



DECISION

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

Police Federation of Australia (R2024/147)

CHRIS ENRIGHT

MELBOURNE, 23 DECEMBER 2024

Alteration of other rules of organisation.

[1] On 8 October 2024 the Victoria Police 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. Further information in support of the alterations was provided on 29 November 2024 and 18 December 2024.

[2] The Branch seeks certification of the alterations under section 159 of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[3] The particulars set out alterations to Branch Rules 52CA, 52CB, 52CC, 52CD, 52CE, 52CF, 52CG, 52CH, 52CI, 52CJ, 52CK, 52CL, 52CM, 52CN, 52CO, 52CP, 52CQ, 52CW and 52CX.

[4] On the information contained in the notice, declaration and further information provided in support of the alterations, I am satisfied the alterations have been made under the rules of the organisation.

[5] On 18 December 2024, the Branch withdrew the alterations to Subrule 52CD(6). The alteration to this subrule is therefore no longer before me for consideration.

[6] The alterations to Rules 52CA, 52CB, 52CC, 52CD, 52CE, 52CF, 52CG, 52CH, 52CI, 52CJ, 52CK, 52CL, 52CM, 52CN (with the exception of Subrule 52CN(1)(b)), 52CO, 52CQ, 52CW and 52CX are minor and uncontroversial. They are made to,

- introduce gender neutral language;
- update the means for communicating electronically;
- update the location to publish reports regarding Branch Executive meetings;
- adjust expression and grammar;
- update legislation references; and
- set out the personnel authorised to execute Industrial Agreements.

[7] The above alterations are uncontroversial. They do not require comment beyond expressing my opinion about the matters set out in subsection 159(1) of the Act.¹

Authorisation of expenditure

[8] The alterations to Subrules 52CN(1)(b) and 52CP(3) and the deletion of Subrule 52CP(4) transfer the Branch's payment method from cheque to electronic bank transfer. Consequentially, the Treasurer would no longer authorise payments by cheque, but instead ensure all authorised payments are conducted electronically.

[9] Under current Subrule 52CP(4) cheques must be signed by two authorised personnel (including officers) of the Branch. The deletion of this subrule removes the requirement for dual authorisation.

[10] Although the Act does not require payments from funds to be authorised by two persons at the time the payments are made, the deletion of this subrule may provide the opportunity for a person to withdraw funds without appropriate oversight. Therefore, the deletion, on its face, has the potential to diminish good governance.

[11] On 8 October 2024, the Branch submitted that,
"The [Branch] advises electronic payments used by the organisation require dual authorisation."

[12] I also note that the rules require authorisation of expenditure by either the Branch President or the Branch Executive prior to withdrawal of funds.² The rules also require the Treasurer to ensure that authorised payments are made by electronic bank transfer.³

[13] Considering the existence of the pre-approval and the dual authorisation system for electronic payments, I am satisfied that oversight of expenditure appears to be appropriately monitored and that good governance systems have been maintained.

Typographical, clerical or formal errors

[14] On 18 December 2024, the Branch President, Karl David, gave consent under subsection 159(2) of the Act for me to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly, the following corrections have been made:

- In proposed Subrule 52CD(5), removed the duplicated "The"; and
- In proposed Subrule 52CW(2), inserted a missing full-stop.

Conclusion

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



DELEGATE OF THE GENERAL MANAGER

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¹ Subsection 159(1) of the Act provides that:

- 1) An alteration of the rules (other than the eligibility rules) of an organisation does not take effect unless particulars of the alteration have been lodged with the FWC and the General Manager has certified that, in his or her opinion, the alteration:
 - (a) complies with, and is not contrary to, this Act, the Fair Work Act, modern awards and enterprise agreements; and
 - (b) is not otherwise contrary to law; and
 - (c) has been made under the rules of the organisation.

² See Subrule 52CP(3)

³ See Subrule 52CN(1)(b)