



11 November 2024

John Pavlou
Secretary
Australian and International Pilots Association
Sent via email: office@aipa.org.au

Dear John Pavlou



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2024/69

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian and International Pilots Association 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](#).

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.

4 November 2024

Post-election report

**Australian and International Pilots Association
Scheduled Election
E2024/69**

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

Organisation:	Australian and International Pilots Association
Election Decision No:	E2024/69
Election:	Scheduled Election
Date ballot closed:	8 October 2024
Date results declared:	9 October 2024
Date PER due:	8 November 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 a declaration of the result of election E2024/69 on 9 October 2024. For a copy, see **Attachment A and B**.

Australian and International Pilots Association Rules

Australian and International Pilots Association Rules used for the election:

- 127N: Incorporates alterations of 22 January 2024 [R2023/101]

Roll of Voters

The AEC did not receive any written allegation of irregularities during the election.

Written allegations of any irregularities

The AEC did not receive any written allegation of irregularities during the election.

Other irregularities

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

Signed

Benjamin Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
4 November 2024

Attachments

A. Declaration of Results for Uncontested Offices

B. Declaration of Results for Contested Offices

Australian and International Pilots Association

DECLARATION OF RESULTS - E2024/69

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 and International Pilots Association

General Representative (5)

Candidates

BOND Paul
JAMIESON Richard
KEMP Adam
LEE Reid
PIEK Michael

Combined Small Work Group

Combined Small Work Group Representative (1)

Candidates

SMITH Ryan

Jetstar Work Group

Jetstar Work Group Representative (1)

Candidates

GOULD Simon

Short haul Work Group

Short haul Work Group Representative (4)

Candidates

BURTON Timothy
CORNELL Steven
GIBSON Christopher
TURTON Zachary

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
09/10/2024

Australian and International Pilots Association

DECLARATION OF RESULTS - E2024/69

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:

Long haul Work Group

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	1,393
Number of voters issued with voting material	1,393
Total number of voters issued with replacement voting material	3
Total number of voting material packs issued	1,396
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	227
Number of declaration envelopes rejected at preliminary scrutiny (minus)	2
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	225
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	27
Voting material packs not returned by voters by closing date of the ballot	1,142
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	16 %

Long haul Work Group Representative (9)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
BEER, Corey	22	22
KLAEBE, Matthew	20	22
HUNTER, Glen	19	22
BOND, Paul	8	14
TURTON, Jason	14	22
RENNIE, Scott	17	22
JAMIESON, Richard	8	Excluded
HOLDING, Mike	13	16
MARTIN, Tony	16	22
KEMP, Adam	8	Excluded
PIEK, Michael	9	Excluded
SOLOMON, Grant	19	22
SMITH, Ben	37	22

Total ballot papers admitted for this office	225
Formal Ballot papers	210
Informal Ballot papers	15

I declare the following elected:	Order Elected
• SMITH, Ben	1
• BEER, Corey	2
• SOLOMON, Grant	3
• RENNIE, Scott	4
• KLAEBE, Matthew	5
• HUNTER, Glen	6
• MARTIN, Tony	7
• TURTON, Jason	8
• HOLDING, Mike	9

Benjamin Murray
 Returning Officer
 Telephone: 03 9285 7111
 Email: IEBevents@aec.gov.au
 09/10/2024





DECISION

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

Australian and International Pilots Association
(E2024/69)

MR STEENSON

SYDNEY, 28 JUNE 2024

Arrangement for conduct of election.

[1] On 24 May 2024 the Australian and International Pilots Association (the **organisation**) lodged with the Fair Work Commission (the **Commission**) prescribed information, and on 30 May and 18 June 2024 the organisation lodged amended prescribed information, for an election to fill the following offices for new terms of office:

Committee of Management Members:

General Representatives	(5)
Combined Small Work Group Representative	(1)
Jetstar Work Group Representative	(1)
Long haul Work Group Representatives	(9)
Short haul Work Group Representatives	(4)

[2] The organisation did not lodge the prescribed information before the ‘prescribed day’ as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the **Regulations**). Regulation 138(3) defines the prescribed day as ‘the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election’. The prescribed day for this election was 4 April 2024.

