



2 October 2014

Mr Ben Murray
Returning Officer
Australian Electoral Commission

via email: ben.murray@aec.gov.au

Dear Mr Murray,

Re: Post Election Report, Australian Federation of Air Pilots (“AFAP”) – E2014/145

We refer to the above matter and your letter of 9 September 2014 referencing a conflict with Rules 12.6(d) and 12.5(g)(1):

Rule 12.6(d)

“Within 7 days of the close of nominations the Returning Officer shall issue to each member who is eligible to vote, by prepaid post an envelope which shall contain:....”

Rule 12.5(g)(1)

“Withdrawal of nominations

1. A member nominating for any federal office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.”

We propose to amend Rule 12.6(d) by replacing the words ‘*Within 7 days*’ with ‘*Within 14 days*’ thus removing any conflict with Rule 12.5(g)(1). We note, however, that our Rules may only be amended by resolution of the AFAP Annual Convention. The next Convention will take place in October 2015. We undertake to raise the proposed amendment to Rule 12.6(d) for consideration at this Convention.

Please do not hesitate to contact me at simon@afap.org.au or on 03 9928 5737 should you require any further information.

Yours sincerely,

Simon Lutton
Executive Director

Simon Lutton
Executive Director
Australian Federation of Air Pilots
Level 4, 132 Albert Road
South Melbourne VIC 3205

**Post Election Report For: Australian Federation of Air Pilots
Election E No 2014/145**

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 the Industrial Registrar 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* Regulations 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.

Ben Murray
Returning Officer
9 September 2014 July 2014

Fair Work (Registered Organisations) Act 2009 Schedule 1

POST ELECTION REPORT

Australian Federation of Air Pilots

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2014/145

RULES

Rules used for the election: [282V: Incorporates alterations of 11 June 2014 (R2014/101)]
(replaces rulebook dated 16/05/14 (R2013/404))

Rules difficult to apply/interpret: **Rule 6 (d)** requires that within 7 days of the close of nominations the Returning Officer shall issue ballot papers. This conflicts with **Rule 5(g)(1)** that allows nominees 7 days to withdraw their nomination after the close of nominations.

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: 4160

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

Declaration of Results

Ben Murray
Returning Officer

9 September 2014

Australian Federation of Air Pilots - Federal Officers Declaration of Results for Contested and Uncontested Offices

E2014/145

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

Total number of names on the roll of voters	4160
Ballot papers issued	4160
Replacement ballot papers issued	1
Total Ballot Papers Issued	4161
Ballot papers / envelopes returned for scrutiny	939
Less ballot papers / envelopes rejected at preliminary scrutiny	54
Total Ballot Papers Admitted to Scrutiny	885
Percentage of ballot papers returned to number issued	22.6
Ballot papers returned as unclaimed mail	20
Ballot papers not returned	3222

President

<u>Candidates</u>	<u>Votes</u>
BOOTH, David Eric Martin	568
POLE, Louise	314
Total votes	882
Formal ballot papers	882
Informal ballot papers	3

I declare David Eric Martin Booth elected.

Vice-President (Administration and Finance)

Candidates
BOOTH, David Eric Martin
POLE, Louise

David Eric Martin Booth was excluded as he was elected as President.

I declare Louise Pole elected.

Vice-President (Membership)

Candidates

BOLLEN, Ben

I declare Ben Bollen elected.

Technical Director

Candidates

GARDINER, Peter

I declare Peter Gardiner elected.

Trustee

Candidates

MURRAY, Bryan David

I declare Bryan David Murray elected.

Ben Murray
Returning Officer
Australian Electoral Commission

4 September 2014



DECISION

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

Australian Federation of Air Pilots (E2014/145)

MR ENRIGHT

MELBOURNE, 9 JULY 2014

Arrangement for conduct of election.

[1] On 23 May and 3 June 2014 the Australian Federation of Air Pilots lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

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

[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

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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

3 June 2014

Attention: Larry Powell

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Via email: larry.powell@fwc.gov.au

Dear General Manager,

Australian Federation of Air Pilots– Federal Election

Further to our letter of 23 May 2014, please find attached the additional information requested 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*.

Please note that to meet the requirements of the Federation Rules and the scheduling of the Annual Convention (5 September 2014), the Federal election should be commenced (nominations open) in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots.

Please contact me on (03) 9928 5737 or at joanne@afap.org.au if you have any questions or require any additional information.

Yours sincerely,

Joanne Janes
Senior Industrial Officer

PRESCRIBED INFORMATION IN RESPECT OF FEDERAL ELECTION SUBSECTION 189(1) OF FAIR WORK REGISTERED ORGANISATIONS 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)
Technical Director
Trustee

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

Term of office of the officers will expire at the Annual Convention of the Australia Federation of Air Pilots scheduled for 5 September 2014.

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:

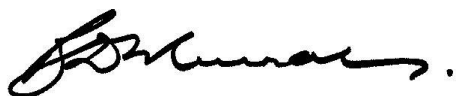
Nominations should be called for in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots and be open for 21 days. If an election is required a ballot should be opened within 7 days after the end of the nomination period and closed not later than 21 days from the date of issue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

5. The 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 Council 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 Federation.



President, Bryan Murray

Date: 3 June 2014

**AUSTRALIAN FEDERATION
OF AIR PILOTS**



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

President:
Bryan Murray

Executive Director:
Simon Lutton

23 May 2014

Attention: Eve Anderson

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Via email: eve.anderson@fwc.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*.

Please note that to meet the requirements of the Federation Rules and the scheduling of the Annual Convention (5 September 2014), the Federal election should be commenced (nominations open) in accordance with Rule 12 of the Rules of the Australian Federation of Air Pilots.

Please contact me on (03) 9928 5737 or at joanne@afap.org.au if you have any questions or require any additional information.

Yours sincerely,

Joanne Janes
Senior Industrial Officer

Level 4, 132-136 Albert Road, South Melbourne, Victoria 3205
Tel: (03) 9928 5737 Fax: (03) 9699 8199
Email: admin@afap.org.au

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

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

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

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

Term of office of the officers will expire at the Annual Convention of the Australia Federation of Air Pilots scheduled for 5 September 2014.

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: 23 May 2014