

From: Sarah Ginges <sarah.ginges@aipa.org.au>
Sent: Tuesday, 1 November 2016 5:32 PM
To: Orgs
Cc: Chris Hewett; Philip van den Heever
Subject: RE: Australian and International Pilots Association - documentation lodged with the FWC pursuant to section 198(6)(b)(i) of the Fair Work (Registered Organisations) Act 2009
Attachments: AIPA E2016/131 and AIPA E2016/119
Categories: RIA

To whom it may concern,

Further to our last email, we wish to draw the FWC's attention to correspondence AIPA sent to the AEC today. As you will see from our email, we only identified an oversight in relation to the way AIPA responded to the post-election reports for two separate elections (matter numbers E2016/131 and E2016/119) today and we have taken steps to rectify this issue with the AEC.

We have explained the circumstances of our oversight, in greater detail, in the email attached.

We will advise the FWC about any further developments arising out of AIPA's email correspondence with the AEC. Please contact the undersigned if you require further information about this matter.

Kind regards,

Sarah Ginges (née McMillan) | In-house Lawyer | Australian & International Pilots Association

Suite 6.01, Level 6, 247 Coward Street, Mascot NSW 2020

Tel: 02 8307 7777 | Direct Tel: 02 8307 7729 | Fax: 02 8307 7799

www.aipa.org.au

From: Sarah Ginges

Sent: Tuesday, 1 November 2016 1:17 PM

To: orgs@fwc.gov.au

Cc: Chris Hewett; 'michael.moutevelis@fwc.gov.au'

Subject: Australian and International Pilots Association - documentation lodged with the FWC pursuant to section 198(6)(b)(i) of the Fair Work (Registered Organisations) Act 2009

To whom it may concern,

Pursuant to section 198(6)(b)(i) of the *Fair Work (Registered Organisations) Act 2009*, we hereby lodge with the FWC:

- The AEC's post-election reports dated 13 September 2016;
- AIPA's response dated 14 October 2016; and
- A statutory declaration from AIPA's Secretary dated 1 November 2016.

We would be grateful if you could confirm that we have lodged the documentation **attached** with the appropriate department of the FWC. If we ought to lodge this documentation with another department of the FWC, please advise accordingly.

Kind regards,

Sarah Ginges (née McMillan) | In-house Lawyer | Australian & International Pilots Association

Suite 6.01, Level 6, 247 Coward Street, Mascot NSW 2020

Tel: 02 8307 7777 | Direct Tel: 02 8307 7729 | Fax: 02 8307 7799

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svc-adlib5

From: Sarah Ginges <sarah.ginges@aipa.org.au>
Sent: Tuesday, 1 November 2016 4:50 PM
To: Industrial Elections (industrial.elections@aec.gov.au)
Cc: Christine Cox (Christine.Cox@aec.gov.au); Philip van den Heever
Subject: AIPA E2016/131 and AIPA E2016/119
Attachments: PER AIPA E2016-119.pdf; PER AIPA E2016-131.pdf; Letter to the AEC - s198 response to difficult rule - 14.10.2016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

Until today, we had not realised the AEC had sent AIPA two separate reports - one for AIPA E2016/131 and the other for AIPA E2016/119 (the first two attachments). We note that in both reports, the AEC expressed the exact same view about Rule 38(b):

38(b) Returning Officer elected annually by CoM in November to conduct these elections. Possible conflict as General Manager of FWC makes arrangements for Committee of Management Officers elections to be conducted by AEC who in turn appoints the Returning Officer.

We hope our response to the post-election report for AIPA E2016/131 dated 14 October 2016 (third attachment) can also serve as our response to the post-election report for AIPA E2016/119.

Please let us know if you would like AIPA to write to the AEC about the post-election report for AIPA E2016/119 separately.

