

15 February 2022

# Post-election report

VIPA

Scheduled election

E2021/99

Stage 1 & Stage 2

# Contents

Election(s) Covered in this Report .....	3
Rules.....	3
Signed .....	4
Attachments .....	5
Declaration of results for Uncontested Offices – Stage 1.....	6
Declaration of results for Uncontested Offices – Stage 2.....	7

# Election(s) Covered in this Report

---

Organisation: VIPA

Election: Scheduled

Election Decision No/s: E2021/99

## Rules

---

Rules used for the election: [012Q: Incorporates alterations of 16 March 2018[R2018/3] Replaces rulebook dated 6 September 2017 [R2017/124]

Rules difficult to apply/interpret: NIL

Model Rule reference (if any): (N/A)

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

---

Returning Officer actions required (Section 193): Yes

Details:

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

## Signed

---

Omar El Hajj  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
15 February 2022

## Attachments

---

Declaration of results for Uncontested Offices – Stage 1

Declaration of results for Uncontested Offices – Stage 2

# VIPA

## DECLARATION OF RESULTS - E2021/99 - Stage 2

### Uncontested Offices

---

#### **Scheduled Election**

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

#### **Committee of Management**

##### **President (1)**

Candidates

LYONS John

##### **Vice President (1)**

Candidates

*No Nominations Received*

##### **Secretary (1)**

Candidates

PURTON Mathew

##### **Treasurer (1)**

Candidates

BORG Duncan

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Omar El Hajj  
Returning Officer  
Email: IEEvents@aec.gov.au  
14/02/2022

---

**VIPA**  
**DECLARATION OF RESULTS - E2021/99 - Stage 1**  
**Uncontested Offices**

---

**Scheduled Election**

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

**Virgin Australia Regional Airlines - ATR-72/A320 Pilots**

**Committee of Management Member (1)**

*No Nominations Received*

**Virgin Australia Airlines - B737 Pilots**

**Committee of Management Member (6)**

Candidates

BORG Duncan

LYONS John Stewart

PURTON Mathew James

**Virgin Australia Airlines - B777 Pilots**

**Committee of Management Member (1)**

*No Nominations Received*

**Virgin Australia Airlines - A330 Pilots**

**Committee of Management Member (1)**

*No Nominations Received*

**Tigerair - A320/B737 Pilots**

**Committee of Management Member (1)**

*No Nominations Received*

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Omar El Hajj  
Returning Officer

16/12/2021



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

### VIPA

(E2021/99)

MR STEENSON

SYDNEY, 30 SEPTEMBER 2021

*Arrangement for conduct of election.*

[1] On 14 and 29 September 2021 VIPA (**the organisation**) lodged with the Registered Organisations Commission (**the Commission**) prescribed information for an election to fill the following offices:

President	(1)
Vice President	(1)
Secretary	(1)
Treasurer	(1)

Committee of Management Members from the following electorates:

*Virgin Australia Airlines (VAA)*

B737 Pilot Representative	(6)
B777 Pilot Representative	(1)
A330 Pilot Representative	(1)

*Tigerair*

A320/B737 Pilot Representative	(1)
--------------------------------	-----

*Virgin Australia Regional Airlines (VARA)*

ATR-72/A320 Pilot Representative	(1)
----------------------------------	-----

[2] Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* requires that prescribed information be lodged at least two months prior to the first date on which a person could nominate as a candidate under the rules of the organisation (i.e. the date that the rules state nominations will open).

[3] Rule 34 of the organisation's rules, states that the Annual General Meeting (**AGM**) will be held between August and December, and rule 39(b) states that the election will be declared at AGM. The organisation has advised the Commission that the AGM has been set for 20 December 2021. In addition, rule 39(e) states that in the notice specifying the opening and closing date of the election, the closing date must be 28 days from the date of the notice. In addition, rule 39(s) states that any ballot (if required) must be open for at least 21 days.



[4] Working back from the 20 December 2021 AGM date, and taking into account the minimum timeframes set out in rules 39(e) and 39(s), the notice calling for nominations would need to be issued no later than 1 November 2021. The prescribed information should therefore have been lodged by 1 September 2021.

[5] It will be apparent from the 14 September lodgement date, referred to in paragraph 1 of this decision, that the organisation lodged the prescribed information after it was required. The organisation has requested an extension to the date for lodgement of the prescribed information. In accordance with section 189(2) the Commissioner (or his Delegate) may allow a later date for lodgement of prescribed information.

