



DECLARATION OF AUTHORISED OFFICER

I, David Booth, of 132-136 Albert Road, South Melbourne in the State of Victoria, being the President of the Australian Federation of Air Pilots (AFAP) declare as follows:

1. A copy of the attached Post-Election report extract from the Australian Electoral Commission (E2017/108 - dated 30 August 2017) and the AFAP's response to the report (dated 11 September 2017) have been posted to the AFAP website.
2. A copy of these documents will be provided to any member who so requests.
3. I declare that to the best of my knowledge and belief the particulars set out in this declaration are true and correct.

**Captain David Booth
AFAP President
3 October 2017**



11 September 2017

Ms Allison Valentine
Returning Officer
Australian Electoral Commission

via email: industrial.elections@aec.gov.au

Dear Ms Valentine,

Re: AEC Post Election Report – Australian Federation of Air Pilots (“AFAP”) – E2017-108 – Casual Vacancies Eastern and Sunstate Council

We refer to the AEC’s Post Election report of 30 August 2017 referencing the following rule deemed difficult to apply or interpret. Please find the AFAP’s response below.

1. Rule identified by the AEC as difficult to apply/interpret:

“Rule 12.3(i) states that the ballot will open within 14 days of the close of nominators. The Federation may wish to extend this period to 21 or 28 days to allow for the printing of ballot papers and candidate statements as 7 days of this period is required to allow candidates to rectify defectives or withdraw nominations, leaving the Returning Officer 7 days to prepare ballot papers and candidate statements.”

AFAP Response:

The AFAP Rules may only be amended by resolution of the AFAP Convention. The next Convention will take place on 6 October 2017. At this Convention we propose to seek an amendment to Rule 12(3)(i) to extend the timeframe for issuing ballot materials from 14 to 21 days.

Please do not hesitate to contact AFAP Operations Manager, Joanne Janes at joanne@afap.org.au or me at simon@afap.org.au or on 03 9928 5737 should you require any further information.

Yours sincerely,

Simon Lutton
Executive Director



6 September 2017

Captain David Booth
President
Australian Federation of Air Pilots
president@afap.org.au

Dear Captain Booth

Organisation must respond to the post-election report of the Australian Electoral Commission: E2017/108

On 30/08/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/108 dated 30/08/2017. 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 12 (3) (i). 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.

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

Christine Hibberd

Registered Organisations Commission

30 August 2017

Post-election Report

**E2017-108 - Australian Federation of Air
Pilots – Casual Vacancy Eastern and
Sunstate Council**

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Election(s) Covered in this Report

Election Decision No/s: E2017/108

Rules

Rules used for the election: [282V: Incorporates alterations of 29 March 2017 (R2017/35)] (replaces rulebook dated 6 January 2017 (R2016/266))

Rules difficult to apply/interpret: Rule 12 (3) (i) states that the ballot will open within 14 days of the close of nominations. The Federation may wish to extend this period to 21 or 28 days to allow for the printing of ballot papers and candidate statements as 7 days of this period is required to allow candidates to rectify defectives or withdraw nominations, leaving the Returning Officer 7 days to prepare ballot papers and candidate statements.

Module Rule reference (if any) N/A

Roll of Voters

Eastern Council

As there were no contested offices, no Roll of Voters was required.

Sunstate Council

Total number of voters on the Roll:	204
Number of apparent workplace addresses:	NIL
Number of non-current addresses	3
Other matters pertaining to the roll of voters:	N/A

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

None

Attachments

- 1) Declaration of results for Uncontested Offices – Eastern Council – VIC
- 2) Declaration of results for Contested Offices - Sunstate Council – VIC

A handwritten signature in blue ink that reads "A Valentine". The signature is written in a cursive, flowing style.

Allison Valentine
Returning Officer

30 August 2017



Reference: V17/123

Mr Simon Lutton
Executive Director
Australian Federation of Air Pilots
Level 4
132-136 Albert Road
SOUTH MELBOURNE VIC 3205

Dear Mr Lutton

**Australian Federation of Air Pilots
E2017/108 Eastern and Sunstate Council**

The declaration of the election for contested offices (Council Committee Member - Sunstate Council) is attached.

The election is now complete.

Yours sincerely



Allison Valentine
Returning Officer

11 August 2017
cc all candidates

**Australian Federation of Air Pilots
E2017/108 Sunstate Council**

Declaration of Results for Contested 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.

