



Ms Marie Malfitana  
Returning Officer  
Australian Electoral Commission  
PO Box 496  
HAYMARKET NSW 1239

25 Stoney Creek Rd Bexley 2207 NSW  
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ABN: 84 234 747 620

17 August 2010

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

Dear Ms Malfitana,

**E2010/2543 - Australian Licenced Aircraft Engineers Association – Post Election report.**

Thank you for your letter of 10 August 2010 in regard to the above matter. The Association has carefully considered your letter both in the context of the discussions held and correspondence exchanged with the Australian Electoral Commission [AEC] during the election period and the recent election inquiry conducted by Justice Moore.

In relation to Rule 22(e) of the ALAEA's rules, I note that in the Post Election Report you have proposed that the intention of the rule is not clear. I assume that this relates to the meaning of the words "must hold qualifications as a Licenced Aircraft Maintenance Engineer" and the interpretation the AEC placed on those words that a nominee for a position as an officer of the Federal Executive must hold a current licence as a Licenced Aircraft Maintenance Engineer. If I am correct in this assumption, then I cannot agree that the intention of the rule is not clear.

In regard to the interpretation of Rule 22(e), it is helpful to review the judgment<sup>1</sup> of Justice Moore in the recent election inquiry. At paragraph 2 of the judgment, his Honour determines the scope of the inquiry as being:

*'[W]hether the requirement that a candidate "hold qualifications" is satisfied only if the candidate holds a current licence.'*

At paragraph 28, Justice Moore refers to the Australian Electoral Commission "wrongly (though understandably)" rejecting the nominations in question. While, the Association consistently held the position that Rule 22(e) required a wider interpretation than the AEC was willing to assign to it, nevertheless, it also acknowledges that Justice Moore indicated that he understood how it was that the AEC reached the position that it had.

However, it is now clear that the matter at issue between the Association and the AEC has been decided by Justice Moore at paragraph 27 of his judgment, where he held that:

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<sup>1</sup> *Purvinas, in the matter of an application for an inquiry in relation to an election for offices in the Australian Licenced Aircraft Engineers Association [2010] FCA 672.*

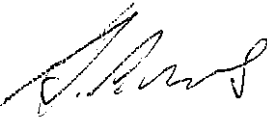
**"To undertake supervise and certify for the safety of all who fly."**

*'[S]ub-rule [22(e)] demands that a person nominating for the offices of Federal Secretary and the Trustee (amongst others) must either hold a licence or have held a licence which is readily capable of being renewed.'*

Given this, it is the Association's view that the intention of Rule 22(e), insofar as the AEC and the Association have had differing views, has been determined by Justice Moore. If the AEC has identified other issues in relation to Rule 22(e), the Association would be pleased to meet and discuss those matters.

Notwithstanding the above, the Association's Federal Executive is currently reviewing Rule 22(e) and its continuing relevance. In my view, it is likely that Rule 22(e) will be deleted as a result of this review and not replaced with a similar rule imposing conditions in regard to nominees for officers of Federal Executive holding qualifications as a LAME.

Yours sincerely,



**STEPHEN PURVINAS**  
Federal Secretary

cc. Mark Elliott, Fair Work Australia, [mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

# Australian Licenced Aircraft Engineers Association

## Federal Executive 2010

### DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

#### E2010/2543

Total number of persons on the roll of voters	3066
Ballot papers issued	3066
Duplicate ballot papers issued	2
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>3068</b>
Ballot papers / envelopes returned for scrutiny	1390
Less ballot papers / envelopes rejected at preliminary scrutiny	9
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>1381</b>
Percentage of ballot papers returned to number issued	45%
Ballot papers returned as unclaimed mail	33
Ballot papers not returned	1645

#### Federal Secretary

<u>Candidates</u>	<u>Votes</u>
PURVINAS, Stephen	1246
PARASRAM, Paras	132
Formal ballot papers	1378
Informal ballot papers	3

I declare Stephen Purvinas elected.

#### Trustees (2)

##### Candidates

GANT, Mark  
RE, Stephen

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

Marie Malfitana  
Returning Officer  
Australian Electoral Commission

23 July 2010

# Australian Licenced Aircraft Engineers Association Federal Executive 2010

## DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

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.