[3] In correspondence dated 30 May 2024, the organisation’s Secretary stated that the delay was due to recent substantial alterations to the organisation’s rules (the **rules**) and the organisation ‘working through [those] new rules.’ In doing so, the organisation identified a deficiency – namely, that it was not possible to identify the number of vacancies in the relevant Work Groups by the prescribed day. The recently amended rules provide that the number of

offices to be elected is determined by reference to membership numbers, as at the ‘Election Census Date’ (defined as the first Tuesday of May in the relevant election year).¹

[4] The organisation further submitted that matters were complicated by the resignation of a long-standing member of staff (who had been involved in election matters) and the engagement of a new staff member in April 2024.

[5] The organisation has advised in its declaration that it intends to rectify the issue by transacting further rule amendments in order to provide for an earlier Election Census Date going forward, to enable the number of offices to be calculated and determined in a timely manner and ahead of the prescribed day for lodgement with the Commission.

[6] Taking all of these matters into account and in particular noting the effect of recent rule alterations, I have determined that it is appropriate on this occasion to allow a later day for lodgement under s.189(2) of *Fair Work (Registered Organisations) Act 2009* (the Act).

[7] However, in allowing the later day for lodgement on this occasion, I emphasise the importance of registered organisations and their branches lodging prescribed information for elections before the prescribed day under regulation 138(3). I note that the default position in the Act is to lodge by the prescribed day, and that the failure of an organisation to lodge prescribed information before the prescribed day is a civil penalty provision.

[8] 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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PR755293

¹ Rule 5(a) of the organisation’s rules.

**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,	John Pavlou
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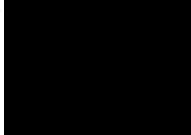
declare that:

1. I am the Secretary of Australian and International Pilots Association [**AIPA**] and am authorised to make this declaration on behalf of that Organisation.
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. 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. The AIPA Rules were substantially amended by a rule change approved by the General Manager on 22 January 2024. This is the first election using the new rules and the reason for the statement not being lodged at least 2 months prior to nominations opening was AIPA working through the new rules.
 - b. The changes approved in January included:
 - i. The introduction of Work Group, such that all members are now allocated to Work Groups that refer to the entity that employs them.
 - ii. The introduction of Work Group Representatives to the Committee of Management. Previously all Committee of Management representatives were elected on a first past the post system from the entire membership.
 - iii. A strong emphasis on propositional representation. This extends to which Workgroups have representatives, and the number of representatives from each Work Group being dependent upon the number of members allocated to that Work Group.
 - iv. The introduction of an election census date, which is the date in which the membership is assessed and the correct number of Work Group Representatives determined.
 - v. The introduction of a prescriptive election timetable which does not include reference to the provision of the s.192 prescribed information.
 - c. Under the Rules as amended an Election Census Date (being the first Tuesday of May) is prescribed. The Election Census Date is the date in which the membership list is assessed and a determination of which Work Groups have vacancies, and the number of such vacancies is made by reference to the number of members in those Work Group at that time. As

such it is not possible to know which Work Groups will have vacancies, and how many Work Group Representative positions will be vacancies prior to this date.

- d. Following on from the Rule Changes, the particulars relevant to which Work Group members were allocated had not previously been held in the AIPA Membership list. AIPA's long standing membership officer (who had been involved in previous elections) resigned in March and a new employee was engaged in April 2024. These matters increased the complexity of the issues.
5. It is now apparent the AIPA Rules (as amended) in respect of election timing would be improved if the election census date was an earlier date and a date for the provision of s.192 of prescribed information included within the Rules. I intend to move a further change to the rules to make this improvement.
6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@fwc.gov.au.

