AUSTRALIAN FEDERATION OF AIR PILOTS

MEMBER OF THE INTERNATIONAL FEDERATION OF AIR LINE PILOTS' ASSOCIATION



President: Bryan Murray Executive Director: Simon Lutton

21 November 2013

Ms Bernadette O'Neill General Manager Fair Work Commission 11 Exhibition Street MELBOURNE VIC 3001

Dear General Manager,

Re: Post-Election Report, Australian Federation of Air Pilots (E2013/198)

We refer to the above.

On 23 September 2013, Australian Electoral Commission ("AEC") provided the Australian Federation of Air Pilots ("the Federation") with a Post-Election Report, as required by s.197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act"). The Post-Election Report identified rules of the Federation that were difficult to interpret and/or apply.

On 23 October 2013, the Federation responded to the AEC in accordance with s198(1) and (2) of the Act.

Enclosed is a declaration from the President of the Federation, Captain Bryan Murray, pursuant to s 198(b)(i) of the Act.

In addition, pursuant to s198(b)(i) of the Act, we enclose the relevant extract of the AEC Post-Election Report and the Federation's response.

Please direct any enquiries in relation to this matter to Ms Joanne Janes on (03) 9928 5737 or via email at joanne@afap.org.au.

Yours sincerely,

Joanne Janes

Senior Industrial Officer

Encl: Declaration from Capt. Bryan Murray

Extract from the AEC Post Election Report (E2013/198)

Letter to the AEC, dated 23 October 2013

Email: admin@afap.org.au

DECLARATION UNDER s198(b)(i) OF THE FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009

- I, Bryan Murray of 132-136 Albert Road, South Melbourne in the State of Victoria, declare:
- 1. I am President of the Australian Federation of Air Pilots and am authorised to make this statement for and on behalf of the Australian Federation of Air Pilots.
- 2. In relation to the matter of E2013/198, the Australian Federation of Air Pilots will provide to any member of the Federation who so requests, a copy of the relevant extract of the AEC Post Election Report and the Federation's response to it.

Dated: 21 November 2013

Signed:

Captain Bryan Murray

President

Australian Federation of Air Pilots

Joanne Janes Australian Federation of Air Pilots Senior Industrial Officer Level 4, 132-136 Albert Road SOUTH MELBOURNE VIC 3205

Post Election Report For: Australian Federation of Air Pilots Election E2013/198

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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.

Laura Leavy Returning Officer 24 September 2013

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

AUSTRALIAN FEDERATION OF AIR PILOTS

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2013/198

RULES

Rules used for the election: [282V: Incorporates alterations of 28/12/2012

(R2012/179)](replaces rulebook dated

2/11/2012)

Rules difficult to apply/interpret: Rule 12(3)(i) states "Within 7 days of the close

of nominations the Returning Officer shall issue... an envelope" which identifies when the ballot shall open. This rule cannot be complied

with as it is in direct conflict of Rules

12(3)(b)(iii) and 12(3)(b)(iv)(1) which allows for remedying defective nominations "within not less than seven days after him being notified" and withdrawal of nominations "not later than 7

days after the close of nominations,"

respectively.

As these conflict, could one please be changed

to ensure consistency?

Also, rule 12(5)(b) states that "Nominations shall be called by the Returning Officer by notice <u>posted</u> by him to each member of the Federation eligible to vote under these Rules"

(emphasis added).

As the number of members has now exceeded

3000 this is a very highly impractical

advertising method. It is suggested that this is changed to allow for email, website and/or advertising in a publication of the organisation

instead.

