



18 June 2024

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

Dear Teri O'Toole



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/178

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

18 June 2024

Post-election report

Flight Attendants' Association of Australia
Scheduled Election

E2023/178

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Election(s) Covered in Post-Election Report (PER)

Organisation:	Flight Attendants' Association of Australia (FAAA)
Election Decision No:	E2023/178
Election:	Scheduled
Date ballot closed:	1/05/2024
Date the nominations closed:	14/03/2024
Date results declared:	20/03/2024 – Uncontested 2/05/2024 - Contested
Date PER due:	1/06/2024

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

Contents of report—register of members

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
 - (a) an unusually large proportion of members' addresses that were not current; or
 - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
 - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
 - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
 - (i) to ensure that no irregularities occur in or in relation to the election; or
 - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
 - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
 - (a) action taken under subsection (1); or
 - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
 - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
 - (b) ceases to be qualified to conduct the election or to take the step;the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 Definitions

irregularity, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
 - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
 - (ii) a correct ascertainment or declaration of the results of the voting;

- is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
 - (a) the total number of persons on the roll of voters;
 - (b) the total number of ballot papers issued (if applicable);
 - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
 - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
 - (e) the result of the election;
 - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), ***closing day***, for an election, means:
 - (a) if a ballot is not required—the day on which nominations for the election close; or
 - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
 - (a) the General Manager; and
 - (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the ***post-election report***) given under subsection 197(1) of the Act:
 - (a) the declaration mentioned in regulation 140;
 - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
 - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
 - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
 - (e) action taken by the AEC in relation to those allegations;
 - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
 - (a) give the post-election report within 30 days after the closing day of the election; and
 - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued declarations for the result of election E2023/178 on 18/03/2024 for Uncontested offices, and on 2/05/2024 for Contested Offices.

For copies, see **Attachment A and B**.

FAAA Rules

FAAA Rules used for the election:

- [231V: Incorporates alterations of 18 June 2020 [R2019/163]

Roll of Voters

In the AEC's opinion the register of members did not appear to include an unusually large proportion of members addresses that were not current.

However, on 3 April 2024, the FAAA provided the AEC with an update to the information it had provided for the AEC to produce the roll of voters. The FAAA's update included a number of members who were inadvertently included, a number of member resignations, and 104 address changes for members. The address changes represent less than 2% of members on the roll of voters, so not a large proportion. However, the FAAA provided this information to the AEC on the same day the ballot opened, and it was too late to revise address details on postal voter packs. The AEC updated the roll of voters based on the information provided to ensure that only the votes of those members who were eligible to vote were included in the count.

Written allegations of any irregularities

The AEC received one written allegation of an irregularity concerning the eligibility of a candidate who was elected uncontested in this election.

The AEC investigated the allegation and based on the information available, the AEC formed the view that an election for an office had been affected by an irregularity.

As a result, the Electoral Commissioner, intends to make an application to the Federal Court under s 200(2) of the Fair Work (Registered Organisations) Act 2009 for an inquiry into the election.

Other irregularities

The AEC did not identify any other irregularities in relation to the election.

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
18 June 2024

Attachments

- A. Declaration of Results for Uncontested Offices
- B. Declaration of results for Contested Offices

Flight Attendants' Association of Australia

DECLARATION OF RESULTS - E2023/178

Contested 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:

Flight Attendants Association of Australia

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	6,194
Number of voters issued with voting material	6,360
Total number of voters issued with replacement voting material	75
Total number of voting material packs issued	6,435
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	2,682
Number of declaration envelopes rejected at preliminary scrutiny (minus)	65
Number of ballot papers returned outside declaration envelopes (minus)	4
COUNT	
Total ballot papers admitted to the count	2,613
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	98
Voting material packs not returned by voters by closing date of the ballot	3,655
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	43 %

Federal Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
BERZI, Martin	152
O'TOOLE, Teri	2,318
PAPAGIANNOPOULOS, Peter	139

Total ballot papers admitted for this office	2,613
Formal Ballot papers	2,609
Informal Ballot papers	4

I declare the following elected:

- O'TOOLE, Teri

International Division

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	2,715
Number of voters issued with voting material	2,764
Total number of voters issued with replacement voting material	53
Total number of voting material packs issued	2,817
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	1,434
Number of declaration envelopes rejected at preliminary scrutiny (minus)	27
Number of ballot papers returned outside declaration envelopes (minus)	2
COUNT	
Total ballot papers admitted to the count	1,405
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	44
Voting material packs not returned by voters by closing date of the ballot	1,339
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	53 %

Assistant Federal Secretary (1)

<u>Candidates</u>	<u>Final Votes</u>
GIANANEY, Sunita	167
GULLE, Gus	172
NESCI, Lou	1,052

Total ballot papers admitted for this office	1,405
Formal Ballot papers	1,391
Informal Ballot papers	14

I declare the following elected:

- NESCI, Lou

President (1)

<u>Candidates</u>	<u>Final Votes</u>
HORSFALL, David	1,237
TIMERMANIS, Daina	148

Total ballot papers admitted for this office	1,405
Formal Ballot papers	1,385
Informal Ballot papers	20

I declare the following elected:

- HORSFALL, David

Vice President (1)

<u>Candidates</u>	<u>Final Votes</u>
DI BRAZZA', Lisa	1,150
WALKER, Wendy	227

Total ballot papers admitted for this office	1,405
Formal Ballot papers	1,377
Informal Ballot papers	28

I declare the following elected:

- DI BRAZZA', Lisa

Deputy Vice President (1)

<u>Candidates</u>	<u>Final Votes</u>
BLAKE, Ian	1,284
KHOO, Tracey	109

Total ballot papers admitted for this office	1,405
Formal Ballot papers	1,393
Informal Ballot papers	12

I declare the following elected:

- BLAKE, Ian

Executive Member (1)

<u>Candidates</u>	<u>Final Votes</u>
MEAD, Sam	425
WALL, Greg	931

Total ballot papers admitted for this office	1,405
Formal Ballot papers	1,356
Informal Ballot papers	49

I declare the following elected:

- WALL, Greg

International Division International Routes - Qantas Airways Ltd

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	788
Number of voters issued with voting material	818
Total number of voters issued with replacement voting material	19
Total number of voting material packs issued	837
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	551
Number of declaration envelopes rejected at preliminary scrutiny (minus)	8
Number of ballot papers returned outside declaration envelopes (minus)	8
COUNT	
Total ballot papers admitted to the count	535
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	9
Voting material packs not returned by voters by closing date of the ballot	277
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	70 %

International Councillors (4)

<u>Candidates</u>	<u>Final Votes</u>
ARANDA, Rod	158
CHACON, Jose	169
LE MURA, Mariano	343
PHILIPPE, Kylie	362
SADDINGTON, Katie	161
TOWNSEND, Jill	102
WHITE, Gavin	392
WILLSHER, Louise	376

Total ballot papers admitted for this office	535
Formal Ballot papers	530
Informal Ballot papers	5

I declare the following elected:	Order Elected
• WHITE, Gavin	1
• WILLSHER, Louise	2
• PHILIPPE, Kylie	3
• LE MURA, Mariano	4

International Division International Routes - Qantas Cabin Crew Australia Pty Ltd

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,906
Number of voters issued with voting material	1,925
Total number of voters issued with replacement voting material	34
Total number of voting material packs issued	1,959
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	882
Number of declaration envelopes rejected at preliminary scrutiny (minus)	19
Number of ballot papers returned outside declaration envelopes (minus)	3
COUNT	
Total ballot papers admitted to the count	860
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	35
Voting material packs not returned by voters by closing date of the ballot	1,042
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	46 %

International Councillors (2)

<u>Candidates</u>	<u>Final Votes</u>
DE WILT, Sarah	788
GRONEBERG, Julian	610
LUO, Johnny	232

Total ballot papers admitted for this office	860
Formal Ballot papers	855
Informal Ballot papers	5

I declare the following elected:	Order Elected
• DE WILT, Sarah	1
• GRONEBERG, Julian	2

Benjamin Murray
 Returning Officer
 Telephone: 03 9285 7111
 Email: IEBevents@aec.gov.au
 02/05/2024

Flight Attendants' Association of Australia

DECLARATION OF RESULTS - E2023/178

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:

Domestic Division - Domestic Division

Assistant Federal Secretary (1)

Candidates

UREN Gareth

Vice President (1)

Candidates

MCMANUS Angela

Deputy Vice President (1)

