



Fair Work Australia

14 August 2009

Jenny Savage
National Finance Coordinator
National Tertiary Education Industry Union
PO Box 1323
South Melbourne VIC 3205
By email: jsavage@nteu.org.au

cc: Margaret Murphy
President
National Tertiary Education Industry Union – James Cook University of North Queensland Branch
By email: nteu.jcu@gmail.com

Dear Ms Savage,

Financial reports of the National Tertiary Education Industry Union – James Cook University of North Queensland Branch for the financial year ended 30 June 2007 (FR2007/333)

I acknowledge receipt of the financial report of the National Tertiary Education Industry Union – James Cook University of North Queensland Branch for the financial year ended 30 June 2007. The documents were lodged in Fair Work Australia on 11 August 2009.

The financial report has been filed. You are not required to take any further action in connection with the abovementioned report.

I appreciate for the financial year ended 30 June 2009 it is anticipated that, in accordance with the scheme of the organisation's rules, all financial affairs will be administered by the organisation (through its national office) and accounted for accordingly. None the less I draw your attention to a number of matters in the present report which, in the event the Branch was required to again prepare a financial report, should taken into account to achieve full compliance.

1. Timescale Requirements

As you are aware, reporting units are required to undertake their financial reporting obligations in accordance with specified timelines. As the 2007 report has been completed, the relevant timelines are incapable of being remedied. However it should be noted that the timelines have not changed under the *Fair Work (Registered Organisations) Act 2009* (RO Act) and the preparation and lodgment of any future financial report must occur within these timelines.

In particular, sections 253 and 254 of the RO Act require that a General Purpose Financial Report (GPFR) and an Operating Report be prepared as soon as practicable after the end of the financial year. Further, section 266 requires that the financial report be presented to a general meeting of members or a committee of management meeting within six months after the end of the financial year. In the absence of an extension of time for holding a general meeting [see section 265(5)] the latest possible date of lodgment with Fair Work Australia is six months and 14 days after the end of the financial year. I have attached a document which sets out the timelines in diagrammatical form.

In future years, any financial report would need to be prepared in sufficient time to enable presentation to a meeting within six months after the end of the financial year and lodgement in Fair Work Australia no later than 14 days after that meeting.

2. Operating Report

Membership of Committee of Management

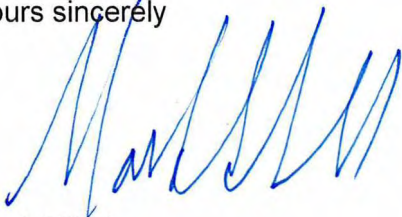
The operating report contained a list of office holders as at the end of the financial year. Please note that the operating report is required to contain the name of each person who has been a member of the committee of management of the reporting unit at any time during the reporting period, and the period for which he or she held such a position – refer to regulation 159(c) *Fair Work (Registered Organisations) Regulations 2009*.

3. References to Schedule 1B

Note 7 makes reference to Schedule 1B of the *Workplace Relations Act 1996*. Such references should have been to Schedule 1 of the *Workplace Relations Act 1996*. Designated Officer's Certificates prepared after 1 July 2009 should refer to the *Fair Work (Registered Organisations) Act 2009*.

If you wish to discuss any matters further, I can be contacted on 03 8661 7811 or via email to mark.elliott@fwa.gov.au.

