



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

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

**Ref: FR2004/713-[105N-WADB]**

Mr Gary Wood  
District Secretary (Mining)  
CFMEU Mining & Energy Division  
Western Australian District Branch  
75 Throssell Street  
COLLIE WA 6625

Dear Mr Wood

**Financial Return - year ending 31 December, 2004**

Our records show your organisation's financial year ended recently. This letter outlines some of the things you must do to meet your financial reporting obligations and when you have to do them. For simplicity, we will call the documents you have to lodge with us your *financial return*.

**New legislation**

This letter is intended as guide to the law applicable on the date of this letter and should not be used as a substitute for legal or accounting advice. We only summarise some of the reporting requirements in this letter. More detailed information is at the end of this letter.

The legislation has changed since your last return. In May 2003 the Industrial Registrar wrote to all organisations forwarding a number of facts sheets outlining the major changes made by Schedule 1B of the Workplace Relations Act 1996 ('RAO'<sup>1</sup>). While the immediate changes affected the rules and elections in organisations, the changes affecting financial returns involve a longer lead time.

**The key differences under the new legislation affecting financial returns are:**

- a reduced financial reporting cycle (now maximum periods of 5 or 6 months depending on internal arrangements of organisation)
- a greater emphasis given to Australian Accounting Standards
- the introduction of a new report, known as an Operating Report (broadly similar in concept to a Director's Report under the corporations legislation)
- extensions of time are limited to one month
- restructured penalty provisions involving more extensive use of Civil Penalties
- the introduction of the Industrial Registrar's Reporting Guidelines
- organisations and their branches to report according to their financial structures, known as 'reporting units'.

We recommend you discuss the new requirements with your accountant or auditor.

---

<sup>1</sup> Registration and Accountability of Organisations Schedule (RAO) (Schedule 1B to the *Workplace Relations Act 1996*)

## Reporting Unit

One of the new concepts of the RAO legislation is that reporting entities are known as "*reporting units*". Where an organisation is **not** divided into branches the reporting unit is the whole of the organisation. Where an organisation **is** divided into branches each branch will be a reporting unit unless the Industrial Registrar has determined a division of the organisation into reporting units on an alternative basis. We can discuss this with you if you need more information.

For simplicity, we will refer to your organisation as a reporting unit in this letter.

## Industrial Registrar's Guidelines

The Industrial Registrar's reporting guidelines set out certain disclosure requirements in addition to those prescribed by Australian Accounting Standards having in mind the nature of organisations registered under the Workplace Relations Act.

The disclosure requirements prescribed by the reporting guidelines are directed towards providing members of the reporting unit with information to enable them to gauge the performance of the committee of management and other holders of office in relation to the financial management of the reporting unit. In addition, the reporting guidelines seek to improve the quality of information available to users of the financial report about the reporting unit's economic support of, or economic dependency on, other reporting units of the organisation.

## Timeline Planner and Checklist

We have attached a Timeline/Planner (*Attachment A*) to help you **plan** your financial return and carry out all the necessary steps. We have also attached a Document Checklist (*Attachment B*) to **check** your documents before lodging them in the Registry. Both documents are abbreviated summaries of the relevant provisions of the RAO Schedule, RAO Regulations and the Industrial Registrar's Reporting Guidelines.

In the following section we describe some of the documents your reporting unit must prepare and the sequence of their preparation and completion.

## Three Reports

Your reporting unit must prepare two reports as soon as practicable after its financial year, which, together with the Auditor's Report, comprise the reporting unit's financial return.

1. **General Purpose Financial Report** - this must comply with the Australian Accounting Standards and the Industrial Registrar's Reporting Guidelines. The GPFR consists of:

Financial Statements containing:

- a profit and loss statement, or other operating statement; and
- a balance sheet; and
- a statement of cash flows; and
- any other statements required by the Australian Accounting Standards; and

Notes to the Financial Statements containing:

- notes required by the Australian Accounting Standards; and
- information required by the Industrial Registrar's *Reporting Guidelines* under section 255); and

Committee of Management Statement as required by the Registrar's Reporting Guidelines (a sample certificate for illustrative purposes is at Attachment C)

2. **Operating Report** - this report includes a review of your reporting unit's principal activities for the year and other specified information.

Your reporting unit must appoint an auditor to audit the GPFR and to provide:

3. an **Auditor's Report**.

### **First Meeting (Committee of Management)**

For simplicity, we will call the meeting at which the committee of management first considers the GPFR the first meeting. At the first meeting your committee, if satisfied that all is in order, will resolve to express its opinion on the GPFR and complete a Committee of Management Statement.

### **The Auditor**

After the first meeting, the auditor takes the GPFR and the Committee of Management Statement and prepares a report on the GPFR. In practice, your auditor may have already completed most of his or her examination of your accounts. The auditor may only be waiting on the Committee to pass the required resolution and make the Statement before signing the report the same day.

### **Informing Your Members**

Your reporting unit must provide free of charge to the general membership, copies of the GPFR, the Operating Report and the Auditor's Report. RAO calls these the "full report". Under certain circumstances, your reporting unit can provide a more limited *concise report*.

The reporting unit can meet its obligation to provide copies of the full or concise report to members by publishing the report in a journal that is available to the members free of charge.

