

RETURNING OFFICER - POST ELECTION REPORT

Client: THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA

Contact details: Jane Ponton Email: Jane.ponton@civlair.asn.au
CAOOAA Tel: 03 9646 9277
Port Melbourne VIC 3207

AIR contact officer: Larry Powell Email: larry.powell@air.gov.au
Tel: 03 8661 7993

ELECTIONS COVERED IN THIS REPORT

Election Decision No: E No 215 of 2003

Election: Divisional Delegates representing the following Divisions:
Air Traffic Services Management and Operational Support
Melbourne Towers and Terminal Control Units

Returning Officer: Michael Pryor

RULES

Rules used for elections: Rule ID 212VFED

Rules difficult to apply/interpret Nil

Model Rule reference (if any) Nil

Legal precedents considered Nil

Action taken under section 193 of RAO Schedule Nil

ROLL OF VOTERS

As a ballot was not required, the roll of electors was not requested

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no complaints or allegations of irregularities

OTHER MATTERS (Other noteworthy matters)

There were no other matters on which to comment

ATTACHMENTS

Declaration of Result

Michael Pryor
Returning Officer

30 July 2003

/5

**THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF
AUSTRALIA**

DECLARATION OF RESULTS

Result of election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E 2003/215.

DIVISIONAL DELEGATES REPRESENTING THE FOLLOWING DIVISIONS:

AIR TRAFFIC SERVICES MANAGEMENT AND OPERATIONAL SUPPORT

No nominations received

MELBOURNE TOWERS AND TERMINAL CONTROL UNITS

No nominations received

Michael Pryor
Returning Officer
Australian Electoral Commission
Melbourne

29 July 2003

Michael Pryor
Returning Officer
Australian Electoral Commission
Casselden Place,
Level 22,
2 Lonsdale St,
Melbourne, VIC 3000

APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT

The AEC has made arrangements to conduct the following election and/or ballot.

Casual Vacancy Elections E No 215 2003
Civil Air Operations Officers' Association of Australia

I have appointed you to conduct the above event. Would you please take the necessary steps.



for the Australian Electoral Officer
Victoria

24 June 2003

For Information:

NPE CO

Deputy Industrial Registrar
Australian Industrial Registry
Victoria

PR 933343

WORKPLACE RELATIONS ACT 1996
s.214 arrangement for conduct of an election

The Civil Air Operations Officers' Association of Australia
(E 2003/215)

T. NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 20 JUNE 2003

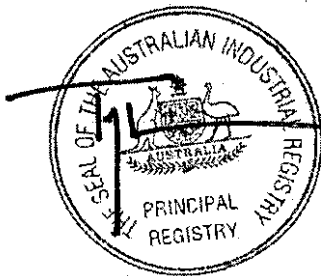
DECISION

On 19 June 2003, the abovementioned organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices:

Divisional Delegates representing the following Divisions:

Air Traffic Services Management and Operational Support
Melbourne Towers and Terminal Control Units

I am satisfied that an election for the abovementioned offices is required to be held under the rules of the organisation and, under subsection 214(2) of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



POWELL, Larry
From: POWELL, Larry
Sent: Friday, 20 June 2003 1:35 PM
To: 'civilair@civilair.asn.au'
Subject: E2003/215 - TO Civil Air Operations Officers' Association of Australia, The re Print
filed on 20/6/2003

In relation to E2003/215 before Registrar - Deputy Industrial Registrar Nassios, I have attached for your information a copy of Print(s) 933343 which has been filed in the Australian Industrial



2003-215-CAO
OAA-dec.doc

Registry.

Transmission of Documents initiated in CMS by LP1 on 20/6/2003 at 1:34PM

Address	Dispatch Method	Document Title
civilair@civilair.asn.au	Email	E2003/215 - TO Civil Air Operations Officers' Association of Australia, The re Print filed on 20/6/2003

Please note: You should refer to your Outlook account for details of the success or failure of the transmission of each document.

POWELL, Larry

From: POWELL, Larry
Sent: Friday, 20 June 2003 1:32 PM
To: 'industrial.elections@aec.gov.au'
Subject: Election decision E2003/215 CAOAAA

Election Decision: E2003/215 - The Civil Air Operations Officers' Association of Australia.

Enclosed is a copy of the above decision and a copy of the rules of the organisation.



2003-215-CAO CAOAAA -
OAA-dec.doc FED (19 May 20

No alterations have been lodged to those rules.

