



9 November 2021

Ms Ann Dougan  
Returning Officer  
Australian Electoral Commission

via email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Ms Dougan,

**Re: AEC Post Election Report E2021/60 – Federal Elections – Australian Federation of Air Pilots (“AFAP”) Response**

We refer to the AEC’s Post Election report of 15 October 2021 referencing the following rule deemed difficult to apply or interpret. Please find the AFAP’s response below.

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

*‘12.6(d) Within 14 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:*

- (i) a ballot paper prepared in accordance with these Rules;*
- (ii) a declaration envelope and an envelope by which the member may return the ballot paper by post without expense to the voter, provided such envelopes shall be in the form prescribed in the appropriate Act and Regulations.*
- (iii) any other document required for the conduct of the election as determined by the Returning Officer.*

*Procedural defect – There is insufficient time between the close of nominations and the opening of the ballot, to allow for the periods required for the withdrawal nominations and defective nominations period, and the preparation of the ballot material (including candidate statements) to be posted to all members of the organisation.*

*It is suggested that an appropriate period between that close of nominations and the opening of the ballot would be 28 days.’*

**AFAP Response:**

The AFAP Rules may only be amended by resolution of the AFAP Convention. The next Convention is scheduled to take place on 7 October 2022. At this Convention delegates will be asked to approve an alteration to sub-rule 12(6)(d) to extend the timeframe for issuing ballot materials for federal elections.



Please do not hesitate to contact AFAP Operations Manager, Joanne Janes at [joanne@afap.org.au](mailto:joanne@afap.org.au) or on 0416 044 286 should any further information be required.

Yours sincerely,

Simon Lutton  
Executive Director

15 October 2021

# Post-election report

Australian Federation of Air Pilots  
Scheduled election  
E2021/60

# Contents

Election(s) Covered in this Report .....3

Rules.....3

Other Matters .....3

Signed .....4

Attachments .....5

    A. Declaration of results for Uncontested Offices .....5

# Election(s) Covered in this Report

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Organisation: Australian Federation of Air Pilots

Election: Scheduled

Election Decision No/s: E2021/60

## Rules

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Rules used for the election: [282V: Incorporates alterations of 3 March 2021 (D2019/5)]  
(replaces rulebook dated 10 February 2021 (R2020/188))

Rules difficult to apply/interpret: Yes

Rule 12. 6. (d) Within 14 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:

- (i) A ballot paper prepared in accordance with these Rules;
- (ii) a declaration envelope and an envelope by which the member may return the ballot paper by post without expense to the voter, provided such envelopes shall be in the form prescribed in the appropriate Act and Regulations.
- (iii) Any other document required for the conduct of the election as determined by the Returning Officer.

Procedural defect -There is insufficient time between the close of nominations and the opening of the ballot, to allow for the periods required for the withdrawal nominations and defective nominations period, and the preparation of the ballot material (including candidate statements) to be posted to all members of the organisation.

It is suggested that an appropriate period between that close of nominations and the opening of the ballot would be 28 days.

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the

election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

## Signed

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A handwritten signature in black ink, appearing to read 'Ann Dougan', with a stylized flourish at the end.

Ann Dougan  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7177  
15 October 2021

## Attachments

### A. Declaration of results for Uncontested Offices

**Australian Federation of Air Pilots**  
**DECLARATION OF RESULTS - E2021/60**  
**Uncontested Offices**

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**Scheduled Election**

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 are:

**Australian Federation of Air Pilots**

**Vice President (Administration and Finance) (1)**

Candidates

BOLLEN Ben

**Trustee (1)**

Candidates

NICHOLSON Robert John

**Welfare Director (1)**

Candidates

*No Nominations Received*

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



Ann Dougan  
Returning Officer  
Telephone: 03 9285 7177  
Email: IEBevents@aec.gov.au  
08/10/2021





## DECISION

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

### **Australian Federation of Air Pilots** (E2021/60)

MR STEENSON

SYDNEY, 18 MAY 2021

*Arrangement for conduct of election.*

[1] On 21 April 2021, the Australian Federation of Air Pilots (the organisation) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Vice President (Administrative and Finance)

Trustee

Welfare Director

[2] I note that on 31 January 2020, the organisation lodged prescribed information for an election **E2020/41** seeking to fill casual vacancy in the office of Welfare Director, and that on 6 March 2020, a Delegate of the Commissioner arranged for an election of this office in **E2020/41** (Decision [2020] ROCD 28).

[3] Due to the delay in the conduct of elections by the Australian Electoral Commission (AEC) as a result of the COVID-19 pandemic, election **E2020/41** was among the elections deferred. It has not yet been conducted.

[4] The same office of Welfare Director (the subject of the Delegate's decision in **E2020/41**) is now part of the prescribed information lodged on 21 April 2021 in this matter (**E2021/60**) as part of a scheduled election in accordance with the organisation's rules.

[5] There is therefore the potential for the two elections, **E2020/41** and **E2021/60**, to occur simultaneously or in close proximity to each other with the office of Welfare Director being required to be filled in both elections. It is clear that the conduct of the two elections at the same time and for the same office would be a duplication of the required election.

[6] 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 AEC.

[7] However, the AEC is only required to conduct one election for the office of Welfare Officer and if the AEC were to now conduct the election for **E2021/60** this would satisfy the requirement to conduct the election sought in the matter **E2020/41**.



DELEGATE OF THE COMMISSIONER

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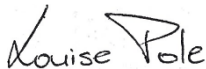
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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Louise Pole, being the President of the Australian Federation of Air Pilots make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Federation of Air Pilots.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

A handwritten signature in black ink that reads "Louise Pole". The signature is written in a cursive style with a large, stylized 'P'.

**Captain Louise Pole**  
**President**

Dated: 21 April 2021

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

## Annexure A

- Elections that are required [insert as many pages as required]

Office	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Federal	Vice President (Administration & Finance)	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Trustee	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)
Federal	Welfare Director	1	Direct Voting System	Scheduled	Financial members of the AFAP – Rule 12.6(c)

- Important dates:

	Direct Voting System
<b>Nominations OPEN</b>	To be determined by the Returning Officer in accordance with Rule 12.4(a). Please note Rule 12.4(c) – ‘ <i>The Returning Officer shall call for nominations and conduct the election in such a way that the ballot shall be counted and declared by the Friday preceding the Annual Convention</i> ’. The AFAP’s 2021 Annual Convention will be held on Friday 15 October 2021 and the date of the preceding Friday is 8 October 2021.
<b>Nominations CLOSE</b>	Rule 12.5(a) – ‘ <i>Nominations for the position of Federal officers shall be declared open for a period of 21 days</i> ’
<b>Roll of Voters cut off date</b>	Rule 12.6(c) – ‘ <i>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</i> ’.

- E2020-41** - please note that we request that E2020-41 (2020 Welfare Director casual vacancy election) be discontinued in view of the forthcoming 2021 Welfare Director election.