

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2017 - 2018

Division/Agency: Australian Securities and Investment Commission

Question No: 118

Topic: Union Education Fund

Reference: Hansard page 6 (31 May 2017)

Senator: Abetz, Eric

Question:

Senator ABETZ: I have some quick and discrete areas of inquiry. The first one relates to the Union Education Fund, and I am assuming that you do not have those records with you, so could you take on notice when was the last time an annual report was filed with ASIC. I understand from my searching that it was in 2009, but could you please confirm that. If that is the case, what, if any, follow-up action has ASIC taken in relation to this matter? Part of my concern is that, if I am understanding this correctly, this body is still administering some taxpayer funds. So can I leave that with you.

Mr Medcraft: We will take that on notice.

Answer:

The Union Education Fund does not appear on the ASIC Corporate Register.

However, The Union Education Foundation Limited (**TUEFL**) is registered as a special purpose company. TUEFL lodged an annual report in 2009 and then notified ASIC that from the 2010 financial year, it is a small company limited by guarantee and therefore, not required to prepare and lodge a financial report or a directors' report.

Directors of companies determine whether their company meets the definition of a "small company limited by guarantee" through application of section 45B of the *Corporations Act 2001 (the Act)*. Sections 285A and 292(3) of the Act relieve small companies limited by guarantee of obligations to prepare and lodge financial reports or directors' reports unless they are directed to by ASIC or members with at least 5% of votes.

ASIC does not have any information to suggest that TUEFL is no longer a small company limited by guarantee. Should we receive information to the contrary, we will raise this with TUEFL.

It is noted that TUEFL, in its 2009 accounts, disclosed its purpose as the "trustee of The Union Education Foundation, a charitable trust". Further information regarding The Union Education Foundation, including its latest financial report, is available on the Australian Charities and Not-for-profits Commission's website.