**EXEMPTION FROM ACCOUNTING OR AUDIT PROVISIONS**

**Exemption from whole or part of subdivisions 3 and 4 of Division 6 of Part 11 of Chapter 12 of the Act**

**FOR AN ORGANISATION WITH A COUNTERPART FEDRAL BODY**

INDUSTRIAL RELATIONS ACT 2016 - SECTION 808

INDUSTRIAL RELATIONS REGULATION 2018 – SECTION 18

INDUSTRIAL RELATIONS (TRIBUNAL) RULES 2011 – RULE 205

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| **The application must be:** | **Reference** |
| In the chapter 12 approved form. (Form 56) | Rule 205(a) |
| Be accompanied by a copy of the most recent audit report or relevant accounts for the applicant’s counterpart federal body (CFB) lodged under the Commonwealth Registered Organisations Act, s 268, certified by the president or secretary or secretary of the CFB as being a true copy; and | Rule 205(b) |
| Be accompanied by a copy of a letter from the registry of the Australian commission to the applicant’s CFB acknowledging the lodging of the documents with the Australian commission. | Rule 205(c) |
| Must state the grounds on which it is made. | Regulation 18 |

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| **The registrar may grant the exemption only if satisfied:** | **Reference** |
| The applicant has a counterpart federal body; and | 808(2)(a) |
| The Commonwealth Registered Organisations Act imposes accounting and audit obligations on the CFB of the applicant that are an adequate substitute for each provision from which the applicant would be exempted; and | 808(2)(b) |
| The CFB has complied with the provisions of the Commonwealth Registered Organisations Act that correspond, or substantially correspond, with the provisions from which the organisation would be exempted; and | 808(2)(c) |
| If the exemption is granted – the applicant will continue to be financially accountable to its members | 808(2)(d) |

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| **NOTE: Obligations after exemption granted and timeframes** | **Reference** |
| A copy of the CFB’s audit report must be given to members (if a general meeting of members is held within 6 months after the end of the financial year) - at least 21 days before the general meeting of members; or | s 780(1)(a) |
| A copy of the CFB’s audit report must be given to members (if a general meeting of members is not held within 6 months after the end of the financial year) - within 5 months after the end of the financial year | s 780(1)(b) |
| If a reporting unit publishes a journal of the reporting unit that is available to its members free of charge, a designated officer of the reporting unit is taken to have complied with the requirements that the audit report is given to members, if the CFB audit report is published in the journal - timeframes in s 780(1)(a) and (b) apply | s 781 |
| A copy of the CFB’s audit report must be presented to a general meeting of members or to a Committee of Management meeting within 5 months after the end of the financial year – or if the Registrar has extended the time to hold the meeting – the extended time | s 782 |
| The audit report prepared by the counterpart federal body and statutory declaration by the designated officer must be lodged in the Registry within 14 days of meeting referred to in s 782 | s 784 |