



**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: FR2006/599-[105N-WADB]**

Mr Gary Wood  
District Secretary  
CFM EUMining and Energy Division  
Western Australia District Branch  
75 Throssell Street  
COLLIE WA 6225

Dear Mr Wood

**Financial Return - year ending 31 December, 2006**

Our records show the 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*.

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.

**Information on AIRC Website**

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

- [RAO Schedule](#)
- [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 requirements of the RAO Schedule - many of them deal with financial reporting matters.

**Reporting Unit**

Under the provisions of the Registration and Accountability of Organisations Schedule (RAO), Schedule 1 of the *Workplace Relations Act 1996*, 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 use the term "reporting unit" in this letter.

## **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 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)).

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.

### **Contact the Registry**

We encourage you to contact the Registry on (02) 8374 6618 or by e-mail at [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 procedures but we cannot give you legal or accounting advice.

Yours sincerely



For Deputy Industrial Registrar  
18 January 2007

## TIMELINE/ PLANNER

Financial reporting period ending:	/ /	
<b>FIRST MEETING:</b> Prepare General Purpose Financial Report (including Committee of Management Statement in accordance with C of M resolution) and Operating Report - s253(1), s254(1)	/ /	as soon as practicable after end of financial year
Auditor's Report prepared and signed and given to the Reporting Unit - s257	/ /	within a reasonable time of having received the GPFR
Provide full report free of charge to members.  (a) if the report is to be presented before a General Meeting (which must be held within 6 months after the end of the financial year), the report must be provided to members 21 days before the General Meeting, or  (b) in any other case including where the report is presented to a Committee of Management meeting, the report must be provided to members within 5 months of end of financial year.  (obligation to provide full report may be discharged by provision of a concise report s265(1))	/ /       / /	
<b>SECOND MEETING:</b> Present full report to:  (a) General Meeting of Members - s266 (1),(2), or  (b) where rules of organisation allow, a Committee of Management meeting - s266 (3)	/ /  / /	within 6 months of end of financial year  within 6 months of end of financial year
Lodge full report (including any concise report) in the Industrial Registry together with secretary's certificate (or other officer authorised by the rules of the organisation) - s268	/ /	within 14 days of meeting

**Note:** The legislation makes limited provision for extensions of time concerning the provision of the full report to members and the presentation of the full report to a general meeting etc however the maximum extra time allowed can be no more than one month.

**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.

<b>No</b>	<b>Document</b>	<b>✓</b>
<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?	
	Does the statement contain declarations relating to any recovery of wages activity?	
<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.

*[Add the following if any recovery of wages activity has been undertaken during the financial year]*

- (f) in relation to recovery of wages activity:
  - (i) the financial report on recovery of wages activity has been fairly and accurately prepared in accordance with the requirements of the reporting guidelines of the Industrial Registrar; and
  - (ii) the committee of management caused the auditor to include in the scope of the audit required under subsection 257(1) of the RAO Schedule all recovery of wages activity by the reporting unit in which revenues had been derived for the financial year in respect of such activity; and
  - (iii) no fees or reimbursements of expenses in relation to recovery of wages activity or donations or other contributions were deducted from moneys recovered from employers on behalf of workers other than reported in the financial report on recovery of wages activity and the notes to the financial statements; and
  - (iv) that prior to engaging in any recovery of wages activity, the organization has disclosed to members by way of a written policy all fees to be charged or reimbursement of expenses required for recovery of wages activity, and any likely request for donations or other contributions in acting for a worker in recovery of wages activity; and

- (v) no fees or reimbursements of expenses in relation to recovery of wages activity or donations or other contributions were deducted from moneys recovered from employers on behalf of workers until distributions of recovered money were made to the workers.

