



15 January 2014

Mr Gregory Davies  
Secretary  
Police Federation of Australia-Victoria Police Branch  
1 Clarendon Street  
East Melbourne VIC 3002

Dear Mr Davies,

**Re: Section 271 application for exemption from the financial reporting obligations of Part 3 of Chapter 8 of the Fair Work (Registered Organisations) Act 2009 (the Act)**

I refer to your letter of 16 August 2013 addressed to Mr Robert Pfeiffer of the Regulatory Compliance Branch of the Fair Work Commission. The letter was received at the Fair Work Commission (the Commission) on 18 August 2013.

In the correspondence you make application on behalf of the Police Federation of Australia-Victoria Police Branch (the Branch) "for a certificate to exempt the Branch from the requirements of the Act relating to financial matters occurring in the year ended 30 June 2013."

I note that in support of the application you refer to the fact that the Branch 'does not trade or carry out financial transactions of any kind' and secondly a statement that '[t]he 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, 6B and the membership application form at Annexure "A" of the Federal Rules of the Police Federation of Australia.'

I apologise for the delay in responding to this request. You may be aware that as a result of 2012 amendments to the RO Act, every registered organisation has been required to develop consequential rule changes. This task has placed an unprecedented demand on the resources of the Regulatory Compliance Branch of the Fair Work Commission. In addition, the number of investigations and inquiries commenced by the RCB in 2012-13 has increased by 1600% when compared to previous years. While I hope this might provide some context to the delay in addressing your request, it does not explain the length of the delay, for which I apologise.

I am satisfied that the Branch did not have any financial affairs in the year ended 30 June 2013. The attached certificate reflects this decision.

Yours sincerely

Chris Enright  
Delegate of the General Manager  
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**  
(FR2013/133)

MR ENRIGHT

MELBOURNE, 15 JANUARY 2014

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

[1] On 15 August 2013 an application was made under s.271(1) of the *Fair Work (Registered Organisations) Act 2009* (the Act) by Police Federation of Australia-Victoria Police Branch for a certificate of exemption in respect of the financial year ended 30 June 2013.

[2] I am satisfied that the said Branch is a reporting unit that did not have any financial affairs in respect of the financial year ended 30 June 2013.



DELEGATE OF THE GENERAL MANAGER

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# The Police Association

UPHOLDING OUR RIGHTS SINCE 1917

**Our ref:** 21588s.007

16 August 2013

Mr Robert Pfeiffer  
Senior Adviser  
Regulations Compliance Branch  
Fair Work Commission  
GPO Box 1994  
MELBOURNE 3001

Dear Mr Pfeiffer

**Re: Lodgement of Financial Documents for year ended 30 June 2013 [FR2013/133]  
Application for Exemption (Section 271(1))**

We refer to your courtesy letter of 19 July 2013 advising that the financial reports for the Police Federation of Australia Victoria, Police Branch ("the Branch") must be prepared and processed, as required by the *Fair Work (Registered Organisations) Act 2009* ("the Act").

In accordance with the Police Federation of Australia, Victoria Police Branch Rules, as Chief Executive Officer (Secretary), 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 2013.

In support of the application I state the following:

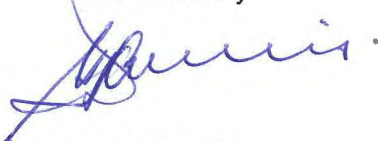
1. The Branch does not trade or carry out financial transactions of any kind.
2. The Branch does not have an account with a bank or any other financial institution nor does it have custody of any real property or moneys.
3. The Branch accordingly has no reason to keep accounting records.
4. The reason 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, 6B 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 (such as the production of a journal), has operated a bank account, has leased and/or owned property and office machinery, 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.
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 the vast majority of Victoria Police members (total full financial members as of 31 December 2012 is 13,137).
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 2012 to 30 June 2013).
12. This process involves a full audit of the Association's financial affairs carried out by a top tier accounting firm, Deloitte, who are appointed as auditors of the Association at each annual general meeting held in September.
13. The audit carried out by Deloitte is presented to the Director's meeting in August of each year and is then published in the August edition of The Police Association Journal. The Journal is mailed to all members of the Association and the financial report is published on the Association's website which is freely available for all members to view.
14. The financial report will be presented to members at the annual general meeting of the Association to be held on Friday 13 September 2013.
15. The 2012/2013 financial report of the Association was lodged with ASIC on 7 August 2012.
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.

We respectfully request that you further consider the aforementioned matters and provide an exemption from the requirements of Chapter 8, Part 3 of the Act.

If you have any queries regarding this matter, please contact Ms Sylvia Loveless, Administration Manager on 9468 2600.

Yours sincerely



GREG DAVIES  
**Chief Executive Officer**

Encl.