



FAIR WORK  
AUSTRALIA

17 May 2010

Mr Bill Oliver  
State Secretary, Victoria Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston Street  
CARLTON SOUTH VIC 3053

Dear Mr Oliver

**Re: Application for certificate of exemption from requirements of Chapter 8, Part 3 of *Fair Work (Registered Organisations) Act 2009* (FR2008/557)**

I refer to your application dated 11 May 2010 for the above certificate in respect of the Victoria Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2008.

I have granted the application. My certificate is enclosed.

Yours sincerely

Barry Jenkins  
Delegate of the General Manager, Fair Work Australia



FAIR WORK  
AUSTRALIA

# CERTIFICATE

*Fair Work (Registered Organisations) Act 2009*

s.271 – Exemption from requirements of Part 3 in respect of financial year

## **Construction, Forestry, Mining and Energy Union**

(FR2008/557)

BARRY JENKINS

SYDNEY, 17 MAY 2010

*s.271 Certificate*

[1] On 11 May 2010 an application under section 271(1) of the *Fair Work (Registered Organisations) Act 2009* for a certificate of exemption by the Construction, Forestry, Mining and Energy Union, Victoria Branch, in respect of the financial year ending 31 December 2008, was lodged with Fair Work Australia.

[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 that the branch did not have any financial affairs in the financial year ending 31 December 2008.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A PR997102>



30<sup>th</sup> April, 2010

Attention: Stephen Kellet  
Fair Work Australia  
Level 8, Terrace Towers  
80 William Street  
East Sydney, NSW 2011

**CONSTRUCTION**

**FORESTRY**

**MINING**

**ENERGY**

**UNION**

Dear Mr. Kellett,

Re: *FR2008/10233*

Section 271 Schedule 1 –  
Application for Certificate

I am the Secretary of the Construction, Forestry, Mining and Energy Union Victoria Branch (the Branch). In relation to the financial year ending 31 December, 2008 and 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 ended 31 December, 2008.

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.

VICTORIAN BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

PH: (03) 9341 3444  
FAX: (03) 9341 3427

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.
8. The various Divisional/District Branches within the State of Victoria 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 lodgment of this correspondence at the Registry for the making of the application contained herein.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'BO' or similar initials, written in a cursive style.

Bill Oliver

Secretary

Construction, Forestry, Mining and Energy Union Victoria Branch



FAIR WORK  
AUSTRALIA

16 April 2010

Mr Martin Kingham  
State Secretary, Victoria Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston Street  
CARLTON SOUTH VIC 3053



Dear Mr Kingham

**Re: Financial Reporting – Construction, Forestry, Mining and Energy Union, Victoria Branch –  
for year ending 31 December 2008 (FR2008/557)**

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.

I am conscious that in a couple of months, a financial return for the year ending 31 December 2009 (FR2009/10233) will also become due, and so now is the time for the Branch to seek an exemption in respect of that year as well. (Two separate applications should be lodged).

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 applications at present, I would appreciate your advice clarifying those reasons.

Yours respectfully,

Stephen Kellett

Statutory Services Branch



Fair Work  
Australia

12 January 2010

Mr Martin Kingham  
Secretary, Victoria Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston Street  
CARLTON SOUTH VIC 3053



Dear Mr Kingham

**Financial Reporting – Victoria Branch - for year ended 31 December 2008 (FR2008/557)**

This is a reminder letter regarding the outstanding financial reporting obligations under the *Fair Work (Registered Organisations) Act 2009* ('the RO Act') in respect of the Victoria 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. However, our records do not indicate that such an application was made in respect of the financial year ending 31 December 2008. This is therefore significantly overdue.

If an application under s271 for this particular year is appropriate, it should be lodged as soon as possible. (I have also written to you in relation to the financial year recently ended, on 31 December 2009. If the same circumstances apply, it will mean that you must lodge two separate applications, one for each year.)

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

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

Telephone: (02) 8374 6666/ Mobile :  
0429 462 979  
Facsimile: (02)9380 6990  
Email : [stephen.kellett@fwa.gov.au](mailto:stephen.kellett@fwa.gov.au)  
Internet : [www.fwa.gov.au](http://www.fwa.gov.au)



**Australian Government**  
**Australian Industrial Registry**

13 January 2009

Mr Martin Kingham  
State Secretary, Victoria Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston Street  
CARLTON SOUTH VIC 3053



Dear Mr Kingham

**Lodgement of Financial Statements and Accounts – Victoria Branch –  
Schedule 1 of *Workplace Relations Act 1996* (RAO Schedule) -  
for year ended 31 December 2008 (FR2008/557)**

The financial year of the Construction, Forestry, Mining and Energy Union, Victoria Branch has recently ended. This is a courtesy letter to remind the Branch of the obligations imposed by the RAO Schedule regarding the preparation of financial accounts and statements.

I direct your attention to our website <http://www.airc.gov.au/registered/FR/information.htm> where relevant detailed information may be found. This includes Fact sheets (Sheet 6 – *Accounting, Auditing and Reporting Obligations*; Sheet 7 – *Information Needs of Members*; Sheet 8 – *Financial Reporting Process and Time Limits*; Sheet 9 – *Diagrammatic Summary of Financial Reporting Process and Time Limits*; and Sheet 10 – *Auditors*), Sample Documents (a sample Committee of Management Statement and Designated Officer's Certificate); the RAO Schedule and RAO Regulations; and Registrar's Reporting Guidelines (setting out requirements that must be met in addition to those required by Australian Accounting Standards).

In previous years the Branch has applied under s271(1) for a certificate of exemption from Chapter 8, Part 3 of the RAO Schedule and if this applies again I encourage you to lodge your application as soon as practicable.

The Registry strongly encourages you to lodge applications/documents electronically by sending an email with the documents attached to [orgs@airc.gov.au](mailto:orgs@airc.gov.au). Alternatively, you may wish to send the documents by fax to (02) 9380 6990.

If you need any further information or assistance please contact me on 0429 462 979 or by email at [stephen.kellett@airc.gov.au](mailto:stephen.kellett@airc.gov.au).

Yours sincerely,

Stephen Kellett  
Statutory Services Branch