Level 8, 80 William Street
East Sydney NSW 2011

1st February 2010

Dear Sir/Madam,

**Re: *Workplace Relations Act 1996*
Section 271 Schedule 1
Application for Certificate**



I am Secretary of the Construction, Forestry, Mining and Energy Union South Australian Branch (the Branch) and occupied that position for the financial year ending 31st December 2009 (the financial year).

Pursuant to section 271 of Schedule 1 the *Workplace Relations Act 1996* (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:

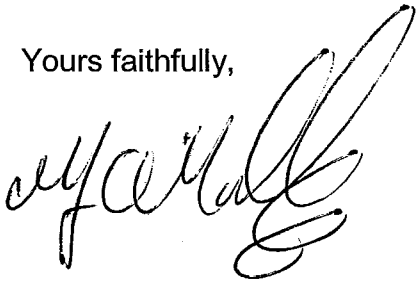
1. The CFMEU consists of a number of Divisions.
2. There exists a number of Divisional Branches (or in the case of the Mining and Energy Division, District Branches) within these Divisions. Such Divisional (or District) Branches function within a designated geographical area, in most cases being the 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 Schedule 1 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.

LEVEL 1 32 SOUTH TERRACE ADELAIDE 5000
(P) 08 8231 5532 (F) 08 8231 3822

8. The various Divisional/District Branches within the State of South Australia 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.

Pursuant to s 271(3) I would request an extension of time to the date of lodgement of this correspondence at the Registry for the making of the application contained herein.

Yours faithfully,



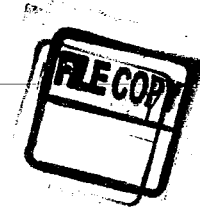
Martin J O'Malley
Secretary
CFMEU South Australian Branch



FAIR WORK
AUSTRALIA

10 August 2010

Mr Martin O'Malley
State Secretary, South Australian Branch
Construction, Forestry, Mining and Energy Union
11-16 South Terrace
ADELAIDE SA 5000



Dear Mr O'Malley

Re: Financial Reporting – Construction, Forestry, Mining and Energy Union, South Australian Branch - for year ending 31 December 2009 (FR2009/10232)

There is no record of any lodgement by the above Branch of any application under s271 for an exemption on the basis of no financial affairs, as has been the practice in past years.

While ever an exemption from reporting financially has not been applied for and granted, the obligation to lodge a financial return remains.

If there are circumstances preventing lodging such an application at present, I would appreciate your advice clarifying those reasons.

Yours respectfully,

Stephen Kellett

Statutory Services Branch

12 January 2010

Mr Martin O'Malley
State Branch Secretary, South Australia Branch
Construction, Forestry, Mining and Energy Union
11-16 South Terrace
ADELAIDE SA 5000



Fair Work
Australia



Dear Mr O'Malley

Financial Reporting – South Australia Branch - for year ended 31 December 2009 (FR2009/10232)

This is a letter to remind you of the financial reporting obligations under the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') in respect of the South Australia Branch of the federally registered Construction, Forestry, Mining and Energy Union (i.e. *not* the Divisional Branch).

In past years an application under s271 of the Act - for an exemption on the basis of no financial affairs - has been made.

Applications under s271 may be lodged electronically at riasydney@fwa.gov.au, or alternatively, by facsimile at (02) 9380 6990.

Unless an application under s271 is made and granted, the obligation to lodge a financial return in accordance with the Act in respect of this Branch remains.

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

Facsimile: (02)9380 6990
Email : stephen.kellett@fwa.gov.au
Internet : www.fwa.gov.au