A reporting unit may meet this obligation in whole or in part by publication of the report in a journal published on a web site on the Internet dependent on:

- a. the extent of the accessibility of the members of the reporting unit to the Internet; and
- b. that the members are notified by the reporting unit in the usual manner in which it communicates with its members that the report has been so published at a specified Internet address.

The report must be provided within 5 or 6 months from the end of the financial year, depending on the internal arrangements of the organisation for the presentation of its financial reports.

## **The Second Meeting - if it is a General Meeting of Members**

After providing the full report to members it must be presented to a general meeting of members. For simplicity this is referred to as the *second meeting*.

Your reporting unit must always allow a minimum of 21 days for members to receive the full report before presenting it to a general meeting of members (s265(5)). The purpose of the interval and the second meeting is to enable the members to have time to consider the report and, if they wish, to attend the second meeting to discuss it.

If the rules of the organisation permit a general meeting to be a series of meetings held at different locations, the full report may be presented to such a series of meetings. In this case the 'date' of the general meeting is taken to be the date of the last meeting in the series (see s266(2)).

## **The Second Meeting - if it is a Committee of Management Meeting**

If the rules of your organisation contain a provision that allows up to 5% of members to demand a general meeting to be held consider the report (see s266(3)), it is permissible to present the report directly to a Committee of Management meeting.

### **Lodge full report within 14 days of meeting**

You must lodge a copy of the full report and any concise report in the Industrial Registry within 14 days of the second meeting. For your convenience you are encouraged to lodge the material electronically (see eFiling Tab at [www.airc.gov.au](http://www.airc.gov.au)). When lodging the financial return please quote: **FR2004/713**.

The Secretary (or another officer appropriately authorised under the rules of the organisation) must *certify* that the full report is a copy of the one provided to members and presented to the second meeting and provide the date of the meeting (a sample certification for illustrative purposes is at *Attachment D*).

When we receive your return we will check that it includes the information you must provide your members and that you have provided it to them correctly.

### **Complying with time limits**

This letter has outlined some of the steps in preparing and lodging your return. Many of the steps must be completed within fixed time limits.

Failure to complete them in time could make your reporting unit or its officers liable to financial or "civil penalties".

### **Extensions of Time**

We appreciate that sometimes circumstances beyond your reporting unit's control may delay completion of a financial return. If you believe your reporting unit is going to be unable to meet a time limit tell us as soon as you know. We can advise you if the step is one for which you may apply under RAO to the Industrial Registrar for extra time to complete. The maximum extra time allowed can be no more than one month.

## Reduced Reporting Requirements

If your reporting unit meets certain conditions, some of these reporting requirements can be reduced. Such conditions might be where the annual income of the reporting unit (where the reporting unit is the whole of the organisation) is less than \$100,000, or where the reporting unit has no financial affairs in the financial year, or where the financial affairs of the reporting unit are encompassed by the financial affairs of its counterpart State industrial association.

## Contact the Registry

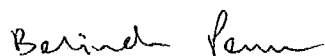
We encourage you to contact the Registry on (02) 8374 6666 or by e-mail at [peter.mckerrow@air.gov.au](mailto:peter.mckerrow@air.gov.au) or [belinda.penna@air.gov.au](mailto:belinda.penna@air.gov.au) as early as possible if you believe preparation or lodgment of your return will be delayed or if you have any queries. We can offer you advice on procedure but we cannot give you legal or accounting advice.

## Information on AIRC Website

We recommend you and your accountant/auditor refer to the following documents on the Commission's website at [www.airc.gov.au](http://www.airc.gov.au):

- [RAO Schedule and RAO Regulations](#)
- [Registrar's Reporting Guidelines](#) - All GPFR's must comply with these Guidelines. Please note that the Guidelines set out requirements that are *in addition* to those required by the Australian Accounting Standards.
- [RAO Fact Sheets](#) - These Fact Sheets explain the new requirements of the RAO Schedule - many of them deal with financial reporting matters.

Yours sincerely



for Deputy Industrial Registrar  
20 January 2005



**Attachment B**

**Documents Checklist**

You can use this checklist as soon as possible after the financial year ends to ensure you have all the necessary documents prepared and that those documents contain all information required by RAO.

You can also use this checklist to ensure all documents in your financial return are complete before lodging them in the Registry.