Kind regards,

Sarah Ginges (née McMillan) | In-house Lawyer | Australian & International Pilots Association
Suite 6.01, Level 6, 247 Coward Street, Mascot NSW 2020
Tel: 02 8307 7777 | Direct Tel: 02 8307 7729 | Fax: 02 8307 7799
www.aipa.org.au

From: Sarah Ginges
Sent: Friday, 14 October 2016 4:21 PM
To: Industrial Elections
Cc: Christine Cox (Christine.Cox@aec.gov.au); Chris Hewett
Subject: RE: PER AIPA E2016/131 [SEC=UNCLASSIFIED]

To whom it may concern,

Please find **attached** AIPA's response to the election report dated 13 September 2016.

I apologise for the slight delay in providing our response, I'm afraid I had the due date mixed up.

Kind regards,

Sarah Ginges (née McMillan) | In-house Lawyer | Australian & International Pilots Association
Suite 6.01, Level 6, 247 Coward Street, Mascot NSW 2020

From: Kathryn Montgomery [<mailto:Kathryn.Montgomery@aec.gov.au>]
Sent: Tuesday, 20 September 2016 9:54 AM
To: Kathryn Natoli; Sarah Ginges
Cc: orgs@fwc.gov.au; Industrial Elections
Subject: PER AIPA E2016/131 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Australian and International Pilots Association
Matter No E2016/131 Committee of Management Member Vacancy

Good afternoon

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post-Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to **the AEC by email to ‘industrial.elections@aec.gov.au’** within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post-Election Report and the organisation’s response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post-Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact the AEC if you wish to clarify any aspect of this report.

Regards,
Kathryn Montgomery | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6375 | F: (02) 6215 9910



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14 October 2016

BY EMAIL

Australian Electoral Commission
NSW State Office
Level 10
59 Goulburn Street
HAYMARKET NSW 2000

industrial.elections@aec.gov.au

Dear Ms Cox,

Re: AIPA's response to the AEC's Post Election Report

We refer to the Post-Election Report dated 13 September 2016 and Ms Kathryn Montgomery's email dated 20 September 2016.

We note the AEC considers rule 38(b) of the *Rules of the Australian and International Pilots Association* (the **Rules**) to be difficult to apply or interpret for the following reason:

"...possible conflict as General Manager of FWC makes arrangements for Committee of Management Officers elections to be conducted by AEC who in turn appoints the Returning Officer."

AIPA has reviewed the Rules in the context of the relevant provisions of the *Fair Work (Registered Organisations) Act 2009* (the **Act**) and the *Fair Work (Registered Organisations) Regulations 2009* (the **Regulations**) and we have not located any requirement arising out of the Rules, the Act or the Regulations for the AEC to appoint the Returning Officer.

Instead, s 143(1)(b) of the Act requires all organisations to have a rule that provides for elections to be conducted by *"...a returning officer who is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation..."*

In our view, rule 38(b) of the Rules exists because of s 143(1)(b) of the Act and therefore, our rules comply with the Act.

Nevertheless, we agree that the Act, namely sections 182 and 189, requires the General Manager of the FWC to arrange the conduct of AIPA's officers' elections. We also acknowledge that s 193 of the Act requires the AEC to conduct these elections in accordance with the rules of AIPA.

AIPA considers that any real or perceived conflicts between the Rules and the role of the AEC in the conduct of elections can be overcome by rule 38(f),(l) and (m) and rule 39(f),(l) and (m), given that each of these rules allow AIPA's Returning Officer to direct an agent or assistant to conduct the elections for the committee of management and officers of the organisation.

For all future elections that take place pursuant to rules 38 and 39, AIPA will ensure the Returning Officer directs the AEC, in writing, to conduct the officers' elections (as necessitated by Part 2 of Chapter 7 of the Act).

If the AEC disagrees with any of the matters outlined above, please contact the undersigned.

