



FairWork
Commission

2 August 2016

Mr Andrew Mather
President
Consult Australia [Industrial]
Level 6, 50 Clarence Street
SYDNEY NSW 2000

via email: info@consultaaustralia.com.au

Dear Mr Mather

Section 271 application for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 for financial year ended 30 June 2016 (FR2016/213)

I refer to your application pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009* (RO Act), lodged in the Fair Work Commission (FWC) on 26 July 2016, in respect of Consult Australia [Industrial] for the financial year ended 30 June 2016.

I am satisfied that Consult Australia [Industrial] is a reporting unit and that it did not have any financial affairs in the financial year which ended 30 June 2016. The attached certificate reflects this decision.

If you wish to discuss this matter, please contact Ms Joanne Fenwick on 03) 8656 4681 or by email to joanne.fenwick@fwc.gov.au.

Yours sincerely

Chris Enright
Director
Regulatory Compliance Branch

11 Exhibition Street Telephone: (03) 8661 7777
Melbourne VIC 3000 International: (613) 8661 7777
GPO Box 1994 Facsimile: (03) 9655 0401
Melbourne VIC 3001 Email: orgs@fwc.gov.au



CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.271 - Reporting unit's exemption from requirements of Chapter 8, Part 3

Consult Australia [Industrial]
(FR2016/213)

MR ENRIGHT

MELBOURNE, 2 AUGUST 2016

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

[1] On 26 July 2016 an application was made under s 271 (1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by Consult Australia [Industrial] for a certificate of exemption in respect of the financial year ended 30 June 2016.

[2] On the basis of the material provided in the application, I am satisfied that the applicant is a reporting unit that did not have any financial affairs in respect of the financial year which ended 30 June 2016.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price Code A>



Consult Australia [Industrial]
GPO 56
Sydney NSW 2000

25 July 2016

Regulations Compliance Branch
Fair Work Commission
GPO Box 1994
MELBOURNE 3001

Dear Sir/Madam

Re: Application for Exemption (Section 271(1)) - [FR2016/213] Lodgement of Financial Documents for year ended 30 June 2016

We refer to your courtesy letter of 15 July 2016 advising that the financial reports for Consult Australia [Industrial] ("the Organisation") must be prepared and processed, as required by the *Fair Work (Registered Organisations) Act 2009* ("the Act").

Pursuant to section 271 of the Act, we hereby apply for a certificate to exempt the Organisation from the requirements of the Act relating to financial matters occurring in the year ended 30 June 2016.

The below information is provided in support of the application:

1. Consult Australia [Industrial] does not trade or carry out financial transactions of any kind and accordingly has no reason to keep accounting records.
2. Consult Australia [Industrial] does not have custody of any real property or moneys.
3. Consult Australia [Industrial] did not receive any revenue during the financial year.
4. Consult Australia [Industrial] did not expend any money during the financial year.
5. Consult Australia [Industrial] did not incur any liabilities during the financial year.
6. Consult Australia [Industrial] did not receive or expend money on any loans, grants or donations during the financial year.
7. There are no other reporting units associated with Consult Australia [Industrial].
8. The reason that the Organisation does not trade is because of the relationship between the Organisation and the Associated Body, i.e. Consult Australia ("the Association")
9. Consult Australia [Industrial] was established as the Registered Organisation supporting members of Consult Australia – the not-for-profit industry association representing consultants operating in the build and natural environment. Membership of the Organisation is available free of charge to Consult Australia members on an opt-in basis and as such no fees are payable to Consult Australia [Industrial].
10. Costs accrued by Consult Australia [Industrial] for Councillor training and for its ongoing operation (primarily staffing costs) during the financial year were paid by Consult Australia in accordance with the Agreement between the Association and the Organisation. Consult Australia is not a Registered Organisation and therefore is not a reporting unit.

I further note that Consult Australia is a registered company under the Corporations Act and is subject to the scrutiny of the Australian Securities and Investments Commission ("ASIC"), with an annual requirement to provide a fully audited general purpose financial report for the preceding 12 month period (last reported period 1 July 2014 to 30 June 2015).

This process involves a full audit of the Association's financial affairs which is presented to the Board and in August of each year and is then published in the Annual report which is provided to all members prior to the AGM in October and is published on the Association's website which is freely available for all members to view.

Based on the above, we respectfully request that an exemption from the requirements be granted.

If you have any queries regarding this matter, please contact Kisanne Dulin, Industrial Officer on 02 8252 6718.

I confirm that, in accordance with the Consult Australia [Industrial] Rules, as President, I am authorised to act on behalf of the Organisation.

Yours sincerely



Andrew Mather
President
Consult Australia [Industrial]



15 July 2016

Ms Kisanne Dulin
Industrial Officer
Consult Australia [Industrial]
By email: kisanne@consultaaustralia.com.au

Dear Ms Dulin,

**Re: Lodgement of Financial Report - [FR2016/213]
*Fair Work (Registered Organisations) Act 2009 (the RO Act)***

The financial year of the Consult Australia [Industrial] (the reporting unit) ended on 30 June 2016.

