



**Australian Government**  
**Registered Organisations Commission**

26 September 2019

Peter Geoghegan  
Secretary/Treasurer  
Consult Australia [Industrial]  
Sent via email: [info@consultaustralia.com.au](mailto:info@consultaustralia.com.au)

Dear Peter Geoghegan,

**Section 271 application for certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 (the Act) (FR2019/257)**

I refer to the application lodged pursuant to section 271(1) of the Act by the Consult Australia [Industrial] for the financial year ended 30 June 2019. The application was lodged with the Registered Organisations Commission on 19 September 2019.

The application has been granted. The certificate is attached.

If you wish to discuss this matter, please contact me on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Chris Enright', with a small blue mark to the right.

**Chris Enright**  
**Registered Organisations Commission**



## CERTIFICATE

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

**Consult Australia [Industrial]**  
FR2019/257

MR ENRIGHT

MELBOURNE, 26 SEPTEMBER 2019

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

[1] On 19 September 2019 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* by Consult Australia [Industrial] for a certificate of exemption in respect of the financial year ended 30 June 2019.

[2] I am satisfied that the reporting unit did not have any financial affairs in respect of the financial year ended 30 June 2019.



DELEGATE OF THE COMMISSIONER



Consult Australia [Industrial]  
GPO 56  
SYDNEY NSW 2000

19 September 2019

Registered Organisations Commission  
GPO Box 1994  
MELBOURNE 3001

Dear Sir/Madam

**Re: Application for Exemption (Section 271(1)) - [FR2017/162] Lodgement of Financial Documents for year ended 30 June 2019**

We refer to your courtesy call of 17 September 2019 advising that the financial reports for Consult Australia [Industrial] ("the Organisation") must be prepared and processed, as required by the *Fair Work (Registered Organisations) Act 2009* ("the Act").

Pursuant to section 271 of the Act, we hereby apply for a certificate to exempt the Organisation from the requirements of the Act relating to financial matters occurring in the year ended 30 June 2019.

The below information is provided in support of the application:

1. Consult Australia [Industrial] does not trade or carry out financial transactions of any kind and accordingly has no reason to keep accounting records.
2. Consult Australia [Industrial] does not have custody of any real property or moneys.
3. Consult Australia [Industrial] did not receive any revenue during the financial year.
4. Consult Australia [Industrial] did not expend any money during the financial year.
5. Consult Australia [Industrial] did not incur any liabilities during the financial year.
6. Consult Australia [Industrial] did not receive or expend money on any loans, grants or donations during the financial year.
7. There are no other reporting units associated with Consult Australia [Industrial].
8. The reason that the Organisation does not trade is because of the relationship between the Organisation and the Associated Body, i.e. Consult Australia ("the Association")
9. Consult Australia [Industrial] was established as the Registered Organisation supporting members of Consult Australia – the not-for-profit industry association representing consultants operating in the build and natural environment. Membership of the Organisation is available free of charge to Consult Australia members on an opt-in basis and as such no fees are payable to Consult Australia [Industrial].
10. Costs accrued by Consult Australia [Industrial] for Councillor training and for its ongoing operation (primarily staffing costs) during the financial year were paid by Consult Australia in accordance with the Agreement between the Association and the Organisation. Consult Australia is not a Registered Organisation and therefore is not a reporting unit.

I further note that Consult Australia is a registered company under the Corporations Act and is subject to the scrutiny of the Australian Securities and Investments Commission ("ASIC"), with an annual requirement to provide a fully audited general purpose financial report for the preceding 12-month period (last reported period 1 July 2018 to 30 June 2019).

This process involves a full audit of the Association's financial affairs which is presented to the Board and in August of each year and is then published in the Annual report which is provided to all members prior to the AGM in October and is published on the Association's website which is freely available for all members to view.

Based on the above, we respectfully request that an exemption from the requirements be granted.

If you have any queries regarding this matter, please contact Kisanne Dulin, Industrial Officer on 02 8252 6718.

