



FairWork
Commission

4 August 2016

Mr Mark Scanlon
President
Restaurant & Catering Industrial
Level 3, 154 Pacific Highway
ST LEONARDS NSW 2065

via email: info@restaurantcater.asn.au
marianne@restaurantcater.asn.au

Dear Mr Scanlon

Section 271 applications for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 for financial years ended 30 June 2016 (FR2016/294)

I refer to your applications pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009* (RO Act), lodged in the Fair Work Commission (FWC) on 21 July 2016 in respect of the Restaurant & Catering Industrial (RCI) for the financial year ended 30 June 2016. I also acknowledge the additional information provided on 4 August 2016 to further support the application of the RCI.

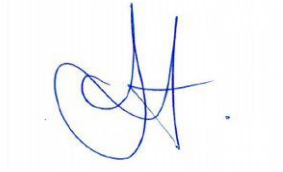
I am satisfied that the RCI is a reporting unit and that it did not have any financial affairs in the financial year which ended 30 June 2016. The attached certificates reflect this decision.

I would like to take this opportunity to remind the RCI that any future application pursuant to s271 of the RO Act must address the following:

- Does the reporting unit maintain a bank account?
- Does the reporting unit hold money in cash?
- Did the reporting unit receive any revenue during the financial year?
- Did the reporting unit expend any money during the financial year?
- Did the reporting unit incur any liabilities during the financial year?
- Did another reporting unit receive money or incur financial obligations so that the reporting unit could conduct its activities? If so, which reporting unit and provide details of the arrangement.
- Did another person, body corporate or trust receive money or incur financial obligations so that the applicant reporting unit could conduct its activities? If so, provide details of the arrangement and evidence which demonstrates that entities compliance with its requirements and obligation under its incorporation.

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

A handwritten signature in blue ink, appearing to be 'CE', enclosed in a light blue rectangular box.

Chris Enright
Director
Regulatory Compliance Branch



CERTIFICATE

Fair Work (Registered Organisations) Act 2009

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

Restaurant & Catering Industrial
(FR2016/294)

MR ENRIGHT

MELBOURNE, 4 AUGUST 2016

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

[1] On 21 July 2016 an application was made under s 271 (1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the Restaurant & Catering Industrial (the Organisation) 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 does not have any financial affairs in respect of the financial year which ended 30 June 2016.



DELEGATE OF THE GENERAL MANAGER

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<Price Code A>

From: Marianne Wells <Mariannew@restaurantcater.asn.au>
Sent: Thursday, 4 August 2016 11:17 AM
To: FENWICK, Joanne
Subject: RE: s.271 application

Hi Joanne,

Further to our telephone discussion this morning, I confirm the following:

- * Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia is registered pursuant to the Association Incorporation Act 1991 (ACT); and
- * Members are provided with a copy of the financial report at the AGM.

I trust that the above information satisfies the further information requested by the Commission in respect of our application for exemption under section 271 of the Fair Work (Registered Organisations) Act 2009.

Please do not hesitate to contact me if you require further information.

Regards,

Marianne Wells | In-House Counsel – Professional Advisory Services Manager
Restaurant & Catering Industry Association

t 1300 722 878 | f 1300 722 396 | e marianne@restaurantcater.asn.au

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Restaurant
& Catering

SAVOUR
AUSTRALIA



20 July 2016

The Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000
Attention: The General Manager

By email only: orgs@fwc.gov.au

Dear Sir/Madam

**APPLICATION FOR EXEMPTION UNDER SECTION 271 OF THE FAIR WORK
(REGISTERED ORGANISATIONS) ACT 2009**

We refer to your letter dated 15 July 2016, and to our telephone conversation of today's date.

Restaurant & Catering Industrial (**R&CI**) would like to make an application for exemption pursuant to s.271(1) of the *Fair Work (Registered Organisations) Act 2009* (the "**Act**") for the financial year ended 30 June 2015 (**FYE 2015**). In making our application, R&CI confirm the following:

1. R&CI did not hold an interest in any real or personal property for FYE 2015;
2. R&CI does not act as trustee in any form;
3. R&CI does not have any funds under rule 7 (Subscription and Levies) under the Registered Rules of R&CI;
4. The members of R&CI pay levies under the rules of the organisation to Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia;
5. R&CI has elected to allow Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia to retain the total of subscription fees collected by R&CI. Therefore, the Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia retains the total fees received for R&CI and relies on Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia to complete administrative and/or secretarial duties;
6. R&CI has not secured any funds to discharge its obligations;



RESTAURANT & CATERING INDUSTRY ASSOCIATION

AUS ABN 73 080 269 905 ACT ABN 78 368 403 792 NSW ABN 26 214 164 082 QLD ABN 52 830 089 419 SA ABN 35 385 875 661 VIC ABN 31 739 604 819

WA ABN 81 641 812 048

PO Box 121, SURRY HILLS NSW 2010 T: 1300 722 878 F: 1300 722 396 E: info@restaurantcater.asn.au


www.rca.asn.au www.savouraustalia.com.au

7. R&CI received a Certificate of exemption under s.271 of the Act for the last financial year; and
8. Restaurant & Catering Industry Association of Australia Inc. (ABN 73 080 269 905) trading as Restaurant & Catering Australia has effective control over the funds of the R&CI with respect to the management of funds.