Yours sincerely

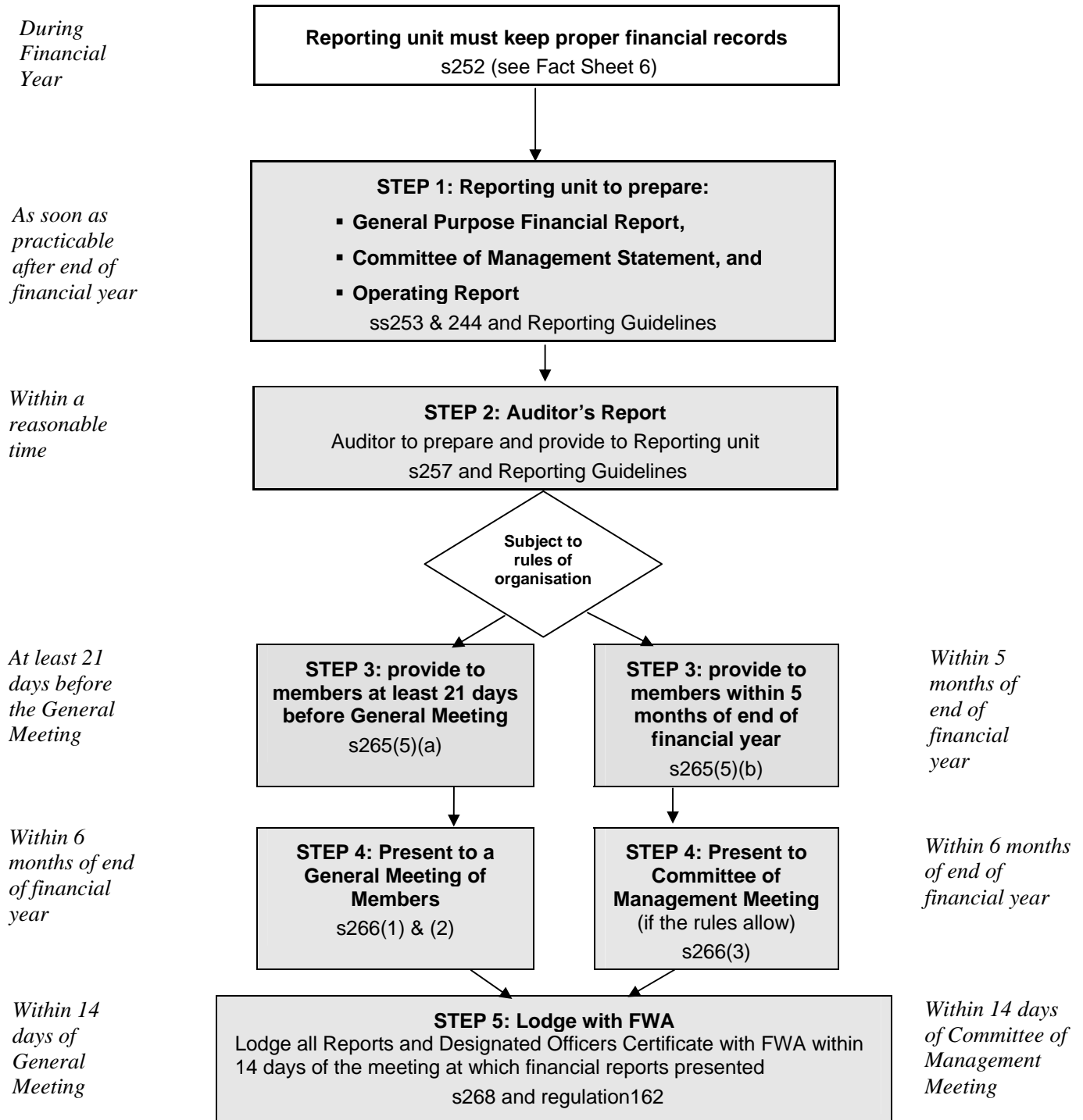


Mark Elliott
Tribunal Services and Organisations
Fair Work Australia
Tel: 03 86617811
Email: mark.elliott@fwa.gov.au

Fair Work (Registered Organisations) Act 2009 Legislation Fact Sheet

Diagrammatic Summary of Financial Reporting Time-lines

Financial reports are to be lodged with FWA within 6½ months of end of financial year by completing the steps as outlined below. See Fact Sheet 8 for an explanation of each of these steps.



Certificate of Secretary or other Authorised Officer**s268 of Schedule 1B Workplace Relations Act 1996**

I Margaret Murphy, being Secretary of the James Cook University Branch certify:

- That the documents lodged 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 June 2009; and
- That the full report was presented to A GENERAL MEETING OF MEMBERS of the reporting unit on 10 July 2009; in accordance with section 266 of the RAO Schedule.