[6] In correspondence dated 22 September 2021, the organisation's President, John Lyons, stated the delay in lodgement was due to the organisation having lodged with the Fair Work Commission (**the FWC**) an application for rule alterations. The organisation had anticipated that the rule changes (which would affect the organisation's governance structure) would be certified before the requirement to lodge prescribed information arose.

[7] Having considered the circumstances set out in the organisation's request for a later lodgement date, I allow on this occasion a later day for lodgement under s 189(2) of the Act.

[8] In reaching my decision, I have had regard to the relatively short length of the delay in lodging the prescribed information (less than two weeks), the circumstances in which it arose, and noted that the certification of the pending rule changes would likely have affected this election. I have also had regard to the normal and reasonable expectation that registered organisations will take steps to ensure that they comply with timeframe requirements set out in the *Fair Work (Registered Organisations) Act 2009* (the **Act**). I take this opportunity to emphasise that it was open to the organisation to communicate earlier with the Commission about the delay, i.e. when it became apparent that it could arise. The Commission regularly works with organisations to determine the appropriate course of action in circumstances of pending rule changes, particularly where they may affect upcoming elections for office.

[9] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352050

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 187, Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

I, John Stewart Lyons, being the President of VIPA make the following statement:

1. I am authorised to sign this statement containing prescribed information for VIPA.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. VIPA currently has rule alterations pending with the Fair Work Commission (FWC). These were submitted to the FWC on 20 July 2021. The pending rule changes relate to the organisation's amalgamation with the TWU which will result in the deregistration of VIPA.
5. This statement **IS** lodged prior to nominations being open for the elections in Annexure A.
6. The number of elected representatives is calculated on a formula defined in the rules.
  - a. The rule number which specifies the formula is Rule 23.
  - b. The formula for the number of Committee of Management members will be as per the table below (Rule 23 (c)) :

Number of Members in the electorate	Number of voting Committee of Management Positions
0-19	1
20-49	2
50-99	3
100-149	4
150-199	5
200-249	6
250-299	7

300 or more	7 plus 1 additional CoM member for every full 100 members over 300 pilots in the Electorate
-------------	---

- c. The information for calculating the Number of Committee of Management Members to be elected from each employer and type of aircraft is as follows:

Employer	Fleet	CoM Members	Total Members
<b>VARA</b>	ATR-72/A320	1	1 member
<b>VAA</b>	B737	6	225 members
<b>VAA</b>	B777	1	0 members
<b>VAA</b>	A330	1	0 members
<b>Tigerair</b>	A320/B737	1	0 members

- d. The relevant date for this information is 1 July 2021 (pursuant to Rule 23 (b))

Signed:



Dated: 29 September 2021

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

## Annexure A

- Elections that are required

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
<b>For the election of officers</b>					
N/A	Executive - President	1	Collegiate electoral system	Scheduled	Committee of Management (rule 40 (b))
N/A	Executive- Vice President	1	Collegiate electoral system	Scheduled	Committee of Management (rule 40 (b))
N/A	Executive - Secretary	1	Collegiate electoral system	Scheduled	Committee of Management (rule 40 (b))
N/A	Executive - Treasurer	1	Collegiate electoral system	Scheduled	Committee of Management (rule 40 (b))
N/A	Committee of Management Member	1	Direct Voting System	Scheduled	VARA (Virgin Australia Regional Airlines) ATR-72/A320 Pilot Representative
N/A	Committee of Management Member	6	Direct Voting System	Scheduled	VAA (Virgin Australia Airlines Pty Ltd) B737 Pilot Representative
N/A	Committee of Management Member	1	Direct Voting System	Scheduled	VAA (Virgin Australia Airlines Pty Ltd) B777 Pilot Representative

N/A	Committee of Management Member	1	Direct Voting System	Scheduled	VAA (Virgin Australia Airlines Pty Ltd) A330 Pilot Representative
N/A	Committee of Management Member	1	Direct Voting System	Scheduled	Tigerair A320/B737 Pilot Representative

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	Nominations open on midday of the date as determined by the manager of election pursuant to Rule 39(e)(i)&(iii).	Upon the election of the Committee of Management in accordance with Rule 40 (b)
<b>Nominations CLOSE</b>	Pursuant to rule 39(e)(ii) the closing day for nominations date as determined by the Manager of the election, which is a date at least 28 days after notice of the election.	Prior to the first meeting of the Committee of Management next following the election of Members of the Committee of Management (for the purposes of this Rule “the Meeting”) Rule 40 (d)
<b>Roll of Voters cut off date</b>	The roll closes on the date as prescribed by Rule 39(l)(ii), being 7 days before the day on which nominations for the election open.	N/A