



FAIR WORK  
AUSTRALIA

8 February 2010

Mr Frederik Wubbeling  
President  
Australian Principals Federation  
Unit 2, 13-21 Vale Street  
NORTH MELBOURNE VIC 3051

By email: [apf@apf.net.au](mailto:apf@apf.net.au)

Dear Mr Wubbeling

**Fair Work (Registered Organisations) Act 2009 – (RO Act)  
Section 271 Certificate of exemption from requirements of Chapter 8, Part 3  
Financial report for year ended 30 June 2008 – FR2008/308**

I refer to the s271(1) application for the Australian Principals Federation (APF) dated 11 September 2009. Following a request by Fair Work Australia on 7 January 2010, further information was lodged in support of that application on 25 January 2010. I also refer to the application for extension of time under s271(3).

Given the circumstances as they relate to the registration of the AFP as an organisation, I have granted an extension of time under s271(3) for the s271(1) application.

I am satisfied that the reporting unit, Australian Principals Federation, did not have any financial affairs in the year ended 30 June 2008.

The certificate is attached.

Yours sincerely,

Terry Nassios  
Delegate of the General Manager  
Fair Work Australia



FAIR WORK  
AUSTRALIA

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

**Australian Principals Federation**

(FR2008/308)

**CERTIFICATE**

On 11 September 2009 an application was made under section 271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Australian Principals Federation for a certificate of exemption in respect of the financial year ended 30 June 2008. I am satisfied that the said organisation is a reporting unit that did not have any financial affairs in the year ended 30 June 2008.



T. NASSIOS  
Delegate of the General Manager  
Fair Work Australia

8 February 2010



*Australian Principals Federation*

ABN: 57 322 696 251

**APF**

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25 January 2010

Ms Cyntia Lo-Booth  
Tribunal Services and Organisations  
Fair Work Australia  
11 Exhibition Street  
Melbourne  
VIC 3000

Dear Ms Lo-Booth,

I acknowledge receipt of your letter dated 7 January 2010 in which you seek supportive written information concerning the Australian Principals Federation (APF) application for exemption from financial reporting obligations for the year ended 30 June 2008 under s271 of the RO Act.

Before responding to the specific questions you ask I provide the following historical context:

The antecedent of the APF was the Victorian Principals Federation (VPF). This was an organisation of Victorian Government School Principal Class Officers. The VPF was registered with the AIRC in 1999 but its registration was overturned following an appeal by the Australian Education Union to the Full Bench of the AIRC shortly afterwards.

Following discussions with principals from Western Australia the VPF was renamed to become the APF in 2003 for the purpose of making a fresh application for registration. At that time the APF was a single entity with members predominantly from Victoria and a small number (around 80) from Western Australia. Its committee of management was the APF Council which comprised the former VPF Council members augmented by two WA representatives. A fresh application for registration was lodged by the APF in 2003 resulting in it being granted in January 2006. All APF assets therefore were in reality those previously in the hands of the Victorian organisation. The only APF bank account in existence was the same one that had always been used by the Victorian organisation since the 1990s. All property was in the name of the Victorian organisation but which now had as its name the APF not the VPF.

Once registered in 2006 and successfully defending it against an AIRC Full Bench appeal lodged again by the AEU, after considering the industrial landscape of our members the APF sought to restructure and amend its rules. The AIRC approved registration of new APF rules

in September 2007 which included provisions for a Federal office and the formation of Victorian and Western Australian branches.

Rule 46, entitled *Transitional Rule 2007*, in the amended and now current APF rules provided for the Federal and State Branch officers and Council members at inception in September 2007 but some time elapsed before the new structure became truly operational. This was due to the requirement for fresh elections needing to be conducted by the Australian Electoral Commission (these were not able to be completed until 10 December of that year) and the bedding down of a range of administrative details.


The net result of all of this was that the Federal Office had no assets until after 30 June 2008 since they belonged to the previous Victorian organisation which became the APF Victorian Branch. The Federal Office undertook no financial transactions until after 30 June 2008 even though the decision to levy a capitation fee on both branches had been made in December 2007. No expenses had been incurred by the Federal Office until those related to the administrative cost of the first Federal Council meeting since restructuring on 23 June 2008. This precipitated in the charging of the capitation fee of the branches on 4 July 2008.