POWELL, Larry

From: POWELL, Larry

Sent: Friday, 20 June 2003 9:26 AM

To: 'industrial.elections@aec.gov.au'

Subject: Election notification Civil Air Operations Officers' Association of Australia
E2003/215

FYI



2003-215-CAO
\\A-notification.p

Civil Air

The Australian Air Traffic Control Association
19 June 2003

CONFIRMATION

of email 19/6/03

Industrial Registrar
Australian Industrial Registry
Organisations Branch
GPO Box 1994S
MELBOURNE VIC 3001

Dear Sir,

REQUEST FOR CONDUCT OF AN ELECTION

In accordance with Section 214 of the Workplace Relations Act 1996, please find attached the relevant papers requesting conduct of further elections for Officers of Civil Air.

At the close of nominations in Election No. E 2003/59, the Association had no nominations for the following Divisional delegates' positions:

Melbourne Towers and Terminal Control Units
Air Traffic Services Management and Operational Support

The Association wish to have elections re-run for these positions.

If further discussions are necessary regarding the certification of the proposed changes, the Association's Industrial Officer, Jane Ponton, has been delegated responsibility, (Phone 03.9646 9277 or 0419.502 670) and will be available to assist.

Yours faithfully,



PETER McGUANE
EXECUTIVE SECRETARY

WORKPLACE RELATIONS ACT 1996

In the matter of request for conduct of an election for The Civil Air Operations Officers' Association of Australia.

STATEMENT

I, EDWARD LANG, Air Traffic Controller, of 214 Graham Street, Port Melbourne, in the State of Victoria, do hereby solemnly and sincerely declare;

1. **THAT** I am the Federal President of The Civil Air Operations Officers' Association of Australia.
2. **THAT** I am authorised to make this statement and request conduct of elections on behalf of the Association.
3. **THAT** annexed hereto and marked as Annexure "A" is a copy of the rules 31 and 32 of the Rules of the Association which details the Appointment, Duties and Powers of the Returning Officer and Scrutineers.
4. **THAT** annexed hereto and marked as Annexure "B" is a copy of the rule 33 of the Rules of the Association which details the procedures relevant to the Nominations of Officers and Divisional Delegates.
5. **THAT** annexed hereto and marked as Annexure "C" is a copy of Rule 34 of the Rules of the Association which details procedures relevant to the Qualifications And Tenure for Holding of Office.
6. **THAT** annexed hereto and marked as Annexure "D" is a copy of Rule 35 of the Rules of the Association which details the conduct of ballots.
7. **THAT** annexed hereto and marked as Annexure "E" is a copy of Rule 37 of the Rules of the Association which details procedures in the event of an Extraordinary or Casual Vacancy.
8. **THAT** annexed hereto and marked as Annexure "F" is a Declaration Of Results letter from the Australian Electoral Commission advising that no nominations were received for the positions of "Melbourne Towers and Terminal Control Units" and "Air Traffic Services Management and Operational Support" divisional delegates.

In making this statement this information is lodged in accordance with subsection 214(1) of the Workplace Relations Act 1996 and is to the best of my knowledge and belief, true and correct in every particular.



Ted Lang
PRESIDENT

Annexure "A"

31 - RETURNING OFFICERS - APPOINTMENT, DUTIES AND POWERS

- (a) At its ordinary Spring meeting in each even-numbered year, National Executive shall appoint a Returning Officer for the next two (2) years.
- (b) Any Returning Officer appointed pursuant to this rule:
 - (1) may or may not be a member of the Association, as National Executive so determines;
 - (2) shall not be the holder of any Office in, nor an employee of the Association or Division of the Association;
 - (3) shall not be a candidate for any position in the Association for the period of duty as a Returning Officer;
 - (4) shall conduct any election, ballot or plebiscite held pursuant to these rules;
 - (5) shall have final determination, subject to rule 35 of these rules, as to the acceptability or otherwise of any votes cast;
 - (6) shall report the result of all ballots to the President and submit a report of the ballot indicating the number of ballot papers printed, distributed, the number on hand and any other matter deemed relevant to the ballot.
- (c) In the event of a Returning Officer being unable, or unwilling to act as and when required, whether during the conduct of any election, ballot or plebiscite or not, National Executive shall thereupon appoint another person to act as Returning Officer for the remainder of the unexpired term referred to in clause (a) of this rule.