Having regard to the above, we accordingly request that an application be granted pursuant to s.271 of the Act and look forward to confirmation of the same.

Should you have any questions regarding the above, please do not hesitate to contact our office to discuss.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Scanlan', with a long, sweeping flourish extending to the right.

Mark Scanlan
President

For and on behalf of Restaurant & Catering Industrial



15 July 2016

Mr Matteo Pignatelli
Vice President
Restaurant & Catering Industrial
By email: info@restaurantcater.asn.au

Dear Mr Pignatelli,

**Re: Lodgement of Financial Report - [FR2016/294]
*Fair Work (Registered Organisations) Act 2009 (the RO Act)***

The financial year of the Restaurant & Catering 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,

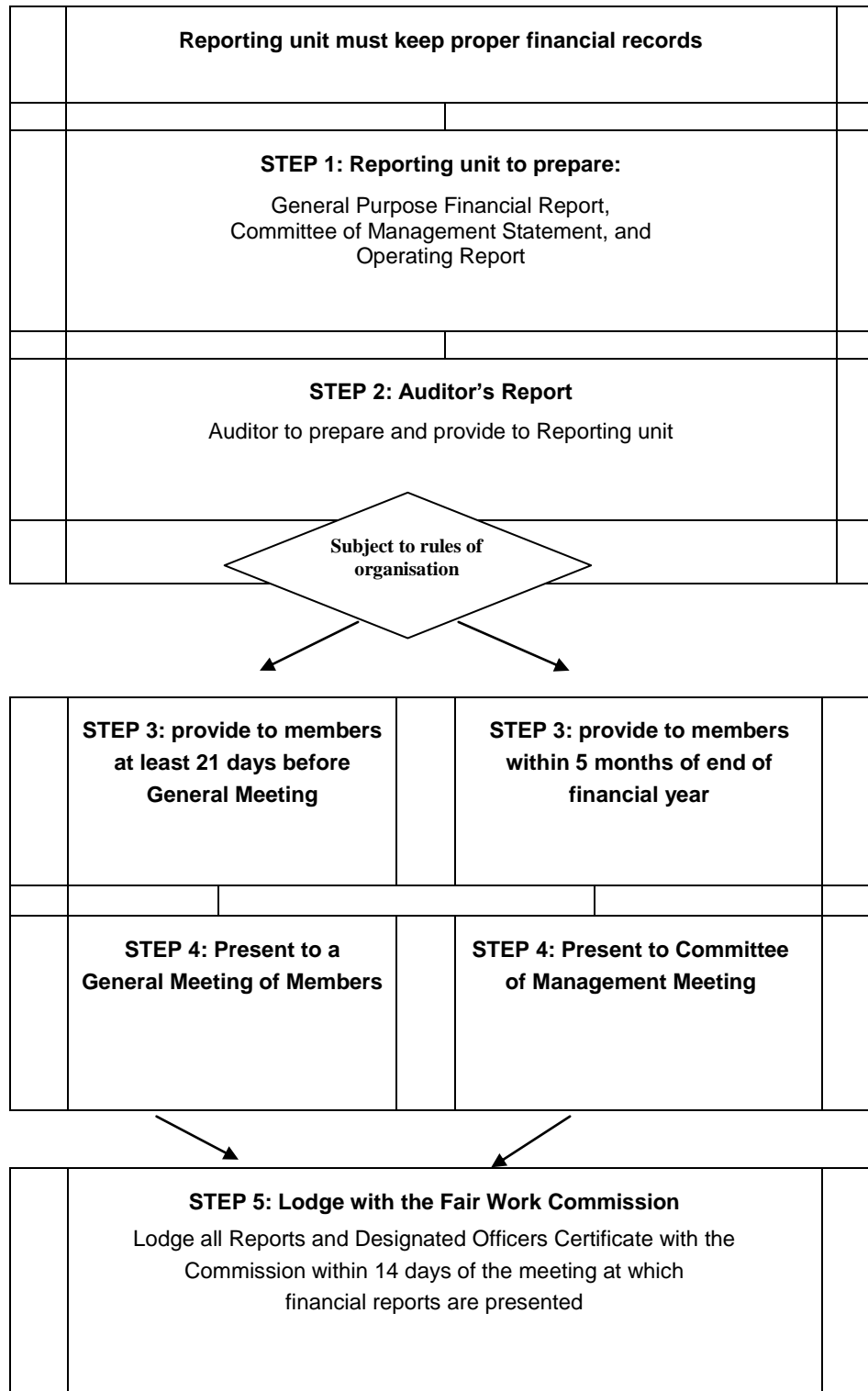


Anastasia Kyriakidis
Adviser
Regulatory Compliance Branch

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