Signature		Date:	30/05/2024
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Annexure A

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
National	General Representatives to the Committee of Management	5	Direct	Scheduled	All Financial Members
National	Combined Small Work Group Representative to the Committee of Management	1	Direct	Scheduled	All Financial Members of the Combined Small Work Group
National	Jetstar Work Group Representative to the Committee of Management	1	Direct	Scheduled	All Financial Members of the Combined Small Work Group
National	Long haul Work Group Representative to the Committee of Management	9	Direct	Scheduled	All Financial Members of the Combined Small Work Group
National	Short haul Work Group Representative to the Committee of Management	4	Direct	Scheduled	All Financial Members of the Combined Small Work Group

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	4 June 2024 (r.54(a))	
Nominations CLOSE	25 June 2024 (r.54(e))	
Roll of Voters cut off date	7 May 2024 (r.53(a); r.4(a))	

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a preference, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template *Prescribed information for the election of officer and non-officer positions*

REQUEST FOR EXTENSION OF TIME pursuant to Section 189(2) *Fair Work (Registered Organisations) Act 2009*

I,	John Pavlou
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declare that:

1. I am the Secretary of Australian and International Pilots Association [**AIPA**] and am authorised to make this declaration on behalf of that Organisation.
2. On behalf of AIPA I request that, pursuant to s.189(2) of the *Fair Work (Registered Organisations) Act 2009*, the General Manager permit the lodgment of the prescribed information for elections to the AIPA Committee of Management on a date after the prescribed date.
3. In making this request I advise that the reason the prescribed information was not lodged in the prescribed time was:
 - a. The AIPA Rules were substantially amended by a rule change approved by the General Manager on 22 January 2024. This is the first election using the new rules and the reason for the statement not being lodged at least 2 months prior to nominations opening was AIPA working though the new rules.
 - b. The changes approved in January included:
 - i. The introduction of Work Group, such that all members are now allocated to Work Groups that refer to the entity that employs them.
 - ii. The introduction of Work Group Representatives to the Committee of Management. Previously all Committee of Management representatives were elected on a first past the post system from the entire membership.
 - iii. A strong emphasis on propositional representation. This extends to which Workgroups have representatives, and the number of representatives from each Work Group being dependent upon the number of members allocated to that Work Group.
 - iv. The introduction of an election census date, which is the date in which the membership is assessed and the correct number of Work Group Representatives determined.
 - v. The introduction of a prescriptive election timetable which does not include reference to the provision of the s.189 prescribed information.
 - c. Under the Rules as amended an Election Census Date (being the first Tuesday of May) is prescribed. The Election Census Date is the date in which the membership list is assessed and a determination of which Work Groups have vacancies, and the number of such vacancies is made by reference to the number of members in those Work Group at that time. As such it is not possible to know which Work Groups will have vacancies, and

how many Work Group Representative positions will be vacancies prior to this date.

- d. Following on from the Rule Changes, the particulars relevant to which Work Group members were allocated had not previously been held in the AIPA Membership list. AIPA's long standing membership officer (who had been involved in previous elections) resigned in March and a new employee was engaged in April 2024. These matters increased the complexity of the issues.
- 4. I further advise that the term of office for half of the AIPA Committee of Management will expire in November 2024 and if no elections occur then the Committee of Management will not be able to function. Further, the persons elected as a result of these elections will comprise half of the electorate for collegiate elections to positions of the executive of the Association.
- 5. I confirm that it is now apparent the AIPA Rules (as amended) in respect of election timing would be improved if the election census date was an earlier date and a date for the provision of s.189 prescribed information included within the Rules. I intend to move a further change to the rules to make this improvement.
- 6. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

NOTE: This statement [redacted] the Fair Work Commission at least 2 months prior to nominations opening [redacted] to regorgs@fwc.gov.au.

Signature	[redacted]	Date:	30/05/24
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