Candidates

WHITFORD Susan

Domestic Division - Domestic Routes - Qantas Domestic Pty Ltd

Domestic Councillor (1)

Candidates

DICKENS Megan

Domestic Division - Domestic Routes - Qantas Airways Ltd

Domestic Councillors (2)

Candidates

RADFORD Leah

SIMIC Elizabeth

Domestic Division - Domestic Routes - Virgin Australian Airlines, Tiger, VARA

Domestic Councillors (2)

Candidates

BARBERA Beau

SHARMA Parnesh

Domestic Division - Domestic Routes - MAM, Altara

Domestic Councillor (1)

Candidates

HIJAZI Ali

Domestic Division - Domestic Routes - Rex, Maroomba Airlines, Alliance, Adagold and others not listed elsewhere

Domestic Councillor (1)

Candidates

MURAR Milja

Domestic Division - Domestic Routes - Jetstar, Team Jetstar, Qantas Link, Network Aviation, Eastern Airlines, Sunstate

Domestic Councillor (1)

Candidates

MACKAY Peter

International Division - International Routes - Virgin Australia

International Councillors (2)

Candidates

JONES Troy Christopher

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

Benjamin Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/03/2024





DECISION

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

Flight Attendants' Association of Australia
(E2023/178)

MR STEENSON

MELBOURNE, 18 JANUARY 2024

Arrangement for conduct of election.

[1] On 12 January 2024 the Flight Attendants' Association of Australia (**the organisation**) lodged with the Fair Work Commission (**the Commission**) prescribed information for an election to fill the following offices for a new term of office:

Executive

Federal Secretary	(1)
Assistant Federal Secretary (International)	(1)
Assistant Federal Secretary (Domestic)	(1)
President (International)	(1)
Vice President (International)	(1)
Deputy Vice President (International)	(1)
Vice President (Domestic)	(1)
Deputy Vice President (Domestic)	(1)
Executive Member (International)	(1)

Councillors from the Domestic Division from the following electorates:

Qantas Airways Limited flying domestic routes	(2)
Virgin Australia Airlines flying short haul or domestic routes, VARA and Tiger Airways	(2)
Qantas Domestic Pty Ltd	(1)
MAM and Altara	(1)

Jetstar, Team Jetstar, QantasLink, Network Aviation, Eastern Airlines, and Sunstate, except for Jetstar employees flying on long haul international routes (1)

REX, Maroomba Airlines, Alliance, Adagold and employers not listed elsewhere who employ members flying domestic routes (1)

Councillors from the International Division from the following electorates:

Qantas Airways Limited flying international routes (4)

Qantas Cabin Crew Australia Pty Ltd flying international routes (2)

Virgin Australia and any members of other employers not otherwise listed flying long haul international routes (2)

Late lodgement

[2] The organisation lodged its prescribed information late. The *Fair Work (Registered Organisations) Act 2009* (RO Act), in particular section 189, requires that prescribed information for an election must be lodged by a particular deadline, known as the ‘prescribed day’. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* defines ‘prescribed day’ as the day two months before nominations are due to open under the organisation’s rules.

[3] The date that nominations are due to open is specified in sub-rules 39((2a) and 39(4) of Part C of the organisation’s rules as 15 February in an election year. As 2024 is an election year, the prescribed information should have been lodged by 15 December 2023, i.e. two months before.

[4] On 3 January 2024, the organisation requested an extension of time to lodge the prescribed information, giving the reason that rule alterations were required because of the changes in the aviation sector causing the closure of airlines and establishment of new airlines which would affect the electorates for Councillors from the International and Domestic Divisions. That request was made 19 days after the prescribed information had been due.

[5] On the same day, the organisation also lodged rule alterations with the Commission to, amongst other things, vary the electorate and the number of positions for Councillors from the International and Domestic Divisions in response to the closure of airlines and establishment of new airlines.

[6] When consulting Commission staff, staff of the organisation expressed concern that if prescribed information for an election was lodged and the election commenced before the rule alterations were certified, that election would proceed in accordance with the organisation’s rules that are current at the time the election commences, that is the day nominations open. The organisation understood this could precipitate a situation similar to that in *Sara, in the matter of an inquiry into the election for offices in the Australian Salaried Medical Officers Federation* [2018] FCA 844 (ASMOF).

