



9 August 2023

Simon Lutton
General Manager
Australian Federation of Air Pilots
Sent via email: simon@afap.org.au

Dear Simon Lutton



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/65

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
Scheduled election
E2023/65

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Election(s) Covered in this Report

Organisation: Australian Federation of Air Pilots

Election: Scheduled

Election Decision No/s: E2023/65

Rules

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

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): No

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 Uncontested Offices

Australian Federation of Air Pilots

DECLARATION OF RESULTS - E2023/65

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

Vice President (Administration and Finance) (1)

Candidates

BOLLEN Benjamin Charles

Welfare Director (1)

Candidates

No Nominations Received

Trustee (1)

Candidates

MURRAY Bryan David

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
14/07/2023





Fair Work
Commission

DECISION

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

Australian Federation of Air Pilots
(E2023/65)

MR STEENSON

SYDNEY, 9 MAY 2023

Arrangement for conduct of election.

[1] On 27 April 2023, the Australian Federation of Air Pilots (AFAP) lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

Vice President (Administration & Finance)	(1)
Welfare Director	(1)
Trustee	(1)

[2] The AFAP's rules, particularly rules 1.6 and 11.3, provide for three Trustees, with one Trustee elected in each year for a term of three years. The last election for the Trustee office that is the subject of this election (**E2023/65**) was E2020/79 which, due to Covid-19 related delays, was not declared by the Australian Electoral Commission (AEC) until 2 June 2021.

[3] The AFAP has inserted a transitional rule (rule 25) which outlines provisions dealing with the impact of these delays. This rule provides that, in relation to the Trustee office that was the subject of election E2020/79, the term will be truncated so that the next election for that Trustee office will be conducted at the AFAP's 2023 election (i.e. this election).

[4] 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 AEC.



DELEGATE OF THE GENERAL MANAGER

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PR755052

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: 27 April 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 (Administration & Finance)	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Welfare 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 2023 Annual Convention will be held on Friday 6 October 2023 and the date of the preceding Friday is 29 September 2023.
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> .