



Australian Government
Australian Industrial Registry

Level 35,
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994, Melbourne, VIC 3001
Telephone: (03) 8661 7817
Fax: (03) 9654 6672

Our ref. FR2005/628

Mr Barry McFarlane
Secretary
Independent Education Union of Australia
Tasmanian Independent Schools Teachers Association Branch
12 Carlton Street
NEW TOWN TAS 7008

Dear Mr McFarlane,

**Re: Application for certificate of exemption from requirements of
Chapter 8, Part 3, Schedule 1 of the Workplace Relations Act 1996 (FR 2005/628)**

I refer to your application of 8 February 2006 for certificate of exemption under subsection 271(1) of Schedule 1 of the *Workplace Relations Act 1996* (the RAO Schedule), in respect of the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia, for the financial year ended 31 December 2005.

I also refer to your letter of 10 April 2006 advising this office that the Branch does not fall into the category of s269 of the RAO Schedule.

I have granted the application. My certificate is enclosed.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Terry Nassios'. The signature is stylized with a horizontal line at the top, a vertical line extending downwards, and a horizontal line extending to the right from the vertical line.

TERRY NASSIOS
Acting Industrial Registrar

13 June 2006



Workplace Relations Act 1996

s.271 certificate of exemption from requirements of Chapter 8, Part 3, Schedule 1

Independent Education Union of Australia
(FR2005/628)

CERTIFICATE

On 8 February 2006 an application was made under subsection 271(1) of Schedule 1 of the *Workplace Relations Act 1996* for a certificate of exemption by the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia, in respect of financial year ended 31 December 2005. I am satisfied that the said Branch is a reporting unit that did not have any financial affairs in the year ended 31 December 2005.



Terry Nassios
ACTING INDUSTRIAL REGISTRAR

13 June 2006

Independent Education Union of Australia

(Tasmanian Independent Schools Teachers Association Branch)

12 Carlton St.
New Town
Tasmania 7008

Ph (03) 6228 1421
Fax (03) 6278 2348

April 10, 2006

Registrar
Australian Industrial Registry
GPO Box 1994
MELBOURNE VIC 3001

Dear Sir,

Further to my application of February 3 2006, and in response to your letter of February 21 2006, I advise that the Tasmanian Independent School Teachers Association Branch (TISTA) does not fall into the category of s269 of Schedule 1 of the Workplace Relations Act 1996 (Schedule 1). I therefore request you proceed with my application of February 3 2006, pursuant to s271 of Schedule 1.

For completeness and in pursuance to Regulation 165, while the branch expends economic resources - for example meeting the travelling and accommodation costs of sending the Secretary of the Branch to Federal Executive and Committee meetings - it does not rely on another reporting unit of the organization to expend its own economic resources or incur financial obligations so that the Branch may conduct its activities, and it does not rely on any person or body corporate or trust to expend its own economic resources or incur financial obligations so that the branch may conduct its activities.

Yours faithfully,



BARRY MCFARLANE
(Secretary)



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Barry McFarlane
Secretary
Independent Education Union of Australia
-Tasmanian Independent Schools Teachers Association Branch

By email: <mailto:bmcfar@friends.tas.edu.au>

Dear Barry,

**Re: Financial reporting obligations for year ending 31 December 2005
Chapter 8, Part 3 of Schedule 1B of the *Workplace Relations Act 1996*
(FR2005/628)**

In previous financial years the Independent Education Union of Australia - Tasmanian Independent Schools Teachers Association Branch ("the Branch") has satisfied a Registrar that it did not have any financial affairs and has been granted an exemption under s271 of Schedule 1B of the *Workplace Relations Act 1996* ("Schedule 1B"). The Registrar has further considered the requirements of the legislation and it maybe that s269 of Schedule 1B applies to the Branch. Section 269(1) is set out below:

"269 Reporting units with substantial common membership with State registered bodies

(1) *This section applies to a reporting unit if there is an industrial association (the **associated State body**) that:*

(a) is registered or recognised as such an association (however described) under a prescribed State Act¹; and

(b) is, or purports to be, composed of substantially the same members as the reporting unit; and

(c) has, or purports to have, officers who are substantially the same as designated officers in relation to the reporting unit.

If the Branch has substantially the same membership and substantially the same officers as an "associated state body", the Branch should lodge an application under s269(2)(a) of Schedule 1B. I have set out s269(2) of Schedule 1B for your information below:

(2) *A reporting unit is taken to have satisfied this Part if this section applies to the reporting unit and:*

(a) a Registrar, on the application of the reporting unit, issues a certificate stating that the financial affairs of the reporting unit are encompassed by the financial affairs of the associated State body; and

(b) the associated State body has, in accordance with prescribed State legislation, prepared accounts, had those accounts audited, provided a copy of the audited accounts to its members and lodged the audited accounts with the relevant State authority; and

¹ Prescribed State Acts are set out in Regulation 163 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*.

(c) the reporting unit has lodged a copy of the audited accounts with the Industrial Registry; and

(d) any members of the reporting unit who are not also members of the associated State body have been provided with copies of the accounts at substantially the same time as the members of the reporting unit who are members of the associated State body; and

(e) a report under section 254 has been prepared in respect of the activities of the reporting unit and has been provided to members of the reporting unit with the copies of the accounts."

If s269(1) of Schedule 1B does not apply to the Branch, and the branch has had no financial affairs for the financial year, s271 may still be applicable.

Should you advise me that s271 is applicable in your case, I should point out that further information is required. Regulation 165 of the Regulations asks the branch (the reporting unit) to also advise whether:

- "(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."*

Should you wish to discuss this letter or if you require further information on the financial reporting requirements of Schedule 1B, please contact me on (03) 8661-7817 or email: robert.pfeiffer@air.gov.au

Yours sincerely,



Robert Pfeiffer
Statutory Services Branch (Melbourne)

21 February 2006

Independent Education Union of Australia

(Tasmanian Independent Schools Teachers Association Branch)

12 Carlton St.
New Town
Tasmania 7008

FR 2005/628

Ph (03) 6228 1421
Fax (03) 6278 2348

Registrar
Australian Industrial Relations Commission
GPO Box 1994 S
MELBOURNE 3001

Dear Sir,

Application for Certificate

My name is Barry James McFarlane. I am Secretary of the Tasmanian Independent Schools Teachers Association Branch of the Independent Education Union of Australia and President of Tasmanian Independent Schools Teachers Association and I am authorised to act on behalf of both organisations.

As provided for under subsection 271 (1) of the RAO Schedule and regulation 165 of the Workplace Relations Regulations 2003, I apply for a Certificate to exempt the Branch from the requirements of the Act relating to financial matters occurring in the year ending 31/12/2005

In support of the application I say

- that the Branch account has been inactive for five years and has now been closed.
- the Branch does not have custody of or ownership of property and/or investments of any kind.
- All fees, subscriptions or levies of the Branch are incorporated in the fees, subscriptions etc of the Associated Body (The Tasmanian Independent Schools Teachers Association, which is a registered organisation with the Tasmanian Industrial Commission), and are remitted to the Federal union by the Associated Body on behalf of the Branch, in accordance with Rule 7(f) of the Federal Rules of the Independent Education Union of Australia.
- Membership of the Branch and the Associated Body are identical and indistinguishable. No member of the Branch is ineligible for membership of the Associated Body.

I would be pleased to supply further information if required.

Yours faithfully



Barry McFarlane
(Secretary)

3rd February 2006

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