I confirm that, in accordance with the Consult Australia [Industrial] Rules, as Treasurer, I am authorised to act on behalf of the Organisation.

Yours sincerely



Peter Geoghegan  
**Treasurer**  
Consult Australia [Industrial]



2 July 2019

Peter Geoghegan  
Secretary/Treasurer  
Consult Australia [Industrial]  
Sent via email: [info@consultaaustralia.com.au](mailto:info@consultaaustralia.com.au)

Dear Peter Geoghegan,

**Re: Lodgement of Financial Report - FR2019/257  
*Fair Work (Registered Organisations) Act 2009 (the RO Act)***

The financial year of the Consult Australia [Industrial] (the reporting unit) ended on 30 June 2019. This is a courtesy letter to remind you of the reporting unit's obligations regarding financial reporting.

### **Loans Grants and Donations Statement**

The reporting unit is required to 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 of the RO Act requires this statement to be lodged with the Registered Organisations Commission (the ROC) within 90 days of the end of the reporting unit's financial year, that is on or before 28 September 2019.

The attached fact sheet *Loans Grants and Donations* (FS 009) summarises the requirements of the Loans Grants and Donations Statement. A sample statement of loans, grants or donations is available on our [website](#).

It should be noted that s.237 is a civil penalty provision. If a loan, grant or donation over \$1000 has been made, failure to lodge a statement of loans, grants and donations (including failure to lodge on time) may result in legal proceedings being issued with the possibility of a pecuniary penalty (up to \$105,000 for each contravention for a body corporate and up to \$21,000 for each contravention for an individual) being imposed upon your organisation and/or an officer whose conduct led to the contravention.

### **Financial report**

The RO Act sets out a particular chronological order in which your financial report must be prepared, audited, provided to members, presented to a meeting and then lodged with the ROC. The attached document *Summary of Financial Reporting timelines* (FS 008) summarises these requirements.

We emphasise that the reporting unit is required to present its audited financial report to a meeting (either of members or of the committee of management, depending on your rules) no later than 31 December 2019 (s.266). The full financial report must be lodged with the ROC within 14 days of that meeting (s.268).

When assessing your financial report, we will continue to focus closely on timelines as well as how loans, grants and donations are reported. The financial report must break down the amounts of grants and donations and these figures will be compared to the loans, grants and donations statement (see attached *Loans Grants and Donations* fact sheet FS 009).

You can visit our website for more information regarding [financial reporting](#), and fact sheets regarding [financial reporting processes and requirements](#). A model set of financial statements developed by the ROC is also available on our website. 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.

It should be noted that s.268 of the RO Act is a civil penalty provision. Failure to lodge the full financial report (including failure to lodge on time) may result in legal proceedings being issued with the possibility of a pecuniary penalty (up to \$105,000 for each contravention for a body corporate and up to \$21,000 for each contravention for an individual) being imposed upon your organisation and/or an officer whose conduct led to the contravention (s.268).

### **Auditor's report**

When assessing the financial report we will also focus on the structure and content of the auditor's report to ensure that it complies with the revisions made to the Auditing Standards which came into effect from 15 December 2016. Please find [here](#) a link to guidance note *Illustrative Auditor's Report* (GN 004) relating to these requirements (which can also be located on our website).

## **REMINDER**

### **YOUR AUDITOR MUST BE REGISTERED (s.256)**

You must ensure that your auditor is registered by the Registered Organisations Commissioner. A list of registered auditors is available on our [website](#).

