Fair Work Commission

DECISION

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

Australian and International Pilots Association
(E2026/20)

MR STEENSON SYDNEY, 29 APRIL 2026

Arrangement for conduct of election.

[1] On 1 April 2026, the Australian and International Pilots Association (the **organisation**) lodged with the Fair Work Commission (the **Commission**) prescribed information for an election to fill offices for a new term of office. The offices to be elected are:

Committee of Management Members (20 in total), from the following electorates:

General Representatives (from all AIPA members)	(5)
Short Haul Work Group Representatives	(number to be determined in accordance with the rules)
Long Haul Work Group Representatives	(number to be determined in accordance with the rules)
Jetstar Work Group Representatives	(number to be determined in accordance with the rules)
National Jet Systems Work Group Representatives	(number to be determined in accordance with the rules)
Combined Small Work Group Representatives	(number to be determined in accordance with the rules)
Work Group Representative from any other Employer with more than 50 AIPA members as at the Election Census Date	(number to be determined in accordance with the rules)

Executive

President	(1)
Secretary	(1)
Assistant Secretary	(1)

Treasurer	(1)
Vice President ('A' Pilots)	(1)
Vice President (Other Group Airlines)	(1)
Vice-Presidents (one from each Work Group with more than 15% of the total AIPA membership)[1]	(number to be determined in accordance with the rules)

[2] The reason that many of the offices listed above have the notation 'number to be determined in accordance with the rules' next to them is a consequence of the AIPA rules, as set out below.

Relevant AIPA rules and their effect

[3] The AIPA rules provide for a Committee of Management comprised of 40 members, 10 of whom are elected from the entire AIPA members ('General Representatives') and the remaining 30 of whom are 'Work Group Representatives' elected by and from particular electorates (work groups) based on their employer or another designation, e.g. combined small work groups.[2] The number of representatives is calculated based on the number of members in each work group.

[4] The rules also provide that members of the Committee of Management are elected for a four-year term, with half the members elected every two years.[3] In the 2024 election for the Committee of Management, five of the General Representative offices were up for election, together with a total of 15 Work Group Representatives.[4] As the 2026 election will be the second of the elections following the change to a four-year term, it follows that the other five (5) General Representatives and the other 15 Work Group Representatives are due for election. The precise distribution of those 15 Work Group Representatives is determined by operation of the AIPA rules as set out below.

[5] The term of office of Executive Members[5] is two years,[6] and as such an election for those offices is due in the same year as the election for half of the Committee of Management

[6] Rule 53 of the AIPA rules sets out how the entitlement to Work Group Representatives is calculated, with each Work Group entitled to at least one representative.[7] Rule 28 deals with the creation, maintenance and abolition of Work Groups.

[7] Subject to the provisions of rule 53, the calculation is based on the number of members in each Work Group as at the 'Election Census Date'. Rule 5(a) of the AIPA rules, 'Definitions', defines the Election Census date as '*the first Tuesday on or after 1 May in the particular year in which an election is due*'. For 2026, that date is Tuesday 5 May 2026 – a date that has not yet been reached as at the date of this decision.

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[1] Under the AIPA rules (rulebook D2023/3, certified 3 March 2025), rule 33(a)(iii) provides that there will be at least three Vice Presidents, in addition to the Vice President 'A' Pilots specified in rule 33(a)(iv). One of these three Vice Presidents is the 'Vice President (Other Group Airlines)'. Rule 33(b) specifies that: '*In the event there are not two Work Groups that each represent 15% or more of the total membership, there will be a Work Group Vice President for the two largest Work Groups*'.

[2] AIPA rule 31(e)

[3] AIPA rules 31(d) and 63(a)

[4] Election E2024/69, which was the subject of decision [2024] FWCD 88 issued on 28 June 2024. That election was declared on 9 October 2024.

[5] Defined by AIPA rule 33(a) as the President, Vice Presidents, Secretary, Assistant Secretary and Treasurer.

