



Correspondence to:

Industrial Elections Branch  
GPO Box 4382QQ  
Melbourne Vic. 3001

Industrial Elections Branch  
Level 22  
Casselden Place  
2 Lonsdale Street (Corner of Spring Street)  
Melbourne Vic. 3000

File: 03051  
Contact: Michael Pryor

Phone: 9285 7139  
Fax: 9285 7149

MS JANE PONTON  
INDUSTRIAL OFFICER  
THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA  
PO BOX 394  
PORT MELBOURNE VIC 3207

Dear Jane,

**THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA – RESULTS OF ELECTIONS – E 2003/48.**

Notice of the result of the elections is attached. A copy has been sent to each candidate.

The elections are now complete.

The Australian Electoral Commission welcomes your written comments regarding the conduct of this election including any matters that concern your rules or the conduct of future elections.

Yours sincerely

Michael Pryor  
Returning Officer  
22 May 2003

*Copies to:*

*The Industrial Registrar, Principal Registry, GPO Box 1994S, MELBOURNE VIC 3001*

# CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA

## DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with Section 214 of the Workplace Relations Act 1996 and the rules of the organisation

E No. 48 of 2003

Ballot papers issued	1043
Duplicate ballot papers issued	Nil
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>1043</b>
Ballot papers returned for scrutiny	443
Less ballot papers rejected at preliminary	Nil
<b>TOTAL BALLOT PAPERS ADMITTED</b>	<b>443</b>
Percentage of ballot papers returned to	42%
Ballot papers returned as unclaimed mail	10
Ballot papers not returned	590

### VICE-PRESIDENT (TECHNICAL)

<u>Candidates</u>	<u>Votes</u>
CIVITICO, Walter	212
MORRAN, John	231
Formal ballot papers	443
Informal ballot papers	Nil

I declare J MORAN elected.



Michael Pryor  
Returning Officer  
Australian Electoral Commission  
22 May 2003

# CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA

## MELBOURNE CENTRE

### DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with Section 214 of the Workplace Relations Act 1996 and the rules of the organisation

E No. 48 of 2003

Ballot papers issued	219
Duplicate ballot papers issued	Nil
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>219</b>
Ballot papers/envelopes returned for	103
) Less ballot papers/envelopes rejected at	Nil
<b>TOTAL BALLOT PAPERS ADMITTED</b>	<b>103</b>
Percentage of ballot papers returned to	47
Ballot papers returned as unclaimed mail	2
Ballot papers not returned	114

### DIVISIONAL DELEGATE REPRESENTING THE MELBOURNE CENTRE DIVISION

<u>Candidates</u>	<u>Votes</u>
HICKEY, Daryl	55
IDLE, Christopher	48
Formal ballot papers	103
Informal ballot papers	Nil

) I declare D HICKEY elected.



Michael Pryor  
Returning Officer  
Australian Electoral Commission  
22 May 2003

4

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 Vacancies E No 48 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

21 March 2003

For Information:

Deputy Industrial Registrar  
Australian Industrial Registry  
Victoria

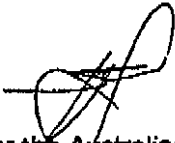
Michael Pryor  
Returning Officer  
Australian Electoral Commission  
Casselden Place,  
Level 22,  
2 Lonsdale St,  
Melbourne, VIC 3000

**APPOINTMENT TO CONDUCT AN ELECTION AND/OR BALLOT**

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

Casual Vacancies E No 48 of 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

14 March 2003

For Information:

NPE CO

Deputy Industrial Registrar  
Australian Industrial Registry  
Victoria

PR928960

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

The Civil Air Operations Officers' Association of Australia  
(E 2003/48)

T. NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 19 MARCH 2003

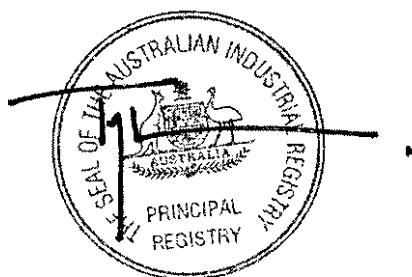
DECISION

On 13 March 2003, the abovementioned organisation lodged in the Industrial Registry the prescribed information in relation to an election to fill vacancies, for the remainder of the term of office, in the following offices:

Vice-President (Technical)

Divisional Delegate representing the Melbourne Centre Division

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.





**AUSTRALIAN INDUSTRIAL REGISTRY**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7993  
Fax: (03) 9654 6672

Mr. E. Lang  
Federal President  
The Civil Air Operations Officers' Association of Australia  
P.O. Box 394  
PORT MELBOURNE VIC 3207

Dear Mr. Lang,

**Arrangement for the conduct of an election in accordance with  
section 214 of the Workplace Relations Act 1996**

A copy of the Registrar's amended decision in relation to the above matter is enclosed.

Any enquiries in relation to the conduct of the subject election should be directed in the first instance to the Australian Electoral Commission, Victoria, telephone : (03) 9285 7150.

Yours sincerely,

Larry Powell  
Statutory Services Branch

19 March 2003

**POWELL, Larry**  
**From:** POWELL, Larry  
**Sent:** Wednesday, 19 March 2003 4:13 PM  
**To:** 'john.nellor@aec.gov.au'  
**Cc:** 'tony.king@aec.gov.au'  
**Subject:** Election decision E2003-48 CAO0AA

Election Decision: E2003/48 - The Civil Air Operations Officers' Association of Australia.

Enclosed is a copy of the above decision.