[7] In that matter, an officer of ASMOF had to seek orders from the Federal Court concerning an election that had commenced under the ‘old’ rules which were subsequently replaced by ‘new’ rules. In effect, it was seeking to prevent the conduct of two concurrent elections – one which had commenced under the old rules for a number of abolished or replaced

offices and a second election under the new rules – and to have the election for the new term only conducted under the new rules.

[8] To prevent such circumstances from occurring in this matter, or any significant delay if it were to wait until the proposed rule changes were certified, the organisation formally withdrew its rule alterations on 10 January 2024 and lodged prescribed information for this quadrennial election on 12 January 2024.

[9] The prescribed information lodged on 12 January 2024 provided a further reason for the late lodgement. In addition to issue of proposed rule changes, the organisation also noted staff changes and officers' belief that the prescribed information had been lodged within the required time frame, with it only being recognised during the Christmas break that this was not the case.

[10] I note that where an organisation has paid staff members engaged to perform particular roles there is a legitimate expectation that, to some extent, the officers of an organisation can expect staff to attend to certain tasks and responsibilities. Ultimately, however, it is the organisation and its officers who bear the legal obligation. This is particularly so with statutory lodgements which a designated officer is required to sign and lodge on behalf of the organisation.

[11] In the previous scheduled election **E2019/235**, the organisation faced a similar situation, having lodged rule alterations in close temporal proximity to the quadrennial election. The notable difference is that in **E2019/235**, the organisation lodged the prescribed information for its anticipated 2020 quadrennial election by the prescribed deadline. Approximately four weeks later, the organisation lodged rule alterations which would significantly impact that election. After consultation with the Commission, the organisation withdrew the prescribed information for the 2020 election foreshadowing that it would seek an extension of time to later lodge new prescribed information after the rule alterations were certified. In election decision **E2019/235**, the Delegate was satisfied that the reason for the late lodgement of prescribed information was justified – noting that it was intended to avoid the 'ASMOF situation' and that the prescribed information was initially lodged on time and was subsequently withdrawn following consultation with the Commission about the surrounding circumstances.

[12] Under the present circumstances, I am not satisfied that the reasons given for late lodgement of prescribed information for the 2024 election are sufficient grounds to justify the failure to comply with a statutory obligation to lodge the prescribed information by the prescribed day. The request for an extension of time was first raised with the Commission some 19 days after the deadline had already passed. Although the organisation had intended to alter its rules to reflect the changing aviation sector and accurately represent its members, it had in essence overlooked its obligation to lodge the prescribed information within the statutory time frame set out by the RO Act and in the organisation's own rules.

[13] Having regard to the above, I decline on this occasion to allow, under section 189(2) of the RO Act, a later day for lodgement. Section 189(2) is a civil penalty provision. Such late lodgement may be taken into account in relation to future lodgements.

[14] The refusal of an extension of time under section 189(2) does not, however, affect a determination of whether an election is required under section 189(3) of the RO Act.

[15] 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 RO Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission (AEC).

[16] The Commission has sought to expedite this election matter in order take all possible steps to ensure that it is possible for the AEC to conduct this election in accordance with the time frame set out in sub-rules 39((2a) and 39(4) of Part C of the organisation's rules, namely for the nominations to open on 15 February 2024. I request that the AEC accommodate this if possible.



DELEGATE OF THE GENERAL MANAGER

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PR755198

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 Flight Attendants’ Association of Australia
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. Due to airline closures and changes to flying after Covid a number of workgroups (electorates) have no members and so it is expected that there will be no eligible candidates for some electorates in this election. This was the original basis for the proposed rule change, however we would now consider that the election going ahead and including these positions is the best path forward and that these offices could be the subject of a rule alteration and transitional rules at a later date, i.e. after the election has been completed.
5. We did lodge the proposed rule alterations that relate to these issues on 3 January 2024. However, we have since withdrawn these proposed alterations, doing so on 10 January 2024.
6. We note that this statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. We were concerned about not changing rules due to reflect changes in the aviation sector which includes new airlines and airlines that no longer exist
 - b. We have had staff changes and the elected arm believed that this was being completed within the required time frames and recognised that this was not the case in December whilst office was on the Christmas break.
7. We understand that we have missed the cut off date and can only apologise as the FAAA is a small union we have had significant staff changes and challenges since covid, the aviation industry was impacted and this has lead to many changes outside the elected officials control however we recognise this important reporting obligation was missed and ask for the reasons to be considered at this time.