Turning now to the specific questions you raise in your correspondence:

- How did the Federal Office divest themselves of property and cash assets listed in the financial report for the year ended 30 June 2007? *As stated in the foregoing APF property or funds were never those of the Federal Office but belonged to the organisation which ultimately became the APF Victorian Branch. There was no actual physical divestment or funds transfer since assets continued to be managed by the same individuals and in the name of the same organisation as previously. For reporting purposes the assets in question were the property of the only registered entity in existence at the time which was the Federal APF but which belonged to what would become the Victorian Branch.*
- Was a capitation fee payable by APF branches 1 July 2007 to 31 December 2007? *The short answer is no – the capitation levy was not intended to be retrospective as it was designed only to cover expenses incurred by the Federal Office which were zero in the six month period in question.*

I hope that I have clarified issues sufficiently for your purposes. If not then I would be happy to provide you with any further details.

Yours sincerely,



Fred Wubbeling  
Federal President and President of Victorian Branch



FAIR WORK  
AUSTRALIA

7 January 2010

Mr Fred Wubbeling  
President  
Australian Principals Federation  
Unit 2, 13-21 Vale Street  
NORTH MELBOURNE VIC 3051

By email: [apf@apf.net.au](mailto:apf@apf.net.au)

Dear Mr Wubbeling

**Fair Work (Registered Organisations) Act 2009 (RO Act)  
Financial report for year ended 30 June 2008 (FR2008/308)**

I acknowledge receipt of the application under s271 of the RO Act for the Australian Principals Federation (APF) to be exempt from its financial reporting obligations for the year ended 30 June 2008. I also acknowledge receipt of the application under s271(3) seeking an extension of time beyond the required 90 days due to the Full Court of the Federal Court decision in *Australian Education Union v Lawler & Ors* [2008] FCAFC 135 quashing the registration of the APF as a registered organisation on 18 July 2008. The applications were lodged with Fair Work Australia on 23 October 2009.

Before taking the applications to the General Manager I require further written information.

The section 271 application appears to be saying that:

- The Federal Office did not hold an interest in any real property or personal property for the financial year ending 30 June 2008.
- The Federal Office did not have any funds under rule 27 of the APF rules. The funds that fall under rule 27 relevantly include capitation fees, interests or income derived from investments.
- On 21 December 2007, the APF Federal Council determined a capitation fee of \$5 was payable to the Federal Office of the APF for the period of 1 January 2008 to 31 December 2008.
- This capitation was not charged to the Branches or paid by the Branches until 4 July 2008.

You are requested to provide further written information regarding the following in support of the section 271 application:

- In the financial report for year ended 30 June 2007 for the APF Federal Office that was lodged with and filed by FWA on 4 December 2009, the Balance Sheet and Note 4 to the accounts disclosed that there were assets to a net value of \$28,250 for motor vehicles, \$108,264 for office furniture and equipment and \$1,620 for a professional library. There

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was an aggregate figure of \$138,134 in plant and equipment owned by the APF Federal body. (See Attachment A).

How did the APF Federal Office divest themselves of this property for the financial year ended 30 June 2008? Where did that property go?

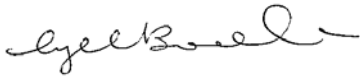
- In the same financial report, the Balance Sheet and Note 3 to the accounts disclosed that the Federal Office had cash assets of \$192,386. \$155,051 was held in term deposits, \$37,189 in a general cheque account and \$146 as cash on hand. (See Attachment A).

Did APF Federal Office transfer these funds to another entity and to which entity?

- For the period of 1 July 2007 to 31 December 2007 was there any capitation fee payable by the APF Branches?

If you have any queries regarding this letter please do not hesitate to contact me on (03) 8661 7989 (Wed – Fri) or via email at [cynthia.lobooth@fwa.gov.au](mailto:cynthia.lobooth@fwa.gov.au)

Yours sincerely,



Cynthia Lo-Booth  
Tribunal Services and Organisations

Enc.

# ATTACHMENT A

## THE AUSTRALIAN PRINCIPALS FEDERATION

### BALANCE SHEET AS AT 30 JUNE 2007

	NOTE	2007 \$	2006 \$
<b>CURRENT ASSETS</b>			
Cash	3	192,386	197,042
Receivables		41,215	27,943
		-----	-----
<b>TOTAL CURRENT ASSETS</b>		<b>233,601</b>	<b>224,985</b>
		-----	-----
<b>NON-CURRENT ASSETS</b>			
Property, plant & equipment	4	138,134	139,139
		-----	-----
<b>TOTAL NON-CURRENT ASSETS</b>		<b>138,134</b>	<b>139,139</b>
		-----	-----
<b>TOTAL ASSETS</b>		<b>371,735</b>	<b>364,124</b>
		-----	-----
<b>CURRENT LIABILITIES</b>			
Creditors and borrowings	5	37,304	12,415
Employee benefits	6	17,596	4,587
		-----	-----
<b>TOTAL CURRENT LIABILITIES</b>		<b>54,900</b>	<b>17,002</b>
		-----	-----
<b>NON CURRENT LIABILITIES</b>			
Employee benefits	6	35,220	25,651
		-----	-----
<b>TOTAL LIABILITIES</b>		<b>90,120</b>	<b>42,653</b>
		-----	-----
<b>NET ASSETS</b>		<b>\$ 281,615</b>	<b>\$ 321,471</b>
		=====	=====
<b>MEMBERS' EQUITY</b>			
Reserves	7	126,212	84,773
Retained Profit		155,403	236,698
		-----	-----
		<b>\$ 281,615</b>	<b>\$ 321,471</b>
		=====	=====