32 - SCRUTINEERS - APPOINTMENT, DUTIES AND POWERS

- (a) Any candidate in an election conducted pursuant to these rules may, if so desired, appoint a scrutineer to represent the candidate at the ballot, and shall notify the returning officer, not later than one week after the closing date for nominations, of the name of the scrutineer so appointed.
- (b) A scrutineer appointed pursuant to this rule:
 - (1) shall be entitled to be present at the ballot for which he was appointed as a scrutineer;
 - (2) shall be a member of the Association;
 - (3) shall not be a candidate for any position for which he is appointed as a scrutineer;
 - (4) may query the Returning Officer about any vote's inclusion in, or exclusion from the count;
 - (5) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election;
 - (6) shall not interfere with, nor attempt to influence the vote of any member at the time the member is casting a vote.

Annexure "B"

33 - NOMINATIONS - OFFICERS AND DIVISIONAL DELEGATES

- (a) Nominations for positions of the National Executive of the Association shall be on a form approved by the Committee of Management.
- (b) No person shall be entitled to nominate for more than one position at any one simultaneous election.
- (c) Nominations for a position of Officer of the Association, as defined in rule 20 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Association.
- (d) Nominations for the position of Divisional Delegate, as defined in rule 22 of these rules, shall be in writing, signed by the nominee and two others signing as nominators, all of whom shall be financial members of the Division for which the nominee is proposed as a candidate for Delegate.
- (e) All nominations for elections, of the position of Divisional Delegate as defined in rule 22 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in the year in which the position becomes vacant.
- (f)
 - i) All nominations for elections, of the position of Officer of the Association as defined in rule 20 of these rules, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of January in the year in which the position becomes vacant.
 - ii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2003 for the positions of Three (3) Vice-Presidents (Finance, Communication and Professional), and the term of tenure for those elections shall expire on 28 February 2005.
 - iii) Notwithstanding Clause 33(f)(i) nominations for elections, of the position of Officer of the Association, conducted pursuant to these rules shall be received by the returning officer no later than the fourteenth (14th) day of May in 2004 for the positions of the President and Two (2) Vice-Presidents (Administration and Technical), and the term of tenure for those elections shall expire on 28 February 2006.

Annexure "C"

34 - HOLDING OF OFFICE - DIVISIONAL DELEGATE QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as a Divisional Delegate or Branch Representative of the Association if:
- (1) he ceases to be a financial member of the Association; or,
 - (2) he is of unsound mind.
- (b) No person shall be eligible to be elected to more than one position on the National Executive.
- (1) In the event of an officer of the Association successfully contesting an election for another position on the National Executive, he shall resign the position originally held upon taking office from the declaration of the poll or from the first (1st) day of July in the same year, whichever is the later, at which time a casual vacancy shall be declared pursuant to these rules.
- (c) No person shall be eligible to hold or continue to hold the position of Divisional Delegate or Branch Representative if they are not, or cease to be, employed in Branch unit or one of the units embraced by the Division as defined in rule 7 of these rules.
- (d) Members of National Executive shall take Office from the first day of July following the declaration of their election, and shall hold office for a period of two years, except for the case of casual vacancies, in which event the temporary office-holder shall hold office, pursuant to rule 37, for the remainder of the unexpired term of the casual vacancy.
- (e) Elections for Delegates representing the following divisions shall be conducted each even numbered year:
- Melbourne Centre
 - Northern District
 - Sydney Towers and TCU
 - Brisbane Towers and TCU
 - Perth Towers and TCU
- (f) Elections for Delegates representing the following divisions shall be conducted each odd numbered year:
- Air Traffic Services Management and Operational Support
 - Adelaide Towers and TCU
 - Brisbane Centre
 - Southern District
 - Cairns Tower and TCU
 - Melbourne Towers and TCU
- (g) deleted
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) deleted
- (j) deleted

Annexure "D"

35 - CONDUCT OF BALLOTS

- (a) The Returning Officer shall conduct all ballots held pursuant to these rules.
- (b) The system of voting in any election conducted pursuant to these rules shall be the preferential system of voting.
- (c) Elections for the positions of members of National Executive shall be conducted by a secret postal ballot. Provision is made for absent voting as follows: where a member considers that he will be absent from his regular address during the conduct of a ballot, that member may provide to the Returning Officer before the commencement of the ballot any new or temporary address to which the member wishes his ballot paper to be sent and the Returning Officer shall send the ballot paper to the specified address.
- (d) The returning officer shall:
 - (1) (a) not later than the first day of May in any year, call for nominations for the Divisional Delegate positions becoming vacant, pursuant to rule 34 of these rules, on the thirtieth (30th) day of June in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (2) check all nominations received for compliance with these rules, and reject any that do not so comply, provided that:
 - (a) in the event of finding a defect, the returning officer shall, before rejecting the nomination, notify the nominee of the defect, and give an opportunity to remedy the said defect, where practicable, within seven (7) days of the nominee having been so notified;
 - (b) not later than the first day of January in any year, call for nominations for the Officer of the Association (Committee of Management) positions becoming vacant, pursuant to rule 38 of these rules, on the last day of February in that year; by insertion of notices in journals and/or circulars to members' employment facilities, as the returning officer deems appropriate;
 - (3) (a) where there is only one nomination accepted for any Divisional Delegate position, declare that, as from the first (1st) day of July next, the nominee is elected to the position;
 - (b) where there is only one nomination accepted for any Officer of the Association (Committee of Management) position, declare that, as from the first (1st) day of March next, the nominee is elected to the position;
 - (4) where two (2) or more nominations are accepted for any position,
 - (a) have ballot papers printed and delivered to himself:
 - (1) containing the names of the candidates for each position in an order chosen by ballot,