No	Document	✓
<b>1</b>	<b>General Purpose Financial Report</b>	
	Does the report contain a Profit and Loss Statement?	
	Does the report contain a Balance Sheet?	
	Does the report contain a Statement of Cash Flows?	
	Does the report contain notes to the financial statements as required by AAS and the reporting guidelines?	
	Does the report contain all other information required by the reporting guidelines?	
<b>2</b>	<b>Committee of Management Statement</b>	
	Is the statement signed by the officer responsible for undertaking functions necessary to enable the reporting unit to comply with RAO?	
	Is the statement dated?	
	Is the statement in accordance with a resolution of the committee?	
	Does the statement specify the date of the resolution?	
	Does the statement contain declarations required by the reporting guidelines?	
<b>3</b>	<b>Auditor's Report</b>	
	Is the Report dated and signed by the auditor?	
	Is the name of the auditor clear?	
	Are the qualifications of the auditor on the report?	
	Has the auditor expressed an opinion on all matters required?	
<b>4</b>	<b>Operating Report</b>	
	Is the report signed and dated?	
	Does the report provide the number of members?	
	Does the report provide the number of employees?	
	Does the report contain a review of principal activities?	
	Does the report give details of significant changes?	
	Does the report give details of right of members to resign?	
	Does the report give details of superannuation trustees?	
Does the report give details of membership of the committee of management?		
<b>5</b>	<b>Concise report*</b>	
<b>6</b>	<b>Certificate of Secretary or other Authorised Officer</b>	
	Is the certificate signed and dated?	
	Is the signatory the secretary or another officer authorised to sign the certificate?	
	Is the date that the report was provided to members stated?	
	Is the date of the Second Meeting at which the report was presented stated?	
	Does the certificate state that the documents are copies of those provided to members?	
Does the certificate state that the documents are copies of those presented to the Second Meeting?		

\* This is an optional way of providing documents to members (see RAO s265(3) and RAO Reg. 161).

Committee Of Management Statement

On *[date of meeting]* the Committee of Management of *[name of reporting unit]* passed the following resolution in relation to the general purpose financial report (GPFR) of the reporting unit for the financial year ended *[date]*:

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

- (a) the financial statements and notes comply\* with the Australian Accounting Standards;
- (b) the financial statements and notes comply\* with the reporting guidelines of the Industrial Registrar;
- (c) the financial statements and notes give a true and fair view\* of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- (d) there are reasonable grounds\* to believe that the reporting unit will be able to pay its debts as and when they become due and payable;
- (e) during the financial year to which the GPFR relates and since the end of that year:
  - (i) meetings of the committee of management were held\* in accordance with the rules of the organisation including the rules of a branch concerned; and
  - (ii) the financial affairs of the reporting unit have been\* managed in accordance with the rules of the organisation including the rules of a branch concerned; and
  - (iii) the financial records of the reporting unit have been\* kept and maintained in accordance with the RAO Schedule and the RAO Regulations; and
  - #(iv) where the organisation consists of 2 or more reporting units, the financial records of the reporting unit have been\* kept, as far as practicable, in a consistent manner to each of the other reporting units of the organisation; and
  - #(v) the information sought in any request of a member of the reporting unit or a Registrar duly made under section 272 of the RAO Schedule has been\* furnished to the member or Registrar; and
  - #(vi) there has been\* compliance with any order for inspection of financial records made by the Commission under section 273 of the RAO Schedule.

For Committee of Management: *[name of designated officer per section 243 of the RAO Schedule]*

Title of Office held:

Signature:

Date:

\* Where compliance or full compliance has not been attained - set out details of non compliance instead.

# Where not relevant these may be modified accordingly (e.g. in (vi) "No orders have been made by the Commission under section 273 of the RAO Schedule during the period."



**Certificate of Secretary or other Authorised Officer<sup>1</sup>**

s268 of Schedule 1B *Workplace Relations Act 1996*

I *[name]* being the *[title of office]* of the *[name of the organisation]* certify:

- that the documents lodged herewith are copies of the full report, *[and the concise report]<sup>2</sup>*, referred to in s268 of the RAO Schedule; and
- that the *[full report OR concise report]<sup>3</sup>*, was provided to members on *[insert date]*; and
- that the full report was presented to *[a general meeting of members OR the last of a series of general meetings of members OR a meeting of the committee of management]<sup>3</sup>* of the reporting unit on *[insert date]*; in accordance with section 266 of the RAO Schedule.

Signature

Date:

<sup>1</sup>*RAO regulation 162 prescribes the designated officer for the purpose of RAO schedule s268 as:*

(a) the secretary; or

(b) an officer of the organisation other than the secretary who is authorised by the organisation or by the rules of the organisation to sign the certificate mentioned in that paragraph.

<sup>2</sup>*Only applicable where a concise report is provided to members*

<sup>3</sup>*Insert whichever is applicable*



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

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990

**Ref: FR2004/713-[105N-WADB]**

Mr Gary Wood  
District Secretary (Mining)  
Construction, Forestry, Mining and Energy Union-  
Mining and Energy Division Western Australia  
District Branch  
75 Throssell Street  
COLLIE WA 6625

Dear Mr Wood

**Construction, Forestry, Mining and Energy Union-Mining and Energy Division Western  
Australia District Branch - Outstanding Financial Return**  
*Workplace Relations Act 1996*

The Accounts and Audit Part of Schedule 1B of the *Workplace Relations Act 1996* requires, as a general rule, that the audited financial statements of a reporting unit of a registered organisation be lodged in the Industrial Registry within 6 months and 14 days from the end of its financial year.

To date, the Registry has no record of lodgement of the financial reports of the above named reporting unit for the year ended 31 December, 2004. For details of these provisions and organisations' financial reporting obligations please refer to the Registry's earlier correspondence.

In particular there is no record of lodgement of copies of:

- the general purpose financial report;
- the auditor's report; or
- the operating report.

These three reports are referred to as the "full report".

Section 268 of the RAO Schedule<sup>1</sup> requires that a copy of the full report be lodged in the Registry within 14 days (or such longer period a Registrar allows) after the full report is presented to a general meeting of members (or to a committee of management meeting if the rules make provision consistent with s266(3)).

