



5 May 2023

Louise Pole
Federal President
Australian Federation of Air Pilots
Sent via email: admin@afap.org.au

Dear Louise Pole



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/10

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 Fair Work Commission (the Commission).

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@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission 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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.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](#).



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@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission 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.

26 April 2023

Post-election report

Australian Federation of Air Pilots
Insufficient Nominations election
E2023/10

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Election(s) Covered in this Report

Organisation: Australian Federation of Air Pilots
Election: Insufficient Nominations
Election Decision No/s: E2023/10

Rules

Rules used for the election: [282V: Incorporates alterations of 6 January 2023 (R2022/128)]
(replaces rulebook dated 13 May 2022 (R2022/47))

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:

Rule 12.3(i) and 12.6(d) of the Organisation both state that within 21 days of the close of nominations the Returning Officer shall issue ballot material to members eligible to vote. The Returning Officer will apply subparagraph *193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009* to extend this period, to allow for adequate time for managing nominations and preparing ballot material.

Rule 12.6(b)(v) of the Organisation states that the date of return of ballot papers shall be not later than 21 days from the date of issue of the last ballot paper. The Returning Officer will apply subparagraph *193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009* to amend this to 28 days after the opening of the ballot period, to allow for the timely return of ballot material.

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
26 April 2023

Attachments

A. Declaration of results for Uncontested Offices – Federal

Australian Federation of Air Pilots
DECLARATION OF RESULTS - E2023/10
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:

Australian Federation of Air Pilots

Vice President (Membership) (1)

Candidates

McGINNIS Michael

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
20/04/2023



[2023] ROCD 9



Australian Government
Registered Organisations Commission

DECISION

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

Australian Federation of Air Pilots
(E2023/10)

MR STEENSON

SYDNEY, 31 JANUARY 2023

Arrangement for conduct of election.

[1] On 17 January 2023 the Australian Federation of Air Pilots lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in a previous election (**E2022/63**):

Vice President (Membership) (1)

[2] 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

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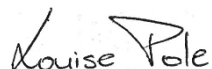
PR352402

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. Insufficient nominations were received in an earlier election (E2022/63) and the declaration of results is attached.
5. No rule alterations are pending that will impact the election.

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: 17 January 2023

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	Vice President (Membership)	1	Direct Voting System	Insufficient nominations	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).
Nominations CLOSE	Rule 12.5(a) – ‘Nominations for the position of Federal officers shall be declared open for a period of 21 days’
Roll of Voters cut off date	Rule 12.6(c) – ‘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’.