

09 September 2015

Mr Ian Leavers
Branch President
Police Federation of Australia, Queensland Police Branch



via email: ileavers@qpu.asn.au

Dear Mr Leaver

Section 271 application for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 for financial year ended 31 December 2014 (FR2014/462)

I refer to your application pursuant to s271 of the *Fair Work (Registered Organisations) Act 2009* (RO Act), lodged in the Fair Work Commission (FWC) on 28 July 2015 in respect of the Queensland Branch of the Police Federation of Australia (PFA Qld) for the financial year ended 31 December 2014.

I am satisfied that the PFA Qld is a reporting unit and that it did not have any financial affairs in the financial year which ended 31 December 2014. The attached certificate reflects this decision.

I take this opportunity to remind you of the importance of the reporting unit strictly complying with each applicable aspect of the legislative reporting requirements under the RO Act, the *Fair Work (Registered Organisations) Regulations 2009* and the Reporting Guidelines.

An application pursuant to s271 of the RO Act is required to be filed within 90 days after the end of the financial year. This application is approximately 4 months late. On 4 September 2015 you provided additional information into the circumstances which lead to the late lodgement of this application. It was stated that as the PFA Qld was new to the federal system (operations commenced in April 2014) it was not understood that there was a different and shorter timeframe if a reporting unit wished to seek an exemption from financial reporting obligations under Part 3 of Chapter 8 of the RO Act if the reporting unit had no financial affairs.

Having considered the further material lodged and all of the relevant circumstances, in this instance I have allowed the application to be made more than 90 days after the end of the financial year.

If you wish to discuss this matter, please contact Ms Joanne Fenwick on (03) 8661 7886 or by email to joanne.fenwick@fwc.gov.au.

Yours sincerely



Chris Enright
Director
Regulatory Compliance Branch

11 Exhibition Street Telephone: (03) 8661 7777
Melbourne VIC 3000 International: (613) 8661 7777
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Melbourne VIC 3001 Email: orgs@fwc.gov.au



CERTIFICATE

Fair Work (Registered Organisations) Act 2009

s.271 - Reporting unit's exemption from requirements of Chapter 8, Part 3

Police Federation of Australia - Queensland Police Branch
(FR2014/462)

MR ENRIGHT

MELBOURNE, 09 SEPTEMBER 2015

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

[1] On 28 July 2015 an application was made under s 271 (1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by the Queensland Police Branch of the Police Federation of Australia for a certificate of exemption in respect of the financial year ended 31 December 2014.

[2] The application was lodged four months after the 90 day period ordinarily prescribed by sub-section 271(3) of the Act. The Branch sought an extension of time under sub-section 271(3) of the Act to allow a later period for lodgement. Further information was subsequently submitted to the Fair Work Commission on 04 September 2015 by the Queensland Police Branch of the Police Federation of Australia in relation to the events surrounding the late lodgement.

[3] Having regard to the circumstances, I approve the extension requested under s 271 (3) of the Act.

[4] On the basis of the material provided in the application, I am satisfied that the applicant is a reporting unit that does not have any financial affairs in respect of the financial year which ended 31 December 2014.



DELEGATE OF THE GENERAL MANAGER

From: Ian Leavers <ileavers@qpu.asn.au>
Sent: Friday, 4 September 2015 11:51 AM
To: Orgs
Subject: PFA Queensland Branch - Exemption Financial Reporting
Attachments: DB69D4F6-4378-45EE-B938-CB689376D871[1].png

Dear Delegate,

As set out in the application lodged on 28 July 2015, the Queensland Police Branch of the PFA commenced operating in April 2014 and held its inaugural elections in August and October 2014.

As the Branch was new to the federal system and had no financial affairs, it was not understood that there was a relatively short time limit within which the Branch had to seek an exemption from financial reporting if no financial report was required. The Branch was not aware of the 90 day time limit for seeking an exemption until the FWC brought the matter of reporting to the Branch's attention.

On 14 July 2015 the Branch was contacted by the Fair Work Commission with respect to its finances for the financial year ending 31 December 2014. Upon being contacted by the FWC, the Branch promptly took steps to rectify the situation and applied for an exemption under section 271. The application for the exemption was made on the 28 July 2015.

The Branch has now taken advice in relation to reporting compliance in the Federal system, and the issues that have arisen in relation to the transition period will not occur again.

The Branch apologises for the delay, and thanks the Fair Work Commission for its assistance in helping the Branch become established as a reporting unit of the PFA.

Yours faithfully

Ian Leavers
Branch President

[cid:051EB926-DA59-4F65-A1A7-F8CD5177197F]

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27 July 2015

General Manager
Fair Work Commission
11 Exhibition Street
MELBOURNE VIC 3000

By email: orgs@fwc.gov.au

Dear General Manager,

Application for a certificate to the effect that the Police Federation of Australia, Queensland Police Branch did not have any financial affairs in the financial year ending 31 December 2014

I, Ian Leavers, c/- 217 North Quay, Brisbane in the State of Queensland am the Branch President of the Queensland Police Branch of the Police Federation of Australia ("the reporting unit") apply for a certificate pursuant to section 271 of the *Fair Work (Registered Organisations) Act 2009*.

I make the following statements in support of the application:

1. The reporting unit does not expend economic resources or incur any financial obligations to conduct its activities.
2. The reporting unit does not have an account with a bank or any other financial institution, nor does it have custody of any real property, money or assets.
3. The reporting unit accordingly has no reason to keep accounting records.
4. No other reporting unit of the organisation expends its own economic resources or incurs financial obligations so that the reporting unit may conduct its activities.
5. The Queensland Police Union of Employees ("the State association") expends economic resources or incurs financial obligations so that the reporting unit may conduct its activities.
6. The eligibility of the State association and the reporting unit is identical, and the same persons hold the offices and positions in both the State association and the reporting unit.
7. The expenditure of the State association is predominantly administrative in nature, and is expended towards ensuring that the reporting unit complies with its rules, the organisation's rules and the requirements of the *Fair Work (Registered Organisations) Act 2009*. The reporting unit does not incur any financial obligations as a result of the expenditure of the State association.

8. The only financial obligation of the reporting unit relates to the payment of capitation fees by the reporting unit to the Police Federation of Australia ("PFA") pursuant to rule 7 of the PFA rules. This obligation is discharged by the State association in accordance with rule 7A of the PFA rules by payment of the relevant capitation fee by the State association.
9. The capitation fees set by the PFA is \$16.51 per member. As there were ten (10) members of the reporting unit at 31 December 2014, the liability of the State association for capitation fees was \$165.10. The amount of capitation fees paid on behalf of the reporting unit, as a proportion of the total expenses of the State association, is negligible.

The reporting unit requests that the General Manager allows a longer period to make application pursuant to section 271 on the following basis:

10. The reporting unit became operative on 17 April 2014 following the certification of rule alterations.
11. The inaugural elections for the reporting unit were declared on 24 August 2014 and 21 October 2014.
12. The financial year of the reporting unit ended on 31 December 2014.
13. As at 31 December 2014, there were ten (10) members of the reporting unit.
14. 90 days have elapsed after the end of the financial year.
15. The reporting unit is in a transitional period and is not yet fully functional.
16. The reporting unit has taken, and is currently taking further, steps to amend its rules, conduct elections and admit new members so that it may become fully functional and compliant in relation to its obligations arising under its rules and the Act.
17. The reporting unit has taken remedial action to ensure that its future obligations in relation to compliance with the rules and the Act are assured.

I trust this information is of assistance.

Yours sincerely,



Ian Leavers
Queensland Police Branch
Branch President