



FAIR WORK
AUSTRALIA

17 June 2010

Mr Michael Mijatov
Divisional Secretary
International Division

Ms Jo-Ann Davidson
Divisional Secretary
Domestic/Regional Division

Flight Attendants' Association of Australia
20 Ewan Street
MASCOT NSW 2020
info@faaa.net
info@faaadomestic.org.au
sharon@faaa.net

Dear Mr Mijatov and Ms Davidson

**Fair Work (Registered Organisations) Act 2009 - (RO Act)
Section 271 - Certificate of exemption from requirements of Chapter 8, Part 3
Financial report for year ended 30 June 2009 – FR2009/284**

I refer to the application under s271 of the RO Act for the Federal Office of the Flight Attendants' Association of Australia (FAAA) to be exempt from its financial reporting obligations for year ending 30 June 2009 – on the grounds that it did not have any financial affairs during the year.

The final version of the application was lodged on 19 May 2010 and was signed by both Divisional Secretaries as required by FAAA Rule 12A. Related material was lodged on 28 September 2009 and 27 April 2010. That material indicated that the bank account of the FAAA Federal Fund had been closed as 'discussed by the two Divisional Secretar[ie]s'.

I am satisfied that the requirements of s271(1) have been met. My certificate is enclosed.

Yours sincerely,

Terry Nassios
Delegate of the General Manager
Fair Work Australia



FAIR WORK
AUSTRALIA

Fair Work (Registered Organisations) Act 2009
s. 271 certificate of exemption from requirements of Chapter 8, Part 3

Flight Attendants' Association of Australia

(FR2009/284)

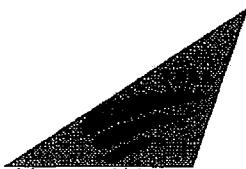
CERTIFICATE

On 19 May 2010 an application was made under section 271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Flight Attendants' Association of Australia for a certificate of exemption in respect of the financial year ended 30 June 2009. I am satisfied that the said organisation is a reporting unit that did not have any financial affairs in the year ended 30 June 2009.



T. NASSIOS
Delegate of the General Manager
Fair Work Australia

17 June 2010



FLIGHT ATTENDANTS ASSOCIATION OF AUSTRALIA

20 Ewan St Mascot NSW 2020, Ph: +6 12 8337 1111, Fax: +612 8337 1122, Toll Free Ph: 1800 267 952, Toll Free Fax: 1800 267 941
Email: info@faaa.net Website: www.faaa.net

19 May 2010 (Original letter 28 September 2009)

Mr Tim Lee
General Manager
Fair Work Australia
11 Exhibition St, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

Cynthia.Lobooth@fwa.gov.au

Dear Mr Lee

The FAAA Federal responsibilities including any financial or other requirements have been split equally between the FAAA International and the FAAA Domestic Regional Divisions; this was reported at the end of the financial period 30 June 2008.

The Federal account had ceased to operate and indeed a request for exemption for reporting units should have been placed at that time under s.271 as there were no financial affairs that year other than the closing of the Bank Account and subsequent transfers of monies equally distributed to the said divisions. There was also no income that year.

Therefore under this same section s.271 (1) of the Fair Work (Registered Organisations) Act 2009 we are applying for exemption of any reporting requirements for Federal from the end of year period June 2009 onwards. We are aware that this exemption needs to be applied for each year unless our rules are changed to reflect the need not to report on the Federal.

Awaiting your favourable reply and any queries please do not hesitate to contact me,

Regards

Michael Mijatov
Divisional Secretary
FAAA - International Division
20 Ewan Street
Mascot NSW 2020
Tel: 02 8337 1111

Jo-Ann Davidson
Divisional Secretary
FAAA - Domestic/Regional Division
Unit 18/538 Gardeners Road
Alexandria NSW 2015
Tel: 02 9669 5366



FAIR WORK
AUSTRALIA

6 May 2010

Mr Michael Mijatov
Divisional Secretary
International Division

Ms Jo-Ann Davidson
Divisional Secretary
Domestic/Regional Division

Flight Attendants' Association of Australia
20 Ewan Street
MASCOT NSW 2020
info@faaa.net
info@faaadomestic.org.au

Attention: Ms Sharon Bodnar
Administrator
sharon@faaa.net

Dear Mr Mijatov and Ms Davidson

**Fair Work (Registered Organisations) Act 2009 - (RO Act)
Section 271 Certificate of exemption from requirements of Chapter 8, Part 3
Financial report for year ended 30 June 2009 – FR2009/284**

I refer to the purported application under s271 of the RO Act for the Federal Office of the Flight Attendants' Association of Australia (FAAA) to be exempt from its financial reporting obligations for year ending 30 June 2009 – on the grounds that it did not have any financial affairs during the year. The document was lodged on 28 September 2009.

