



Australian Government
Registered Organisations Commission

30 October 2018

Mr Paul Damien McCue
Branch President
Police Federation of Australia-Northern Territory Police Branch
By email: reception@ntpa.com.au

Dear Mr McCue

Section 271 application for certificate of exemption from the requirements of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 - (FR2018/246)

I refer to the application lodged pursuant to section 271(1) of the *Fair Work (Registered Organisations) Act 2009 (RO Act)* by the Northern Territory Police Branch of the Police Federation of Australia (**PFA-NT**) for the financial year ended 30 June 2018. The application was lodged with the Registered Organisations Commission (**ROC**) on 24 August 2018.

I also acknowledge receipt of additional information on 18 September 2018 relating to the financial reporting obligations of the PFA-NT Associated Body, the Northern Territory Police Association (**the Associated Body**).

Background

In previous years, the PFA-NT have applied and been granted a certificate pursuant to section 271(1) of the RO Act. During the assessment of the PFA-NT application for a section 271 certificate for the financial year ended 30 June 2016 (FR2016/305), it became evident that the Associated Body had changed its financial year end from 30 June to 30 April. In granting that application, I recommended that the PFA-NT amend its rules to realign its financial year to that of the Associated Body.

The recommended amendment to the rules of the PFA-NT, as mentioned above, had not occurred when an application pursuant to section 271(1) of the RO Act was lodged with the ROC by the PFA-NT for the financial year ended 30 June 2017 (FR2017/250). Although a certificate was granted, it was based on the undertaking provided in your correspondence on 6 November 2017, that the PFA-NT acknowledge the requirement to amend its rules and that it was reviewing its rule amendments with the Police Federation of Australia (**PFA**).

During the ROC Information session held in Darwin on 24 July 2018, the PFA-NT confirmed with the ROC that the required rule amendment had not yet occurred. This was reiterated in the correspondence the ROC received on 26 July 2018 from PFA-NT. Further information provided in this correspondence indicated that the PFA-NT had been advised by the Fair Work Commission (**FWC**) that its proposed rule amendments were capable of being certified and the timetable provided proposed that the rule amendments would be lodged with the FWC before 3 October 2018.

Based on your correspondence of 26 July 2018, I wrote to the PFA-NT on 2 August 2018 where I reiterated the PFA-NT were required to amend its rules to realign its financial year with the financial year of the Associated Body and that based on the timeframe provided, and assuming the FWC approves the rule amendments before 30 June 2019, it appears that a further two financial years of the PFA-NT will differ from the financial years of the Associated Body. That is the financial year ending 30 June 2018 and 30 June 2019.

Within this correspondence, I advised the PFA-NT that if it intended to lodge an application pursuant to section 271 for the financial year ended 30 June 2018, it would be a requirement that the application included a declaration from the auditor of the Associated Body that the PFA-NT did not have any financial affairs during the financial year of 1 July 2017 to 30 June 2018 and that during this period the Associated Body expended its economic resources and incurred financial obligations to ensure that the PFA-NT could function.

Current application

As stated above, an application pursuant to section 271(1) of the RO Act was lodged by the PFA-NT with the ROC for the financial year ended 30 June 2018 on 24 August 2018. As requested, this application included a declaration from the auditor of the Associated Body, Mr Dean Hudson, a Director of 360Private Audit Pty Ltd, declaring that the PFA-NT did not have any financial affairs during the financial year commencing 1 July 2017 to 30 June 2018 and that during this period the Associated Body expended its economic resources and incurred financial obligations to ensure that the PFA-NT could function.

Conclusion

In the assessment of the section 271(1) application by the PFA-NT for the financial year ended 30 June 2018, I have taken into account the above mentioned background, the obligations under the RO Act, the prescribed circumstances which are set out in regulation 165 of the *Fair Work (Registered Organisations) Regulations 2009* and the recent application lodged with the FWC to alter the rules of the PFA-NT. I am satisfied the PFA-NT is a reporting unit and that it did not have any financial affairs in the financial year which ended 30 June 2018. The attached certificate reflects this decision.