### E2010/2543

#### Federal Executive

Total number of persons on the roll of voters	322
Ballot papers issued	322
Duplicate ballot papers issued	7
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>329</b>
Ballot papers / envelopes returned for scrutiny	141
Less ballot papers / envelopes rejected at preliminary scrutiny	2
Adjusting Balance	0
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>139</b>
Percentage of ballot papers returned to number issued	42%
Ballot papers returned as unclaimed mail	4
Ballot papers not returned	184

#### Councillor - Forstaff Avalon (2)

<u>Candidates</u>	<u>Votes</u>
THORPE, Stephen	84
MORARJI, Danny	51
LECKIE, Vincent	80
PARASRAM, Paras	56
Exhausted Votes	0
Loss/Gain by Fraction	0
Total votes	271
Formal ballot papers	139
Informal ballot papers	0

I declare Vincent Leckie and Stephen Thorpe elected.

#### Federal President

##### Candidate

COUSINS, Paul

I declare Paul Cousins elected.

#### Senior Vice-President

##### Candidate

WEITENBERG, Michael

I declare Michael Weitenberg elected.

#### Vice-President

##### Candidate

BELL, Wesley

I declare Wesley Bell elected.

#### Assistant Federal Secretary

##### Candidate

VASTA, Wayne Biagio

I declare Wayne Biagio Vasta elected.

## **Councillor - QANTAS Airways (6)**

### Candidates

BRADBURY, Brett  
CAIL, Paul  
COX, Brad  
HALL, Christopher  
MCGEE, Robert  
VULIN, Vinko

I declare Brett Bradbury, Paul Cail, Brad Cox, Christopher Hall, Robert McGee and Vinko Vulin elected.

## **Councillor - Virgin Blue or its Maintenance and Repair Organisation**

### Candidate

WATSON, Michael

I declare Michael Watson elected.

## **Councillor - QANTAS controlled or aligned Regional Airlines**

### Candidate

TAYLOR, David John

I declare David John Taylor elected.

## **Councillor - Regional Airlines**

### Candidate

DWYER, Peter Andrew

I declare Peter Andrew Dwyer elected.

## **Councillor - General Aviation Operators**

### Candidate

ALLDIS, John Edgar

I declare John Edgar Alldis elected.

## **Councillor - Staff Councillor**

### Candidate

YOUNG, Ralph

I declare Ralph Young elected.

Marie Malfitana  
Returning Officer  
Australian Electoral Commission  
17 June 2010



Mr Stephen Purvinas  
Federal Secretary  
Australian Licenced Aircraft Engineers Association  
25 Stoney Creek Road  
BEXLEY NSW 2207

**Post Election Report For: Australian Licenced Aircraft Engineers Association  
Federal Executive and Councillors Schedule Election E2010/2543**

I refer to the above election for your organisation.

Section 197(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 Delegate of the General Manager, 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 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) Regulations 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.

Marie Malfitana  
Returning Officer

10 August 2010



***Fair Work (Registered Organisations) Act 2009***

**POST ELECTION REPORT**

**Client:** Australian Licenced Aircraft Engineers Association

**Contact details:** Stephen Purvinas  
Federal Secretary

**Email:** stephenp@alaea.asn.au

**AIR contact officer:** Mark Elliott

**Email:** Industrial.elections@fwa.gov.au

**Tel:** 03 8661 7811

**ELECTIONS COVERED IN THIS REPORT**

***Election Decision No/s:*** E2010/2543

**RULES**

***Rules used for elections Rule ID:***

[107N: Incorporates alterations of 28/10/2005 R2005/298]

***Rules difficult to apply/interpret:***

Rule 22 (2)(e) states that an Officer of the Federal Executive must hold qualifications as a Licenced Aircraft Maintenance Engineer to be eligible for nomination. The intention in that rule is not clear.

***Model Rule reference (if any):***

N/A

**ROLL OF VOTERS**

Total number of voters on the roll of voters	<b>3066</b>
Number of apparent workplace addresses	<b>0</b>
Number of non-current addresses	<b>0</b>
Other matters pertaining to the roll of voters	Nil

## **ALLEGATIONS OF IRREGULARITIES RECEIVED**

Details of written allegations of irregularities,  
and action taken by AEC:

On 3 May 2010 an allegation was lodged by a candidate in regard to Rule 22 (2)(e) requesting an investigation into the eligibility of two candidates for the offices of Federal Secretary and Trustee.

The Returning Officer subsequently rejected the nominations.