The organisation has already provided some additional information regarding this matter in accordance with FWA correspondence dated 5 November 2009 and 26 March 2010.

In order for the document to be properly considered as a s271 application, the application must be signed by both Divisional Secretaries in accordance with Rule 12A of the FAAA Rules which states that the '*Divisional Secretaries shall both be the Designated Officers for the purposes of the Workplace Relations Act 1996 Schedule 1*'. For your assistance the full text of Rule 12A is set out in Attachment A.

Accordingly, you must lodge a properly authorised s271 application which is now well overdue.

In addition, a s271 certificate covers only one financial year. This means that a separate s271 application must be lodged for each year that a certificate is sought.

Yours sincerely,

Terry Nassios
Delegate of the General Manager
Fair Work Australia

ATTACHMENT A

12A - FEDERAL DUTIES OF DIVISIONAL SECRETARIES

- (1) *The Divisional Secretaries shall both be the Designated Officers for the purposes of the Workplace Relations Act 1996 Schedule 1 – Registration and Accountability of Organisations (RAO) as amended from time to time and any Regulations made thereunder (the Regulations)*
- (2) *Both Divisional Secretaries shall be responsible for lodgement of all the returns required to be lodged at the Australian Industrial Registrar's Office (the Registry) pursuant to the RAO and the Regulations.*
- (3) *Each Divisional Secretary shall keep a Register of members of their respective Division. For the purpose of the RAO and the Regulations the two Registers of Members shall constitute the Register of Members of the Association.*
- (4) *The Divisional Secretaries may agree from time to time that one or other of them shall be responsible for the lodgement of the returns referred to in this rule. For the avoidance of doubt if no such agreement is reached both Divisional Secretaries shall sign any such returns.*



Fair Work Australia

5 November 2009

Mr Michael Mijatov
Divisional Secretary
International Division

Ms Jo-Ann Davidson
Divisional Secretary
Domestic/Regional Division

Flight Attendants' Association of Australia
20 Ewan Street
MASCOT NSW 2020

By email: info@faaa.net
info@faaadomestic.org.au

Attention: Ms Sharon Bodnar
Administrator

Dear Mr Mijatov and Ms Davidson,

**Re: Exemption from financial reporting obligations
Section 271 Fair Work (Registered Organisations) Act 2009 (RO Act)
FAAA – Federal Office – Financial year ended 30 June 2008 - FR2009/284**

I acknowledged receipt of your application under s271 of the RO Act for the Federal office of the FAAA to be exempt from its financial reporting obligations. The application was lodged with Fair Work Australia on 28 September 2009.

Your application sought the exemption with respect to “*any reporting requirements for Federal from the end of year period June 2009 onwards*”. Please note that exemptions under s271 are only issued with respect to a single financial year. Therefore, an application must be lodged for each year for which an exemption is requested (within 90 days of the end of the financial year). Accordingly, your present application is being dealt with as an application for an exemption for year ended 30 June 2009 only.

In order for the General Manager of Fair Work Australia to properly consider the s271 application further information is required as set out below.

Prescribed Circumstances

Section 271(1) provides:

“If, on the application of a reporting unit, the General Manager is satisfied, *after considering such circumstances (if any) as are prescribed*, that the reporting unit did not have any financial affairs in a financial year, the General Manager may issue to the reporting unit a certificate to that effect in respect of the financial year.” (emphasis mine)

Regulation 165 of the *Fair Work (Registered Organisations) Regulations 2009* sets out the prescribed circumstances which the General Manager should consider in an application under s 271(1). The prescribed circumstances of regulation 165 are:

- (a) whether the reporting unit expends economic resources or incurs any financial obligations to conduct its activities;
- (b) whether another reporting unit of the organisation expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities;
- (c) whether any person or body corporate or trust expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities.