Section 266(1) requires that the full report be presented to the meeting within 6 months from the end of the financial year. Therefore, lodgement of the documents in the Registry was required by 17 July, 2005.

<sup>1</sup> Schedule 1B of the *Workplace Relations Act 1996*

Section 305(2)(ze) of the RAO Schedule is a civil penalty provision. It provides that a failure to meet the requirements of s268 is a contravention of that civil penalty provision. The Federal Court may on application of the Industrial Registrar impose a pecuniary penalty on the person or organisation whose conduct contravened the civil penalty provision.

I also draw your attention to the provisions of Part 1 of Chapter 9 of the RAO Schedule which set out the general duties of officers and employees of organisations and their branches in relation to financial management.

In the absence of lodgement of a copy of the full report, I request you state in writing by 16 September 2005:

- whether the auditor has audited the general purpose financial report, and if so, the date on which the auditor signed the audit report;
- whether the committee of management has prepared the operating report;
- whether the full report has been provided to members, and if so, when;
- whether the full report provided to the members has been presented to a general or committee of management meeting, and if so, when;
- when a copy of the full report will be lodged in the Industrial Registry.

The full report when lodged must be accompanied by a certificate of the secretary or other authorised officer that the documents lodged are copies of the documents provided to members and presented to the general or committee of management meeting in accordance with s266.

If you wish to discuss this letter, please contact me on (02) 8374 6666 or email [riasydney@air.gov.au](mailto:riasydney@air.gov.au). In reply please quote the FR reference number at top left on the first page.

Yours sincerely



Peter McKerrow  
for Deputy Industrial Registrar

31 August 2005



**CFMEU**  
**MINING & ENERGY DIVISION**  
WA DISTRICT BRANCH

---



5 October 2005

Mr Peter McKerrow  
For Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8 Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

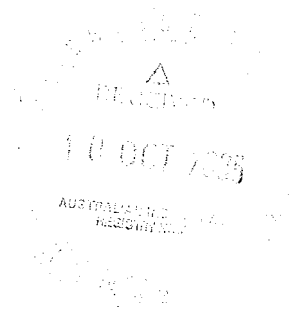
Dear Mr Kerrow

**RE: FINANCIAL DOCUMENTS**

As per our previous letter of 14 September 2005 please find attached copies of the Financial statements of the Construction Forestry Mining & Energy Union Mining & Energy Division Western Australian District Branch for the year ending 31 December 2004.

Yours sincerely

**G N WOOD**  
**SECRETARY**



## CFMEU Mining & Energy Division

Financial Statements  
For the year ended 31 December, 2004

Hodgins Associates

Chartered Accountants

19 Forrest Avenue

Bunbury 6230

Phone: 97213188 Fax: 97217051

Email: [hodgassoc@inet.net.au](mailto:hodgassoc@inet.net.au)

# CFMEU Mining & Energy Division

## **Contents**

Auditor's Report

Statement by Members of Committee

Income and Expenditure Statement

Detailed Statement of Financial Position

Cash Flow Statement

Depreciation Schedule

Notes to the Financial Statements

# Hodgins Associates

Chartered Accountants

## INDEPENDENT AUDITORS' REPORT TO MEMBERS

8 September 2005

### CFMEU – MINING & ENERGY DIVISION OF WA

#### Scope

We have audited the financial statements comprising the Income and Expenditure Account, Balance Sheet, Statement of Cash Flows and notes to and forming part of the financial statements of the Construction Forestry Mining and Energy Union - Mining and Energy Division of Western Australia ("the Union") for the year ended 31 December 2004. The Union's Board of Management is responsible for the preparation and presentation of the financial statements and the information they contain. We have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Union.

Our audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. The procedures have been undertaken to form an opinion as to whether, in all material respects the financials are presented fairly, in accordance with applicable Australian Accounting Standards and statutory requirements, so as to present a view of the Union which is consistent with our understanding of its financial position and the results of its operations and cash flows.

#### Qualification

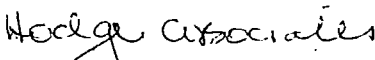
Note 2 discusses a number of matters that may affect the ability of the entity to continue as a going concern including a deficiency of assets and again in the current year incurring a trading loss. The Committee of Management consider that the going concern basis used in the preparation of the financial statements is appropriate because of the ongoing support of the national body, creditors and employees. In our opinion there is doubt about the going concern basis of the entity and we believe that the going concern basis should not be used.

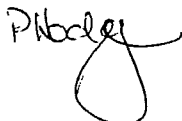
Had the going concern basis not been used, adjustments would need to be made relating to the recoverability and classification of recorded asset amounts, or to the amounts and classification of liabilities, to reflect the fact that the CFMEU – Mining & Energy Division of WA may be required to realise its assets and extinguish its liabilities other than in the normal course of business, and at amounts different from those stated in the financial report.

#### Qualified Audit Opinion

In our opinion:

because of the matter referred to in the qualification paragraph, the financial report does not present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements and any other requirements imposed by these Reporting Guidelines or Part 3 of Chapter 8 of the RAO Schedule, the financial position of CFMEU – Mining & Energy Division of WA as at 31<sup>st</sup> December 2004 and the results of its operations and its cash flow for the year then ended.

