



4 November 2019

Christopher Hewett  
Secretary  
Australian and International Pilots Association  
Sent via email: [chris.hewett@aipa.org.au](mailto:chris.hewett@aipa.org.au)

Dear Christopher Hewett,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of contested offices in matter E2019/60. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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 are provided for in the RO Act.

#### 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;
  - 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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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.

Yours faithfully,

**Astrid Glenister**  
**Registered Organisations Commission**



4 November 2019

Christopher Hewett  
Secretary  
Australian and International Pilots Association  
Sent via email: [chris.hewett@aipa.org.au](mailto:chris.hewett@aipa.org.au)

Dear Christopher Hewett

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/60**

On 17 October 2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/60. 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 Rules 38(b) and 38(r). 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 ROC 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 ROC for assistance by email to [regorgs@roc.gov.au](mailto:regorgs@roc.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 ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

**Astrid Glenister**  
**Registered Organisations Commission**

17 October 2019

# Post-election report

Australian and International Pilots  
Association  
Scheduled election  
E2019/60

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# Election(s) Covered in this Report

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Organisation:	Australian and International Pilots Association
Election:	Scheduled
Election Decision No/s:	E2019/60

## Rules

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Rules used for the election:	[127N: Incorporates alterations of 17/08/2016] [R2016/161] replaces rulebook dated 25/05/2016
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Rules difficult to apply/interpret:	Rule 38(b) cannot be applied as the Returning Officer is appointed by Australian Electoral Commission to conduct the election after receiving the Decision from Registered Organisations Commission. This issue was also raised in the post-election report related to election reference number E2016/119. It is recommended that the wording of this rule be changed.
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Rule 38 (r) is impossible to apply as the election is conducted by the AEC appointed Returning Officer who will retain all ballot materials in a secured place which remains under the control of the AEC.  
It is recommended that the wording of this rule be changed.

Model Rule reference (if any):	None
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For more details see the Model Rules on the AEC website:  
([https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections))

## Roll of Voters

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Total number of voters on the Roll:	2323
Number of apparent workplace addresses:	N/A
Number of non-current address:	N/A
Other matters pertaining to the roll of voters:	N/A

## Irregularities

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

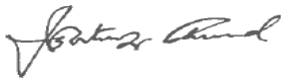
## Other Matters

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1. Returning Officer actions required (Section 193): Yes  
Details: The rules of the institute do not include closing time of withdrawal of nomination. The Returning Officer closed the nomination withdrawal period in line with the nomination closing time.
2. Rule 3A (in regards to definitions) does not define the meaning of Returning Officer. It is recommended that the Association defines the meaning and role of Returning Officer as well as highlights the scope of the AEC appointed Returning Officer to remedy the issue raised in relation to rule 38 ( r ) of the Association.

## Signed

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
E: nswelections@aec.gov.au  
P: 02 9375 6331  
17 October 2019

## Attachments

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### A. Declaration of Results for Contested Offices



# Australian and International Pilots Association

## DECLARATION OF RESULTS - E2019/60

### 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:

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters	2,323
Number of voters issued with voting material	2,323
Total number of voters issued with replacement voting material	57
<b>Total number of voting material packs issued</b>	<b>2,380</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot	1,000
Number of declaration envelopes rejected at preliminary scrutiny	8
Number of ballot papers returned outside declaration envelopes	0
<b>COUNT</b>	
Total ballot papers admitted to the count	992
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	64
Voting material packs not returned by voters by closing date of the ballot	1,316
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	42 %

#### Committee of Management Members (20)

<u>Candidates</u>	<u>Final Votes</u>
JACKSON, Barry Stewart	656
LUNT, Jeffrey	287
CARUANA, Trent Andrew	258
SEDGWICK, Mark William	382
ROGERS, Gareth Kent Craig	447
STAHL, Andrew	378
SALT, Adrian	300
WOODBURY, Robert James	365
MICKLESON, Todd William	303
BARRY, Warren Ross	167
JONES, Gerard Peter	385
ANDERSON, Steven Richard	218

