



FAIR WORK  
AUSTRALIA

20 July 2012

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

Dear Mr Oliver,

**Section 271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union, Victorian Branch - for year ending 31 December 2011 (FR2011/2841)**

I refer to the applications dated 20 April, 20 June and 17 July 2012 which were lodged with Fair Work Australia on 27 April, 22 June and 19 July 2012 respectively for a certificate of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* in respect of the Victorian Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2011.

Section 271(3) requires an application under subsection 271(1) to be made within 90 days after the end of the financial year, or such longer period as the General Manager allows. Given that its financial year ended on 31 December 2011, the reporting unit was required to lodge its application under subsection 271(1) by 31 March 2012. The initial application was not lodged with FWA until 27 April 2012.

Given that a formal request for an extension of time was included within the applications, and that the reasons for such a request were provided on 22 June and 19 July 2012, I have granted an extension of time under subsection 271(3) of the Act on this occasion.

I expect that procedures will be put into place to ensure that future applications are lodged within the time limits specified in the Act.

The certificate is enclosed.

Yours sincerely,

Ailsa Carruthers  
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**  
(FR2011/2841)

AILS A CARRUTHERS

MELBOURNE, 20 JULY 2012

*s. 271 Certificate*


[1] On 27 April 2012, an application was made under section 271 of the *Fair Work (Registered Organisations) Act 2009* for a certificate of exemption by the Construction, Forestry, Mining and Energy Union, Victorian Branch, in respect of the financial year ending 31 December 2011, including a request for an extension of time for lodgement.

[2] On 1 May 2012, FWA wrote to the abovenamed organisation seeking reasons as to why the application was not lodged within 90 days of the financial year ending 31 December 2011 as required by s. 271(3) of the Act.

[3] On 22 June and 19 July 2012, the organisation lodged further applications and stated that the reason for the late lodgement was due to key staff being on extended leave.

[4] I allow an additional period of time for the applications to be made up to the date on which the further applications were lodged.

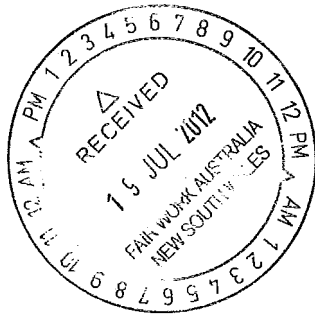
[5] I CERTIFY that I am satisfied that the branch did not have any financial affairs in the financial year ending 31 December 2011.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

Printed by authority of the Commonwealth Government Printer

<Price code A, PR523219>



17<sup>th</sup> of July, 2012

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

**CONSTRUCTION**

**FORESTRY**

**MINING**

**ENERGY**

**UNION**

Dear Sir/Madam

Re:

**Fairwork Australia Act 2009**

**Section 271 Schedule 1 -Application for Certificate**

**FR2011/2841**

I refer to our letter dated 20<sup>th</sup> of April, 2012 and make changes below as requested by you.

I am the State Secretary of the Construction, Forestry, Mining and Energy Union Victorian Branch (the Branch) and occupied that position for the financial years ending 31 December, 2011.

Pursuant to section 271 of Schedule 1 the *Fairwork Australia Act 2009* (the Act), I hereby apply for a certificate of exemption for the Branch in respect of the financial year.

VICTORIAN BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

In support of this application I submit as follows:

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

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.
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. The extension is requested because key staff were on extended leave.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'W/O', is written over the typed name 'Bill Oliver'.

Bill Oliver

State Secretary



FAIR WORK  
AUSTRALIA

13 July 2012

Mr William Oliver  
Secretary  
Victorian Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston St  
CARLTON SOUTH VIC 3053

Also be fax: (03) 9341 3427

Dear Mr Oliver

**Re: s271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union,  
Victorian Branch - for year ending 31 December 2011 (FR2011/2841)**

I refer to your application dated 20 April 2012 which was lodged with Fair Work Australia on 27 April 2012 for a certificate of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* in respect of the Victorian Branch of the Construction, Forestry, Mining and Energy Union (CFMEU) for the financial year ending 31 December 2011 and my correspondence to you dated 1 May 2012 requesting reasons for the late lodgement.

On 22 June 2012 Fair Work Australia (FWA) received an amended application providing reasons for the late lodgement however it was not signed by an office holder of the Victorian Branch of the CFMEU. Despite having left several messages to have the amended application signed by an authorised office holder FWA has not received any further correspondence.

Could you please arrange for a copy of the amended application to be lodged by an elected office holder of the Victorian Branch of the CFMEU as soon as possible.

Yours sincerely

David Vale  
Manager, Organisations, Research and Advice - NSW  
Fair Work Australia



20<sup>th</sup> June, 2012

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

**CONSTRUCTION**

**FORESTRY**

**MINING**

**ENERGY**

**UNION**

Dear Sir/Madam

Re:

**Fairwork Australia Act 2009**

**Section 271 Schedule 1 -Application for Certificate**

**FR2011/2841**

I refer to our letter dated 20<sup>th</sup> of April,2012 and make changes below as requested by you.