Signature

M. Murphy

Date

17-7-09

**NATIONAL TERTIARY
EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY
BRANCH**

*Financial Statements for the year ended
30 June 2007*

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

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**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

**OPERATING REPORT
FOR THE YEAR ENDED 30 JUNE 2007**

Principal Activities

The principal activities of the Branch during the financial year were:

- To improve and protect the salaries and conditions of employment of our members;
- To represent our members in approaches to and discussions with their employer;
- To negotiate collective agreements which improve the conditions of employment of our members;
- To enforce existing industrial agreements on behalf of our members; and
- To promote industrial peace through conciliation and arbitration.

Results of Principal Activities

The Branch's principal activities resulted in the maintenance and improvement of the salaries and conditions of employment of our members, especially for those members covered by collective agreements negotiated by the Branch.

Significant Changes in the Nature of Principal Activities

There were no significant changes in the nature of the Branch's principal activities during the financial year.

Significant Changes in the Union's Financial Affairs

No matters or circumstances arose during the reporting year which significantly affected the financial affairs of the Branch.

Trustee or Director of a Trustee Company of a Superannuation Entity or an Exempt Public Sector Superannuation Scheme

No officer of the Branch was a Trustee or Director of a Trustee Company of a Superannuation Entity or an Exempt Public Sector Superannuation Scheme.

Number of members

The number of persons who, at the end of the financial year, were recorded on the Register of Members was 348.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

**OPERATING REPORT
FOR THE YEAR ENDED 30 JUNE 2007 (Continued)**

Number of employees

The number of persons who were, at the end of the financial year, employees of the Branch was nil measured on a full time equivalent basis.

Members of the committee of management

The persons who held office as members of the Committee of Management of the Union at the end of the financial year were:

President	Janice Wegner
Vice-President (Academic)	Paul Reser
Vice-President (General)	Gary Gulliford
Branch Secretary	Vacant
Branch Treasurer	Alan Hauqultz
Committee Member	Margaret Murphy
Committee Member	Louise Brown
Committee Member	Alison Cottrell
Committee Member	Toni Peachy
Committee Member	Allison Craven

NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH

OPERATING REPORT
FOR THE YEAR ENDED 30 JUNE 2007 (Continued)

Manner of resignation – s254(2)(c)

Members may resign from the Branch in accordance with Rule 11 (Resignation from Membership) which reads as follows:

- 11.1 A member may resign from membership by written notice addressed and delivered to the member's Branch Secretary or Branch Secretary provided that:
 - (a) Where a written notice of resignation is received by a Branch Secretary, he or she shall as soon as practicable forward a copy of the notice of resignation to the appropriate Branch Secretary;
 - (b) Where a written notice of resignation is received by a Branch Secretary, he or she shall as soon as practicable forward a copy of the notice of resignation to the relevant Branch Secretary.
- 11.2 A notice of resignation from membership takes effect:
 - (a) where the member ceases to be eligible to become a member of the Branch
 - (i) on the day on which the notice is received by the Branch; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;
 whichever is later; or
 - (b) in any other case:
 - (i) at the end of two weeks, or if permitted by law three months after the notice is received by the Branch; or
 - (ii) on the day specified in the notice;
 whichever is later.
- 11.3 Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Branch in a court of competent jurisdiction, as a debt due to the Branch.
- 11.4 A notice delivered to the Branch Secretary or Branch Secretary shall be taken to have been received by the Union when it was delivered.
- 11.5 A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered in accordance with sub-rule 1 of this rule.
- 11.6 A resignation from membership is valid even if it is not affected in accordance with this rule if the member is informed in writing by or on behalf of the Branch that the resignation has been accepted.
- 11.7 Cessation of payment of any dues, levies and other amounts by a member does not, of itself, terminate membership of the Branch.