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





**Ref: FR2006/599 -[105N-WADB]**

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

Dear Mr Wood

**Re: Construction, Forestry, Mining and Energy Union-Mining and Energy Division Western Australia District Branch - Outstanding Financial Documents - *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, 2006. 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 of the end of the financial year. Therefore, lodgement of the documents in the Registry was required by **17 July, 2007.**

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 **8 August, 2007:**

- 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


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

- 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 6618. In reply please quote: **FR2006/599.**

Yours sincerely



Belinda Penna

E-mail: [belinda.penna@air.gov.au](mailto:belinda.penna@air.gov.au)

20 July, 2007



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

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8 August 2007

Ms Belinda Penna  
Australian Industrial Registry  
Level 8 Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

Via email: [Belinda.penna@air.gov.au](mailto:Belinda.penna@air.gov.au)

Dear Ms Penna

**RE: FINANCIAL RETURN FOR YEAR ENDING 31.12.06 (FR2006/599)**

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

- The Auditor is currently auditing the general purpose financial report.
- The Committee of Management report has been prepared.
- The full report will be provided to members on 17 August 2007
- The full report will be presented to a meeting on 7 September 2007.
- It is intended a copy of the full report will be lodged in the Industrial Registry on 11 September 2007.

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

Yours sincerely

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

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*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)*



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

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31 January 2008

Ms Belinda Penna  
Deputy Industrial Registrar  
Australian Industrial Registry  
Level 8 Terrace Towers  
80 William Street  
**EAST SYDNEY NSW 2011**

Dear Belinda

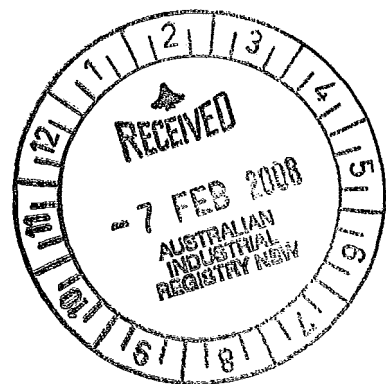
**RE: FINANCIAL RETURN - YEAR ENDING 31 DECEMBER 2006**

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 2006.

We apologise for the delay in forwarding these accounts and wish to advise that the 31 December 2007 accounts are with our Auditor currently and will be lodged in the near future.

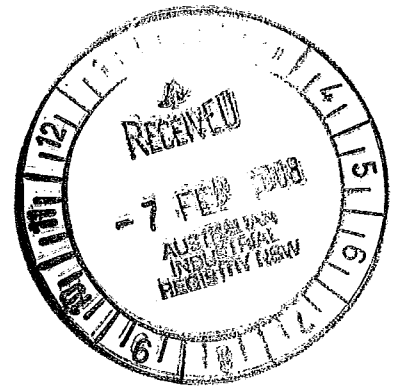
Yours sincerely

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



## CFMEU Mining & Energy Division

Financial Statements  
For the year ended 31 December 2006



Hodgins Associates

Chartered Accountants

Unit 9 / 45-47 Marlston Drive

BUNBURY 6230

Phone: 97213188 Fax: 97217051

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

# CFMEU Mining & Energy Division

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**CFMEU Mining & Energy Division**  
**Auditor's Report**

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**Scope**

We have audited the attached financial report, being a special purpose financial report comprising the Statement by Members of the Committee, Statement of Financial Performance, Statement of Financial Position, and Notes to the Financial Statements for the year ended 31 December 2006 of CFMEU Mining & Energy Division. The Committee is responsible for the financial report and has determined that the accounting policies used and described in Note 1 to the financial statements which form part of the financial report are appropriate to meet the requirements of the Associations Incorporations Act , WA and are appropriate to meet the needs of the members. We have conducted an independent audit of this financial report in order to express an opinion on it to the members of CFMEU Mining & Energy Division. No opinion is expressed as to whether the accounting policies used are appropriate to the needs of the members.

The financial statements have been prepared for the purpose of fulfilling the requirements of the Associations Incorporation Act ,WA. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the accounting policies described in Note 1 so as to present a view which is consistent with our understanding of the association's financial position, and performance as represented by the results of its operations and its cash flows. These policies do not require the application of all Accounting Standards and other mandatory professional reporting requirements in Australia.

The audit opinion expressed in this report has been formed on the above basis.

**Audit opinion**

In our opinion, the financial report presents fairly, in accordance with the accounting policies described in Note 1 to the financial statements, the financial position of CFMEU Mining & Energy Division as at 31 December 2006 and the results of its operations for the year then ended.