  
CHARTERED ACCOUNTANTS



P R Hodgins

19 FORREST AVENUE, BUNBURY, WESTERN AUSTRALIA, 6230. TELEPHONE (08) 9721 3188. FACSIMILE (08) 9721 7051.

E-MAIL: hodgassoc@inet.net.au

ALL CORRESPONDENCE TO P.O. BOX 3011, BUNBURY, 6231

## CFMEU – MINING & ENERGY DIVISION OF WA

### COMMITTEE OF MANAGEMENT STATEMENT

---

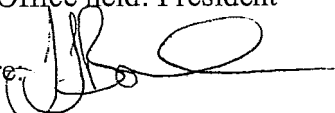
On 8<sup>th</sup> September 2005 the Committee of Management of CFMEU – Mining & Energy Division of WA passed the following resolution in relation to the general purpose financial report (GPFR) of the reporting unit for the financial year ended December 31, 2004.

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

- a) the financial statements and notes comply with the Australian Accounting Standards;
- b) the financial statements and notes comply with the reporting guidelines of the Industrial Registrar;
- c) the financial statements and notes give a true and fair view of the financial performance, financial position and cash flows of the reporting unit for the financial year to which they relate;
- d) there are reasonable grounds to believe that the reporting unit will be able to pay its debts as and when they become due and payable;
- e) during the financial year to which the GPFR relates and since the end of that year;
  - (i) meetings of the committee of management were held in accordance with the rules of the organisation including the rules of a branch concerned ; and
  - (ii) the financial affairs of the reporting unit have been managed in accordance with the rules of the organisation including the rules of a branch concerned; and
  - (iii) the financial records of the reporting unit have been kept and maintained in accordance with the RAO Schedule and the RAO Regulations; and
  - (iv) the information sought in any request of a member of the reporting unit or a Registrar duly made under section 272 of the RAO Schedule has been furnished to the member or Registrar; and
  - (v) there has been compliance with any order for inspection of financial records made by the Commission under section 273 of the RAO Schedule.

For Committee of Management: John Joesph Borlini

Title of Office held: President

Signature: 

Date: 8<sup>th</sup> September 2005



## CFMEU- MINING & ENERGY DIVISION OF WA

### Certificate of Secretary or other Authorised Officer

s268 of Schedule 1B *Workplace Relations Act 1996*

I, Gary Wood, Secretary of the CFMEU – Mining & Energy Division of WA certify:

- that the documents lodged herewith are copies of the full report, referred to in s268 of the RAO Schedule; and
- that the full report was provided to members on 9 September 2005; and
- that the full report was presented to a meeting of the Committee of Management members of the reporting unit on 3 October 2005 in accordance with section 266 of the RAO Schedule.

Signature: 

Date:

**CFMEU Mining & Energy Division**  
**Income and Expenditure Statement**  
**For the year ended 31 December, 2004**

	2004	2003
	\$	\$
<b>Income</b>		
Fees members	450,429	415,372
Reimbursements	38,300	5,904
Interest received	48	13
Sundry income	1,562	610
Profit / (Loss) on sale of assets	(2,655)	
Sales merchandise	286	227
Total income	<u>487,970</u>	<u>422,126</u>
<b>Expenses</b>		
Accountancy & audit fees	2,985	2,615
Affiliation fees - CFMEU National	176,017	128,464
Affiliation fees - Other	1,671	1,707
Advertising and promotion	1,674	1,164
Bank fees and charges	1,604	1,537
Clothing allowance		600
Depreciation	7,425	9,023
Donations	14,705	140
Expenses Executive	10,292	5,476
Expenses Delegates	10,067	8,850
Freight & Cartage	10	15
Fringe benefits tax	1,460	1,319
General expenses		374
Hire/rent of Plant & Equipment	1,717	4,005
Holiday pay provision	4,288	18,227
Insurance	1,402	9,195
Interest	716	547
Legal fees	71,593	40,958
Long service leave provision	2,360	1,627
Meeting costs	3,479	2,927
Motor vehicle expenses	7,130	9,417
Penalties & charges	3,520	
Publications & subscriptions	543	111
Postage, Printing, & Stationery	4,431	7,701
Purchases	3,092	527

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Income and Expenditure Statement**  
**For the year ended 31 December, 2004**

	2004	2003
	\$	\$
Rent on land & buildings	3,600	3,600
Repairs & maintenance	2,568	783
Salaries & wages staff	139,035	123,442
Sick leave provision	7,830	3,223
Staff training	1,027	273
Superannuation	11,953	11,135
Telephone	13,054	8,447
Travel and accomodation	48,694	27,491
Total expenses	559,943	434,921
<b>Profit (loss) from ordinary activities before income tax</b>	<b>(71,973)</b>	<b>(12,795)</b>
Income tax revenue relating to ordinary activities		
<b>Net profit (loss) attributable to the association</b>	<b>(71,973)</b>	<b>(12,795)</b>
<b>Total changes in equity of the association</b>	<b>(71,973)</b>	<b>(12,795)</b>
Opening retained profits	(182,825)	(170,030)
Net profit (loss) attributable to the association	(71,973)	(12,795)
<b>Closing retained profits</b>	<b>(254,799)</b>	<b>(182,825)</b>

