



6 September 2022

Joanne Janes
Operations Manager
Australian Federation of Air Pilots
Sent via email: joanne@afap.org.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/63

Dear Joanne Janes,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Federation of Air Pilots.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

2 September 2022

Post-election report

Australian Federation of Air Pilots
Scheduled election
E2022/63

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Election(s) Covered in this Report

Organisation: Australian Federation of Air Pilots

Election: Scheduled

Election Decision No/s: E2022/63

Rules

Rules used for the election: [282V: Incorporates alterations of 13 May 2022 (R2022/47)]
(replaces rulebook dated 29 March 2022 (R2021/189))

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

- Rules relating to the opening of a ballot, 14 days after the closing of nominations was considered to be too short a period of time and may impact on the ability for stakeholders to fully participate in the election. Therefore, the Returning Officer fixed a period of 21 days from the close of nominations.

Signed

Robert Zammit
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
2 September 2022

Attachments

A. Declaration of results for Uncontested Offices

Australian Federation of Air Pilots
DECLARATION OF RESULTS - E2022/63
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:

Australian Federation of Air Pilots

President (1)

Candidates

POLE Louise

Vice President (Membership) (1)

Candidates

No Nominations Received

Trustee (1)

Candidates

BROWN George F.

Safety & Technical Director (1)

Candidates

REMILTON Philip

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

Robert Zammit
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
15/08/2022





DECISION

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

Australian Federation of Air Pilots (E2022/63)

MR STEENSON

SYDNEY, 25 MAY 2022

Arrangement for conduct of election.

[1] On 13 May 2022 the Australian Federation of Air Pilots lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice President (Membership)	(1)
Safety & Technical Director	(1)
Trustee	(1)

[2] I note that the rules of the organisation provide that, other than the office of Trustee, the ordinary term of office of each of abovenamed offices is two years. The term of office of each Trustee is three years.

[3] I further note that following COVID-related delays in recent previous elections, rule 25 ‘*Transitional Rule – 2020 Elections*’ has been inserted into the organisation’s rules. Sub-rule 25(b) provides that:

- (b) This Rule is intended to facilitate the synchronisation of elections for offices in the Federation arising from the delay in the conduct of elections by the Australian Electoral Commission due in 2020 as a result of the COVID-19 pandemic

[4] In relation to the specific offices for which prescribed information was lodged in this current matter (E2022/63), sub-rule 25(c) provides that:

- (c) The terms of office of the Federal Officers declared elected to the office by the Australian Electoral Commission on 2 June 2021 (E2020/79) shall be truncated so that elections for the offices of President, Vice President (Membership) and Safety & Technical Director shall be conducted at the 2022 Federal Election and the office of Trustee shall be conducted at the 2023 Federal Election.

[5] The rules of the organisation, in particular rule 11, provide for Trustees as officers of the organisation. Each trustee serves a term of three years and, under the rules, one Trustee is due for election each year (in effect, so that Trustees are elected on a rotating basis and have

overlapping terms). Staff of the Registered Organisations Commission have confirmed with the organisation that the requested election for one Trustee which is contained within the prescribed information lodged on 13 May 2022 in this matter (**E2022/63**) is for a new term for the Trustee office which was elected in 2019 (**E2019/55** declared on 22 July 2019) and not the Trustee office that is the subject of sub-rule 25(c).

[6] On a separate note, it is apparent that on the same date that the organisation lodged prescribed information requesting this current election, for senior officers of the organisation, it also lodged prescribed information for elections for the Councils of the organisation (matter **E2022/106**). I take this opportunity to indicate to the organisation (as I did in the decision for that matter) that, if the operation of its rules is such that prescribed information must be lodged for multiple sets of offices (including for multi-stage election processes), it is open to the organisation to lodge a single set of prescribed information.

[7] I am satisfied that an election for the abovenamed offices 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

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

I, Louise Pole, being the President of the Australian Federation of Air Pilots make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Federation of Air Pilots.
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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

A handwritten signature in black ink that reads "Louise Pole". The signature is written in a cursive style with a large, stylized 'P'.

Captain Louise Pole
President

Dated: 13 May 2022

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.

Annexure A

- Elections that are required

Office	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Federal	President	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Vice President (Membership)	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Safety & Technical Director	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Trustee	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)

- Important dates:

	Direct Voting System
Nominations OPEN	To be determined by the Returning Officer in accordance with Rule 12.4(a). Please note Rule 12.4(c) – ‘ <i>The Returning Officer shall call for nominations and conduct the election in such a way that the ballot shall be counted and declared by the Friday preceding the Annual Convention</i> ’. The AFAP’s 2022 Annual Convention will be held on Friday 7 October 2022 and the date of the preceding Friday is 30 September 2022.
Nominations CLOSE	Rule 12.5(a) – ‘ <i>Nominations for the position of Federal officers shall be declared open for a period of 21 days</i> ’
Roll of Voters cut off date	Rule 12.6(c) – ‘ <i>A roll of voters shall be prepared by the Returning Officer which shall be updated so as to include all financial members of the Federation on the fourteenth day prior to the opening of nominations</i> ’.