Name: Janice Wegner
Title: President NTEU James Cook University Branch

Signature: *J.H. Wegner*

Date: 26/3/09

NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH

COMMITTEE OF MANAGEMENT STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

On 26/3/09 the Committee of Management of the National Tertiary Education Industry Union James Cook University Branch passed the following resolution in relation to the general purpose financial report (GPFR) of the reporting unit for the financial year ended 30 June 2007:

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 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 the 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 two 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.
- (f) during the financial year, the Branch did not partake in any recovery of wages activity.

For Committee of Management: Janice Wegner

Title: President NTEU James Cook University Branch

Signature:

Date:

J. Wegner
26-3-09

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

INCOME STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	NOTE	2007 \$	2006 \$
Revenue from ordinary activities:			
Transfer from James Cook Staff Association		15,000	-
Interest		3	-
		<u>15,003</u>	<u>-</u>
Total revenue from ordinary activities		<u>15,003</u>	<u>-</u>
Expenses from ordinary activities:			
Audit & Accounting		1,380	-
Bank charges		15	-
Donations		24	-
Stationery		48	-
		<u>1,467</u>	<u>-</u>
Total expenses from ordinary activities		<u>1,467</u>	<u>-</u>
Net operating surplus		<u>13,536</u>	<u>-</u>

The accompanying notes form part of these financial statements.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

BALANCE SHEET

FOR THE YEAR ENDED 30 JUNE 2007

	NOTE	2007 \$	2006 \$
CURRENT ASSETS			
Cash assets		<u>14,916</u>	<u>-</u>
TOTAL CURRENT ASSETS		<u>14,916</u>	<u>-</u>
TOTAL ASSETS		<u>14,916</u>	<u>-</u>
LIABILITIES			
Payables	2	<u>1,380</u>	<u>-</u>
TOTAL LIABILITIES		<u>1,380</u>	<u>-</u>
NET ASSETS		<u>13,536</u>	<u>-</u>
EQUITY			
Accumulated surplus	3	<u>13,536</u>	<u>-</u>
TOTAL EQUITY		<u>13,536</u>	<u>-</u>

The accompanying notes form part of these financial statements.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

STATEMENT OF RECOGNISED INCOME AND EXPENSE

FOR THE YEAR ENDED 30 JUNE 2007

	NOTE	2007 \$	2006 \$
ACCUMULATED SURPLUS			
Balance at start of the period		-	-
Surplus for the period		<u>13,536</u>	-
Balance at end of period	3	<u>13,536</u>	<u>-</u>

The accompanying notes form part of these financial statements.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

CASH FLOW STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	NOTE	2007 \$	2006 \$
Cash flows from operating activities			
Receipts			
Receipts from other revenue		15,000	-
Interest received		3	-
		<u>15,003</u>	<u>-</u>
Payments			
Cash payments in the course of operations		<u>87</u>	<u>-</u>
Net cash flows from operating activities	4	<u>14,916</u>	<u>-</u>
Net increase in cash held		14,916	-
Cash at the beginning of the financial year		<u>-</u>	<u>-</u>
Cash at the end of the financial year		<u>14,916</u>	<u>-</u>

The accompanying notes form part of these financial statements.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial report is a general purpose financial report that has been prepared in accordance with Australian Accounting Standards including Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board and the Workplace Relations Act 1996.

Basis of Preparation

The financial report has been prepared on an accruals basis and is based on historical costs. It does not take into account changing money values or, except where stated, current valuations of non-current assets.

The following is a summary of the material accounting policies adopted by the Branch in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

(a) Revenue Recognition

(ii) Revenue

Revenues are recognised when the goods or services are provided, or when the fee in respect of services provided is receivable.

(b) Income Tax

No provision for Income Tax is necessary as "Trade Unions" are exempt from income tax under Section 50-15 of the Income tax Assessment Act.

(c) Cash Flows

For the purpose of the cash flow statement, cash includes cash on hand and held at call with banks, net of bank overdrafts.

(d) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Tax Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated with the amount of GST included.