---

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December, 2004**

	2004	2003
	\$	\$
<b>Current Assets</b>		
<b>Cash Assets</b>		
Cash at bank - Collie	22,447	57,328
Cash on hand	279	279
Commonwealth Bank Mastercard	4,000	4,000
	26,725	61,606
<b>Receivables</b>		
Amounts receivable	29,530	45,758
	29,530	45,758
<b>Total Current Assets</b>	<b>56,256</b>	<b>107,364</b>
<b>Non-Current Assets</b>		
<b>Property, Plant and Equipment</b>		
Plant & equipment - at cost	29,444	29,190
Less: Accumulated depreciation	(23,915)	(21,655)
Motor vehicles - at cost	35,242	32,923
Less: Accumulated depreciation	(830)	(6,558)
	39,941	33,900
<b>Total Non-Current Assets</b>	<b>39,941</b>	<b>33,900</b>
<b>Total Assets</b>	<b>96,196</b>	<b>141,264</b>

---

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December, 2004**

	2004	2003
	\$	\$
<b>Current Liabilities</b>		
<b>Payables</b>		
<b>Unsecured:</b>		
- Amounts payable	58,429	43,419
	58,429	43,419
<b>Current Tax Liabilities</b>		
GST payable control account	16,846	40,863
GST payable adjustment control account	5,457	
Input tax credit control account	(12,172)	(28,820)
Input tax credit adjustment account	(1,643)	
GST clearing		(6,167)
ATO Integrated Account Balance		(21,908)
Payroll Deductions Payable	4,571	22,674
	13,058	6,641
<b>Provisions</b>		
Provision for Employee Entitlements	164,904	150,426
	164,904	150,426
<b>Total Current Liabilities</b>	<b>236,392</b>	<b>200,486</b>
<b>Non-Current Liabilities</b>		
<b>Interest-Bearing Liabilities</b>		
<b>Unsecured:</b>		
- Amounts payable	75,462	84,462
	75,462	84,462
<b>Total Non-Current Liabilities</b>	<b>75,462</b>	<b>84,462</b>
<b>Total Liabilities</b>	<b>311,853</b>	<b>284,947</b>
<b>Net Assets (Liabilities)</b>	<b>(215,657)</b>	<b>(143,683)</b>

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December, 2004**

	2004	2003
	\$	\$
<hr/>		
<b>Members' Funds</b>		
<b>Issued Capital</b>		
Members funds	39,142	39,142
Accumulated surplus (deficit)	<u>(254,799)</u>	<u>(182,825)</u>
<b>Total Members' Funds</b>	<u><u>(215,657)</u></u>	<u><u>(143,683)</u></u>

---

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Depreciation Schedule for the year ended 31 December, 2004**

Total	Priv	OWDV	DISPOSAL		ADDITION		DEPRECIATION			Priv	CWDV	PROFIT		LOSS	
			Date	Consid	Date	Cost	Value	T	Rate			Deprec	Upto	+	Above

**CFMEU Mining & Energy Division**  
**Depreciation Schedule for the year ended 31 December, 2004**

Total	Priv	OWDV	DISPOSAL		ADDITION		DEPRECIATION			Priv	CWDV	PROFIT		LOSS	
			Date	Consid	Date	Cost	Value	T	Rate			Deprec	Upto	+	Above

**Plant & Equipment**

Laser Printer	915.00	915	0.00	22		0	0	22	D	40.00	9	0	13	0	0	0	0
Mobile Telephone	731.00	731	0.00	59		0	0	59	D	30.00	18	0	41	0	0	0	0
Computer System	8,579.00	8,579	0.00	250		0	0	250	D	40.00	100	0	150	0	0	0	0
Mobile Telephone	695.00	695	0.00	59		0	0	59	D	30.00	18	0	41	0	0	0	0
Mobile Telephone (0418699227)	268.00	268	0.00	24		0	0	24	D	30.00	7	0	17	0	0	0	0
Facsimile Machine	649.00	649	0.00	57		0	0	57	D	30.00	17	0	40	0	0	0	0
IBM 3197/DIY Computer Terminal	550.00	550	0.00	21		0	0	21	D	40.00	8	0	13	0	0	0	0
Computer System	5,411.00	5,411	0.00	421		0	0	421	D	40.00	168	0	253	0	0	0	0
Refridgerator	549.00	549	0.00	133		0	0	133	D	25.00	33	0	100	0	0	0	0
Fax Machine	599.00	599	0.00	108		0	0	108	D	30.00	32	0	76	0	0	0	0
Laminator	315.00	315	0.00	65		0	0	65	D	30.00	19	0	46	0	0	0	0
Printer	681.00	681	0.00	269	10/05/01	0	0	269	D	30.00	81	0	188	0	0	0	0
Laptop Computer	3,300.00	3,300	0.00	1,681	04/02/02	0	0	1,681	D	30.00	504	0	1,177	0	0	0	0
Fax Machine	959.00	959	0.00	573	08/07/02	0	0	573	D	30.00	172	0	401	0	0	0	0
Computer	2,599.00	2,599	0.00	1,806	23/12/02	0	0	1,806	D	30.00	542	0	1,264	0	0	0	0
Telephone System	0.00	2,390	0.00	1,987		0	0	1,987	D	25.00	497	0	1,490	0	0	0	0
Color Printer	0.00	254	0.00	0	0	27/08/04	254	254	D	40.00	35	0	219	0	0	0	0