Signed on 12 December, 2007:



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Peter Hodgins, Chartered Accountant  
Hodgins Associates  
9 / 45-47 Marlston Dve, Bunbury WA 6230

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## CFMEU – MINING & ENERGY DIVISION OF WA

### COMMITTEE OF MANAGEMENT STATEMENT

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On 12<sup>th</sup> December 2007 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, 2006.

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: Leo Strojek

Title of Office held: <sup>VICE</sup> President

Signature: 

Date: 12<sup>th</sup> December 2007



## CFMEU – MINING & ENERGY DIVISION OF WA

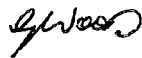
### Certificate of Secretary or other Authorised Officer

S268 of Schedule 1B *Workplace Relations Act 1996*

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

- that the documents lodge 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 19<sup>th</sup> December 2007; and
- that the full report was presented to a meeting of the Committee of Management members of the reporting unit on 24 January 2008 in accordance with section 266 of the RAO Schedule.

Signature:



Date:

30 January 2008

**CFMEU Mining & Energy Division**  
**Income and Expenditure Statement**  
**For the year ended 31 December 2006**

	2006	2005
	\$	\$
<b>Income</b>		
Fees members	534,432	567,405
Reimbursements	248,194	23,624
Interest received	38	35
Sundry income	55,500	
Sales merchandise	1,136	650
Total income	839,300	591,713
<b>Expenses</b>		
Accountancy & audit fees	2,980	2,870
Affiliation fees - CFMEU National	302,339	188,280
Affiliation fees - Other	3,025	1,967
Advertising and promotion	1,012	2,627
Bank fees and charges	1,420	1,245
Depreciation	6,387	8,095
Donations	1,048	5,015
Expenses Executive	2,132	3,373
Expenses Delegates	8,298	1,936
Freight & Cartage	21	11
Fringe benefits tax	767	
General expenses	1,227	1,691
Hire/rent of Plant & Equipment	4,519	1,934
Holiday pay provision	(2,567)	4,000
Insurance	6,069	6,605
Interest	822	781
Legal fees	81,772	94,836
Long service leave provision	2,568	2,566
Meeting costs	3,399	2,990
Motor vehicle expenses	11,673	10,683
Penalties & charges	1,100	3,300
Publications & subscriptions	532	3,466
Postage, Printing, & Stationery	4,985	5,249
Purchases		2,050
Rent on land & buildings	10,145	3,600
Repairs & maintenance	1,196	2,047

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Income and Expenditure Statement**  
**For the year ended 31 December 2006**

	2006 \$	2005 \$
Salaries & wages staff	144,951	134,571
Sick leave provision	23,266	8,000
Staff training	8,848	
Superannuation	12,626	12,562
Telephone	10,370	12,742
Travel and accomodation	39,257	53,486
<b>Total expenses</b>	<u>696,186</u>	<u>582,579</u>
<b>Profit from ordinary activities before income tax</b>	<b>143,114</b>	<b>9,134</b>
Income tax revenue relating to ordinary activities		
<b>Net profit attributable to the association</b>	<u>143,114</u>	<u>9,134</u>
<b>Total changes in equity of the association</b>	<u>143,114</u>	<u>9,134</u>
Opening retained profits	(245,664)	(254,799)
Net profit attributable to the association	143,114	9,134
<b>Closing retained profits</b>	<u>(102,550)</u>	<u>(245,664)</u>

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The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December 2006**

	2006	2005
	\$	\$
<b>Current Assets</b>		
<b>Cash Assets</b>		
Cash at bank - Collie	46,941	34,193
Leave account	55,000	
Cash on hand	279	279
Commonwealth Bank Mastercard	4,000	4,000
	106,220	38,471
<b>Receivables</b>		
Amounts receivable	46,330	56,909
	46,330	56,909
<b>Total Current Assets</b>	<b>152,550</b>	<b>95,380</b>
<b>Non-Current Assets</b>		
<b>Property, Plant and Equipment</b>		
Plant & equipment - at cost	29,444	29,444
Less: Accumulated depreciation	(26,703)	(25,558)
Motor vehicles - at cost	35,242	35,242
Less: Accumulated depreciation	(12,524)	(7,282)
	25,459	31,846
<b>Total Non-Current Assets</b>	<b>25,459</b>	<b>31,846</b>
<b>Total Assets</b>	<b>178,008</b>	<b>127,226</b>