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,

and action taken by AEC:

Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

- Uncontested Declaration Stage 1
 Uncontested Declaration Stage 2

Laura Leavy Returning Officer 24 September 2013

AUSTRALIAN FEDERATION OF AIR PILOTS



MEMBER OF THE INTERNATIONAL FEDERATION OF AIR LINE PILOTS' ASSOCIATION

President: Bryan Murray

Executive Director
Simon Lutton

23 October 2013

Ms Laura Leavy Returning Officer Fee for Service Elections Australian Electoral Commission

via email: <u>laura.leavy@aec.gov.au</u>

Dear Ms Leavy,

Re: Post Election Report, Australian Federation of Air Pilots ("AFAP") – E2013/198

We refer to the above matter and your letter of 24 September 2013.

Regarding the reference to Rule 12.3, we propose to amend Rule 12.3(i) to replace the words 'Within 7 days' to 'Within 14 days' to alleviate any conflict with Rules 12.3(b)(iii) and 12.3(b)(iv)(1). We note, however, that the Rules can only be amended by resolution of the AFAP Convention. The next Convention will take place on 5 September 2014. We undertake to recommend the above amendment to Rule 12.3(i) to Convention to remove any conflict.

In relation to the Rule 12.5(b), the AFAP maintains its preference for notices to be posted to each member eligible to vote under the Rules. The AFAP will endeavour to implement further processes to confirm and update the postal address details of our membership. We are supportive of the suggestion to provide notices to members via email but wish to retain postal delivery as the primary method of distribution.

Please contact me on (03) 9928 5737 or at <u>joanne@afap.org.au</u> should you wish to discuss this matter further.

Yours sincerely,

Joanne Janes

SENIOR INDUSTRIAL OFFICER

Email: admin@afap.org.au

Australian Federation of Air Pilots Council Vacancies - Stage 2 - E2013/198

Declaration of Results for Uncontested Offices

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.

Eastern Council Council Secretary

<u>Candidates</u> GRIFFITHS, David

Rex Council

Council Secretary

Candidates

BRYAN, Rebecca

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

Laura Leavy Returning Officer 18 September 2013



Australian Federation of Air Pilots Council Vacancies - Stage 1 - E2013/198

Declaration of Results for Uncontested Offices

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.

National Office Bearers

Council Committee Member (23)

Candidates

SAVVAS, Marios

Virgin Blue Council Committee

Council Committee Member (Virgin Blue) (4)

Candidates

CARSON, Andrew DIOMATARIS KAILIS, George GRAY, Darren SMITH, Darren

Eastern Council

Council Committee Member

Candidates

No nomination was received

Sunstate Council

Council Committee Member (2)

Candidates

CHALMERS, Joshua David JONES, Deriek



Rex Council

Council Committee Member (4)

Candidates

BRYAN, Rebecca

Helicopters Council

Council Committee Member (8)

Candidates

BOURKE, Dale Kenneth

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

Laura Leavy Returning Officer 15 August 2013



Joanne Janes Australian Federation of Air Pilots Senior Industrial Officer Level 4, 132-136 Albert Road SOUTH MELBOURNE VIC 3205

<u>Post Election Report For:</u> Australian Federation of Air Pilots Election E2013/198

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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.

Section198 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.

Laura Leavy Returning Officer 24 September 2013

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

AUSTRALIAN FEDERATION OF AIR PILOTS

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2013/198

RULES

Rules used for the election: [282V: Incorporates alterations of 28/12/2012

(R2012/179)](replaces rulebook dated

2/11/2012)

Rules difficult to apply/interpret: Rule 12(3)(i) states "Within 7 days of the close

of nominations the Returning Officer shall issue... an envelope" which identifies when the ballot shall open. This rule cannot be complied

with as it is in direct conflict of Rules

12(3)(b)(iii) and 12(3)(b)(iv)(1) which allows for remedying defective nominations "within not less than seven days after him being notified" and withdrawal of nominations "not later than 7

days after the close of nominations,"

respectively.

As these conflict, could one please be changed

to ensure consistency?

Also, rule 12(5)(b) states that "Nominations shall be called by the Returning Officer by notice <u>posted</u> by him to each member of the Federation eligible to vote under these Rules"

(emphasis added).

