



## Workplace Relations Act 1996 – Schedule 1

### POST ELECTION REPORT

**Client:** Australian and International Pilots Association

**Contact details:** Ian Woods  
President  
Suite 601, Level 6 Coward St  
MASCOT NSW 2020

**Email:** office@aipa.org.au  
**Tel:** 02 8307 7777

**AIR contact officer:** Peter Nicholson

**Email:** Industrial.elections@air.gov.au  
**Tel:** 03 8661 7775

#### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2008/213

#### RULES

**Rules used for elections Rule ID:** [127 N Incorporates alterations of 2/01/2008]  
[ D2006/58 & appeal decision[2007]AIRCFB 796]  
Replaces rulebook dated 13/06/2007

**Rules difficult to apply/interpret:** Rule 39(n)(i) states the RO shall tally votes on a first-past-the-post basis. However the same rule 39 (n)(iii) requires that for office of Vice President, in case of a ballot, the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> preference votes be tallied making it preferential. RO used S193 (b) (ii) and tallied 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> preference votes for that ballot.

#### ROLL OF VOTERS

<b>Total number of voters on the roll</b>	39	
<b>Number of apparent workplace addresses</b>	0	0 %
<b>Number of non-current addresses</b>	0	0 %
<b>Other Matters</b>	Nil	

#### ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None  
Other irregularities identified, and action taken: None

#### ATTACHMENTS

**A:** Declaration of Contested and Uncontested Offices

Noopur Madan  
Returning Officer  
29 October 2008

# Australian and International Pilots Association

## Officers 2008

### DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2008/213

#### Committee of Management

Total number of persons on the roll of voters	39
Ballot papers issued	39
Duplicate ballot papers issued	1
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>40</b>
Ballot papers / envelopes returned for scrutiny	43
Less ballot papers / envelopes rejected at preliminary	4
Adjusting Balance	-1
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>38</b>
Percentage of ballot papers returned to number issued	107%
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	-4

#### President

<u>Candidates</u>	<u>Votes</u>
JACKSON, Barry Stewart	27
WOODS, Ian William	11
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	38
Formal ballot papers	38
Informal ballot papers	0

I declare Barry Stewart Jackson elected.

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#### Vice President (3)

<u>Candidates</u>	<u>Votes</u>
BACKHOUSE, David John	23
FRANKENBERG, Peter	31
GLYNN, Michael	13
LUNT, Jeff	19
WOODWARD, Richard	28

Exhausted Votes	0
Loss/Gain by Fraction	0
Total (Tally of 1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> preference ) votes	114
Formal ballot papers	38
Informal ballot papers	0

I declare David John Backhouse, Peter Frankenberg and Richard Woodward elected.

#### **Treasurer**

<u>Candidates</u>	<u>Votes</u>
PERCIVAL, Andrew	17
SUSZ, Adam	21
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	38
Formal ballot papers	0
Informal ballot papers	38

I declare Adam Susz elected.

#### **Vice President (Flight Engineers)**

##### Candidate

CLEARY, Graeme

I declare Graeme Cleary elected.

#### **Vice President ("A" Pilots)**

##### Candidate

BUSBY, Theron

I declare Theron Busby elected.

#### **Secretary**

##### Candidate

MARRIOTT, Keith

I declare Keith Marriott elected.

#### **Assistant Secretary**

##### Candidate

DAVIDSON, Mike

I declare Mike Davidson elected.

Noopur Madan  
Returning Officer  
Australian Electoral Commission

29 October 2008

*Workplace Relations Act 1996*  
s.189 RAO Schedule - arrangement for conduct of an election

**Australian and International Pilots Association**  
(E2008/213)

T. NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 18 JULY 2008

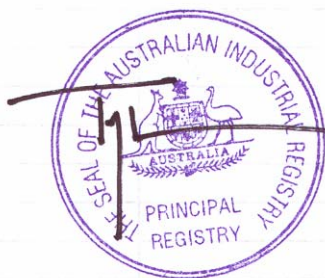
*Arrangement for conduct of election.*

**DECISION**

[1] On 8 July 2008 the Australian and International Pilots Association lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

President  
Vice Presidents (3)  
Vice President (Flight Engineers)  
Vice President 'A' Pilots  
Secretary  
Assistant Secretary  
Treasurer

[2] 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 Schedule 1 of the *Workplace Relations Act 1996*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



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4 July 2008

The Industrial Registrar  
Australian Industrial Registry  
Level 35, Nauru House  
80 Collins Street  
**MELBOURNE VIC 3000**

By email: [ken.ophel@air.gov.au](mailto:ken.ophel@air.gov.au)

**Att: Ken Ophel**

**Arrangements for the conduct of an election in accordance with section 189 of Schedule 1 to the Workplace Relations Act 1996**

Pursuant to Section 189(1) of Schedule 1 to the *Workplace Relations Act 1996* (~~Act~~) and Regulation 138 of the Workplace Relations (RAO) Regulations, I hereby lodge the following prescribed information concerning the 2008-2009 Officers election for the Australian and International Pilots Association (**AIPA**).