WILLIAMS, Mark Sean	537
HILBERT, Luke	382
CASTELLINO, Brolin	443
HUNTER, Glen Ronald	149
BRYCE, Jarrod Christopher	406
VICINO, Matthew Joseph	340
CORCORAN, Dominic	247
HODSON, Bradley	421
CHRISTIAN, Kristie	429
KENNEDY, Shannon Lewis	333
CONLON, Kieran Christopher	345
FLEMING, Adam William	113
HEWETT, Christopher Ralph	352
ASPINALL, Michael James	186
JARROLD, Timothy	496
LENNIS, Jason K	126
BEER, Corey	293
SCHWEIGHOFFER, Kurt Matthew	418
FOO, Kristan	461
DELAROZA, Dale	430
COATES, Andrew Geoffrey	320
SMITH, Benjamin D	183
BROWN, Cathy	363
TRETHOWAN, Ashley Charles	325
WIRTH, James Bartholomew	382
FIELDER, Darren	276
BACKHOUSE, David John	538

<b>Total ballot papers admitted for this office</b>	<b>992</b>
Formal Ballot papers	989
Informal Ballot papers	3

I declare the following elected:	Order Elected
• JACKSON, Barry Stewart	1
• BACKHOUSE, David John	2
• WILLIAMS, Mark Sean	3
• JARROLD, Timothy	4
• FOO, Kristan	5
• ROGERS, Gareth Kent Craig	6
• CASTELLINO, Brolin	7
• DELAROZA, Dale	8
• CHRISTIAN, Kristie	9
• HODSON, Bradley	10
• SCHWEIGHOFFER, Kurt Matthew	11
• BRYCE, Jarrod Christopher	12
• JONES, Gerard Peter	13
• WIRTH, James Bartholomew	14

• SEDGWICK, Mark William	15
• HILBERT, Luke	16
• STAHL, Andrew	17
• WOODBURY, Robert James	18
• BROWN, Cathy	19
• HEWETT, Christopher Ralph	20



Ishtiaq Ahmed  
Returning Officer  
Telephone: 02 9375 6331  
Email: [nswelections@aec.gov.au](mailto:nswelections@aec.gov.au)  
27/09/2019





## DECISION

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

### **Australian and International Pilots Association** (E2019/60)

MR ENRIGHT

MELBOURNE, 15 MAY 2019

*Arrangement for conduct of election.*

[1] On 30 April 2019 the Australian and International Pilots Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Committee of Management Members (20)

[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 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 COMMISSIONER

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PR351363

**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, Christopher Hewett, being the 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.
4. A brief outline of the proposed rule alterations affecting this election is attached in Annexure B. These rule alterations have been lodged with the Fair Work Commission. The proposed alterations were lodged on 8 April 2019.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Christopher Hewett, AIPA Secretary

Dated: 30 April 2019

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

## 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>	
N/A	Committee of Management Member	20	DVS	Scheduled	The total financial membership of AIPA pursuant to rule 38 (a)

- Important dates:

	Rule Reference	Relevant Date
<b>Nominations OPEN</b>	119 <sup>th</sup> day before the second Tuesday in November (rule 38(c))	16 July 2019
<b>Nominations CLOSE</b>	1200 (noon) on the 98 <sup>th</sup> day before the second Tuesday in November (rule 38(f))	1200 (noon) 6 August 2019
<b>Roll of Voters cut off date</b>	126 <sup>th</sup> day prior to the second Tuesday in November (Rule 38(a))	9 July 2019

Please note: that 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'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.

## **ANNEXURE B**

### Outline of rule alterations affecting this election

- On 8 April 2019, the Australian and International Pilots Association filed an application with the Fair Work Commission to transact alterations to its rules.
- Included in that application was a proposal to remove rule 38(r) in its entirety.
- Rule 38(r) currently reads:

All ballot papers, envelopes, lists and other documents used in connection with or relevant to all elections conducted in accordance with this Rule shall be preserved and retained at the Registered Office of the Organisation, or other proper repository, for a period of one year after the completion of the election.

- As outlined in AIPA's application to the Fair Work Commission, this rule changed is based on feedback from the AEC's previous post-election reports.