



8 August 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 E2023/11

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Federation of Air Pilots and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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.

Real-life example of penalties in Court An 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 an interim [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.

17 July 2023

Post-election report

Australian Federation of Air Pilots
Insufficient Nominations election
E2023/11

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Election(s) Covered in this Report

Organisation: Australian Federation of Air Pilots
Election: Insufficient Nominations
Election Decision No/s: E2023/11

Rules

Rules used for the election: 282V: Incorporates alterations of 6 January 2023 (R2022/128)

Rules difficult to apply/interpret: N/A

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 of the Organisation states that the maximum ballot period will not be more than 14 days. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to extend the period due to current delivery time taken by Australia post and will allow 28 days instead of 21 days.

Signed

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

Attachments

- A. Declaration of Results for Contested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 1
- C. Declaration of Results for Uncontested Offices – Stage 2

Australian Federation of Air Pilots

DECLARATION OF RESULTS - E2023/11 - Stage 2

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:

Eastern Council Committee

Secretary (1)

Candidates

ANDERSON Tim

Convention Representative (1)

Candidates

No Nominations Received

Sunstate Council Committee

Secretary (1)

Candidates

COPLAND Richard

National Council Committee

Convention Representative (1)

Candidates

HUGHES Lyden

Helicopters Council Committee

Secretary (1)

Candidates

No Nominations Received

Convention Representative (1)

Candidates

No Nominations Received

Qantas Mainline Council Committee

Chair (and Convention Representative) (1)

Candidates

No Nominations Received

Vice-Chair (1)

Candidates

No Nominations Received

Secretary (1)Candidates

No Nominations Received

National Jet Systems Council Committee**Chair (and Convention Representative) (1)**Candidates

CLOUTING Anthony

Vice-Chair (1)Candidates

GALLIERS Eric

Secretary (1)Candidates

GORDON Justin

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
13/07/2023



Australian Federation of Air Pilots
DECLARATION OF RESULTS - E2023/11 - Stage 1
Contested 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:

Virgin Council

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	619
Number of voters issued with voting material	619
Total number of voters issued with replacement voting material	3
Total number of voting material packs issued	622
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	210
Number of declaration envelopes rejected at preliminary scrutiny (minus)	10
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	200
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	5
Voting material packs not returned by voters by closing date of the ballot	407
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	34 %

Committee Member (1)

<u>Candidates</u>	<u>Final Votes</u>
RABY, Ben	109
WINSLOW, Ken	71
BARR, Adam	17

Total ballot papers admitted for this office	200
Formal Ballot papers	197
Informal Ballot papers	3

I declare the following elected:

- RABY, Ben

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
14/06/2023



5 May 2023

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

Dear Louise Pole



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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](#).



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Yours sincerely

Fair Work Commission



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Australian Federation of Air Pilots

DECLARATION OF RESULTS - E2023/11 - Stage 1

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:

Eastern Council

Committee Member (5)

Candidates

HAMILTON William
KOSENKO James
PAREKH Shabbir
QUAIFE Brendan
WARD Michael

Rex Council

Committee Member (7)

Candidates

No Nominations Received

National Council

Committee Member (3)

Candidates

HUGHES Lyden
MAGNUSSEN Matthew
SURTEES Bill

Helicopters Council

Committee Member (10)

Candidates

No Nominations Accepted

Qantas Mainline Council

Committee Member (4)

Candidates

No Nominations Received

National Jet Systems Council

Committee Member (4)

Candidates

CLOUTING Anthony

GALLIERS Eric

GORDON Justin

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
21/04/2023





DECISION

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

Australian Federation of Air Pilots (E2023/11)

MR STEENSON

SYDNEY, 2 FEBRUARY 2023

Arrangement for conduct of election.

[1] On 17 January 2023 the Australian Federation of Air Pilots (**AFAP**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2022/106**) and a casual vacancy that has arisen:

Virgin

Committee Member	(1)
------------------	-----

Eastern

Committee Member	(5)
Secretary	(1)
Convention Representative	(1)

Sunstate

Secretary	(1)
-----------	-----

Rex

Committee Member	(7)
------------------	-----

National

Committee Member	(3)
Convention Representative	(1)

Helicopters

Committee Member	(10)
Secretary	(1)
Convention Representative	(1)

Qantas Mainline

Committee Member	(4)
Chair (and Convention Representative)	(1)
Vice Chair	(1)
Secretary	(1)

National Jet System

Committee Members	(4)
Chair (and Convention Representative)	(1)
Vice Chair (and Convention Representative)	(1)
Secretary	(1)