**Regulation 138(1)**

**(a) The name of each office in respect of which an election is required**

President, 3 Vice-Presidents, Vice-President (Flight Engineers), Vice-President (~~A~~+Pilots), Secretary, Assistant Secretary and Treasurer.

**(b) The reason for the election**

With respect to the offices set out in (a), above, their term of office will expire (pursuant to Rule 40(b) and Rule 56A) of AIPA's Rules.

**(c) The number of offices**

As set out in (a) above.

**(d) The electorate of each office**

The electorate for the Officers election is the Committee of Management of AIPA.

(e) ***The date and time of the commencement and expiration of the nomination period as set out in the rules of the organisation***

Rule 39(c) provides that:

“(c) ***As soon as possible after the result of an election of Committeemen is ascertained***, and wherever possible on the same day, the Returning Officer shall cause nomination forms to be prepared and mailed or otherwise distributed to all financial members of the Committee of Management;” [my emphasis]

The timeframe envisaged in Rule 39(c) is not relevant for this year’s Officers’ election because the AIPA Rules now provide that Committee of Management elections are held each two years out of three and no election was due for this year. Consequently, a separate timetable will need to be determined for the Officers’ election.

As COM members and Officers take their office from the Annual General Meeting in each year an election is held - this year the AGM is to be held on 11 November . (Rule 38(t)(i) and 56A) and this is the starting date for calculating the timetable for COM elections, it is probably also the appropriate date for starting the calculation for the Officers’ election.

The AIPA Rules provide that the usual timeframe for having tallied the votes in the COM election is 49 days prior to the AGM (Sub-rule 38(m)) which this year would mean 23 September 2008. Given that there are two 21 day periods mandated under the election of Officers process under Rule 38 (nominations and voting), this is a relatively short timeframe for the Officers’ election to be conducted.

Adopting this timetable would mean that nominations would open on 23 September 2008 and close a minimum of 21 days later (Rule 39(f)). This would mean no earlier than 14 October 2008.

(f) ***The day on which the roll of voters is to be closed***

The AIPA Rules provide no mechanism for determining when the roll of voters for election of Officers’ closes.

The AIPA Rules refer to the appropriate electorate for the election - *by and from* members of the Committee of Management (Rule 39(a)) and *“The two yearly election of officers shall be by secret postal ballot of all members of the Committee of Management . . .”* (Rule 39(b) read in conjunction with Rule 56A) and *“nomination forms to be prepared and mailed to all financial members of the Committee of Management;”* (Rule 39(c)). In any event, the Rules dealing with the election of Officers do not specify a date for the roll of voters to close.

As a guide, however, Rule 38(a) of the AIPA Rules read in conjunction with Rule 56A specifies that the roll of voters for a Committee of Management election closes on:

*“the 126<sup>th</sup> day prior to the second Tuesday in November in the particular year in which an election is due.”*

Rule 38(c) read in conjunction with Rule 56A then provides that:

*“On or about the 119<sup>th</sup> day before the second Tuesday in November each year that an election is due the Returning Officer shall cause nomination forms to be prepared and mailed or otherwise distributed to all financial members as defined in Rule 38(a).”*

Thus the roll of voters for Committee of Management elections closes seven days or so before the nomination period opens. This would seem a reasonable comparison and so the roll of voters for the election of Officers should close seven days before nominations open or, adopting 23 September 2008 as the date for nominations to open, the roll of voters would close on 16 September.

**(g) The voting system to be employed in the conduct of the election**

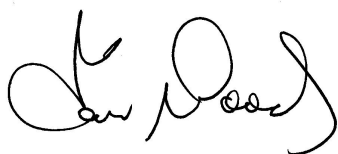
The voting system for Committee of Management positions will be a collegiate voting system with the relevant electoral college being members of the Committee of Management. Elections are by secret postal ballot.

Given the vagaries in the AIPA Rules that have recently emerged, if the Registrar was to approve an election, then the timetable would be subject to further discussions with the Australian Electoral Commission.

We look forward to receiving the Registrar's decision that an election for the abovenamed offices is required to be held under AIPA's Rules and advice that arrangements are being made for the conduct of the election by the Australian Electoral Commission.

If you require further information or wish to discuss the matter, please contact Peter Somerville at the address shown above.

Yours sincerely,



**Capt Ian Woods  
President**

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Fax: (02) 8307 7799  
Email: [office@aipa.org.au](mailto:office@aipa.org.au)