



Australian Government
Registered Organisations Commission

17 October 2018

Mr Jorge Navas
Secretary
Health Services Union-South Australia/Northern Territory Branch
By email: info@hsusant.org.au

Dear Mr Navas

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) (FR2018/159)

I refer to the application lodged pursuant to section 271(1) of the Act by the Health Services Union-South Australia/Northern Territory Branch (the reporting unit) for the financial year ended 30 June 2018. The application was lodged with the Registered Organisations Commission on 11 September 2018.

The application has been granted. The certificate is attached.

If you wish to discuss this matter, please contact David Vale on (02) 8293 4654 or by email at david.vale@roc.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'CE', with a small horizontal line to the right.

Chris Enright
Executive Director
Registered Organisations Commission



CERTIFICATE

Fair Work (Registered Organisations) Act 2009

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

Health Services Union-South Australia/Northern Territory Branch
(FR2018/159)

MR ENRIGHT

MELBOURNE, 17 OCTOBER 2018

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

[1] On 11 September 2018 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Health Services Union-South Australia/Northern Territory Branch for a certificate of exemption in respect of the financial year ended 30 June 2018.

[2] I am satisfied that the reporting unit did not have any financial affairs in respect of the financial year ended 30 June 2018.



DELEGATE OF THE COMMISSIONER

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*Working for a healthier
community*

Registered Organisations Commissioner

Registered Organisations Commission

By email: regorgs@roc.gov.au

Dear Commissioner

RE: s 271 application for the SA/NT Branch of the HSU

As the Secretary of the South Australian / Northern Territory Branch [SA/NT Branch] of the Health Services Union [HSU] I am authorised to act on behalf of the Branch.

The SA/NT Branch of the HSU makes an application that the General Manager issue a certificate under s271 of the RO Act. The background to this application are as follows:

1. On 27 April 2017 the Union lodged with the FWC an application under s246(1) for a certificate under s245, and an application for alterations to the rules.
2. The applications were to have two effects. First, the SA/NT Branch was to cease to be a reporting unit and the National Office Reporting Unit (NORU) to become the reporting unit for the purposes of the Act of the Branch and the National Office. Second, the NORU was to take full administrative responsibility for the financial management of the SA/NT Branch.
3. The General Manager of the FWC made a decision granting the s242 application and the made the rule changes on 6 July 2017.

Rule 73 of the HSU states that the financial year of National Office Reporting Unit [NORU] and the Branches shall end on the 30th June in each year. As the decision by the General Manager concerning s242 application was not issued until 6 July 2017, the financial year ending 30 June 2018 for both the National Office and the Branch had already commenced. Section 248 of the RO Act states that the s245 certificate applies to the 'first financial year starting after the certificate is issued'. As the financial year ending 30 June 2018 had already commenced it is unaffected by the s242 certificate and the two separate reporting units existed for the 30 June 2018 financial year. They must report separately. The first financial year that the new reporting unit [NORU] will exist is the financial year ending 30 June 2019, because this is the first financial year commencing after 6 July 2017.

Section 271 of the RO Act provides for a reporting unit to lodge an application with the Commissioner seeking an exemption from the requirements under Part 3 of the RO Act due to the reporting unit not having any financial affairs in respect of a particular financial year.

In support of the application I state the following for the 2017/18 financial year:

1. From 1 July 2017, pursuant to rule 95 the bank account and other assets of the Branch were transferred to the National Office of the HSU and the National Office have assumed the responsibility of the administration of the financial affairs of the Branch from this date.
2. The Branch did not receive any revenue during the financial year.
3. The Branch did not expend any money during the financial year.
4. The Branch did not incur any liabilities during the financial year.

Regulation 165(b) of the Fair Work (Registered Organisations) Regulations 2009 state that a prescribed circumstance for the Commissioner to consider when reviewing an application for a section 271 certificate is whether another reporting unit of the organisation expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities. Rule 95 for the HSU stipulates that another reporting unit the NORU will have responsibility for all financial transactions of the SA/NT Branch and that the Branch will no longer operate a separate bank account.

Under reg 165 the Commission must consider is whether the SA/NT reporting unit expended economic resources to conduct its activities. Pursuant to rule 95(c), the NORU has 'responsibility for Branch financial transactions' and the SA/NT Branch does not have a bank account.

The NORU will report on the financial activities in relation to the Branch as NORU has 'responsibility for Branch financial transactions' and further reporting obligations are imposed by Rules 5(c).

For these reasons, the SA/NT Branch seeks that a certificate be issued under s271.

Yours sincerely



Jorge Navas
Secretary

10th September 2018