The above balance sheet should be read in conjunction with the accompanying notes.

**THE AUSTRALIAN PRINCIPALS FEDERATION**  
**NOTES TO AND FORMING PART OF THE ACCOUNTS**  
**FOR THE YEAR ENDED 30TH JUNE 2007**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (continued)**

**(j) New accounting standards and interpretations**

Certain new accounting standards and interpretations have been published that are not mandatory for 30 June 2007 reporting periods. The Federation has assessed the impact of these new standards and interpretations and is not expecting a significant impact on the financial statements.

	2007	2006
	\$	\$
<b>2. EXPENSES</b>		
Operating (loss) profit includes the following specific expenses:		
Depreciation of plant and equipment	20,223	16,731
Provisions – employee entitlements	21,624	7,183
	-----	-----
	\$ 41,847	\$ 23,914
	=====	=====

**3. CASH**

Cash on Hand	146	157
General Cheque Account	37,189	26,585
Term Deposits	155,051	170,300
	-----	-----
	\$ 192,386	\$ 197,042
	=====	=====



**THE AUSTRALIAN PRINCIPALS FEDERATION**  
**NOTES TO AND FORMING PART OF THE ACCOUNTS**  
**FOR THE YEAR ENDED 30TH JUNE 2007**

	2007	2006
	\$	\$
<b>4. PLANT &amp; EQUIPMENT</b>		
Motor Vehicles - at Cost	38,261	38,261
Less Accumulated Depreciation	(10,011)	(1,891)
	-----	-----
	28,250	36,370
	-----	-----
Office Furniture & Equipment - at cost	275,762	256,372
Less Accumulated Depreciation	(167,498)	(155,395)
	-----	-----
	108,264	100,977
	-----	-----
Professional Library – at cost	2,925	2,925
Less Accumulated Depreciation	(1,305)	(1,133)
	-----	-----
	1,620	1,792
	-----	-----
	\$138,134	\$139,139
	=====	=====
<b>5. CREDITORS &amp; BORROWINGS</b>		
Sundry Creditors and Accruals	32,596	11,235
GST Outstanding	4,708	1,180
	-----	-----
	\$37,304	\$12,415
	=====	=====
<b>6. EMPLOYEE BENEFITS</b>		
Current Annual Leave	17,596	4,587
Non Current Long Service Leave	35,220	25,651
	-----	-----
	\$52,816	\$30,238
	=====	=====



**Australian Principals Federation**

ABN: 57 322 696 251

**APF**

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The Registrar  
Fair Work Australia  
11 Exhibition Street  
Melbourne Vic 3000

Dear Sir/Madam,

**Re: Australian Principals Federation – Federal Office**

We make the following representation with respect to the application for exemption pursuant to s271 of the *Workplace Relations Act 1996* for the above mentioned office for the financial year ended 30 June 2008 and apply for an extension of time beyond the required 90 days due to the quashing of the APF registration on 18 July 2008 by order of the full court of the Federal Court arising from the decision *Australian Education Union v Lawler & Others (2008) FCAFC*.

- The Federal Office did not hold an interest in any real property or personal property for the financial year ending 30 June 2008
- The Federal Office did not have any financial affairs in the same financial year
- The Federal Office did not act as trustee in any form
- The Federal Office did not have any funds under rule 27 of the Association's Rules
- The members of the Federal Office pay subscriptions under the rules to the Branch to which they are attached.
- On 21 December 2007 the Federal Council determined a capitation fee of \$5.00 for the period 1 January 2008 to 31 December 2008 to be paid to the Federal Office. This was not charged by the Federal Office to the Branches until 4 July 2008.
- The Federal Office has not secured any funds to discharge its obligations
- The Federal Office did not produce financial accounts for the financial year ending June 2008.

Signed by and on behalf of the Australian Principals Federation – Federal Office

President Acting

11 September 2009

Website: [www.apf.net.au](http://www.apf.net.au)