Your application does not fully address these requirements. Accordingly, please provide further information regarding the following issues.

1. Federal Funds

In your application you state that:

“...there were no financial affairs ...other than the closing of the Bank Account and subsequent transfers of monies equally distributed to the said divisions”.

Please provide a copy of the minutes of the Federal Council meeting where the resolution was passed to close the Federal funds bank account and to transfer the funds to the Divisions of the Association.

In addition, please advise the General Manager regarding the current status of the Federal funds of the Association as defined in rule 25(a) of the FAAA rules. Are there any such funds remaining and if so do they generate income? For example, the financial reports for year ended 31 March 2008 and the 3 months ended 30 June 2008 disclosed a revenue amount of \$3,735 as “other income” which was separate to “interest income”.

If your response to the above question is that there are nil Federal funds as defined in rule 25 and the intention of the organisation is that this will be the on-going financial status of the Federal office, then the rules should be altered accordingly.

2. Federal Expenses

It is possible that the Federal office engaged in various activities during the financial year that would, in normal circumstances, require it to expend economic resources or incur financial obligations as defined in regulation 165(a). For example:

- *Meetings* - rule 6(5) of the FAAA rules provides for meetings of the Federal Council. Such meetings may be conducted in person or by telephone, video conference or other means. Such meetings may also involve associated costs such as travel and accommodation expenses, use of information technology resources and so on.
- *Correspondence* - It seems likely that the Federal office would have conducted correspondence during the financial year, whether by post, email, telephone or other means.

Please advise whether any such activities occurred during the financial year and, if so, how their costs were met.

3. Whether any other entity assists the Federal office

Please advise whether or not:

- another reporting unit of the organisation, such as the International or Domestic/Regional Divisions [regulation 165(b)]; or
- any person or body corporate or trust [regulation 165(c)];

has expended economic resources or incurred financial obligations so that the Federal office could conduct its activities during the financial year.

4. Federal office income – Workcover grant

I note the main source of income for the Federal Office was a Workcover grant for years ended 31 March 2005 (\$24,015), 2006 (\$21,540) and 2007 (\$36,945). However, it would appear that no Workcover grant was received in the year ended 31 March 2008 nor the 3 months ended 30 June 2008. Can you please provide some information in regards to this grant as follows:

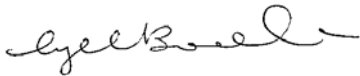
- Where does this grant come from?
- Was any such grant awarded to the Federal office in year ending 30 June 2009?

5. Signatures of Divisional Secretaries

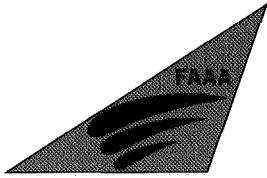
I note rule 12A of the FAAA rules provide that the Divisional Secretaries shall both be the Designated Officers for the purposes of Schedule 1 of the *Workplace Relations Act 1996*, now *Fair Work (Registered Organisations) Act 2009*, and any regulations made there under. Accordingly, the s271 application and any associated documents lodged regarding the application should bear the signatures of both Divisional Secretaries.

If you have any questions in regarding this letter, I may be contacted on (03) 8661 7989 (Wednesdays to Fridays) or by email at cynthia.lobooth@fwa.gov.au

Yours sincerely,



Cynthia Lo-Booth
Tribunal Services and Organisations



FLIGHT ATTENDANTS ASSOCIATION OF AUSTRALIA

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28 September 2009

Mr Tim Lee
General Manager
Fair Work Australia
11 Exhibition St, Melbourne Victoria 3000
GPO Box 1994, Melbourne Victoria 3001

Dear Mr Lee

The FAAA Federal responsibilities including any financial or other requirements have been split equally between the FAAA International and the FAAA Domestic Regional Divisions; this was reported at the end of the financial period 30 June 2008.

The Federal account had ceased to operate and indeed a request for exemption for reporting units should have been placed at that time under s.271 as there were no financial affairs that year other than the closing of the Bank Account and subsequent transfers of monies equally distributed to the said divisions. There was also no income that year.

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Awaiting your favourable reply and any queries please do not hesitate to contact me,

Regards

Sharon Bodnar for Michael Mijatov
Administrator
FAAA - International Division
20 Ewan Street
Mascot NSW 2020
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Internet: <http://www.faaa.net>
Email: sharon@faaa.net