(e) Allocation of Current and Non-Current

An Asset or a Liability shall be classified as current when it satisfies any of the following criteria:

- (a) it is expected to be settled in the entity's normal operating cycle;
- (b) it is held primarily for the purpose of being traded;
- (c) it is due to be settled within twelve months after the reporting date; or
- (d) the entity does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date.

All other assets and liabilities shall be classified as non current.

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

		2007	2006
		\$	\$
2. PAYABLES			
	Audit & Accounting Fees	1,380	-
	Total Liabilities	<u>1,380</u>	<u>-</u>
3. ACCUMULATED SURPLUS			
	Accumulated surplus at the beginning of the financial year	-	-
	Net operating surplus for the year	<u>13,536</u>	<u>-</u>
	Accumulated surplus at the end of the financial year	<u>13,536</u>	<u>-</u>
4. CASH FLOW INFORMATION			
	Reconciliation of net operating surplus to net cash flows from operating activities:		
	Net operating surplus	13,536	-
	Non-cash flows in operating activities:	<u>-</u>	<u>-</u>
	Changes in assets and liabilities:	<u>1,380</u>	<u>-</u>
	Net cash flows from operating activities	<u>14,916</u>	<u>-</u>
5. RELATED PARTY INFORMATION			
	Remuneration of key management personnel		
	Income received or due and receivable by key management personnel of the Branch	<u>-</u>	<u>-</u>

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

6. FINANCIAL INSTRUMENTS

6.1 Financial Assets

Recognised Financial Instruments	Note	Accounting Policy	Terms and Conditions
Cash		Valued at cost. Interest recognised as it accrues.	The rates at balance date were 0.5% and 6.1%.
Payables	2	Liabilities are recognised for amounts to be paid in the future for goods received and services provided to the branch as at balance date whether or not invoices have been received	General creditors are unsecured, not subject to interest charges and are normally settled within 30 days on invoice

6.2 Interest Rate Risk

The Branch's exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities at balance date are as follows:

	2007			Carrying Amount \$	Weighted Average Interest Rate %
	Fixed Interest Rate \$	Floating Interest Rate \$	Non Interest Bearing \$		
Financial assets					
Cash assets	-	14,916	-	-	0.95
Total	-	14,916	-	-	
Financial liabilities					
Payables	-	1,380	-	-	0.95
Total	-	1,380	-	-	

	2006			Carrying Amount \$	Weighted Average Interest Rate %
	Fixed Interest Rate \$	Floating Interest Rate \$	Non Interest Bearing \$		
Financial assets					
Cash assets	-	-	-	-	
Total	-	-	-	-	

**NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH**

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

6. FINANCIAL INSTRUMENTS (CONT'D...)

6.3 Net Fair Value

The aggregate fair values of financial assets and liabilities as at balance date are as follows:

	2007	
	Total Carrying Amount as per Balance sheet \$	Aggregate Net Fair Value \$
Financial Assets		
Cash assets	14,916	14,916
Total Financial Assets	14,916	14,916
Financial Liabilities		
Payables	1,380	1,380
Total Financial Assets	1,380	1,380

	2006	
	Total Carrying Amount as per Balance sheet \$	Aggregate Net Fair Value \$
Financial Assets		
Cash assets	-	-
Total Financial Assets	-	-

7. INFORMATION TO BE PROVIDED TO MEMBERS OR REGISTRAR

In accordance with the requirements of the Workplace Relations Act 1996, the attention of members is drawn to the provision of subsections (1), (2) and (3) of section 272 of Schedule 1B – Registration of accountability of Organisations which reads as follows:

- (1) "A member of a reporting unit, or a Registrar, may apply to the reporting unit for specified prescribed information in relation to the reporting unit to be made available to the person making the application.
- (2) The application must be in writing and must specify the period within which, and the matter in which, the information is to be made available. The period must not be less than 14 days after the application is given to the reporting unit.
- (3) A reporting unit must comply with an application made under subsection (1)."