As the number of members has now exceeded

3000 this is a very highly impractical

advertising method. It is suggested that this is changed to allow for email, website and/or advertising in a publication of the organisation

instead.

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,

and action taken by AEC:

Nil

Other irregularities identified, and action taken: Nil

ATTACHMENTS

- Uncontested Declaration Stage 1
 Uncontested Declaration Stage 2

Laura Leavy Returning Officer 24 September 2013



DECISION

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

Australian Federation of Air Pilots (E2013/198)

CHRIS ENRIGHT

MELBOURNE, 5 JULY 2013

Arrangement for conduct of election.

[1] On 30 May and 25 June 2013, the Australian Federation of Air Pilots lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices due to insufficient nominations in E2012/269:

Virgin Council Committee Member (4) Sunstate Council Committee Member (2) Rex Council Committee Member (3) National Council Committee Member (23) Helicopters Council Committee Member (8) Eastern Council Secretary

[2] On 30 May and 25 June 2013, the Australian Federation of Air Pilots lodged with the Fair Work Commission the prescribed information in relation to an election to fill casual vacancies in the following offices:

Eastern Council Committee Member (1) Rex Council Committee Member (1) Rex Council Secretary

[3] 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.



<u>DELEGATE OF THE GENERAL MANAGER</u> FAIR WORK COMMISSION

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AUSTRALIAN FEDERATION OF AIR PILOTS



MEMBER OF THE INTERNATIONAL FEDERATION OF AIR LINE PILOTS' ASSOCIATION

President: Bryan Murray Executive Director: Simon Lutton

25 June 2013

General Manager C/O Ms Eve Anderson Fair Work Australia GPO Box 1994 MELBOURNE VIC 3001

via email: eve.anderson@fwa.gov.au

Dear General Manager,

Election recall - Australian Federation of Air Pilots - Council Committee and Council Secretary Elections - E2012/269

Further to our correspondence of 30 May 2013, as a result of the election (E2012/269) conducted by the AEC the Federation notifies the Fair Work Commission of the requirement to call a follow up ballot for all vacancies existing on our Council Committees.

The attached information is lodged in accordance with section 189(1) of the Fair Work (Registered Organisations) Act 2009 (the Act).

The information includes:

- The prescribed information in respect of the Council Committee Election, signed by Capt Bryan Murray, President of the AFAP; and
- Details of the number of required nominations, in accordance with Rule 4 of the AFAP Rules.

Please also note that under the AFAP Rules the Council Committee members elect a Chairman, Vice Chairman, Secretary and, in some cases, Convention Representative(s) after the result of the Committee member election is known. Rule 5.8 states:

"The abovementioned officers shall be elected by and from the members of the Council Committee as soon as possible after the declaration of the ballot of Committee members..."

With regard to Rule 5.8(a)(iv), the number of financial members in each Council at the time of the original application (27 April 2012) are as follows:

Virgin	527	Sunstate	191
Jetstar	153	Rex	171
CASA	37	National	1093
Eastern	182	Helicopters	456

Please note that following the AFAP Annual Convention in September 2012 (held after the completion of E2012/269) the CASA Council was abolished under an approved rule change. Members of the CASA Council subsequently transferred to the National Council as result of this rule change.

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

Yours faithfully,

Joanne Janes

Senior Industrial Officer

PRESCRIBED INFORMATION IN RESPECT OF COUNCIL ELECTIONS – SUBSECTION 189(1) OF THE FAIR WORK (RO) ACT 2009

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

1. The offices and positions in respect of which the elections are required are:

Virgin Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Virgin Council comprises 527 financial members:

(19)

Continuing Council Committee Members

David Booth

Hayden Herrmann

Steven Lunn

Brett Loeliger

Wayne Jericho

Sven Wagner

Peter Barbagallo

Joseph Kirschner

Paul Anderson

Rowly Hipwell

Anthony MacDonnell

Rodney Aldridge

Walter Gowens

Stuart Beveridge

John Absolon

Nominations Required:

Four (4)

Eastern Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Eastern Council comprises 182 financial members:

(7)

Continuing Council Committee Members

Rob Lukman

Christopher Stead

Marco De Vincentis

David Griffiths

Robert McDonald

Chris Somers

Nominations Required:

One (1)

Sunstate Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Sunstate Council comprises 191 financial members:

(8)

Continuing Council Committee Members

Louise Pole George Brown Russell Thompson John Grady Joshua Cox Jarrod Blaker

Nominations Required:

Two (2)

Rex Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Rex Council comprises 171 financial members:

(7)

Continuing Council Committee Members

Robin Darroch Mark Bennett Tim Gell

Nominations Required:

Four (4)

National Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the National Council comprises 1093 members:

(30)

Continuing Council Committee Members

Richard Higgins Andrew McCall Leonard Nowak Lloyd Baum Thomas Nemeth Julian Hipwell Robert Nicholson

Nominations Required:

Twenty-three (23)

Helicopters Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Helicopters Council comprises 456 members:

(17)

Continuing Council Committee Members

Garry Butler

Glenn Williams

David Croal

Michal Betteridge

Damien Dew

Derek O'Neill

Matthew Leyden

Matthew Nielsen

Jarrod Michael

Nominations Required:

Eight (8)

ELECTION OF OFFICERS - RULE 5.8(a)

Eastern Council

Council Members (182)

Collegiate

Council Secretary

Rex Council

Council Members (171)

Collegiate

Council Secretary

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

To fill vacancies due to insufficient nominations and resignations under the AFAP Council structure in accordance with the AFAP Rules.

Then:

To fill vacant Office Bearer positions on the Eastern and Rex Council Committees as per Rule 5.8 of the AFAP Rules.

3. The electorate/s for the election are:

Virgin, Eastern, Sunstate, Rex, National and Helicopters Councils.

Then:

Members of the Eastern and Rex Council Committees.

4. The dates and times of the beginning and end of the period in which nominations of candidates will be called for

Please call nominations as soon as possible. Under Rule 12.3(a) nominations for these positions shall remain open for a period of 21 days.

5. The day provided for under the AFAP Rules as the day on which the roll of voters is to be closed

In accordance with Rule 12.6(c) a roll of voters shall be prepared by the Returning Officer which shall be updated so as to include all financial members of the Federation on the fourteenth day prior to the opening of nominations.

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

Direct voting system of all financial members of the relevant Councils.

Then:

Collegiate voting of all financial members of the Eastern and Rex Council Committees.

President, Bryan Murray

Date: 25 June 2013

AUSTRALIAN FEDERATION OF AIR PILOTS



MEMBER OF THE INTERNATIONAL FEDERATION OF AIR LINE PILOTS' ASSOCIATION

President: Bryan Murray Executive Director: Simon Lutton

30 May 2013

General Manager C/O Ms Eve Anderson Fair Work Australia GPO Box 1994 MELBOURNE VIC 3001

via email: eve.anderson@fwa.gov.au

Dear General Manager,

Election recall - Australian Federation of Air Pilots - Council Committee and Council Secretary Elections - E2012/269

As a result of the election (E2012/269) conducted by the AEC the Federation notifies the Fair Work Commission of the requirement to call a follow up ballot for all vacancies still existing on our Council Committees.

The attached information is lodged in accordance with section 189(1) of the Fair Work (Registered Organisations) Act 2009 (the Act).

The information includes:

- The prescribed information in respect of the Council Committee Election, signed by Capt Bryan Murray, President of the AFAP; and
- Details of the number of required nominations, in accordance with Rule 4 of the AFAP Rules.

Please note that following the AFAP Annual Convention in September 2012 (held after the completion of E2012/269) the CASA Council was abolished under an approved rule change. Members of the CASA Council subsequently transferred to the National Council as result of this rule change (as reflected in the table of financial members below).