29,444

7,535

0

254

7,789

2,260

0

5,529

Deduct Private Portion

0

Net Depreciation

2,260

## CFMEU Mining & Energy Division Depreciation Schedule for the year ended 31 December, 2004

	Total	Priv	OWDV	DISPOSAL		ADDITION		Value	T	DEPRECIATION		Priv	CWDV	PROFIT			LOSS		
				Date	Consid	Date	Cost			Rate	Deprec			Upto	+	Above	Total	-	Priv
<b>Motor Vehicles</b>																			
Holden Commodore CO718	32,921.00	0.00	26,363	16/11/04	19,373		0	26,363	D	18.75	4,335	0	0	0	0		2,655	0	
Holden Commodore	0.00	35,240	0.00		0	16/11/04	35,240	35,240	D	18.75	830	0	34,410	0	0		0	0	
	<u>68,161</u>		<u>26,363</u>		<u>19,373</u>		<u>35,240</u>	<u>61,603</u>			<u>5,165</u>	<u>0</u>	<u>34,410</u>						
								Deduct Private Portion			0								
								Net Depreciation			<u>5,165</u>								



**CFMEU Mining & Energy Division**  
**Notes to the Financial Statements**  
**For the year ended 31 December, 2004**

---

**Note 1: Statement of Significant Accounting Policies**

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporations Act. The committee has determined that the association is not a reporting entity.

The financial report has been prepared in accordance with the requirements of the Associations Incorporation Act and the following Australian Accounting Standards:

AAS 5:               Materiality

AAS 8:               Events Occurring After Reporting Date

No other Australian Accounting Standards, Urgent Issues Group Consensus Views or other authoritative pronouncements of the Australian Accounting Standards Board have been applied.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values, or except where specifically stated, current valuations of non-current assets.

The following material accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report:

**(a) Fixed Assets**

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all fixed assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use. Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

**Note 2 : Going Concern Basis**

The Committee of Management are of the opinion that the entity has the ability to continue as a going concern although it has a deficiency of assets and has incurred a trading loss in the current year. It has this opinion because of the ongoing support of its main creditors, the National body and its employees in respect of entitlements payable.

Furhter the committee has taken steps to reduce overheads and improve profitability.

---



**CFMEU**  
**MINING & ENERGY DIVISION**  
**WA DISTRICT BRANCH**



14 September 2005

Mr Peter McKerrow  
For Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8 Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

Dear Mr Kerrow

**RE: FINANCIAL RETURN FOR YEAR ENDING 31.12.04 (FR2004/713)**

We thank you for your letter in regard to the above and provide the following in answer to your questions:

- The Auditor has audited the general purpose financial report and signed the audit report on 8 September 2005.
- Yes the Committee of Management report has been prepared.
- The full report has been provided to members on 9 September 2005.
- The full report will be presented to a meeting on 3 October 2005.
- A copy of the full report will be lodged in the Industrial Registry on 7 October 2005.

We trust that this clarifies the situation and apologise for the delay in this matter.

Yours sincerely

**G N WOOD**  
**SECRETARY**

---

*Mineworkers Institute*  
75 Throssell Street  
COLLIE WA 6225

Phone: (08) 97345600  
Fax: (08) 97341898  
E-mail: [cfmeumwa@highway1.com.au](mailto:cfmeumwa@highway1.com.au)



**Australian Government**

**Australian Industrial Registry**

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990  
Email: sydney@air.gov.au

Mr Gary Wood  
Secretary, WA District Branch, Mining and Energy Division  
CFMEU  
75 Throssell Street  
COLLIE WA 6225

Dear Mr Wood

**Re: Lodgement of Financial Statements and Accounts – Construction, Forestry, Mining and Energy Union, Mining and Energy Division, Western Australian District Branch – for years ending  
31 December 2004, (FR2004/713), 31 December 2005 (FR2005/599),  
31 December 2006 (FR2006/599), 31 December 2007 (FR2007/570)**

I refer to the above sets of financial statements and accounts which have been under consideration by the Registry. In the normal course of events, the Registry would have corresponded with you regarding the earlier returns much sooner and I sincerely apologise on behalf of the Registry for the delay. There are however several issues arising from the returns on which I seek your response and I outline them together in this letter.

**Missing Documents and information**

- (1) None of the returns included an Operating Report as required by s254 of the RAO Schedule. If Operating Reports were prepared please lodge these. If not, I seek your confirmation that an Operating Report will be prepared for inclusion in future financial reports.
- (2) None of the returns included the notice, setting out subsections 272(1), (2) and (3) in full, as required under s272(5) of the RAO Schedule. I seek your confirmation that the notice will be set out in future returns.
- (3) The 2007 return did not include a Secretary's Certificate as required by s268 of the RAO Schedule. I ask that you lodge a Secretary's certificate in relation to the 2007 return.