### **Contact**

Should you require any clarification in relation to the above, please email [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours faithfully,

**Kylie Ngo**  
**Registered Organisations Commission**

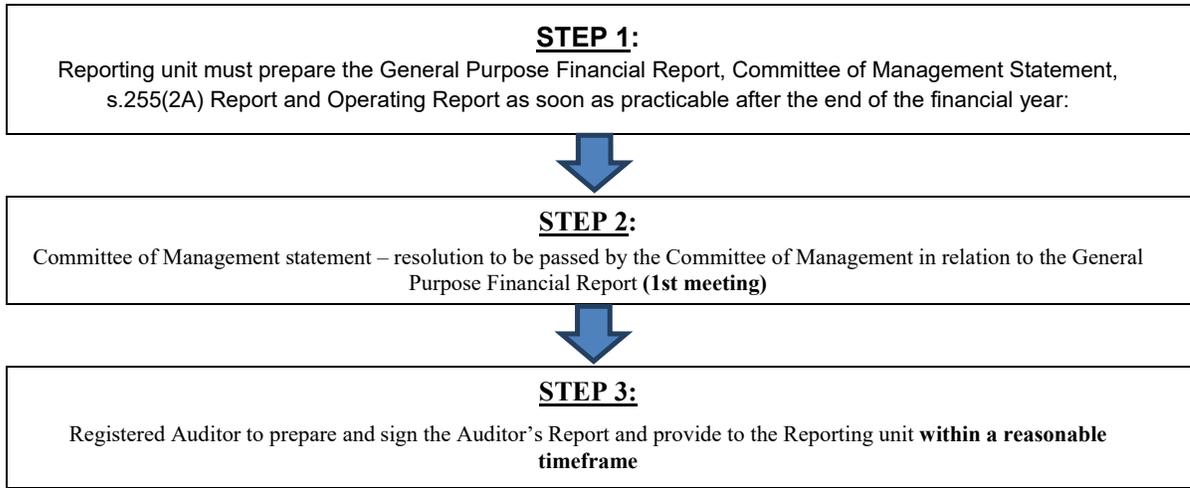


## Fact sheet

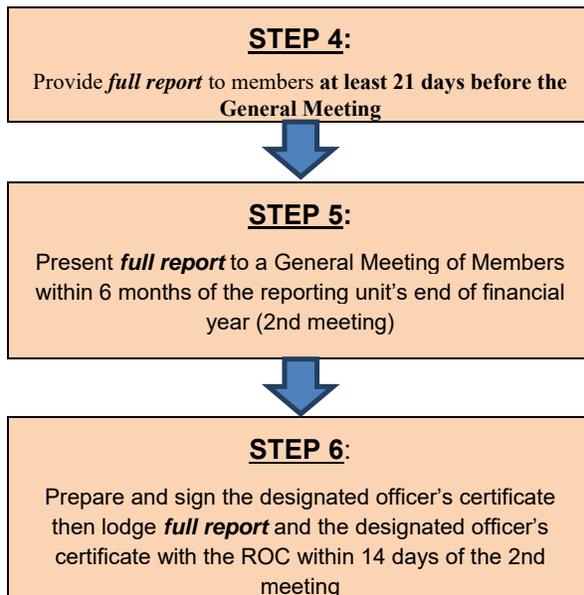
### Summary of financial reporting timelines – s.253 financial reports

#### General Information:

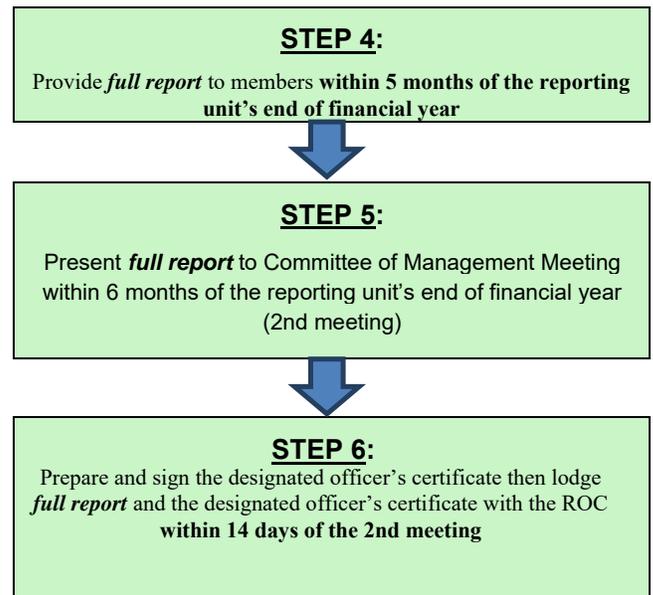
- The **full report** consists of the General Purpose Financial Report, Committee of Management Statement, Operating report, s.255(2A) Report and signed Auditors' Report
- For an explanation of each of the steps below see our [Fact sheet—financial reporting process](#).