[6] AIPA rule 63(b)

[7] AIPA rule 53(b)(ii)

Previous AIPA election (2024)

[8] Under section 189 of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**), an organisation is required to lodge prescribed information if an election is due under its rules, and to do so at least two months before nominations are due to open.[8] In previous elections conducted for these offices (**E2024/69** for Committee of Management Members and **E2024/133** for Executive Members), the AIPA did not lodge prescribed information within the required timeframe, which would have left it liable to civil penalty proceedings had the Commission not granted a later date for lodgement in each of those elections.

[9] The AIPA's explanation for the delay in lodging prescribed information for the previous Committee of Management election (E2024/69) was that it had identified a deficiency in its rules whereby it was not possible to identify the number of vacancies in the relevant Work Groups by the prescribed day, as the number of offices to be elected is determined by reference to membership numbers calculated at a future date, i.e. the Election Census Date. It is apparent from the rules that the Election Census Date is critical in determining the allocation of members to Work Groups by Employer,[9] and consequently, in determining the number of Vice-President representatives (if any) from particular Work Groups, to be elected in the second stage (collegiate election) of the Executive.[10]

Undertaking given by AIPA but not fulfilled

[10] At that time of lodging prescribed information for its 2024 elections, the AIPA advised that it intended to rectify the issue by transacting rule amendments to provide for an earlier Election Census Date to enable the number of offices to be calculated (and Work Groups to be determined), ahead of the prescribed day. I note that the organisation's assurance in this regard was a key consideration in allowing a later day for lodgement under section 189(2) of the RO Act in both elections – E2024/69 and E2024/133.

[11] It is also apparent that the AIPA did not fulfil the undertaking that it gave to the Commission in 2024 prior to being granted a later date for lodgement. The organisation has not taken steps to transact rule alterations to rectify the issue, as it indicated it would do – because the relevant rules have not been amended ahead of this election. Consequently, the same issues arise in this election (E2026/20). This will result in further steps being required of this Commission and the Australian Electoral Commission (**AEC**) to facilitate this election – additional steps that would not have arisen if the promised rule alterations had occurred.

Current election request and proposed rule changes

[12] Using the timeframes set out in the AIPA rules, for the 2026 election, nominations for the first stage of the election – Committee of Management members – are due to open on 5 June 2026 and therefore the prescribed information was required to be lodged by the AIPA by no later than 5 April 2026 in order to comply with section 189(2) of the RO Act. However, under the organisation's rules, the Election Census Date is 5 May 2026 (over four weeks after the prescribed day).

[13] In correspondence accompanying the prescribed information lodged for this election (E2026/20), the AIPA has stated that the rules conflict with the organisation's obligations under the RO Act – the same issue that was raised in 2024. The organisation has acknowledged that the matter needs to be addressed and corrected and to this end, proposes, at the conclusion of

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[8] Regulation 138(3), *Fair Work (Registered Organisations) Regulations 2009* (**RO Regulations**)
[9] See AIPA rule 33(b)
[10] Rule 33(b)

this election to effect a rule amendment that changes the Election Census Date from 'the first Tuesday on or after 1 May in the particular year in which an election is due' to 'the first Tuesday on or after 1 March in the particular year in which an election is due'. The expectation is that this time the AIPA will take the promised action.

[14] I am satisfied that an election is required to be held under the rules of the organisation.

[15] However, in order to make arrangements for the conduct of the election for specific offices by the AEC, the AIPA will need to provide to the Commission and to the AEC the following information promptly after the Election Census Date:

(a) the total number of AIPA members as at the Election Census Date;

(b) the number of members in each Work Group as at the Election Census Date;

and from this

(c) the number of Work Group Representatives that each Work Group is entitled to at this election; and

(d) the Work Groups that are entitled to a Vice President under the rules.

[16] The election cannot commence without this information being provided.

[17] Staff of this Commission will engage directly with the AIPA immediately following the issuing of this election decision to obtain a specific timetable from the organisation for the proposed rule alterations, with a view to those alterations being completed before the end of 2026 if possible.