Yours sincerely,



Captain Christopher Hewett
Secretary

Tel: 61 – 2 – 8307 7777

Fax: 61 – 2 – 8307 7799

Email: chris.hewett@aipa.org.au

From: Orgs
Sent: Tuesday, 1 November 2016 2:00 PM
To: 'Sarah Ginges'
Cc: Chris Hewett; MOUTEVELIS, Michael
Subject: RE: Australian and International Pilots Association - documentation lodged with the FWC pursuant to section 198(6)(b)(i) of the Fair Work (Registered Organisations) Act 2009

Hi Sarah

I can confirm that you have lodged this with the correct Branch of the FWC.

Thank you

DAVID VALE

Principal Adviser,
Regulatory Compliance Branch, NSW

Fair Work Commission

Tel: 02 9308 1970 (**Please note my telephone number has recently changed. Please update your records.**)
Fax: 02 9380 6990
david.vale@fwc.gov.au

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011
www.fwc.gov.au

From: Sarah Ginges [<mailto:sarah.ginges@aipa.org.au>]
Sent: Tuesday, 1 November 2016 1:17 PM
To: Orgs
Cc: Chris Hewett; MOUTEVELIS, Michael
Subject: Australian and International Pilots Association - documentation lodged with the FWC pursuant to section 198(6)(b)(i) of the Fair Work (Registered Organisations) Act 2009

To whom it may concern,

Pursuant to section 198(6)(b)(i) of the *Fair Work (Registered Organisations) Act 2009*, we hereby lodge with the FWC:

- The AEC's post-election reports dated 13 September 2016;
- AIPA's response dated 14 October 2016; and
- A statutory declaration from AIPA's Secretary dated 1 November 2016.

We would be grateful if you could confirm that we have lodged the documentation **attached** with the appropriate department of the FWC. If we ought to lodge this documentation with another department of the FWC, please advise accordingly.

Kind regards,

Sarah Ginges (née McMillan) | In-house Lawyer | **Australian & International Pilots Association**
Suite 6.01, Level 6, 247 Coward Street, Mascot NSW 2020
Tel: 02 8307 7777 | Direct Tel: 02 8307 7729 | Fax: 02 8307 7799
www.aipa.org.au

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Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, ¹ Christopher Ralph Hewett of Suite 601, Level 6, 247 Coward Street, Mascot in the State of New South Wales

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

² Pursuant to section 198(6)(b)(ii) of the *Fair Work (Registered Organisations) Act 2009*, I confirm the Australian and International Pilots Association will provide – to any member who so requests – the 'relevant extract' from the AEC's Post Election Report dated 13 September 2016 and AIPA's response to that Post Election Report dated 14 October 2016.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

³ 

4 Place
5 Day
6 Month and year

Declared at ⁴ MASCOT on ⁵ 01 of ⁶ NOVEMBER 2016

Before me,

7 Signature of person before whom the declaration is made (see over)

⁷ 

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

⁸ SARAH ST CLAIR GINGES
NSW Solicitor # 61110
Level 6, Suite 6.01, 247 Coward Street
MASCOT NSW 2020

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.



20 September 2016

First Officer Jason Lipson
Assistant Secretary
Australian and International Pilots Association
Email: office@aipa.org.au

Dear Mr Lipson

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/119

On 19 September 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/119 dated 13 September 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 38(b). This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch



20 September 2016

First Officer Jason Lipson
Assistant Secretary
Australian and International Pilots Association
Email: office@aipa.org.au

Dear Mr Lipson,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/119]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian and International Pilots Association must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;

Level 10, Terrace Tower
80 William Street
East Sydney NSW 2011

Telephone: (02) 8374 6666
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Michael Moutevelis

Regulatory Compliance Branch

svc-adlib5

From: Kathryn Montgomery <Kathryn.Montgomery@aec.gov.au>
Sent: Monday, 19 September 2016 4:52 PM
To: Kathryn Gallagher; sarah.ginges@aipa.org.au
Cc: Orgs; Industrial Elections
Subject: Post Election Report AIPA E2016/119 [SEC=UNCLASSIFIED]
Attachments: Declaration Result AIPA E2016-119 CoM.pdf; PER AIPA E2016-119.pdf

