

10 October 2022

Post-election report

Flight Attendants' Association of
Australia
Insufficient Nominations election
E2022/146

Contents

Election(s) Covered in this Report	3
Rules.....	3
Other Matters	3
Signed.....	3
Attachments	4
A. Declaration of results for Uncontested Offices	4

Election(s) Covered in this Report

Organisation: Flight Attendants' Association of Australia
Election: Insufficient Nominations
Election Decision No/s: E2022/146

Rules

Rules used for the election: [231V: Incorporates alterations of 18 June 2020 [R2019/163]
(replaces 11 September 2017 version (R2016/295 2016)

Rules difficult to apply/interpret: None
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:

- As there is no rule pertaining to the withdrawal of nominations, the Returning Officer will apply subparagraph 193(1)(b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of nominations and the withdrawal period will close at the time of closing of nominations.

Signed

Cameron Caccamo
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: (02) 9375 6366
10 October 2022

Attachments

A. Declaration of results for Uncontested Offices



10 October 2022

Teri O'Toole
Federal Secretary
Flight Attendants' Association of Australia
Sent via email: teri@faaa.net



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/146

Dear Teri O'Toole,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Flight Attendants' Association of Australia.

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](#).

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.

Flight Attendants' Association of Australia
DECLARATION OF RESULTS - E2022/146
Uncontested Offices

Insufficient Nominations 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:

Domestic MAM and Altara

Councillor (1)

Candidates

HIJAZI Ali

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

Cameron Caccamo
Returning Officer
Telephone: (02) 9375 6366
Email: IEEvents@aec.gov.au
06/10/2022





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)