



15 September 2016

Mr Stephen Purvinas  
Federal Secretary  
Australian Licenced Aircraft Engineers Association, The  
fedsec@alaea.asn.au

Dear Mr Purvinas,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/105]. 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 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require 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 should be provided for in your organisation's rules.

#### **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 Licenced Aircraft Engineers Association, The 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;

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- 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. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't 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

Jennifer Raeburn  
Regulatory Compliance Branch



12 September 2016

Mr Stephen Purvinas  
Federal Secretary  
Australian Licenced Aircraft Engineers Association, The  
**by email: fedsec@alaea.asn.au**

Dear Mr Purvinas

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/105**

On 31 August 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/105 dated. 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 23. 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 Commission 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 Commission for assistance by email to [orgs@fwc.gov.au](mailto:orgs@fwc.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 Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

Jennifer Raeburn

Regulatory Compliance Branch



Fair Work (Registered Organisations) Act 2009  
**POST ELECTION REPORT**

**Client:** Australian Licenced Aircraft Engineers Association  
**Contact details:** Stephen Purvinas  
Federal Secretary  
25 Stoney Creek Rd  
BEXLEY 2207

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

**AIR contact officer:**

**Email:** orgs@fwc.gov.au

**ELECTIONS COVERED IN THIS REPORT**

Election Decision No/s: E2016/105

**RULES**

Rules used for elections Rule ID: [0107N: Incorporates the alterations certified on 11 March 2016 [R2015/272].  
Rules difficult to apply/interpret: Rule 23 silent on position of names on the ballot paper, consider modifying to state by lot/draw or alphabetical.  
Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number on roll for contested sector	234
Number of apparent workplace addresses	0
Non-Current addresses	2

**ALLEGATIONS OF IRREGULARITIES RECEIVED**

Details of written allegations of irregularities, and action taken by AEC: N/A  
Other irregularities identified, and action taken: N/A

**ATTACHMENTS**

Declaration Result Contested and Uncontested Offices

Kathryn Montgomery  
Returning Officer  
Australian Electoral Commission  
31 August 2016

# Australian Licenced Aircraft Engineers Association Federal Executive Councillor

## Declaration of Results for Contested and Uncontested Offices

E2016/105

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.

### **Qantas Airways Councillor Qantas Airways**

#### Candidates

MCCLENAHAN, Brett Arthur  
I declare Brett Arthur McClenahan elected.

### **Virgin Australia or its Maintenance and Repair Organisation Provider Councillor Virgin Australia**

#### Candidates

DAVIES, Mike  
I declare Mike Davies elected.

### **Regional Airlines Councillors Regional Airlines**

#### Candidates

No nomination was received  
No candidates elected.

### **Helicopter sector**

Total number of names on the roll of voters	234
Ballot papers issued	234
Replacement ballot papers issued	0
<b>Total Ballot Papers Issued</b>	<b>234</b>
Ballot papers / envelopes returned for scrutiny	51
Less ballot papers / envelopes rejected at preliminary scrutiny	0
<b>Total Ballot Papers Admitted to Scrutiny</b>	<b>51</b>
Percentage of ballot papers returned to number issued	21
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	181

**Councillor Helicopter**

Candidates

Votes

MCCREADY, Andrew Charles  
RATTEY, Douglas Kenneth

24  
27

Exhausted Votes  
Loss/Gain by Fraction  
Total votes  
Formal ballot papers  
Informal ballot papers

0  
0  
51  
51  
0

I declare Douglas Kenneth Rattey elected.



Kathryn Montgomery  
Returning Officer  
Australian Electoral Commission  
12 August 2016.



## **DECISION**

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

### **The Australian Licenced Aircraft Engineers Association** (E2016/105)

MR ENRIGHT

MELBOURNE, 19 APRIL 2016

*Arrangement for conduct of election.*

[1] On 16 March 2016 the Australian Licenced Aircraft Engineers Association (the Association) lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices created as a consequence of an alteration of the Association’s rules on 11 March 2016:<sup>1</sup>

Federal Executive Councillor – Helicopter sector (1)  
Federal Executive Councillor – Virgin Australia or its Maintenance and Repair Organisation provider (1)

[2] On the same day the Association lodged the prescribed information in relation to an election for a casual vacancy in the following office:

Federal Executive Councillor – Qantas Airways (1)

[3] On the same day the Association also lodged the prescribed information in relation to an election for the following office, due to insufficient nominations received in two previous elections (E2014/53 & E2014/245):

Federal Executive Councillor – Regional Airlines (1)



[4] 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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<sup>1</sup> [\[2016\] FWCD 609](#)

**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, Stephen Purvinas, being the Federal Secretary of the Australian Licenced Aircraft Engineers Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Licenced Aircraft Engineers Association.
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. The resignation letter is attached for each casual vacancy (Qantas Councillor position).
5. Insufficient nominations were received in an earlier election and the declaration of results is attached (Regional Councillor position).
6. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed: ALAEA Federal Secretary Steve Purvinas



Dated: 16<sup>th</sup> March 2016

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

## ANNEXURE A

- Elections that are required:

Branch	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
<i>National</i>	<i>Qantas Councillor</i>	<i>1</i>	<i>DVS</i>	<i>Casual Vacancy</i>	<i>Rule 21-(3) (a)</i>
<i>National</i>	<i>Virgin Councillor</i>	<i>1</i>	<i>DVS</i>	<i>New Office Created</i>	<i>Rule 21-(3) (b)</i>
<i>National</i>	<i>Helicopter Sector Councillor</i>	<i>1</i>	<i>DVS</i>	<i>New Office Created</i>	<i>Rule 21-(3) (c)</i>
<i>National</i>	<i>Regional Airline Councillor</i>	<i>1</i>	<i>DVS</i>	<i>Insufficient nominations</i>	<i>Rule 21-(3) (e)</i>

- Important dates:

	Direct Voting System
<b>Nominations OPEN</b>	<i>To be determined by Returning Officer Rule 23 (c) but not before 17<sup>th</sup> May 2016</i>
<b>Nominations CLOSE</b>	<i>To be determined by Returning Officer Rule 23 (b)</i>
<b>Roll of Voters cut-off date</b>	<i>To be determined by Returning Officer Rule 23 (b)</i>

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.