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



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

Police Federation of Australia-Northern Territory Police Branch
(FR2018/246)

MR ENRIGHT

MELBOURNE, 30 OCTOBER 2018

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

[1] On 24 August 2018 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* by the Northern Territory Police Branch of the Police Federation of Australia 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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NORTHERN TERRITORY
POLICE ASSOCIATION

Working together to protect our future



Police Federation
of Australia

ABN 31 384 184 778
Level 1, 21 Murray Crescent
GRIFFITH ACT 2603
Tel: (02) 6239 8900
Fax: (02) 6239 8999

24 August 2018

Our Ref: 0107/18
0207/18

Lodgement of Financial Report for Year Ended 30 June 2018
S.271 Fair Work (Registered Organisations) Act 2009 (the RO Act)
Request for Certificate of Exemption from Reporting Obligations

I, Paul Damien MCCUE, President of the Northern Territory Branch of the Police Federation of Australia, an authorised officer under the Rules to act on behalf of the Branch and in consideration of s.271 of the *Fair Work Act* ("the Act") 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 2018.

I make the following statements in support of the request for the Certificate of Exemption:

1. The Branch does not expend economic resources or incur any financial obligations to conduct its activities and does not carry out any trade or engage in any 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, moneys or other assets;
3. The Branch accordingly has no reason to keep accounting records;
4. The reason that the Branch does not trade or engage in financial transactions is because of the relationship between the Branch and another body corporate known as the Northern Territory Police Association (the "Associated Body"), referred to in Rules 6 and 6A and the membership application form at Annexure "A" of the Rules of the Police Federation of Australia ("the Rules").

Northern Territory Police Association

Level 2, Suite 209 'Spirit on The Avenue' 12 Salonika Street, Parap NT 0820 | GPO Box 2350, Darwin NT 0801

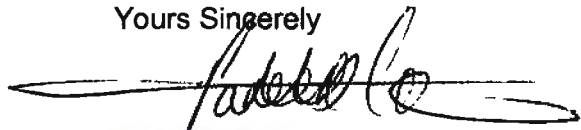
ABN 36 709 591 145 | P +61 (0) 8 8995 9520 | E reception@ntpa.com.au www.ntpa.com.au

5. The Associated Body was incorporated on 22 October 1979.
6. The Branch was not formed until 31 December 1997 when the Police Federation of Australia was registered as an organisation.
7. The Associated Body expends economic resources and incurs financial obligations, including the collection of membership fees, the payment of accounts for expenses incurred in carrying out regular business (such as the production of a journal), operates a bank account, has leased and/or owned property and office machinery and employs and pays wages of employees.
8. The 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.
9. 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 Rules but this is paid by the Associated Body in accordance with Rule 7A of the Rules.
10. The Branch in all other aspects carries out its functions as set out in the Objects of the Federation (Rule 4). In particular, 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 other than in January of each year and regulates the affairs of the Branch in a thorough and consistent manner.

As requested in the Registered Organisations Commission's correspondence of 2 August 2018 (R2018/201), we have also attached a declaration from our Associated Body's auditor, 360Private Audit Pty Ltd, confirming that the Northern Territory Branch of the Police Federation of Australia did not have any financial affairs for the financial year commencing 1 July 2017 to 30 June 2018 and that the Associated Body did expend its economic resources to ensure that the Northern Territory Branch of the Police Federation of Australia could function.

Please do not hesitate to contact me should you have any queries in relation to this application.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Paul McCue', written over a horizontal line.

Paul McCue
President


DECLARATION BY AUDITOR

I, Dean Bradley Hudson of 360Private Audit Pty Ltd, 170 Greenhill Road, Parkside in the State of South Australia do declare as follows:

1. That I am a registered company auditor.
2. That 360Private Audit Pty Ltd is an authorised audit company.
3. That I am a registered company auditor and a director of 360Private Audit Pty Ltd.
4. That 360Private Audit Pty Ltd is engaged to undertake the annual statutory audit of Northern Territory Police Association Incorporated (ABN 36 709 591 145).
5. That Northern Territory Police Association Incorporated (ABN 36 709 591 145) is an 'Associated Body' of the Northern Territory Police Branch of the Police Federation of Australia (ABN 31 384 184 778).
6. That I have personally and with the assistance of staff recently completed the annual statutory audit of Northern Territory Police Association Incorporated (ABN 36 709 591 145) for the year ended 30 April 2018
7. That Northern Territory Police Branch of the Police Federation of Australia (ABN 31 384 184 778) did not have any financial affairs during the financial year commencing 1 July 2017 to 30 June 2018 and that during this period that the Associated Body did expended its economic resources and incur financial obligations to ensure that the Northern Territory Police Branch of the Police Federation of Australia (ABN 31 384 184 778) could function.

I make this declaration conscientiously believing it to be true.

Dated: 13th August 2018


Signature

D B Hudson
Director
360Private Audit Pty Ltd ABN 66 609 416 597
Registered Company Auditor
Registration No. 484925