



AUSTRALIAN INDUSTRIAL REGISTRY

Australian Industrial Registry
Level 35, Nauru House
80 Collins Street
MELBOURNE VIC 3000
Telephone: (03) 8661 7888
Fax: (03) 9654 6672

Ref: FR2002/492-[283V-WOLL]

Mr R. Vickers
Secretary
National Tertiary Education Industry Union
University of Wollongong Branch
NTEU Office
Room 2093, Building 19
University of Wollongong
Northfields Ave
WOLLONGONG NSW 2522

Dear Mr Vickers

**Re: National Tertiary Education Industry Union-University of Wollongong Branch
Financial Reporting Obligations under *Workplace Relations Act 1996***

This is a courtesy letter to remind you of the financial reporting obligations of the abovenamed body under the *Workplace Relations Act 1996* ('the Act') for the financial year ended 30 June, 2002.

The legislative scheme set out in Part IX, Division 11 of the Act is directed at ensuring that a registered organisation or a branch of such an organisation discharges obligations of accountability to its members in relation to its financial affairs through proper and regular disclosure of financial information. The various steps of the financial reporting requirements must be carried out within the time-scales prescribed by the legislation so as to ensure the relevance of the financial information provided to the members.

Now that the financial year has ended, it is timely that you put in train the various steps of the financial reporting requirements. To assist you with this process I have enclosed for your information a notice summarising these requirements including the time-scales prescribed by the legislation.

Please do not hesitate to contact me on (03) 8661 7787 if you wish to discuss the financial reporting requirements, especially if you anticipate any difficulty in meeting any step in the time-scales prescribed.

Yours sincerely

Clency Lapiere
Team Manager
E-mail: clency.lapiere@air.gov.au
11 July, 2002

National Tertiary Education Industry Union Wollongong Branch

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President Ron Perrin
VP (Academic) Kim Draisma
VP (General) Belinda Schuster
Secretary: Rodney Vickers
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The Registrar
Australian Industrial Relations Commission
GPO Box 1994S
MELBOURNE 3001

Attention: Mr Larry Powell

Workplace Relations Act, 1996 Application for a Certificate under Section 271A



As current Branch President of the National Tertiary Education Union (NTEU), University of Wollongong Branch, and in consideration of the s271A of the abovementioned Act I apply for a certificate to exempt the Branch from the requirements of the Act relating to financial matters for the financial years ending 30th June 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002.

In support of this application we submit that, for the periods above

1. The Branch has not had any financial transactions;
2. The Branch has not had any interests in any real property;
3. The Branch has not acted as a trustee in any form;
4. The Branch has not had funds under the rules of the NTEU Branch;
5. The Branch structure has been directly mirrored in the form of a staff association, the University of Wollongong Academic Staff Association (UWASA) registered with the Queensland Industrial Registrar and complying with the Industrial Arbitration and Conciliation Act requirements;

6. Members have paid fees to the staff association and all accounting and banking records have been kept by the staff association, in its own name. No branch member has been ineligible for membership of the staff association. The staff association has had one employee who has been paid from staff association funds. The staff association has had some office equipment for the employees use;
7. The staff association has paid capitation fees to the NTEU National Office and the NTEU New South Wales Division;
8. The NTEU, University of Wollongong Branch has not produced any financial statements as it has not had any financial transactions;
9. The NTEU, University of Wollongong Branch has provided services to members on an ongoing basis, with elected officers of the Branch acting for members in personal matters, engaging in enterprise bargaining, attending Australian Industrial Relations Commission hearings, holding fortnightly meetings of the elected executive, reporting to members at regular general meetings and performs all the expected functions of NTEU Branch.


Yours truly,

Ronald W Perrin

Branch President, NTEU University of Wollongong Branch

21st August 2002



AUSTRALIAN INDUSTRIAL REGISTRY

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Mr. R. Perrin
Branch President
National Tertiary Education Industry Union
University of Wollongong Branch
Room 2093, Building 19
University of Wollongong
Northfields Avenue
WOLLONGONG NSW 2522

Dear Mr. Perrin,

Re: Application for certificate of exemption from requirements of Part IX, Division 11 of the Workplace Relations Act 1996 – FR2002/569, 2002/570, 2002/571, 2002/572, 2002/573, 2002/574, 2001/276, 2002/708 and 2002/492.

I refer to your application dated 21 August 2002 for a certificate of exemption under subsection 271A(1) of the *Workplace Relations Act 1996* ('the Act'), in respect of the University of Wollongong Branch of the National Tertiary Education Industry Union, for the financial years ended 30 June 1994, 30 June 1995, 30 June 1996, 30 June 1997, 30 June 1998, 30 June 1999, 30 June 2000, 30 June 2001 and 30 June 2002.

Subsection 271A(1) of the Act provides:

"If, on the application of a branch of an organisation, a Registrar is satisfied, after considering such circumstances (if any) as are prescribed, that the branch did not have any financial affairs in a financial year, the Registrar may issue a certificate to that effect in respect of the financial year."

The effect of the issue of a certificate under subsection 271A(1) is to exempt the applicant branch from obligations arising under Part IX, Division 11 in respect of the financial year - see subsection 271A(2).

Section 271A commenced operation on 31 December 1996 with the passage of Schedule 14(27) of the *Workplace Relations and Other Legislation Amendment Act 1996* ('the WROLA Act'). Neither the new section or the WROLA Act contained any express provisions for retrospective operation in relation to obligations of a branch of an organisation that had arisen in respect of financial years prior to the financial year of the branch immediately preceding commencement of the section. While I'm prepared to consider exercise of the power provided under section 271A in relation to a financial year ended on or after 30 June 1996 I am not satisfied that a Registrar has jurisdiction to do so in relation to an earlier financial year.

Therefore, I decline to provide the certificate sought in relation to financial years ended 30 June 1994 and 1995. Nevertheless, I have noted the information provided in the application in respect of those years and advise that the Registry will not pursue the compliance of the Branch with the requirements of Part IX, Division 11 for financial years ended 30 June 1994 and 1995.

I have granted the application in regard to the financial years ended 30 June 1996, 30 June 1997, 30 June 1998, 30 June 1999, 30 June 2000, 30 June 2001 and 30 June 2002. My certificates are enclosed.

In relation to any future application by the branch under subsection 271A(1) of the Act, I draw your attention to the provisions of subsection 271A(3):-

“The application must be made to the Registrar within 90 days, or such longer period as the Registrar allows, after the end of the financial year.”

Should you wish to discuss the matters raised in this letter, Mr. Larry Powell can be contacted on (03) 8661 7993.

Yours sincerely,



Damien P. Staunton
Deputy Industrial Registrar

30 August 2002



Workplace Relations Act 1996

s.271A certificate of exemption from requirements of Part IX, Division 11

National Tertiary Education Industry Union
(FR2002/492)

CERTIFICATE

On 27 August 2002 an application was made under subsection 271A(1) of the *Workplace Relations Act 1996* for a certificate of exemption by the University of Wollongong Branch of the National Tertiary Education Industry Union in respect of the financial year ended 30 June 2002. I am satisfied that the branch did not have any financial affairs in the year ended 30 June 2002.


Damien P. Staunton
Deputy Industrial Registrar

30 August 2002

