

Mr Lawrie Cox
Manager – Industrial Relations
Australian Federation of Air Pilots
Level 6,132-136 Albert Road
SOUTH MELBOURNE VIC 3205

**Post Election Report For: Australian Federation of Air Pilots
Election E2010/2602**

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 *Fair Work (Registered Organisations) Act 2009* 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) Act 2009* requires an organisation or branch to publish a notice on its web site 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.

Jeff Webb
Returning Officer

5 August 2010

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Federation of Air Pilots

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2010/2602

RULES

Rules used for the election: 282v: Incorporates alterations of 26/2/2010
(R2009/100591)

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: Ballot not required

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

Details of written allegations of irregularities, Nil
and action taken by AEC:

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Jeff Webb
Returning Officer

5 August 2010

Australian Federation of Air Pilots National Officers

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2010/2602

National Office Bearers

President

Candidate

MURRAY, Brian

Vice-President (Administration and Finance)

Candidate

POLE, Louise

Vice-President (Membership)

Candidate

TERRY, Cam

Trustee

Candidate

BROWN, George F

Technical Director

Candidate

GARDINER, Peter David

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

Jeff Webb
Returning Officer

5 August 2010



FAIR WORK
AUSTRALIA

DECISION

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

Australian Federation of Air Pilots
(E2010/2602)

T. NASSIOS

MELBOURNE, 24 JUNE 2010

Arrangement for conduct of election.

[1] On 27 May 2010 the Australian Federation of Air Pilots lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

President
Vice President (Administration and Finance)
Vice President (Membership)
Trustee
Technical Director

[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 GENERAL MANAGER
FAIR WORK AUSTRALIA

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**AUSTRALIAN FEDERATION
OF AIR PILOTS**



**MEMBER OF THE
INTERNATIONAL FEDERATION OF
AIR LINE PILOTS' ASSOCIATION**

President:
Bryan Murray

Executive Director:
Terry O'Connell

27 May 2010

Attention: Iain Stewart

General Manager
Fair Work Australia
GPO Box 1994
MELBOURNE VIC 3001

Via email: iain.stewart@fwa.gov.au

Dear General Manager,

Australian Federation of Air Pilots– Federal Election

Please find attached information lodged in accordance with section 189(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009* ("RO Act"). The information includes the prescribed information in respect of an election, signed by Capt Bryan Murray, President of the AFAP, as specified in Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*.

We note the General Managers preference to have this call made coincident with the Branch/ Council committees. As nominations for the latter are not required until on or about 15 July, we will provide the Branch/Council Committee paperwork before COB 8 July.

Please note that to meet the requirements of the Federation Rules and the scheduling of the Annual Convention (2 – 4 September 2010), the Federal election should be commenced (nominations open) as soon as possible in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots.

Please contact me on (03) 9928 5737 if you have any questions or require any additional information.

Yours sincerely,

Lawrie Cox
MANAGER – INDUSTRIAL RELATIONS

PRESCRIBED INFORMATION IN RESPECT OF FEDERAL ELECTION SUBSECTION 189(1) OF FAIR WORK RO ACT 2009

I am an officer of the Australian Federation of Air Pilots and am authorised to sign this statement which is lodged in accordance with subsection 189(1) of Schedule 1 of the *Fair Work (Registered Organisations) Act 2009*.

1. The office/s in respect of which the elections are required are:

President
Vice President (Administration and Finance)
Vice President (Membership)
Trustee
Technical Director

2. The reasons for which the elections are required are:

Term of office of the officers will expire at Annual Convention scheduled for 2-4 September 2010.

3. The electorate/s for the election are:

The financial members of the Federation.

4. The dates and times that nominations open and close are:

Nominations should be called for in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots and be open for 21 days. If an election is required a ballot should be opened within 7 days after the end of the nomination period and closed not later than 21 days from the date of issue of the last ballot paper.

5. The voting system to be used in the conduct of the elections is:

Direct voting system of all financial members of the Federation.



President, Bryan Murray

Date: 27 May 2010



FAIR WORK
AUSTRALIA

25 June 2010

Bryan Murray
President
Australian Federation of Air Pilots
Level 6, 132-136 Albert Road
South Melbourne, VIC, 3205
By email: admin@afap.org.au

cc: Mr Lawrie Cox
Manager - Industrial Relations
Australian Federation of Air Pilots
Level 6, 132-136 Albert Road
South Melbourne, VIC, 3205
By email: admin@afap.org.au

Dear Mr Murray

Re: Prescribed Information and Decision for the scheduled elections for the Australian Federation of Air Pilots (E2010/2602)

I acknowledge receipt of the Prescribed Information (PI) of the Australian Federation of Air Pilots (AFAP) for the election of the offices of President, Vice-President (Administration and Finance), Vice-President (Membership), Trustee and Technical Director. The PI was lodged with Fair Work Australia on 27 May 2010 and a decision issued on 24 June 2010. Please find attached a copy of the decision. This letter offers advice and comments regarding prescribed information for future elections and also requests the immediate lodgement of PI for Branch and Council elections.

1. Day on which roll of voters is to be closed

[Regulation 138\(1\)\(f\)](#) of the Fair Work (Registered Organisation) Regulations 2009 requires the PI to state the day on which the roll of voters is closed. Rule 12(6)(c) of the AFAP rules provides that the roll of voters is updated so as to include all financial members on the fourteenth day prior to opening of nominations. This should be included in future PIs.

2. Relevant legislation

The PI lodged refers to Schedule 1 of the *Fair Work (Registered Organisations) Act 2009*. Please note that the relevant provisions are not contained within a schedule to the *Fair Work (Registered Organisations) Act 2009*. In future please refer to section 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

3. Timeline requirements for lodgement of Prescribed Information

I write to emphasise the timeline requirements for the lodgment of Prescribed Information. [Section 189\(2\)](#) of the *Fair Work (Registered Organisations) Act 2009* requires the lodgment before the prescribed day (or such later day as the General Manager allows). [Regulation 138\(3\)](#) defines the prescribed day as the day occurring two months before the first day when a person may become a candidate in the election. Also the Federation's rules state that in relation to the election for Branch and Council Committees and Officers '[A]n election request will be made to the relevant authority around two months prior to this declaration' and that nominations open on or around 15 July (rule 12(3)(a)).

Your correspondence states that the paperwork for this offices will be provided before COB 8 July 2010. However this does not meet the requirements of the Act and its regulations. The PI should have been lodged in mid-May and is significantly overdue. Please attend to the lodgement of the PI as a matter of urgency.

If you have any queries I can be contacted on 03 86617929 or by email at eve.anderson@fwa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Eve Anderson', followed by a long horizontal flourish.

Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
Tel: 03 86617929

Email: eve.anderson@fwa.gov.au