**Presentation to meetings of the Lodges and Board of management**

In the first three returns, the Secretary's certificates certify that the reports were presented to the "*Committee of Management.....in accordance with section 266*".

Section 266(3) is explicit that reports must be presented to general meetings of members, except where the rules provide that a percentage of the membership up to 5% can call a general meeting (or series of meetings) to consider the financial report. The District Branch does not have such a rule.

However, given that under the rules of the District Branch, all decisions of the Board of Management must be endorsed by the Lodge membership, it seems to the Registry that it is endorsement of the financial report by the Lodge membership in general Lodge meetings that

will constitute "presentation" for the purposes of s266. Accordingly, once the documents have been provided/published to the membership at large, any presentation to the Board of Management should be routinely followed by presentation at Lodge meetings.

It is the Secretary's certificate that indicates to the Registry that the Branch has complied. Strictly speaking, the Secretary's certificate has to certify only in general terms that the report was presented "to a meeting in accordance with s266", and the Registry will accept this on its face. If, however, the Secretary's certificate specifies the type of meeting, then, under the present circumstances, it must specify/refer to the relevant Lodge meetings.

### **Description as Special Purpose Financial Report**

In the Notes to all the returns, the Branch describes the report as a "*special purpose financial report prepared in order to satisfy the financial reporting requirements of the Associations Incorporations Act*". In the auditor's report for both the 2006 and 2007 returns, the auditor has also described the report as a "special purpose financial report".

This conflicts with the reference to "general purpose financial report" which is found in the opening paragraph of the Committee of Management statements, and it is incorrect for the purposes of the RAO Schedule.

Pursuant to s242(3) the Branch is a reporting unit for the purposes of the RAO Schedule and is obliged under s253(1) to prepare a general purpose financial report. Section 253(2) sets out what the general purpose financial report must contain and it is not clear to the Registry - on the face of the documents - what, if anything, is preventing the Branch from preparing general purpose financial reports. The Branch must take steps to ensure that its financial reports meet the requirements of the Workplace Relations legislation irrespective of any other obligations it might have under State or other legislation.

Accordingly, I seek your confirmation that the Branch will prepare correctly described general purpose financial reports for lodgement in the Industrial Registry in future.

Thank you for your attention to these matters. I will await your reply before filing the documents. If you wish to discuss any of the above matters before replying, please do not hesitate to contact me on (02) 6723 7097, or 0429 462 979.

Yours sincerely,



Stephen Kellett  
for Deputy Industrial Registrar

10 June 2008



**CFMEU**  
**MINING & ENERGY DIVISION**  
WA DISTRICT BRANCH



23 June 2008

Mr S Kellett for Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8 Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011

Dear Sir

**RE: LODGEMENT OF FINANCIAL STATEMENTS AND ACCOUNTS – CFMEU MINING & ENERGY DIVISION, WESTERN AUSTRALIAN DISTRICT BRANCH**

Thank you for your letter of 10 June 2008 in regard to the above bringing to our attention issues arising from the returns and I hereby provide the following responses as requested:

**Missing Documents and information**

1. Operating Report. I confirm that an Operating Report will be prepared and included in future financial reports.
2. Notice setting out subsections 272(1), (2) and (3) in full as required under s272(5) of the RAO Schedule – I confirm that the notice will be set out in future returns.
3. 2007 return Secretary's Certificate – the Certificate was mistakenly omitted from the return sent. It is now attached.

**Presentation to meetings of the Lodges and Board of Management.**

We note this point and confirm that future returns will comply accordingly.

**Description as Special Purpose Financial Report**

I confirm that the Branch will prepare correctly described general purpose financial reports for lodgement in the future.

I apologise for the oversight with previous returns and thank you for bringing these matters to my attention.

Yours sincerely

**G N WOOD**  
**SECRETARY**



*Mineworkers Institute*  
75 Throssell Street  
COLLIE WA 6225

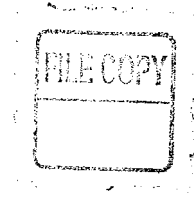
Phone: (08) 97345600  
Fax: (08) 97341898  
E-mail: [cfmeumwa@highway1.com.au](mailto:cfmeumwa@highway1.com.au)



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

Level 8, Terrace Towers  
80 William Street, East Sydney, NSW 2011  
Telephone: (02) 8374 6666  
Fax: (02) 9380 6990  
Email: sydney@air.gov.au

Mr Gary Wood  
Secretary, WA District Branch, Mining and Energy Division  
CFMEU  
75 Throssell Street  
COLLIE WA 6225



Dear Mr Wood

**Re: Lodgement of Financial Statements and Accounts – Construction, Forestry, Mining  
and Energy Union, Mining and Energy Division, Western Australian District Branch –  
for years ending  
31 December 2004, (FR2004/713), 31 December 2005 (FR2005/599),  
31 December 2006 (FR2006/599), 31 December 2007 (FR2007/570)**

Thank you for your letter dated 23 June 2008 in relation to the various issues raised in my letter of 10 June 2008.

I have filed the Secretary's certificate for the 2007 return and have noted your undertakings with respect to future returns.

The documents have now been filed, and no further action is required.

Yours sincerely,

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

Stephen Kellett  
for Deputy Industrial Registrar

30 June 2008