I am the Designated Assistant Secretary of the Construction, Forestry, Mining and Energy Union Victoria Branch (the Branch) and occupied that position for the financial years ending 31 December, 2011. In the absence of Bill Oliver the State Secretary I act on his behalf.

Pursuant to section 271 of Schedule 1 the *Fairwork Australia Act 2009*(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:

VICTORIAN BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

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

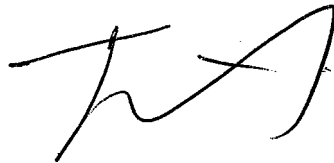
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3. The CFMEU and each Division and Divisional (or District) Branch thereof submit annual financial returns in accordance with Chapter 8 of Schedule 1 of the Act.
4. CFMEU State Branches, including the Branch, consist of the members and officers of 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. The extension is requested because key staff were on extended leave.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'J Setka', written in a cursive style.

John Setka

Designate Assistant Secretary

Construction, Forestry, Mining and Energy Union, Construction and  
General Division, Victorian Divisional Branch

## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Wednesday, 13 June 2012 12:19 PM  
**To:** 'nickit@vic.cfmeu.asn.au'  
**Subject:** FR2011/2841 application under s.271 for a certificate of exemption from financial reporting.  
**Attachments:** FR2011\_2841 CFMEU VIC letter re ext of time 01052012.pdf

Good morning,

As discussed, please find attached a letter that was sent by fax and post to William Oliver requesting the reasons why the lodgment of the application under s.271 for a certificate of exemption was not lodged within the prescribed period.

In addition, could you please ensure that all references to the industrial relations provisions relate to the *Fair Work (Registered Organisations) Act 2009*, rather than the former *Workplace Relations Act 1996*.

Given that the lodgment made on 27 April 2012 had already exceeded the prescribed period (90 days after the end of the financial year), the avoidance of any further delays in lodging the required amendments will assist the success of the application.

If you have any further questions in regard to this matter, please do not hesitate to contact me on the details below.

Kind regards,

**CAROLYN MOLONEY**  
Administrative Officer  
Organisations, Research and Advice

**Fair Work Australia**  
Tel: 02 8374 6637  
Fax: 02 9380 6990  
[carolyn.moloney@fwa.gov.au](mailto:carolyn.moloney@fwa.gov.au)

Level 8, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwa.gov.au](http://www.fwa.gov.au)



FAIR WORK  
AUSTRALIA

1 May 2012

Mr William Oliver  
Secretary  
Victorian Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston St  
CARLTON SOUTH VIC 3053

Dear Mr Oliver

**Re: s271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union,  
Victorian Branch - for year ending 31 December 2011 (FR2011/2841)**

I refer to your application dated 20 April 2012 which was lodged with Fair Work Australia on 27 April 2012 for a certificate of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* in respect of the Victorian Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2011.

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.

Could you please provide reasons why the lodgment was not made within the prescribed period in accordance with s271(3) of the Act.

Yours sincerely

David Vale  
Manager, Organisations, Research and Advice - NSW  
Fair Work Australia

## TRANSACTION REPORT

01/MAY/2012/TUE 13:19

FAX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	01/MAY	13:19	0393413427	0:00:19	1	MEMORY OK	SG3 6994



1 May 2012

Mr William Oliver  
Secretary  
Victorian Branch  
Construction, Forestry, Mining and Energy Union  
500 Swanston St  
CARLTON SOUTH VIC 3053

Dear Mr Oliver

**Re: s271 Certificate of Exemption - Construction, Forestry, Mining and Energy Union,  
Victorian Branch - for year ending 31 December 2011 (FR2011/2841)**

I refer to your application dated 20 April 2012 which was lodged with Fair Work Australia on 27 April 2012 for a certificate of exemption under s271 of the *Fair Work (Registered Organisations) Act 2009* in respect of the Victorian Branch of the Construction, Forestry, Mining and Energy Union for the financial year ending 31 December 2011.

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Could you please provide reasons why the lodgment was not made within the prescribed period in accordance with s271(3) of the Act.

Yours sincerely



David Vale  
Manager, Organisations, Research and Advice - NSW  
Fair Work Australia

FR2011/2841



20<sup>th</sup> April, 2012



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

**CONSTRUCTION**  
**FORESTRY**  
**MINING**  
**ENERGY**  
**UNION**

Dear Sir/Madam,

**Re: *Workplace Relations Act 1996***  
**Section 271 Schedules 1 – Application for Certificate**  
**FR2011/2841**

I am the Secretary of the Construction, Forestry, Mining and Energy Union Victorian Branch and occupied that position for the financial year ending 31<sup>st</sup> of December, 2011.

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.

VICTORIAN  
DIVISIONAL BRANCH  
500 SWANSTON STREET  
CARLTON STH, VIC 3053

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Yours faithfully,

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William Oliver

Secretary

CFMEU Construction and General Division Victorian Branch.