UNCLASSIFIED

Australian and International Pilots Association
Matter No E2016/119 Committee of Management Members

Good afternoon

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of the Act requires that if an organisation or branch is given a Post-Election Report under Section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached report identifies a rule that was difficult to interpret or apply, you should forward your response to **the AEC by email to 'industrial.elections@aec.gov.au'** within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the Post-Election Report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the *Fair Work (Registered Organisations) Regulations 2009* requires an organisation or branch to publish a notice on its website advising members that a copy of the Post-Election Report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Regards,

Kathryn Montgomery | Returning Officer

Industrial & Commercial Elections | NSW State Office

Australian Electoral Commission

T: (02) 9375 6375 | F: (02) 6215 9910



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**Australian and International Pilots Association
Committee of Management
Members of the Committee of Management**

Declaration of Results for Uncontested Offices

E2016/119

Below are 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.

Australian and International Pilots Association

Committee of Management Member (20)

Candidates

ANDERSON, Steven R.
ASPINALL, Michael
BACKHOUSE, David John
CAMPBELL, Skye
COTTELL, Michael David
FIELDER, Darren
FLACK, Brett Ian
GEDDES, Leigh Rachel
GLYNN, Michael John
HEWETT, Chris
HODSON, Brad
HUNTER, Glen
JACKSON, Barry Stewart
LUNT, Jeffrey
PROSSER, David
SEDGWICK, Mark William
WOODS, Steve
WORRALL, Douglas Bevan
No further nominations were accepted

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



Kathryn Montgomery
Returning Officer

17 August 2016.



Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian and International Pilots Association
Contact details: Chris Hewett
Secretary
Australian and International
Pilots Association
Locked Bag 747
BOTANY NSW 1455
Email: office@aipa.org.au
Tel: 02 8307 7777

AIR contact officer: **Email:** orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/119

RULES

Rules used for elections Rule ID: [127N: Incorporates alterations of 25/5/2016]

Rules difficult to apply/interpret: 38(b) Returning Officer elected annually by CoM in November to conduct these elections. Possible conflict as General Manager of FWC makes arrangements for Committee of Management Officers elections to be conducted by AEC who in turn appoints the Returning Officer.

ROLL OF VOTERS

The election was not contested – roll of voters not required.

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 Uncontested Offices for Committee of Management Members

Kathryn Montgomery
Returning Officer

13 September 2016



DECISION

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

Australian and International Pilots Association (E2016/119)

MR ENRIGHT

MELBOURNE, 8 JUNE 2016

Arrangement for conduct of election.

[1] On 2 June 2016, the Australian and International Pilots Association (the organisation) lodged with the Fair Work Commission (the Commission) prescribed information in relation to an election for the following offices:

Members of the Committee of Management (20)

[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 prescribed information should have been lodged by 12 May 2016. In his correspondence dated 2 June 2016, the organisation's Assistant Secretary, Mr Jason Lipson, stated that the delay was due to staffing changes and that the staff member recently tasked with lodging the information was unaware of the timing requirement.

[3] I am not satisfied that the above reason is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[4] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[5] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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From: Kathryn Gallagher <kathryn.gallagher@aipa.org.au>
Sent: Thursday, 2 June 2016 1:22 PM
To: Orgs
Cc: Philip van den Heever
Subject: Prescribed Information
Attachments: 02062016 Prescribed information.pdf; 02062016 Request for Extension of time to submit prescribed information.pdf

Categories: RIA

Dear Sir/Madam,

Please see the **attached** correspondence relating to an election to fill 20 positions on AIPA's Committee of Management.

Also **attached** is a request for an extension of time relating to the prescribed information.

If you have any questions or queries please do not hesitate to contact me.

