



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 (E2017/73 - dated 31 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

Mr Ben Murray
Returning Officer
Australian Electoral Commission

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

Dear Mr Murray,

Re: AEC Post Election Report – Australian Federation of Air Pilots (“AFAP”) - E2017/73 – Federal Elections

We refer to the AEC’s Post Election report of 31 August 2017 referencing the following rules deemed difficult to apply or interpret and other matters. Please find the AFAP’s response to each matter below.

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

“Rule 12.6(a) states that Candidates elected to the positions of Vice President (Administration and Finance) and Vice-President (Membership) must be from different Councils. This Rule does not outline what actions to take in the event that two nominees from the same council nominate for the Vice President positions”

AFAP Response:

The AFAP Rules may only be amended by resolution of the AFAP Convention. We propose to seek an amendment to rule 12(6)(a) to address the above scenario at our 2018 Convention in October next year.

2. Other matters:

“Rule 12(5)(b) states that ‘Nominations shall be called by the Returning Officer by notice posted by him to each member of the Federation eligible to vote under these Rules. The organisation may want to consider changing this method of delivering the notice to other methods (email and publishing on AFAP website).”

AFAP Response:

As outlined in our correspondence to the AEC Industrial Elections Division on 18 January 2017 (re E2017-147), we propose to amend Rule 12.5(b) by including the words ‘by notice posted or emailed’. We undertake to raise this proposed amendment for consideration at our next Convention on 6 October 2017.

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: E2017/73

On 31/08/2017 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2017/73 dated 31/08/2017. 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 (6) (a). 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

31 August 2017

Post-election Report

Australian Federation of Air Pilots - E2017/73

Contents

Election(s) Covered in this Report.....	3
Rules	3
Roll of Voters	3
Irregularities	3
Other Matters.....	4
Attachments	4

Election(s) Covered in this Report

Election Decision No/s: E2017/73

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 (6)(a) states that Candidates elected to the positions of Vice President (Administration and Finance) and Vice-President (Membership) must be from different Councils. This rule does not outline what to actions to take in the event that two nominees from the same council nominate for the Vice President positions.
Module Rule reference (if any)	N/A

Roll of Voters

Total number of voters on the Roll:	N/A – Roll was not used as uncontested election.
Number of apparent workplace addresses:	
Number of non-current addresses:	
Other matters pertaining to the roll of voters:	

Irregularities

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

Other irregularities identified, and action taken: None

Other Matters

Rule 12(5)(b) states that “Nominations shall be called by the Returning Officer by notice posted by him to each member of the Federation eligible to vote under these Rules.”

The organisation may want to consider changing this method of delivering the notice to other methods (email and publishing on AFAP website).

Attachments

- 1) Declaration of Results for Uncontested Offices – VIC

Benjamin Murray
Returning Officer

31 August 2017



25 August 2017

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

Dear Captain 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 [E2017/73]. 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: V17/100

Ms Joanne Janes
Operations Manager
Australian Federation of Air Pilots
Level 4, 132-136 Albert Road
SOUTH MELBOURNE VIC 3205

Dear Ms Janes,

**Australian Federation of Air Pilots
Scheduled Election - Federal Election 2017**

E2017/73

The declaration of the election for uncontested offices is attached.

The election is now complete.

Yours sincerely



Benjamin Murray
Returning Officer

18 August 2017

cc all candidates

Australian Federation of Air Pilots

Scheduled Election – Federal Elections 2017 - E2017/73

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.

Vice President (Administration and Finance)

Candidates

POLE, Louise

Vice President (Membership)

Candidates

BOLLEN, Ben

Trustee

Candidates

MURRAY, Bryan

Welfare Director

Candidates

O'KEEFFE, Matthew

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



Benjamin Murray
Returning Officer

18 August 2017



DECISION

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

Australian Federation of Air Pilots (E2017/73)

MR ENRIGHT

MELBOURNE, 31 MARCH 2017

Arrangement for conduct of election.

[1] On 17 March 2017 the Australian Federation of Air Pilots (the Federation) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Vice President (Administration and Finance)
Vice President (Membership)
Trustee
Welfare 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

Printed by authority of the Commonwealth Government Printer

<Price code A, PR591505>



17 March 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) Federal Elections 2017

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

Please note that to meet the requirements of the AFAP Rules and the scheduling of our Annual Convention on 6 October 2017, the Federal elections should be commenced in accordance with Rule 12.

Please also note that earlier today the AFAP lodged a notice of the particulars of a recent rule alteration in relation to the number of nominators required to support a nominee for the position of Welfare Director (Sub-rule 15.2(a) of the AFAP Rules). The AFAP has requested that this rule amendment be processed by the FWC prior to nominations opening for our 2017 Federal Elections.

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

Yours sincerely,

Joanne Janes
Operations Manager

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

I am an officer of the Australian Federation of Air Pilots (AFAP) 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:

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

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

The term of office of the Officers will expire at the conclusion of the Annual Convention of the AFAP on 6 October 2017.

3. The electorate/s for the election are:

The financial members of the AFAP.

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 AFAP and be open for 21 days. If an election is required a ballot should be opened within 14 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 AFAP 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 AFAP.



Captain David Booth
AFAP President
17 March 2017



30 March 2017

Ms Sarah Wilkin
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

Via email: Sarah.WILKIN@fwc.gov.au

Dear Ms Wilkins,

Re: Australian Federation of Air Pilots (AFAP) Federal Elections 2017 – Welfare Director

Further to our letter of 17 March 2017, I write to confirm that in addition to those elections required due to the terms of office of some of the officers expiring at the conclusion of the AFAP Convention on 6 October 2017, an election is also required due to the existence of the new position of Welfare Director.

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

Yours sincerely,

Joanne Janes
Operations Manager