**Sunstate Council
Council Committee Member (1)**

Total number of names on the roll of voters	204
Ballot papers issued	204
Replacement ballot papers issued	0
Total Ballot Papers Issued	204
Ballot papers / envelopes returned for scrutiny	65
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	65
Percentage of ballot papers returned to number issued	31
Ballot papers returned as unclaimed mail	3
Ballot papers not returned	136

<u>Candidates</u>	<u>First Preference Votes</u>
COPLAND, Richard	27
TREMAYNE, William	14
DADGE, Jason	24
Total votes	65
Formal ballot papers	65
Informal ballot papers	0

I declare Richard Copland elected.



Allison Valentine
Returning Officer
Australian Electoral Commission

11 August 2017



13 July 2017

Captain David Booth
President
Australian Federation of Air Pilots
president@afap.org.au

Dear Booth,

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 uncontested offices for Eastern and Sunshine Council [E2017/108]. 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 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 Federation of Air Pilots 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.

Regards

Christine Hibberd
Registered Organisations Commission

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. *[include OLD name and address and NEW name and address of every branch that has changed]*
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED operation:
 1. *[include name of each new branch]*
 2. ...
 - CEASED operation:
 1. *[include name of each closed branch]*

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[PLEASE NOTE: This declaration must be submitted to the Registered Organisations Commission within **35 days** of the change. It can be submitted to regorgs@roc.gov.au.]*

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
<i>...</i>						
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
<i>...</i>						



Reference: V17/123

Mr Simon Lutton
Executive Director
Australian Federation of Air Pilots
Level 6
132-136 Albert Rd
SOUTH MELBOURNE VIC 3205

Dear Mr Lutton,

**Australian Federation of Air Pilots
E2017/108 Eastern and Sunstate Council**

The declaration of the election for uncontested offices is attached.

The election is not yet complete, as the election for Council Committee Member, Sunstate Council is contested.

Yours sincerely



Allison Valentine
Returning Officer

3 July 2017

cc all candidates

**Australian Federation of Air Pilots
E2017/108 - Casual Vacancy - Eastern and Sunstate Council**

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 Committee Member (2)

Candidates

CAMPBELL, Alastair
PAREKH, Shabbir

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



Allison Valentine
Returning Officer

3 July 2017



DECISION

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

Australian Federation of Air Pilots
(E2017/108)

MR ENRIGHT

MELBOURNE, 10 MAY 2017

Arrangement for conduct of election.

[1] On 7 April and 8 and 9 May 2017, the Australian Federation of Air Pilots lodged with the Fair Work Commission prescribed information for an election to fill casual vacancies in the following offices for the remainder of the term:

Eastern Council

Council Committee Member (2)

Sunstate Council

Council Committee Member (1)

[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 TO THE COMMISSIONER

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7 April 2017

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Via email: orgs@fwc.gov.au

Dear General Manager,

Re: Australian Federation of Air Pilots (AFAP) Council Elections - Casual Vacancies - Eastern and Sunstate Pilot Council Committees

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

The information includes:

- the prescribed information in respect of the Eastern and Sunstate Council Committee Elections, signed by AFAP President, Captain David Booth; and
- details of the number of required nominations, in accordance with Rule 4 of the AFAP Rules.

The elections should be commenced as soon as possible in accordance with Rule 12.

Please contact me on (03) 9928 5737 or at joanne@afap.org.au should any additional information be required.

Yours sincerely,

Joanne Janes
Operations Manager

**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:

Election of Eastern Council Committee Members

Number of Council Committee members to be elected under Rule 4.1.1(e)(ii):

Nominations Required:

Two (2)

Election of Sunstate Council Committee Member

Number of Council Committee members to be elected under Rule 4.1.1(e)(ii):

Nominations Required:

One (1)

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

To fill casual vacancies, in accordance with Sub-rule 4.4 of the AFAP Rules, on:

- the Eastern Pilot Council (due to the resignation of Committee Members, Cameron Bailey and Luke Ford); and
- the Sunstate Pilot Council (due to the resignation of Committee Member, Matthew Vaughan).

3. The electorate/s for the election are:

Members of the Eastern and Sunstate Pilot Councils.

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

Please call for 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 12.3(h) 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 Eastern and Sunstate Pilot Councils.



President, Captain David Booth
7 April 2017