This is a courtesy letter to remind you of the obligation to prepare and lodge the financial report for the reporting unit by the due date under s.268 of the RO Act, that being within 14 days after the meeting referred to in s.266 of the RO Act.

Timelines

The RO Act sets out a particular chronological order in which financial documents and statements must be prepared, audited, provided to members and presented to a meeting. For your assistance, the attached *Timeline/Planner* summarises these requirements.

Fact sheets, guidance notes and model statements

Fact sheets and guidance notes in relation to financial reporting under the RO Act are provided on the Fair Work Commission website. This includes a model set of financial statements which have been developed by the FWC. It is not obligatory to use this model but it is a useful resource to ensure compliance with the RO Act, the Reporting Guidelines and the Australian Accounting Standards. The model statement, Reporting Guidelines and other resources can be accessed through our website under [Financial Reporting](#) in the Compliance and Governance section.

Loans, grants and donations: our focus this year

Also you are reminded of the obligation to prepare and lodge a statement showing the relevant particulars in relation to each loan, grant or donation of an amount exceeding \$1,000 for the reporting unit during its financial year. Section 237 requires this statement to be lodged with the FWC within 90 days of the end of the reporting unit's financial year, that is on or before 28 September 2016. A sample statement of loans, grants or donations is available at [sample documents](#).

Over the past year we have noted issues in organisations' financial reports relating to timelines and how loans, grants and donations are reported. We will be focusing closely on these areas this year. Please find attached below fact sheets relating to these requirements or alternatively visit our website for information regarding [financial reporting timelines](#) and [loans, grants and donations](#).

It is requested that the financial report and any Statement of Loans, Grant or Donations be lodged electronically by emailing orgs@fwc.gov.au.

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone : (03) 8661 7777
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

Civil penalties may apply

It should be noted that s.268 is a civil penalty provision. Failure to lodge a financial report may result in legal proceedings being issued with the possibility of a pecuniary penalty (up to \$54,000 for a body corporate and \$10,800 for an individual per contravention) being imposed upon your organisation and/or an officer whose conduct led to the contravention.

Contact

Should you wish to seek any clarification in relation to the above, email orgs@fwc.gov.au.