[2] In paragraph 5 of the prescribed information, the organisation's President declared that *'an election is not required for vacancies on the Cobham Council as there are no members remaining in the Council'*. Commission staff sought clarification about this as a notification of change dated 2 December 2022 indicated that all Cobham offices had become vacant. In response, on 1 February 2023 the organisation have clarified that the reason that it is not seeking to fill offices associated with the Cobham Council is because the Cobham electorate no longer has any members, apparently due to the Cobham aviation businesses being sold off, and that members previously employed by Cobham have moved into other applicable parts of the AFAP. An example given by the organisation was that with Regional Express taking over Cobham's freight operations, those former Cobham members now belong to the AFAP's Rex Council.

[3] Noting that the Cobham offices still exist under the rules of the organisation, the AFAP's correspondence also indicated that *'At the AFAP Executive Committee on 30 November 2022 it was discussed that a rule alteration would be proposed at the next AFAP Convention [scheduled for 6 October 2023] to remove the Cobham Council from the AFAP's council structure.'*

[4] As the AFAP has committed to take steps to review its election-related rules, particularly those around the offices of the Cobham Council, with a view to removing them from the organisation's structure, and that former Cobham members appear to have been accommodated elsewhere in the AFAP, I am prepared to issue this election decision without the Cobham offices.

[5] 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

Printed by authority of the Commonwealth Government Printer

PR352406

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 (E2022/106) and the declarations of results are attached.
5. An election is not required for vacancies on the Cobham Council as there are no members remaining in the Council.
6. 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:

Council	Name of Office	Number required	Voting System	Reason for Election	Electorate
Virgin	Committee Member	1	Direct voting	Insufficient nominations	Financial Virgin Council Members
Eastern	Secretary	1	Collegiate	Insufficient nominations	Financial Eastern Council Committee Members
Eastern	Convention Representative	1	Collegiate	Insufficient nominations	Financial Eastern Council Committee Members
Eastern	Committee Member	5	Direct voting	Insufficient nominations	Financial Eastern Council Members
Sunstate	Secretary	1	Collegiate	Insufficient nominations	Financial Sunstate Council Committee Members
Rex	Committee Member	7	Direct voting	Insufficient nominations	Financial Rex Council Members
National	Convention Representative	1	Collegiate	Insufficient nominations	Financial National Council Committee Members
National	Committee Member	3	Direct voting	Insufficient nominations	Financial National Council Members
Helicopters	Secretary	1	Collegiate	Insufficient nominations	Financial Helicopters Council Committee Members
Helicopters	Convention Representative	1	Collegiate	Insufficient nominations	Financial Helicopters Council Committee Members
Helicopters	Committee Member	10	Direct voting	Insufficient nominations	Financial Helicopters Council Members

Qantas Mainline	Chair	1	Collegiate	Insufficient nominations	Financial Qantas Mainline Council Committee Members
Qantas Mainline	Vice-Chair	1	Collegiate	Insufficient nominations	Financial Qantas Mainline Council Committee Members
Qantas Mainline	Secretary	1	Collegiate	Insufficient nominations	Financial Qantas Mainline Council Committee Members
Qantas Mainline	Committee Member	4	Direct voting	Insufficient nominations	Financial Qantas Mainline Council Members
National Jet Systems	Chair	1	Collegiate	Insufficient nominations	Financial National Jet Systems Council Committee Members
National Jet Systems	Vice-Chair	1	Collegiate	Insufficient nominations	Financial National Jet Systems Council Committee Members
National Jet Systems	Secretary	1	Collegiate	Insufficient nominations	Financial National Jet Systems Council Committee Members
National Jet Systems	Committee Member	4	Direct voting	Insufficient nominations	Financial National Jet Systems Council Members

Important dates:

COUNCIL ELECTIONS	Direct Voting System – Council Committee Positions	Collegiate Electoral System – Council Committee Office Holder Positions
Nominations OPEN	As soon as possible	<i>Rules 5.8(a) and Rule 12 – to be determined by the returning officer</i>
Nominations CLOSE	<i>Rule 12.3(a) – ‘shall remain open for a period of 21 days’</i>	<i>Rules 5.8(a) and Rule 12 – to be determined by the returning officer</i>
Roll of Voters cut off date	<i>Rule 12.3(h) – ‘on the fourteenth day prior to nominations opening’</i>	<i>Rule 5.8(a) – as soon as possible after the declaration of the ballot of Committee Members</i>