Annexure "D"
continued

- (2) indicating the number to be elected to each position and the manner in which votes shall be recorded, and the date and time of closing of the ballot, which date shall be not later than the twenty-first (21st) day of June for that year for Divisional Delegate positions or the twenty-first (21st) day of February for that year for Officer of the Association (Committee of Management) positions;
- (i) notwithstanding rule 35(d)(4)(a)(2) the ballots for all positions conducted in 2003 and 2004 shall close on the twenty-first (21st) day of June for those years.
- (b) be responsible for the safe custody of ballot papers;
- (c) obtain from the printer, a certificate of the number of ballot papers printed;
- (d) initial each of the ballot papers prior to distribution;
- (e) forward by pre-paid post, a ballot paper and pre-paid or business-reply-paid envelope addressed to the returning officer, to each member entitled to receive a ballot paper, at the address held for the member in the Membership Register;
- (f) permit every candidate for election to have a typed or printed sheet of his own composition limited to five hundred (500) words reproduced and distributed to members eligible to vote in the election. Non-receipt of such a sheet by any member shall not invalidate the ballot. Provided however that such composition shall be submitted to the Returning Officer, not later than one week after the closing date for nominations, who shall ensure that they are mailed no later than the issue of ballot papers;
- (g) arrange for the use of a post office box or other receptacle to which ballot papers shall be returned, and after the closing date of the ballot, collect the papers so returned;
- (h) count, in the presence of such scrutineers as may be entitled to be present pursuant to these rules, all the votes cast and declare the result of the ballot; except that, in the event of a tie occurring, determine the result by drawing lots, provided that there are only two candidates. In the event of a tie occurring and there are more than two candidates, the candidate receiving the majority of first preference votes shall be declared elected.
- (e) A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by these rules; but except as otherwise provided by these rules, a ballot paper shall be accepted and effect shall be given to the voter's intention insofar as the intention is clear to the returning officer.
- (f) notwithstanding rule 35(d) elections for Officer of the Association (Committee of Management) positions shall be conducted as per rule 33(f) in 2003 and 2004, where the timing of elections will be consistent with rule 35(d)(1)(a) and rule 35(d)(3)(a) in those election periods.

Annexure "E"

37 - CASUAL VACANCIES

- (a) A casual vacancy shall arise in any office or position of the Association elected pursuant to these rules where the Office-holder dies, resigns or is removed from office; or, in the case of a Divisional Delegate, is transferred from employment in the area embraced by the Division pursuant to rule 7 of these rules.
- (b) A casual vacancy shall be filled as soon as is practicable following the occurrence of such a vacancy, by either of the following methods:
 - (1) where the unexpired term of the office in which the vacancy occurs does not exceed twelve (12) months, National Executive may fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership, if known or expressed; or,
 - (b) the conduct of a secret postal ballot of all members of the Association eligible to vote for the position being declared vacant.
 - (2) Where the unexpired term of the office in which the vacancy occurs exceeds twelve (12) months, National Executive shall fill the position by:
 - (a) the appointment of a member of the Association who is eligible, pursuant to these rules, to temporarily hold the vacant position, the National Executive being at all times cognizant of the wishes of the membership if known or expressed, and such an appointment shall be for no more than three (3) months. A secret postal ballot to replace the temporary office-holder so appointed shall be conducted within three (3) months of the declaration of the casual vacancy.
- (c) Where a postal ballot is conducted pursuant to this rule, the returning officer shall determine the timing of nominations, and the opening and closing dates of the ballot, and in all other matters the ballot shall be conducted pursuant to these rules and the returning officer shall report the result of the ballot so conducted to the President in accordance with the duties of the returning officer specified in rule 31 of these rules.