INDEPENDENT AUDITORS REPORT TO THE MEMBERS OF
NATIONAL TERTIARY EDUCATION INDUSTRY UNION
JAMES COOK UNIVERSITY BRANCH

Scope

The general purpose financial report and Executive Committee's responsibility

The general purpose financial report comprises the income statement, balance sheet, cash flow statement, statement of changes in equity, accompanying notes to the financial statements, and the Executive Committee's statement of the National Tertiary Education Industry Union James Cook University Branch for the year ended 30 June 2007.

The Executive Committee of the Union is responsible for the preparation and fair presentation of the financial report in accordance with the Workplace Relations Act 1996. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect frauds and error, and for the accounting policies and accounting estimates inherent in the financial report.

Audit approach

We conducted an independent audit in order to express an opinion to the members of the Union. Our audit was conducted in accordance with Australian Auditing Standards in order to provide reasonable assurance as to whether the financial report is free of material misstatements. The nature of an audit is influenced by factors such as the use of professional judgment, selective testing, the inherent limitation of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with Accounting Standards and other mandatory financial reporting requirements in Australia and the Workplace Relations Act 1996, a view which is consistent with our understanding of the Union's financial position, and of its performance as represented by the results of its operations and the cash flows.

We formed our audit opinion on the basis of these procedures, which include:

- examining on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report; and
- assessing the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by the executive Committee.


While we considered the effectiveness of management internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide assurance of internal controls.

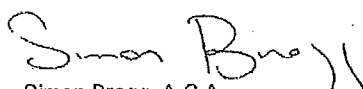
Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Audit Opinion

In our opinion the general purpose financial report is presented fairly in accordance with applicable Australian Accounting Standards and the requirements imposed by Part 3 of Chapter 8 of the RAO Schedule of the Workplace Relations Act 1996.


DFK Collins
Chartered Accountants


Simon Bragg, A.C.A.
Partner
Registered Company Auditor, Registration Number: 291536

Melbourne

Date:

6 Apr 2007



Australian Government
Australian Industrial Registry

16 February 2009

Ms June Bode
Branch Secretary
National Tertiary Education Industry Union
James Cook University of North Queensland Branch

yvonne.mullins@jcu.edu.au

Dear Ms Bode

Lodgement of Financial Documents - Schedule 1 of the Workplace Relations Act 1996 (RAO Schedule)

The RAO Schedule requires the National Tertiary Education Industry Union, James Cook University of North Queensland Branch to lodge audited financial accounts and statements with the Registry within 6 months and 14 days of the end of its financial year.

The Registry has no record of lodgement of financial documents for year ended **30 June 2008**, which should have been lodged with the Registry by **14 January 2009**. Further, the Registry has no record of lodgement of financial documents for years ended **30 June 2007, 2006 and 2005**

In order to avoid exposure to a civil (pecuniary) penalty, you are required to lodge the following documents without further delay:

- A *general purpose financial report* (see section 253(2)(a) of the RAO Schedule);
- A *Committee of Management statement* (see the Registrar's Guidelines);
- An *operating report* (see section 254(2));
- An *auditor's report* (see sections 257(5) to 257(11)); and
- A *certificate of the secretary or other authorised officer* (see section 268)).

I note for your information, that the general purpose financial report must be prepared in accordance with not only the applicable Australian Accounting Standards but also the Registrar's Reporting Guidelines. A copy of the Guidelines is available on our website (details of which are provided below).

The RAO Schedule sets out a particular chronological order in which these documents and statements must be prepared, made available to members and presented to a meeting. All of these events must occur within timeframes that are also specified in the RAO Schedule. Detailed information can be found on our website at <http://www.airc.gov.au/registered/FR/information.htm>, including:

- Fact sheets – the following fact sheets provide information regarding financial reporting:
 - Sheet 6 – Accounting, Auditing and Reporting Obligations;
 - Sheet 7 – Information Needs of Members;
 - Sheet 8 – Financial Reporting Process and Time Limits;
 - Sheet 9 – Diagrammatic Summary of Financial Reporting Process and Time Limits; and
 - Sheet 10 – Auditors.
- Sample Documents – a sample Committee of Management Statement and Designated Officer's Certificate is available;
- RAO Schedule and RAO Regulations;

- Registrar's Reporting Guidelines – the Guidelines set out requirements that must be met *in addition to* those required by Australian Accounting Standards; and
- Document Checklist and Timeline Planner to assist with meeting timeframes.