Kind regards,

Kathryn Gallagher | Senior In-House Lawyer | **Australian & International Pilots Association**

Suite 6.01, Level 6, 243-249 Coward Street, Mascot NSW 2020

Tel: 02 8307 7777 | Direct Tel: 02 8307 7734 | Fax: 02 8307 7799 |

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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, Jason Lipson, being the Assistant Secretary of the Australian and International Pilots Association make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian and International Pilots Association.
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.

This statement **IS NOT** lodged at least 2 months before nominations open for the election below. The reason it is lodged after the prescribed time is:

- a. The Association has had a change of staff, which has resulted in the person now tasked to lodge this information being unaware, at the relevant time, that such information was required two months' prior to the date nominations open.
- b. The AIPA Secretary is on a period of leave from his role as an officer of the Association and has delegated the Secretary's responsibilities and duties to me. This is the first CoM election I have been required to manage in my role as AIPA Assistant Secretary. As such I was not familiar with the relevant processes and as a full-time airline pilot was reliant on the assistance of our staff members.
- c. I have ensured that the relevant staff members have now received the necessary training and that we have a system in place to avoid such an occurrence in the future.
- d. As soon as this failure to submit the prescribed information was noticed, the information was prepared and sent.
- e. The Association was waiting for the AEC to provide information relating to the election of a casual vacancy on the Committee of Management and for the approval of a change to the AIPA rules relating to elections and it was an oversight that such a deadline existed and was missed in the middle of these processes.
- f. An extension of time request will be lodged on 2 June 2016.

A handwritten signature in blue ink, appearing to read "Lipson".

Signed: First Officer Jason Lipson

Dated: 2 June 2016

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
<i>N/A</i>	<i>Committee of Management Members for the 2016-2019 term</i>	<i>20</i>	<i>DVS</i>	<i>Scheduled</i>	<i>The total financial membership of AIPA pursuant to rule 40 (a) (i)</i>

- Important dates:

	Rule reference	Relevant Date
Nominations OPEN	<i>119th day before the second Tuesday in November (rule 38(c))</i>	<i>12 July 2016</i>
Nominations CLOSE	<i>No later than 1200 on the 98th day before the second Tuesday in November (rule 38(f))</i>	<i>1200 2 August 2016</i>
Roll of Voters cut off date	<i>126th day prior to the second Tuesday in November (Rule 38(a))</i>	<i>5 July 2016</i>

APPLICATION FOR AN EXTENSION OF TIME TO PROVIDE PRESCRIBED INFORMATION FOR ELECTIONS

I, Jason Lipson, being the Assistant Secretary of the Australian and International Pilots Association make the following statement:

1. The Australian and International Pilots Association has failed to provide the prescribed information required under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) to the Fair Work Commission by the required time of two months before nominations open.
2. We hereby make a request for an extension of time to excuse the delay in lodging such an application.
3. We make this request noting the following reasons that contributed to the delay:
 - a. The Association has had a change of staff that has resulted in the person now tasked to lodge this information being unaware that such information was required two months' prior to the date nominations open.
 - b. The AIPA Secretary is on a period of leave and this is the first CoM election I, as AIPA's Assistant Secretary, have been required to manage. As such I was not familiar with the relevant processes and as a full-time airline pilot, I was reliant on the assistance of our staff members.
 - c. I have ensured that the relevant staff members have now received the necessary training and that we have a system in place to avoid such an occurrence in the future.
 - d. As soon as this failure to submit the prescribed information was noticed, the information was prepared and sent.
 - e. The Association was waiting for the AEC to provide information relating to the election of a casual vacancy on the Committee of Management and for the approval of a change to the AIPA rules relating to elections and it was an oversight that such a deadline existed and was missed in the middle of these processes.
 - f. The prescribed information was sent on 2 June 2016.

A handwritten signature in blue ink, appearing to read 'J Lipson', is located in the upper left quadrant of the page.

Signed: First Officer Jason Lipson

Dated: 2 June 2016