Please also note that under the AFAP Rules the Council Committee members elect a Chairman, Vice Chairman, Secretary and, in some cases, Convention Representative(s) after the result of the Committee member election is known. Rule 5.8 states:

"The abovementioned officers shall be elected by and from the members of the Council Committee as soon as possible after the declaration of the ballot of Committee members..."

With regard to Rule 5.8(a)(iv), the number of financial members in each Council is as follows:

Virgin	527	Rex	171
Jetstar	153	National	1130
Eastern	182	Helicopters	456
Sunstate	191		

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

Yours faithfully,

Joanne Janes

Senior Industrial Officer

PRESCRIBED INFORMATION IN RESPECT OF COUNCIL ELECTIONS – SUBSECTION 189(1) OF THE FAIR WORK (RO) ACT 2009

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

1. The offices and positions in respect of which the elections are required are:

Virgin Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Virgin Council comprises 527 financial members:

(19)

Continuing Council Committee Members

David Booth

Hayden Herrmann

Steven Lunn

Brett Loeliger

Wayne Jericho

Sven Wagner

Peter Barbagallo

Joseph Kirschner

Paul Anderson

Rowly Hipwell

Anthony MacDonnell

Rodney Aldridge

Walter Gowens

Stuart Beveridge

John Absolon

Nominations Required:

Four (4)

Eastern Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Eastern Council comprises 182 financial members:

(7)

Continuing Council Committee Members

Rob Lukman

Christopher Stead

Marco De Vincentis

David Griffiths

Robert McDonald

Chris Somers

Nominations Required:

One (1)

Sunstate Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Sunstate Council comprises 191 financial members:

(8)

Continuing Council Committee Members

Louise Pole George Brown Russell Thompson John Grady Joshua Cox Jarrod Blaker

Nominations Required:

Two (2)

Rex Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Rex Council comprises 171 financial members:

(7)

Continuing Council Committee Members

Robin Darroch Mark Bennett Tim Gell

Nominations Required:

Four (4)

National Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the National Council comprises 1130 members:

(31)

Continuing Council Committee Members

Richard Higgins Andrew McCall Leonard Nowak Lloyd Baum Thomas Nemeth Julian Hipwell Robert Nicholson

Nominations Required:

Twenty-four (24)

Helicopters Council Committee

Number of Council Committee members to be elected under Rule 4.1(e)(i) as the Helicopters Council comprises 456 members:

(17)

Continuing Council Committee Members

Garry Butler

Glenn Williams

David Croal

Michal Betteridge

Damien Dew

Derek O'Neill

Matthew Leyden

Matthew Nielsen

Jarrod Michael

Nominations Required:

Eight (8)

ELECTION OF OFFICERS - RULE 5.8(a)

Eastern Council

Council Members (182)

Collegiate

Council Secretary

Rex Council

Council Members (171)

Collegiate

Council Secretary

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

To fill vacancies under the AFAP Council structure in accordance with the AFAP Rules.

Then:

To fill Office Bearer positions on each Council Committee of the AFAP as per Rule 5.8 of the AFAP Rules.

3. The electorate/s for the election are:

Virgin, Eastern, Sunstate, Rex, National and Helicopters Councils.

Then:

The Eastern Council and Rex Council Committees.

4. The dates and times of the beginning and end of the period in which nominations of candidates will be called for :

Please call nominations as soon as possible. Under Rule 12.3(a) nominations for these positions shall remain open for a period of 21 days.

5. The day provided for under the AFAP Rules as the day on which the roll of voters is to be closed

In accordance with Rule 12.6(c) a roll of voters shall be prepared by the Returning Officer which shall be updated so as to include all financial members of the Federation on the fourteenth day prior to the opening of nominations.

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

Direct voting system of all financial members of the relevant Councils.

Then:

Collegiate voting of all financial members of the Eastern and Rex Council Committees.

President, Bryan Murray

Date: 30 May 2013