



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Police Federation of Australia (R2018/246)

MURRAY FURLONG

MELBOURNE, 19 NOVEMBER 2018

Alteration of other rules of organisation.

[1] On 25 September 2018 the Northern Territory Branch of the Police Federation of Australia (the Branch) lodged with the Fair Work Commission (the Commission) a notice and declaration setting out particulars of alterations to its rules. Additional information clarifying the steps taken under the rule altering procedure was received on 25 October 2018.

[2] The particulars set out alterations to Alteration to Rule 52DI – Branch funds and property.

[3] The alteration to this rule introduces a definition of the financial year of the Branch. The financial year is defined as the twelve month period between 1 May and 30 April.

[4] On the information contained in the notice and subsequent communications, I am satisfied the alterations have been made under the rules of the organisation.

[5] Section 6 of the *Fair Work (Registered Organisations) Act 2009* (the Act) defines a *financial year* as:

- (a) the period of 12 months commencing on 1 July in any year; or
- (b) if the rules of the organisation provide for another period of 12 months as the financial year of the organisation — the other period of 12 months.

Note: Section 240 provides for a different financial year in special circumstances.

[6] Section 240 of the Act states:

Where the rules of an organisation change the period constituting the financial year of the organisation, the period between:

- (a) the commencement of the first financial year after the change; and
- (b) the end of the preceding financial year;

is to be taken for the purposes of this Part, to be a financial year.

[7] I would draw to the Branch's attention a recent decision of a Full Bench of the Commission in *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Registered Organisations Commission* [[2018] FWCFB 16], which considered the application of this section.

[8] In my opinion, the alterations comply with and are not contrary to the *Fair Work (Registered Organisations) Act 2009*, the *Fair Work Act 2009*, modern awards and enterprise agreements, and are not otherwise contrary to law. I certify accordingly under subsection 159(1) of the *Fair Work (Registered Organisations) Act 2009*.



DELEGATE OF THE GENERAL MANAGER

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