IF RULES PROVIDE FOR PRESENTATION OF FULL REPORT  
AT GENERAL MEETING OF MEMBERS  
(this is the default process in the RO Act)



IF RULES PROVIDE FOR PRESENTATION OF FULL REPORT AT  
COMMITTEE OF MANAGEMENT MEETING  
(Special rules must be in the rulebook to use this process)



## Misconceptions

Over the years, staff of the Commission have noted that there are some common misunderstandings made in relation to the Financial Reporting Process. They include:

Misconception	Requirement
✘ The Committee of Management statement is just copied from the Reporting Guidelines	✔ The Committee of Management statement must have the date of the Committee of Management resolution recorded upon it and it must be signed and dated BEFORE the auditor signs their report  Further, if any of the statements within it need to be modified to suit the reporting unit (for instance not holding meetings) these changes must also be made
✘ The Auditor's Report does not need to be signed until just before it is lodged with the ROC	✔ The Auditor's Report must be signed and dated BEFORE the full report (including the Auditor's Report) is sent to members and presented to the second meeting
✘ The Designated Officer's Certificate must be signed before the report is sent to members	✔ The Designated Officer's Certificate declares what the reporting unit HAS ALREADY DONE to provide the report to members and present it to the meeting. It must be signed and dated AFTER sending the report to members and the second meeting
✘ Documents can be dated when they should have been signed or when the events in the document occurred	✔ Documents must always be dated at the date they are actually signed by an officer or auditor
✘ Any auditor can audit a financial report	✔ Only registered auditors can audit the financial report
✘ The Committee of Management statement can be signed at any time	✔ The resolution passing the Committee of Management Statement must occur and the statement signed and dated BEFORE the auditor's report is signed and dated
✘ Any reporting unit can present the Full Report to a second COM meeting	✔ Only reporting units with a 5% rule in their rulebook are able to present their report to a second Committee of Management Meeting. Otherwise, it must be presented to a General Meeting of members
✘ Everything can be done at one Committee of Management meeting	✔ If the rules allow for presenting the report to the Committee of Management, there must still be <u>two meetings</u> . The first meeting resolves the Committee of Management statement (including signing and dating it). Between the two meetings the Auditor's report is signed and dated. Only then can the full report be presented to the second Committee of Management meeting (if the rules allow)
✘ The reporting unit has 6 months and 14 days to lodge their financial report with the ROC	✔ The reporting unit must lodge the financial report within 14 days of the second meeting

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This fact sheet is not intended to be comprehensive. It is designed to assist in gaining an understanding of the Registered Organisations Commission and its work. The Registered Organisations Commission does not provide legal advice.



## 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 Commissioner'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 exceeds \$1000. The following information must be supplied to the Registered Organisations Commission (the ROC) 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 ROC has a [Template Loans, Grants and Donations Statement](#) on its website. The ROC 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 14(e) of the Commissioner'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 [ROC's Model Statements](#) the note appears as follows:

### Note 4E: Grants or donations\*

	2017	2016
Grants:		
Total expensed that were \$1,000 or less	-	-
Total expensed that exceeded \$1,000	-	-
Donations:		
Total expensed that were \$1,000 or less	-	-
Total expensed that exceeded \$1,000	-	-
<b>Total grants or donations</b>	<b>-</b>	<b>-</b>

The Commissioner's Reporting Guidelines requires that these line items appear in the financial statements, the notes or in the officer's declaration statement, even if the figures are NIL.

## **Implications for filing the Financial Report**

During their review of the financial report staff of the ROC may 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 last 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 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 ROC on [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)