

**28 August 2025**

**Police Federation of Australia-Victoria Police Branch (R2025/137)**

Dear Tania,

We have been asked to advise on the proposed changes to Police Federation of Australia-Victoria Police Branch (the Branch) rulebook provided to the Fair Work Commission (the Commission) on 26 August 2025 for advice and assistance (R2025/137).

Please note that while the following comments are offered for your consideration, they are not legal advice, nor do they purport to be legal advice.

Please also note, notwithstanding my comments, whether the alterations are ultimately certifiable is a decision for the General Manager (or the Delegate) to make.

References to the FW Act below are references to the *Fair Work Act 2009*.

**Proposed rules**

The Branch is seeking to insert a new rule 52CV in relation to workplace delegates. Over the phone, you expressed that the Branch's intention is to appoint the Association Delegates of the Police Association Victoria (the PAV) to be the workplace delegates of the Branch.

We are of the view that the insertion is capable of certification subject to some further adjustments for the sake of clarity.

Firstly, it would be useful to clearly distinguish the PAV's delegates from Branch workplace delegates. The tracked version of the rule below shows where we think the delegate referred to is the Association delegates.

Secondly, although the current Association Delegates' rules appear to comply with the requirements of the FW Act, we recommend the insertion of 'subject to the provisions of the FW Act' be inserted in sub-rules (2) and (4). This is to guard against any future alterations to the PAV's rules which may not comply with the FW Act.

Thirdly, in subrule (4) grants workplace delegates the same powers and responsibilities as Association delegates. On a literal reading, this would mean that Branch workplace delegates would be required to report to the Association's Board and not the Branch's Executive, and so on. We therefore recommend that the powers and responsibilities are in relation to the Branch.

Lastly, we have suggested the use of initialism for frequently used terms.

"1. In this Rule 52CV "workplace delegate" has the same meaning as defined in Section 350C of the *Fair Work Act 2009 (Cth)* (FW Act), and as may be amended, replaced or superseded from time to time.

2. Those Association Delegates elected or appointed from time to time pursuant to the Rules of the Police Association Victoria (the PAV) and endorsed by the Branch Executive to be workplace delegates for the purposes of the Federation and of the FW Act, shall be deemed upon their election or appointment and endorsement by the Branch Executive to be appointed or elected as workplace

delegates in accordance with and for the purposes of these Rules, subject to the provisions of the FW Act.

3. Upon ~~an Association Delegate~~ ~~a delegate~~ elected or appointed pursuant to the Rules of the PAV Police Association becoming ineligible, resigning or otherwise being removed from the position of ~~delegate~~ Association Delegate, that Association Delegate shall be deemed, ipso facto, to have been also removed from the position of workplace delegate of the Victoria Police Branch.

4. For the avoidance of doubt, workplace delegates appointed or elected in accordance with and for the purposes of these Rules shall have the same powers and responsibilities of Association Delegates ~~delegates~~ under the Rules of the Police Association, subject to the provisions of the FW Act. To the extent that is applicable, any reference to a body in the PAV shall be interpreted as a reference to the equivalent body in the Branch”

**Note for future requests for advice and assistance regarding draft rule alterations.**

Please note that our ordinary turnaround time for advice and assistance regarding draft rule alterations is about 8 – 16 weeks. We had to pause processing matters for other organisations to accommodate your urgent request in this instance. However, please do not take this discretion as a matter of course. We aim to treat all organisations equally, including processing matters in order of lodgement.

**It would be a misconception to assume that we would be able to arbitrarily accommodate short notice in the future. Please allow reasonable time for processing any future requests.**

Should you wish to discuss any further regarding the above, please let me know.

Kind regards  
Catharine