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December 2006**

	2006	2005
	\$	\$
<b>Current Liabilities</b>		
<b>Payables</b>		
<b>Unsecured:</b>		
Amounts payable	16,137	74,388
	<u>16,137</u>	<u>74,388</u>
<b>Current Tax Liabilities</b>		
GST payable control account	10,752	33,553
GST payable adjustment control account	12,459	12,459
Input tax credit control account	(5,552)	(30,126)
Input tax credit adjustment account		(1,643)
ATO Integrated Account Balance	466	(8,801)
Payroll Deductions Payable	4,418	14,486
	<u>22,543</u>	<u>19,928</u>
<b>Provisions</b>		
Provision for Employee Entitlements	202,737	179,470
	<u>202,737</u>	<u>179,470</u>
<b>Total Current Liabilities</b>	<u><b>241,417</b></u>	<u><b>273,787</b></u>
<b>Non-Current Liabilities</b>		
<b>Financial Liabilities</b>		
<b>Unsecured:</b>		
Amounts payable		59,962
		<u>59,962</u>
<b>Total Non-Current Liabilities</b>		<u><b>59,962</b></u>
<b>Total Liabilities</b>	<u><b>241,417</b></u>	<u><b>333,748</b></u>
<b>Net Assets (Liabilities)</b>	<u><b>(63,408)</b></u>	<u><b>(206,522)</b></u>

The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Detailed Statement of Financial Position As At 31 December 2006**

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	2006	2005
	\$	\$
<b>Members' Funds</b>		
<b>Issued Capital</b>		
Members funds	39,142	39,142
Accumulated surplus (deficit)	(102,550)	(245,664)
<b>Total Members' Funds</b>	<u><u>(63,408)</u></u>	<u><u>(206,522)</u></u>

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The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Cash Flow Statement**  
**For the year ended 31 December 2006**

	2006	2005
	\$	\$
<hr/>		
<b>Cash Flow From Operating Activities</b>		
Receipts from customers	849,841	564,300
Payments to Suppliers and employees	(781,309)	(551,808)
Interest received	38	35
Interest and other costs of finance	(822)	(781)
Net cash provided by (used in) operating activities (note 2)	<u>67,749</u>	<u>11,746</u>
Net increase (decrease) in cash held	67,749	11,746
Cash at the beginning of the year	<u>38,471</u>	<u>26,725</u>
Cash at the end of the year (note 1)	<u><u>106,220</u></u>	<u><u>38,471</u></u>

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The accompanying notes form part of these financial statements.

**CFMEU Mining & Energy Division**  
**Cash Flow Statement**  
For the year ended 31 December 2006

2006

2005

**Note 1. Reconciliation Of Cash**

For the purposes of the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts.

Cash at the end of the year as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:

Cash at bank - Collie	46,941	34,193
Leave account	55,000	
Cash on hand	279	279
Commonwealth Bank Mastercard	4,000	4,000
	106,220	38,471

**Note 2. Reconciliation Of Net Cash Provided By/Used In Operating Activities To Net Profit**

Operating profit (loss) after tax	143,114	9,134
Depreciation	6,387	8,095
Changes in assets and liabilities net of effects of purchases and disposals of controlled entities:		
(Increase) decrease in trade and term debtors	10,579	(27,379)
Increase (decrease) in trade creditors and accruals	(58,251)	15,959
Increase (decrease) in lease liabilities	(59,962)	(15,500)
Increase (decrease) in employee entitlements	23,267	14,566
Increase (decrease) in sundry provisions	2,614	6,870
<b>Net cash provided by operating activities</b>	<b>67,749</b>	<b>11,746</b>

The accompanying notes form part of these financial statements.





**CFMEU Mining & Energy Division**  
**Notes to the Financial Statements**  
**For the year ended 31 December, 2006**

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**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. It has this opinion because of a substantial increase in profitability and steps it has taken to reduce expenditure and the ongoing support of its main creditors, being its employees in respect of entitlements payable.



**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

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E-mail: [cfmeumwa@highway1.com.au](mailto:cfmeumwa@highway1.com.au)



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

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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 read 'Stephen Kellett', written over a horizontal line.

Stephen Kellett  
for Deputy Industrial Registrar

30 June 2008