In the absence of lodgement of the outstanding documents, I request that you state in writing by **9 March 2009**:

- whether a Committee of Management statement and Operating Report have been prepared;
- whether the auditor has audited the general purpose financial report and, if so, the date upon which the auditor signed the audit report;
- whether (and, if so, when) members have been provided with the full report. The 'full report' is made up of the general purpose financial report (including the Committee of Management statement), the auditor's report and the operating report;
- if it has been provided to members, whether the full report has also been presented to a general meeting or committee of management meeting and, if so, when; and
- when a copy of the full report will be lodged with the Industrial Registry.

I draw your attention to the civil penalty provisions of the RAO Schedule [see section 305(2)(ze)] which allow the Federal Court to impose a pecuniary penalty upon a person or organisation where the requirements of section 268 have not been met. You should also be aware of the provisions of Part 1 of Chapter 9 of the RAO Schedule which set out general duties of officers and employees of organisations and their branches in relation to financial management.

The Registry strongly encourages you to lodge documents electronically by sending an email with the documents attached to orgs@airc.gov.au. Alternatively, you can send the documents by fax to (03) 9655 0410.

Yours sincerely,



Larry Powell
Statutory Services Branch



Ref: FR2005/362, 2006/283 and 2007/333-[283V-JCNQ]

Ms June Bode
Branch Secretary
National Tertiary Education Industry Union-
James Cook University of North Queensland Branch
NTEU Office
James Cook University of North Queensland
TOWNSVILLE QLD 4811

Dear Ms Bode

Re: National Tertiary Education Industry Union-James Cook University of North Queensland Branch - Outstanding Financial Documents - *Workplace Relations Act 1996*

The Accounts and Audit Part of Schedule 1 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 years ended 30 June, 2005, 2006 and 2007.

In particular there is no record of lodgement of copies of:

- the general purpose financial report (which includes the Committee of Management Statement);
- the auditor's report; and
- the operating report.

These three reports are referred to as the "full report".

Section 268 of the RAO Schedule¹ 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 **14 January, in the year following the relevant financial year.**

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.

¹ Schedule 1 of the Workplace Relations Act 1996

In the absence of lodgement of a copy of the full report, I request you state in writing by **1 September, 2008**:

- whether a Committee of Management Statement and an Operating Report have been prepared;
- 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 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 Designated Officer's Certificate certifying 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.

You can access the Commission's website where a new site has been created dealing with:

- RAO Fact sheets - These Fact Sheets explain the requirements of the RAO Schedule - many of them deal with financial reporting matters.
- Financial Reporting Sample Documents – Sample Committee of Management's Statement, Designated Officer's Certificate and checklists for illustrative purposes.
- Registrar's Reporting Guidelines - The GPFR 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 Schedule and RAO Regulations

These documents can be accessed at: <http://www.airc.gov.au/registered/FR/information.htm>.

The Registry strongly encourages your organisation to lodge documents electronically by either:

- Sending an email with the documents attached to: orgs@air.gov.au
- Sending the documents by fax to: (03) 9655 0410

If you wish to discuss this letter, please contact me on (03) 8661 7993. In reply please quote: **FR2005/362, 2006/283 and 2007/333**.

Yours sincerely



Larry Powell

E-mail: larry.powell@air.gov.au

4 August 2008

ELLIOTT, Mark

From: POWELL, Larry
Sent: Monday, 4 August 2008 10:49 AM
To: 'yvonne.mullins@jcu.edu.au'
Subject: Outstanding financial reports
Attachments: fr2007-333.doc

Larry Powell
Statutory Services Officer, Team 3
Statutory Services Branch

(03) 8661 7993
larry.powell@air.gov.au