DELEGATE OF THE GENERAL MANAGER

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PR798814

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, Corey Beer being the Secretary of the Australian and International Pilots Association ('AIPA') make the following statement:

1. I am authorised to sign this statement containing prescribed information for AIPA.
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.

This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

5. If the number of elected representatives is calculated on a formula(s) defined in the rules:
    a. The rule number(s) which specify(s) the formula(s) are Rule 53:
    b. The formula(s) are:

        a) Within seven days (1 Week) of the Election Census Date the Secretary will calculate the number of vacancies for each Work Group using the process described at sub rules (b) – (d) below.

        b) Prior to determining the number of vacancies on the Committee of Management in respect of each Work Group for an election, the Secretary will determine the correct number of Work Group Representatives for each Work Group as at the Election Census Date using the following process:

            (i) A threshold figure is determined by dividing the total number of Financial Members by 30, which is the number of positions on the Committee of Management allocated to Work Group Representatives.

            *(ii) Each Work Group with less than the threshold figure in sub-rule (b)(i) of this rule **[Rule 53]** shall be allocated one Guarantee Position on the Committee of Management;*

            (iii) The number of Guarantee Positions allocated by sub rule (b)(ii) shall be deducted from 30 (being the total number of Work Group Representative positions on the Committee of Management) to determine the Remaining Work Group Representative positions;

            (iv) The total number of Financial Members in Work Groups that have not been allocated Guarantee Positions shall be divided by the Remaining Work Group Representative positions. The arrived at figure shall be referred to as the Quota;

(v) The Remaining Work Group Representative positions are allocated to Work Groups by dividing the number of Financial Members in each Work Groups that have not been allocated Guarantee Positions by the Quota. Any decimal value or fraction shall be dropped, and only the whole number shall be considered;

(vi) If there are any remaining positions, these shall be allocated to the Work Groups in order of their decimal value, from highest to lowest, until all remaining positions have been allocated. If there are insufficient remaining positions, the decimal value will be considered such that positions will be progressively eliminated by reference to the decimal value, from lowest to highest.

Calculating the number of Work Group vacancies for an election

c) The number of Work Group Representatives to be elected from each Work Group in an election is determined by subtracting from the correct distribution of Work Group Representatives on the Committee of Management the number of Continuing Members for each Work Group. In the event the number to be elected from all Work Groups is greater than 15:

(i) then vacancies allocated under sub-rule (b)(vi) will be progressively eliminated by reference to the decimal value, from lowest to highest; and

(ii) if this step does not reduce the number of vacancies to 15, a single vacancy will be eliminated progressively from the largest Work Group to the smallest Work Group.

Signed: [redacted]

Dated: 01/04/26.

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.

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
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	General Work Group Representatives
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	Short Haul Work Group Representatives
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	Long Haul Work Group Representatives
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	Jetstar Work Group Representatives
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	National Jet Systems Work Group Representatives
Australian and International Pilots Association	Committee of Management	TBC	Direct Voting System	Scheduled	Combined Small Work Group Representatives
Australian and International Pilots Association	President	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Secretary	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Assistant Secretary	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Treasurer	1	Collegiate electoral system	Scheduled	Executive

Australian and International Pilots Association	VP (Short Haul)	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Vice President (Long Haul)	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Vice President (Group Airlines)	1	Collegiate electoral system	Scheduled	Executive
Australian and International Pilots Association	Vice President (A Pilots)	1	Collegiate electoral system	Scheduled	Executive

- Important dates:

	Direct Voting System	**Collegiate Electoral System**
Nominations OPEN	To be determined by the Returning Officer	To be determined by the Returning Officer
Nominations CLOSE	To be determined by the Returning Officer	To be determined by the Returning Officer
Roll of Voters cut off date	5 May 2026 – per Schedule D of AIPA Rules	5 May 2026 – per Schedule D of AIPA Rules

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*.