Yours sincerely,

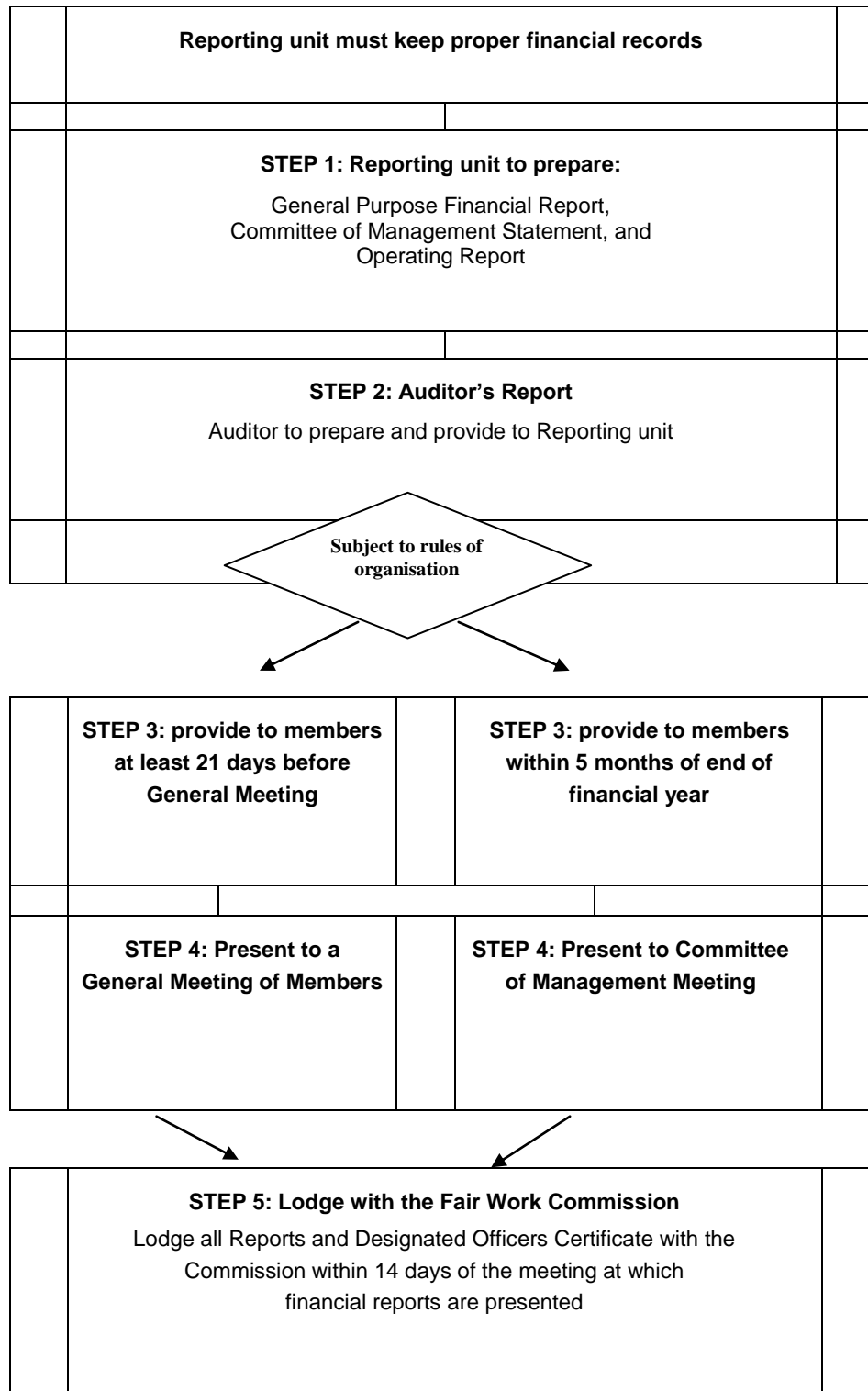


Annastasia Kyriakidis
Adviser
Regulatory Compliance Branch

Financial reporting timelines

Financial reports are to be lodged with the Fair Work Commission (the Commission) within 14 days of the meeting at which the financial reports have been presented, by completing the steps as outlined below.

See Fact sheet—Financial reporting for an explanation of each of these steps.



Fact Sheet - Loans, Grants & Donations

The Loans, Grants & Donations Requirements

The *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires an organisation or branch to lodge a loans, grants and donations statement (the statement) within **90 days** of the ending of the financial year.

Under the General Manager's Reporting Guidelines, a reporting unit's General Purpose Financial Report (the financial report) must break down the amounts of grants and donations (see below). The figures in the financial report will be compared to the loans, grants and donations statement.

The Loans, Grants & Donations Statement

Section 237 of the RO Act applies to every loan, grant and donation made by an organisation or branch during the financial year that exceed \$1000. The following information must be supplied to the Commission for each relevant loan, grant or donation:







- the amount,
- the purpose,
- the security (if it is a loan),
- the name and address of the person to whom it was made,* and
- the arrangements for repaying the loan.*

*The last two items are not required if the loan, grant or donation was made to relieve a member of the organisation (or their dependent) from severe financial hardship.

The statement must be lodged within 90 days of the end of the financial year and the Commission has a [Template Loans, Grants and Donations Statement](#) on its website. The Commission encourages branches and organisations to lodge the statement even if all of the figures are NIL.

Common misconceptions

Over the years, staff of the Commission have noted that there are some common misunderstandings made in relation to the Statement. They include:

Misconception	Requirement
 Only reporting units must lodge the Statement.	 All branches and organisations, regardless of whether they lodge a financial report, must lodge the statement within 90 days of the end of the financial year. An organisation cannot lodge a single statement to cover all of its branches.
 Employees can sign the Statement.	 The statement must be signed by an elected officer of the relevant branch.
 Statements can be lodged with the financial report.	 The deadline for the statement is much shorter (90 days) and if it is lodged with the financial report it is likely to be late.

Grants & Donations within the Financial Report

Item 16(e) of the [General Manager's Reporting Guidelines](#) requires the reporting unit to separate the line items relating to grants and donations into grants or donations that were \$1000 or less and those that exceeded \$1000.

As such, the note in the financial report relating to grants and donations will have four lines.

In the [Commission's Model Statements](#) the note appears as follows:

Note 4E: Grants or donations*

Grants:	2016	2015
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Donations:		
Total paid that were \$1,000 or less	-	-
Total paid that exceeded \$1,000	-	-
Total grants or donations	-	-

Item 17 of the General Manager's Reporting Guidelines requires that these line items appear in the financial report even if the figures are NIL.

Implications for filing the Financial Report

During their review of the 2016 financial report staff of the Commission will confirm that the figures in the financial report match the disclosures made in the statement. Any inconsistencies in these figures will be raised with the organisation or branch for explanation and action.

This may involve lodging an amended loans, grants or donations statement. Any failure to lodge a loans, grants or donations statement or lodging a statement that is false or misleading can attract civil penalties under the RO Act.

If a reporting unit did not fully comply with these requirements in their 2015 financial report, its filing letter will have included a statement reminding the reporting unit of its obligations.

It is strongly recommended that all reporting units review their filing letters from the previous financial year to ensure any targeted concerns are addressed in their latest financial report. Failure to address these individual concerns may mean that a financial report cannot be filed.

Previous financial reports and filing letters are available from the [Commission's website](#).

Further information

If you have any further questions relating to the loan, grant and donation disclosure requirements in the statement or the financial report, please contact the Regulatory Compliance Branch on orgs@fwc.gov.au