8. Please note that all rule references in Annexure A are to Part C 'Unified Rules' of the FAAA Rules.

Signed: Teri O'Toole

A handwritten signature in blue ink that reads "Teri O'Toole". The signature is written in a cursive style with a period at the end.

Dated: 11 January 2024

Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
FAAA	Federal Secretary	1	Direct Voting System	Scheduled	All FAAA members: rule 6 (3) (a) (ii)
Domestic Division	Assistant Federal Secretary	1	Direct Voting System	Scheduled	Domestic Division: rule 6 (3) (a) (ii)
International Division	Assistant Federal Secretary	1	Direct Voting System	Scheduled	International Division: rule 6 (3) (a) (ii)
International Division	President	1	Direct Voting System	Scheduled	International Division: rule 6 (3) (a) (ii)
International Division	Vice President	1	Direct Voting System	Scheduled	International Division: rule 6 (3) (a) (ii)
International Division	Deputy Vice President	1	Direct Voting System	Scheduled	International Division: rule 6 (3) (a) (ii)
Domestic Division	Vice President	1	Direct Voting System	Scheduled	Domestic Division: rule 6 (3) (a) (ii)
Domestic Division	Deputy Vice President	1	Direct Voting System	Scheduled	Domestic Division: rule 6 (3) (a) (ii)
International Division	Executive member	1	Direct Voting System	Scheduled	International Divisions rule 6 (3) (a) (ii)

International Routes - Qantas Airways Ltd	International Councillors	4	Direct Voting System	Scheduled	International Division members employed by Qantas Airways Ltd: rule 6 (3) (c)(i)
International Routes - Qantas Cabin Crew Australia Pty Ltd	International Councillors	2	Direct Voting System	Scheduled	International Division members employed by Qantas Cabin Crew Australia Pty Ltd: rule 6 (3) (c)(ii)
International Routes - Virgin Australia,	International Councillors	2	Direct Voting System	Scheduled	International Division members employed by Virgin Australia rule 6 (3) (c)(Ili)
Domestic Routes - Qantas Airways Ltd	Domestic Councillors	2	Direct Voting System	Scheduled	Domestic Division members employed by Qantas Airways Ltd: rule 6 (3) (b) (i)
Domestic Routes - Virgin Australia Airlines, Tiger, VARA	Domestic Councillors	2	Direct Voting System	Scheduled	Domestic Division members employed by Virgin Australia Airlines, Tiger and VARA: rule 6 (3) (b) (ii)
Domestic Routes - Qantas Domestic Pty Ltd	Domestic Councillors	1	Direct Voting System	Scheduled	Domestic Division members employed by Qantas Domesic Pty Ltd: rule 6 (3) (b) (iii)
Domestic Routes – MAM, Altara	Domestic Councillors	1	Direct Voting System	Scheduled	Domestic Division members employed by MAM and Altara: rule 6 (3) (b) (iv)
Domestic Routes – Jetstar, Team Jetstar, Qantas Link, Network Aviation, Eastern Airlines, Sunstate	Domestic Councillors	1	Direct Voting System	Scheduled	Domestic Division members employed by Jetstar, Team Jetstar, Qantas Link, Network Aviation, Eastern Airlines and Sunstate: rule 6 (3) (b) (v)
Domestic Routes - Rex, Maroomba Airlines, Alliance, Adagold and others not listed elsewhere	Domestic Councillors	1	Direct Voting System	Scheduled	Domestic Division members employed by Rex, Maroomba Airlines, Alliance, Adagold, and employers not otherwise listed: (rule 6 (3) (b) (vi))

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	15 February 2024 (Part C, Rule 39(1), FAAA Rules)	Not applicable: all elections are by Direct Voting System
Nominations CLOSE	13 March 2024 (nominations remain open for 28 days: Part C, rule 39(1))	Not applicable: all elections are by Direct Voting System
Roll of Voters cut off date	To be determined by the Returning Officer 8 February 2024 (Part C, rule 42(c)(1): roll of voters comprised of financial members as at 7 days before nominations open)	Not applicable: all elections are by Direct Voting System