



FAIR WORK
AUSTRALIA

22 August 2011

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

Dear Mr O'Malley

**Re: s271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union,
South Australian Branch - for year ending 31 December 2010 (FR2010/2834)**

I refer to your application dated 15 August 2011 which was lodged with Fair Work Australia on 17 August 2011 for a certificate of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* in respect of the South Australian Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2010.

Section 271(3) states that an application for an exemption from the requirements of Part 3 of the Act must be made within 90 days after the end of the financial year. The application you have made for a certificate of exemption is outside the permissible period for making such an application. Under the Act the General Manager may allow a longer period for an application to be lodged but is not compelled to do so.

On this occasion I have granted the application, however in future you will need to ensure that an application for a s271 certificate must be made within 90 days after the end of the financial year in accordance with s271(3) of the Act.

The certificate is enclosed.

Yours sincerely

Terry Nassios
Delegate of the General Manager
Fair Work Australia

Terrace Towers
80 William Street
East Sydney NSW 2011

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FAIR WORK
AUSTRALIA

CERTIFICATE

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

Construction, Forestry, Mining and Energy Union
(FR2010/2834)

T. NASSIOS

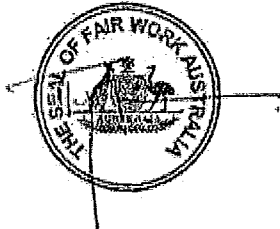
MELBOURNE, 22 AUGUST 2011

S271 - Certificate of Exemption.

[1] On 17 August 2011 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 2010.

[2] I allow an additional period of time for the application to be made up to the date on which the application was lodged.

[3] 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.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK AUSTRALIA

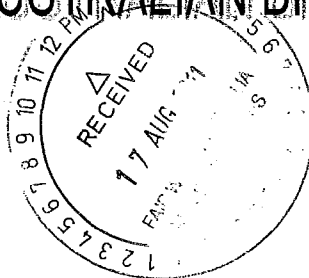
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CONSTRUCTION FORESTRY MINING & ENERGY UNION

SOUTH AUSTRALIAN BRANCH

The General Manager
Fair Work Australia
Level 8, 80 William Street
East Sydney NSW 2011



15th August 2011

Dear Sir/Madam,

**Re: *Fair Work (Registered Organisations) Act 2009*
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 2010 (the financial year).

Pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009*, 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:

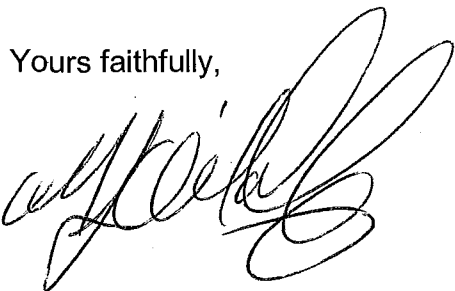
1. The CFMEU consists of a number of Divisions.
2. There exists a number of Divisional Branches (or in the case of the Mining and Energy Division, District Branches) within these Divisions. Such Divisional (or District) Branches function within a designated geographical area, in most cases being the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

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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