



DECISION

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

Flight Attendants' Association of Australia (E2022/146)

MR STEENSON

SYDNEY, 12 JULY 2022

Arrangement for conduct of election.

[1] On 1 July 2022 the Flight Attendants' Association of Australia (FAAA) lodged with the Registered Organisations Commission prescribed information for an election to fill the following office for the remainder of term, due to insufficient nominations received in the previous scheduled election (E2019/235)¹ and in a subsequent election attempting to fill this office (E2020/186)²:

Councillor by and from the following electorate:

Domestic

MAM and Altara (1)

[2] In relation to the FAAA's request to fill this vacancy because of insufficient nominations being received in previous elections (E2019/235) and (E2020/186), I note that this is now the third attempt to fill this vacancy.

[3] The FAAA Council is the governing body of the Association with power to control and manage the affairs of the FAAA.³ The FAAA has confirmed that its expectation is to try to fill all Council offices, with the only vacant office on the Council now being the one that is the subject of this election decision.

[4] The FAAA has indicated that its delay in requesting the arrangement of a further election to fill this office has been due to significant and ongoing disruptions in the airline industry which has, amongst other matters, affected the employment arrangements of members employed by MAM and Altara, who form the electorate by and from which this office is elected.

[5] 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*

¹ [2020] ROCD 104

² [2020] ROCD 160

³ FAAA rules – Part C rule 6(1)(a)

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, Teri O'Toole, being the Federal Secretary of the Flight Attendants' Association of Australia make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Flight Attendants' Association of Australia (**FAAA**).
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. Insufficient nominations were received in earlier elections and the declarations of results are attached at Annexures B and C.
5. Regarding the elections in paragraph 4 above, I would like to note the following relevant circumstances:
 - a. As demonstrated by Annexures B and C, the FAAA has conducted two elections to fill the position of *Councillor MAM and Altara*, that position being the reason for this Prescribed Information.
 - b. No nominations were received for the position of *Councillor MAM and Altara* in either election.
 - c. The FAAA acknowledges the delay between the last attempt to fill the position of *Councillor MAM and Altara*, and the submission of this Prescribed Information.
6. When considering the delay, and whether the FAAA should have a further election to fill the position of *Councillor MAM and Altara*, the FAAA asks the Commissioner to take into account the following relevant circumstances:
 - a. The significant disruption to the airline industry, of which the FAAA recruits its members.
 - b. The fact that until December 2021 the employees of MAM and Altara were largely, if not entirely, stood down or not receiving work from MAM or Altara as they are entirely casual employees.

- c. There has been significant disruption in these workforces, with high rates of attrition due to the uncertainty in the industry, followed by high rates of recruitment as aviation operations have begun to 'ramp up'.
- d. There remains significant operational disruption to the airline industry.
- e. Although it is not explicit in the rules of the FAAA, there is an expectation that the FAAA fill the positions of the Council.
- f. There is no provision to fill an 'insufficient nominations' vacancy by any way other than by an election.
- g. The term of this position would expire in June 2024.

7. No rule alterations are pending that will impact the election.

Signed: Ms Teri O'Toole – Federal Secretary



Dated:

30/6/22

Annexure A

- Elections that are required

Branch	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
Domestic	Councillor MAM and Altara	1	Direct Voting System	Insufficient nominations	MAM and Altara; Part C, Rule 3(b)(iv)

- Important dates:

	Direct Voting System
Nominations OPEN	To be determined by returning officer
Nominations CLOSE	To be determined by returning officer, however preference of 28 days after nominations open to keep to the spirit of Part C, Rule 39(4)
Roll of Voters cut off date	To be determined by returning officer, however preference of 7 days before nominations open to keep to the spirit of; Part C, Rule 42(c)(1)