On 30 June 2010, an Election Inquiry by the Federal Court determined that irregularities had occurred in the rejection of the two candidates.

The Federal Court directed that the Returning Officer accepts the nominations and makes arrangements to conduct an election for the Federal Secretary and Trustee positions.

Other irregularities identified, and action taken:

Nil

## **ATTACHMENTS**

- A:** Declaration of Result for Contested and Uncontested Offices - Federal Secretary and Trustee
- B:** Declaration of Result for Contested and Uncontested Offices - All other Offices

Marie Malfitana  
Returning Officer

10 August 2010



**From:** [Marie Malfitana](#)  
**To:** [alaea@alaea.asn.au](mailto:alaea@alaea.asn.au); [Steve Purvinas](#); [industrial.elections@fwa.gov.au](mailto:industrial.elections@fwa.gov.au); [ELLIOTT, Mark](#)  
**Subject:** ALAEA \_ E2010/2543\_PER & Declaration of Results [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 10 August 2010 2:49:54 PM  
**Attachments:** [ALAEA\\_E2010-2543\\_Post\\_Election\\_Report.doc](#)  
[Declaration of Results\\_Federal\\_Secretary & Trustees.doc](#)  
[Declaration\\_Uncontested & Contested Offices.doc](#)

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UNCLASSIFIED

Please find attached Post Election Report and Declaration of Results in regard to the above election.

Thank you and regards

Marie Malfitana | Returning Officer  
Industrial Elections | NSW State Office  
Australian Electoral Commission  
T: 02 9375 6364 | F: 02 9212 7336

UNCLASSIFIED

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FAIR WORK  
AUSTRALIA

## DECISION

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

**The Australian Licenced Aircraft Engineers Association**  
(E2010/2543)

T. NASSIOS

MELBOURNE, 18 MARCH 2010

*Arrangement for conduct of election.*

[1] On 18 March 2010 The Australian Licenced Aircraft Engineers Association lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Federal President  
Senior Vice-President  
Vice-President  
Federal Secretary  
Assistant Federal Secretary  
Trustees (2)  
Federal Executive Councillors as follows:  
    Qantas Airways Councillors (6)  
    Virgin Blue or its Maintenance and Repair Organisation provider Councillor  
    Forstaff Avalon Councillors (2)  
    Qantas controlled or aligned Regional Airlines Councillor  
    Other Regional Airlines Councillor  
    General Aviation Operators Councillor  
    Staff Classifications Councillor

[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  
FAIR WORK AUSTRALIA

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## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Thursday, 18 March 2010 4:11 PM  
**To:** 'Industrial Elections'  
**Subject:** Election decision: E2010/2543 (ALAEA)  
**Attachments:** ALAEA1.pdf; 107N.doc

Enclosed is a copy of the decision that the Delegate to the Fair Work Australia General Manager published today in the above matter.

I have also attached a copy of the relevant rules of the organisation

Kind regards,

**MARK ELLIOTT**  
Tribunal Services and Organisations

**Fair Work Australia**  
Tel: 03 8661 7811  
Fax: 03 9655 0410  
[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)

## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Thursday, 18 March 2010 3:56 PM  
**To:** 'PeterS@alaea.asn.au'  
**Subject:** ALAEA election: E2010/2543 - decision  
**Attachments:** ALAEA1.pdf

Good afternoon Peter,

Please find attached a copy of the decision issued today in the abovementioned matter.

Any enquiries in relation to the conduct of the election should be directed to the Australian Electoral Commission who may be contacted on (02) 9375 6360.

Kind regards,

**MARK ELLIOTT**  
Tribunal Services and Organisations

**Fair Work Australia**  
Tel: 03 8661 7811  
Fax: 03 9655 0410  
[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)

18 March 2010



25 Stoney Creek Rd Bexley 2207 NSW  
Ph: (02) 9554 9399 Fax: (02) 9554 9644  
Email: [alaea@alaea.asn.au](mailto:alaea@alaea.asn.au)  
Web: [www.alaea.asn.au](http://www.alaea.asn.au)  
ABN: 84 234 747 620

The General Manager  
Tribunal Services and Organisations  
Fair Work Australia  
11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

Att: Mark Elliott

By email: [Mark.Elliott@fwa.gov.au](mailto:Mark.Elliott@fwa.gov.au)

Pursuant to sections 189 and 182 of the Fair Work (Registered Organisations) Act, 2009 I request the General Manager arrange for an election be held for the following offices of the Australian Licenced Aircraft Engineers Association:

- (1) Federal President
- (1) Senior Vice-President
- (1) Vice-President
- (1) Federal Secretary
- (1) Assistant Federal Secretary
- (2) Trustees (Rules 29 & 21)
- (6) Qantas Councillors
- (1) Virgin Blue or its Maintenance and Repair Organisation provider Councillor
- (2) Forstaff Councillors
- (1) Qantas controlled or aligned Regional Airlines Councillor
- (1) Other Regional Airlines Councillor
- (1) General Aviation Operators Councillor
- (1) Staff Classifications Councillor

Yours faithfully

**STEVE PURVINAS**  
Federal Secretary

"To undertake supervise and certify for the safety of all who fly."



25 Stoney Creek Rd Bexley 2207 NSW  
Ph: (02) 9554 9399 Fax: (02) 9554 9644  
Email: [alaea@alaea.asn.au](mailto:alaea@alaea.asn.au)  
Web: [www.alaea.asn.au](http://www.alaea.asn.au)  
ABN: 84 234 747 620

18 March 2010

**Statement and Notice of Prescribed Information under Section 189 of the Fair Work (Registered Organisations) Act, 2009:**

I, Steven Purvinas, Federal Secretary of the Australian Licenced Aircraft Engineers Association, make the following statement:

1. I am the Federal Secretary of the Australian Licenced Aircraft Engineers Association;
2. I am authorised to lodge the following prescribed information concerning forthcoming elections of the Australian Licenced Aircraft Engineers Association; and
3. I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act, 2009.

Signed:

**Steven Purvinas**

**Federal Secretary of the Australian Licenced Aircraft Engineers Association**

Dated 18<sup>th</sup> March 2010

**Prescribed Information**

**Fair Work (Registered Organisations) Regulation 138 (1)**

**(a) Name of Each Office or Position**

***Rule 21(2) of the ALAEA Rules:***

Federal President

Senior Vice-President

Vice-President

Federal Secretary

Assistant Federal Secretary

Trustee

***Rules 21(3)(a)-(g)***

Qantas Councillor

Virgin Blue or its Maintenance and Repair Organisation provider Councillor

Forstaff Councillor

Qantas controlled or aligned Regional Airlines Councillor

Other Regional Airlines Councillor

General Aviation Operators Councillor

Staff Classifications Councillor

**(b) Reasons for election:**

The term of the offices or positions is due to expire in the normal course of events.

**(c) Multiple offices or positions with the same name:**

2 Trustees (Rule 21(2) and Rule 29)

6 Qantas Councillors (Rule 21(3)(a))

2 Forstaff Councillors (Rule 21(3)(c))

**(d) The electorate:**

In accordance with Rules 21(3)(a)-(g), the electorate for the positions of:

Qantas Councillor

Virgin Blue or its Maintenance and Repair Organisation provider Councillor

Forstaff Councillor

Qantas controlled or aligned Regional Airlines Councillor

Other Regional Airlines Councillor

General Aviation Operators Councillor

Staff Classifications Councillor

is limited to those financial members employed by or in the relevant employer or classification.

**(e) Nominations open:**

On a date determined by the Returning Officer – Rule 23(c).

**Nominations close:**

On a date determined by the Returning Officer – Rule 21(4)(d) and Rule 23(c).

**(f) Closing date for roll of voters:**

On the first business day on or after the 15th of March in the year of the election – Rule 21(1)(a).

**(g) The kind of voting system to be used:**

All offices or positions are elected by a direct voting system.



**ELLIOTT, Mark**

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**From:** Peter Somerville [PeterS@alaea.asn.au]  
**Sent:** Thursday, 18 March 2010 12:34 PM  
**To:** ELLIOTT, Mark  
**Cc:** Federal Secretary; Trustee 1- Steve Re  
**Subject:** Request for Election to be Held and Prescribed Information  
**Importance:** High  
**Attachments:** Peter Somerville (work).vcf; 20100318\_Statements 189 FWRO Act - Draft.pdf;  
20100318\_Notice of Prescribed Information - Draft.pdf

Hi Mark

Please see attached Request for Election and Prescribed Information lodged by the Australian Licenced Aircraft Engineers Association. If you have any queries in regard to the Request or Prescribed Information, please contact me at the address shown below.

Best wishes

Peter

