



24 October 2023

Karl David
Branch President
Police Federation of Australia-Victoria Police Branch
Sent via email: general@tpav.org.au
pfa@pfa.org.au

Dear Karl David

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) (FR2023/119)

I refer to the application lodged pursuant to section 271(1) of the Act by the Police Federation of Australia-Victoria Police Branch (the reporting unit) for the financial year ended 30 June 2023. The application was lodged with the Fair Work Commission (the Commission) on 6 October 2023.

Section 271(3) of the Act states that the application lodged pursuant to section 271(1) must be made to the General Manager within 90 days, or such longer period as the General Manager allows, after the end of the financial year (i.e. 28 September 2023). On 24 July 2023, the Commission sent the reporting unit correspondence reminding it of its obligations in relations to financial reporting and information regarding reduced financial reporting requirements under section 271.

On 5 October 2023, the reporting unit's senior accountant, Saritha Menon advised the Commission that due to changes in the organisation's key personnel who oversaw this process, the lodgment of section 271 application had been overlooked. As abovementioned, the section 271 application was not lodged until 6 October 2023.

Please note that in future financial years if the reporting unit cannot lodge an application within the 90-day period prescribed, a written request for an extension of time, signed by a relevant officer, including any reason for the delay, must be made prior to the expiry of the 90 day period.

Having considered your reasons and the information provided in the application, I approve the application. The certificate is attached.

If you have any queries regarding this letter, please call 1300 341 665 or email regorgs@fwc.gov.au.

Yours sincerely

Chris Enright
Executive Director
Fair Work Commission



Fair Work
Commission

CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.271—Certificate of exemption from requirements of Chapter 8, Part 3

Police Federation of Australia-Victoria Police Branch

FR2023/119

MR ENRIGHT

MELBOURNE, 24 OCTOBER 2023

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

[1] On 6 October 2023 an application was made under section 271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Police Federation of Australia-Victoria Police Branch for a certificate of exemption in respect of the financial year ended 30 June 2023.

[2] I am satisfied that the reporting unit did not have any financial affairs in respect of the financial year ended 30 June 2023.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer



THE POLICE ASSOCIATION VICTORIA

5 October 2023

Fair Work Commission
Email: regorgs@fwc.gov.au

Dear Sir/Madam

Application for Exemption (Section 271(1)) Lodgement of Financial Reports for year ended 30 June 2023

Thank you for your courtesy reminder about preparing and processing the financial reports for the Police Federation of Australia Victoria Branch ("the Branch"), as required by the *Fair Work (Registered Organisations) Act 2009* ("the Act").

In accordance with the Police Federation of Australia, Victoria Branch Rules, as President, I am authorised to act on behalf of the Branch.

Pursuant to section 271 of the Act, we hereby apply for a certificate to exempt the Branch from the requirements of the Act relating to financial matters occurring in the year ended 30 June 2023.

In support of the application, I state the following:

1. The Branch does not trade or carry out financial transactions of any kind.
2. The Branch does not have an account with a bank or any other financial institution, nor does it have custody of any real property or monies.
3. The Branch accordingly has no reason to keep accounting records.
4. The reason that the Branch does not trade is because of the relationship between the Branch and the Associated Body, i.e. The Police Association ("the Association") referred to in Rules 6A, 68 and the membership application form at Annexure "A" of the Federal Rules of the Police Federation of Australia.
5. The Associated Body was incorporated on 31 March 1947.
6. The Branch was not formed until 31 December 1997, when the Police Federation of Australia was registered as an organisation.
7. Since inception, the Associated Body has carried out financial transactions, including the collection of membership fees, the payment of accounts for expenses incurred in carrying out regular business, has operated a bank account, has leased and/or owned property and office machinery, has made donations exceeding \$1,000, has employed and paid wages of employees.
8. Membership of the Branch and the Associated Body are identical and indistinguishable. No member of the Branch is ineligible for membership of the Associated Body. No prospective member has applied to be a member of the Branch and not also a member of the Associated Body.

70 Jolimont Street, East Melbourne VIC 3002
PO Box 76, Carlton South VIC 3053

Protect. Support. Advance.

P (03) 9468 2600 **E** general@tpav.org.au **tpav.org.au**

ABN: 78 004 251 325

9. The Officers of the Associated Body are the officers elected by the Branch in accordance with the Branch Rules and the Federal Rules. The Branch Executive meets monthly and regulates the affairs of the Branch in a thorough and consistent manner. Officers of the Branch act for and appear for members in the Fair Work Commission.
10. The Association as the Associated Body is the representative industrial organisation for a majority of Victoria Police members (total full financial members at 1 July 2023 is 17,482).
11. The Association 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 2022 to 30 June 2023).
12. This process involves a full audit of the Association's financial affairs carried out by a second-tier accounting firm, LD Assurance, who are appointed as auditors of the Association at each annual general meeting held in September.
13. The audit carried out by LD Assurance is presented to the Directors' meeting in September of each year and is then published on the Association's website (www.tpav.org.au) which is freely available for all members to view.
14. The financial report was presented to members at the annual general meeting of the Association held on Thursday 21 September 2023.
15. The Association is required to lodge the 2022/2023 financial report with ASIC in accordance with the Corporations Act 2001.
16. The only financial concern of the Branch relates to the payment of capitation fees by the Branch to the Federal Fund pursuant to Rule 7 of the Police Federation Rules. This fee is paid by the Associated Body in accordance with Rule 7(e) of the Rules.

The signed statement of loans, grants and donations for the Branch for 2022-23, which shows a Nil return, has already been submitted to the Fair Work Commission by email within the due-date of 28 September 2023. This exemption application was however missed to be submitted due to an oversight.

We respectfully request that you condone the delay in submitting this exemption application and provide an exemption from the requirements in consideration of the aforementioned matters.

If you have any queries regarding this matter, please contact Ms Parneet Kaur, Corporate Services Manager, on 03 9468 2600.

Your Sincerely



Karl David
President