

12 May 2015

Mr Michael Buchan  
State Secretary  
Western Australian Branch  
Construction, Forestry, Mining and Energy Union  
[mbuchan@cfmeuwa.com](mailto:mbuchan@cfmeuwa.com)



Dear Mr Buchan

**Section 271 application for certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 (the Act) (FR2014/475)**

I refer to the application lodged pursuant to section 271(1) of the Act by the Western Australian Branch of the Construction, Forestry, Mining and Energy Union (the reporting unit) for the financial year ended 31 December 2014. The application was lodged with the Fair Work Commission on 1 May 2015.

Subsection 271(3) of the Act requires an application for exemption from financial reporting to be lodged with the Commission within 90 days of the end of each financial year or such longer period as the General Manager allows. For the reporting unit the request for exemption must be lodged by 31 March. As stated above, the request for exemption was not lodged with the Commission until 1 May.

On 6 May 2015 the reporting unit requested an extension to the period to lodge the application for exemption from financial reporting requirements, on the grounds that staffing issues prevented the timely filing of the application.

Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out in the Act, I have decided to allow a longer period for lodgement in this instance alone.

It should be noted that failure of the reporting unit in future years to lodge an application for exemption from financial reporting before 31 March, unless exceptional circumstances exist, is likely to result in a refusal to grant the exemption under section 271(1). In this circumstance, financial accounts for the reporting unit will need to be prepared, including the requirement to have those accounts audited and provided to members, as well presented to a meeting of members for ratification, in accordance with section 266 of the Act.

As the application is therefore granted, a certificate to this effect is attached.

If you wish to discuss this matter, please contact Nick Salzberg on (03) 8661 7810 or by email at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CE', is located below the 'Yours sincerely' text. The signature is stylized and somewhat abstract.

Chris Enright  
Delegate of the General Manager



# CERTIFICATE

*Fair Work (Registered Organisations) Act 2009*

s.271—Certificate of exemption from requirements of Chapter 8, Part 3

**Construction, Forestry, Mining and Energy Union**  
(FR2014/475)

MR ENRIGHT

MELBOURNE, 12 MAY 2015

*Certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009*

[1] On 1 May 2015 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Western Australian Branch of the Construction, Forestry, Mining and Energy Union for a certificate of exemption in respect of the financial year ended 31 December 2014.

[2] I am satisfied that the reporting unit did not have any financial affairs in respect of the financial year ended 31 December 2014.



DELEGATE OF THE GENERAL MANAGER

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# CFMEU

**WESTERN AUSTRALIAN BRANCH**

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6 May 2015

Attention: Nick Salzberg

General Manager  
Fair Work Commission  
11 Exhibition Street  
MELBOURNE VIC 3001

By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Sir

**Fair Work (Registered Organisations) Act 2009 – Section 271 – Application for Certificate**

I refer to your letter of the 6 May 2015.

Firstly, I apologise for the delay. I acknowledge that the request for exemption should have been lodged by 31 March 2015.

It was not attended to because the person who normally prepares the request had left the employ of the Union, and the person I thought would attend to it did not. I have spoken to him in strong terms and the error will not occur again. I have taken steps to ensure that the mistake will not occur in the future.

I therefore seek leave to extend the time for making the request for exemption to 1 May 2015 when the relevant form was lodged.

Yours faithfully



**MICHAEL BUCHAN**  
Secretary  
CFMEU Western Australian Branch

# CFMEU

**WESTERN AUSTRALIAN BRANCH**

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30 April 2015

General Manager  
Fair Work Commission  
Level 8, Terrace Towers  
80 William Street  
EAST SYDNEY NSW 2011

By email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Sir

## **Fair Work (Registered Organisations) Act 2009 – Section 271 – Application for Certificate**

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I am the Secretary of the Construction, Forestry, Mining and Energy Union WESTERN AUSTRALIAN Branch (“the Branch”) and occupied that position for the financial year ending 31 December 2014 (“the financial year”). I am authorised under the rules to act on behalf of the Branch.

Pursuant to Fair Work (Registered Organisations) Act 2009, Section 271, I hereby apply for a certificate of exemption for the Branch in respect of the financial year ending 31 December 2014.

In support of this application I submit as follows;

1. The CFMEU consists of a number of Divisions.
2. There exists a number of Divisional Branches within these Divisions. Such Divisional Branches function within a designated geographical area, in most cases being the State or Territory in which they are established.
3. The CFMEU and each Division and Divisional Branch thereof submit annual financial returns in accordance with the Act.
4. The CFMEU State Branches, including the Branch, consist of the members and officers of each Divisional Branch in each State or Territory.
5. The Branch has not traded or carried out financial transactions of any kind during the relevant financial year.
6. The Branch has not had an account with the Bank or any other financial institution nor has it had custody of any real property or monies during the relevant financial year.

7. The Branch has not expended economic resources or incurred any financial obligations to conduct its activities.
8. The various Divisional/District Branches within the State of Western Australia expend their own economic resources and incur financial obligations so that the Branch may conduct its activities.
9. No other person or body corporate or trust expends its own economic resources or incurs financial obligations so that the Branch may conduct its activities.
10. Accordingly the Branch had no reason to keep accounting records during the financial year.
11. Notwithstanding the above, the Branch has functioned in accordance with the rules of the CFMEU including the rules relating to branches.

Yours faithfully



**MICHAEL BUCHAN**

Secretary

CFMEU Western Australian Branch