2003-48-CAOO  
A-dec.doc

A copy of the rulebook of the organisation [212V-FED: The Civil Air Operations Officers' Association of Australia alterations of 21/02/03] may be downloaded from the website of the Australian Industrial Relations Commission at: [www.airc.gov.au](http://www.airc.gov.au) (under Organisations click Organisations List & Rules).

No alterations have been lodged to those rules.



# Transmission Report

Date/Time  
 G3 Local Terminal ID  
 G4 Local Terminal ID  
 Local Name  
 Company Logo

13- 3-03; 1:57PM

Document has been sent.

Document Size A4S



AUSTRALIAN INDUSTRIAL REGISTRY

Level 11, Navy House  
 50 Collins Street, Melbourne, VIC 3000  
 BPO Box 16943, Melbourne, VIC 3001  
 Telephone: (03) 9561 7777  
 Fax: (03) 9554 6872

## FACSIMILE

<b>TO</b>	State Director		
<b>Organisation</b>	Australian Electoral Commission - Non-Parliamentary Elections Section - Victoria		
<b>Fax Number</b>	(03) 9285 7149	<b>Phone Number</b>	(03) 9285 7150
<b>FROM</b>	Larry Powell		
<b>Location</b>	Australian Industrial Registry, Statutory Services Branch		
<b>Fax Number</b>	(03) 9654 6872	<b>Phone Number</b>	(03) 8661 7993
<b>No of Pages (including cover)</b>	3	<b>Date</b>	13 March 2003
Please notify sender if not all pages were received.		<b>Time</b>	8:45a.m.

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**MESSAGE:**  
 Section 214 Notification.

Total Pages Scanned : 3

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No	Doc.	Recipient	Start Time	Durat.	Pages	Mode	Contents	Status
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**Note:**

- |                     |                     |                     |                   |
|---------------------|---------------------|---------------------|-------------------|
| EC: Error Correct   | RE: Resend          | BC: Broadcast       | CR: Check Remote  |
| CP: Completed       | PG: Polling         | MB: Send to Mailbox | MP: Multi Polling |
| RA: Receive Again   | EN: Engaged         | RS: Relay Send      | PW: Print Wait    |
| RB: Relay Broadcast | RV: Remote Service  | SA: Send Again      | TM: Terminated    |
| RQ: Relay Request   | DR: Document Remove |                     |                   |



**AUSTRALIAN INDUSTRIAL REGISTRY**

Level 35, Nauru House  
80 Collins Street, Melbourne, VIC 3000  
GPO Box 1994S, Melbourne, VIC 3001  
Telephone: (03) 8661 7777  
Fax: (03) 9654 6672

# FACSIMILE

<b>TO</b>	State Director		
<b>Organisation</b>	Australian Electoral Commission – Non-Parliamentary Elections Section – Victoria		
<b>Fax Number</b>	(03) 9285 7149	<b>Phone Number</b>	(03) 9285 7150
<b>FROM</b>	Larry Powell		
<b>Location</b>	Australian Industrial Registry, Statutory Services Branch		
<b>Fax Number</b>	(03) 9654 6672	<b>Phone Number</b>	(03) 8661 7993
<b>No of Pages (including cover)</b>	3	<b>Date</b>	13 March 2003
Please notify sender if not all pages were received.		<b>Time</b>	8:45a.m.

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**MESSAGE:**  
Section 214 Notification.

**POWELL, Larry**

**From:** Jane Ponton [jane.ponton@civilair.asn.au]

**Sent:** Thursday, 13 March 2003 10:23 AM

**To:** riateam3@air.gov.au

**Subject:** Casual Vacancy Elections



AIR request -  
casual vacancy e.

To whom it may concern,

Civil Air wish to apply under section 214 for an election for two casual vacancies.

Regards,  
Jane Ponton

<<AIR request - casual vacancy elections 2003.pdf>>

# **Civil Air**

The Australian Air Traffic Control Association

REGISTERED & FEDERAL OFFICE  
214 Graham Street,  
P.O. Box 394, Port Melbourne, Vic 3207  
Telephone: (03) 9646 9277  
Fax: (03) 9646 6799  
Email: [civilair@civilairasn.au](mailto:civilair@civilairasn.au)



12<sup>th</sup> March 2003

Statutory Services Branch  
Australian Industrial Registry  
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 an election to fill the casual vacancies for the positions of Vice President Technical and Melbourne Centre Delegate.

The casual vacancies have come about due to the resignations of Mr. Brian Joiner from the position of Vice President Technical and Mr. Alec Simpson, from the position of the Melbourne Centre Delegate. Their formal resignation letters are attached.

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, 32, 33 and 35 of the Rules of the Association which details procedures relevant to the conduct of those elections.
4. **THAT** annexed hereto and marked as Annexure "B" is a copy of Rule 34 of the Rules of the Association which details procedures relevant to the Holding Of Office - Qualifications And Tenure
5. **THAT** annexed hereto and marked as Annexure "C" is a copy of Rule 37(a), (b) & (c) of the Rules of the Association which details procedures in the event of an Extraordinary or Casual Vacancy.
6. **THAT** annexed hereto and marked as Annexure "D" is a letter of resignation for Mr. Brian Joiner from the position of Vice President Technical.
7. **THAT** annexed hereto and marked as Annexure "E" is a letter of resignation for Mr. Alec Simpson, from the position of the Melbourne Centre Delegate.
8. **THAT** as per Rule 34 of the Rules of the Association, the Officers of the Association (in this case Vice President Technical) are elected by and from all the financial members of the Association (rule 34g) whilst the Divisional Delegates of the Association (in this case the Melbourne Centre delegate) are elected by and from the financial members of the appropriate Division (rule 34h).

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

12 March 2003

## **Annexure "A"**

### **ELECTIONS**

#### **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;

**(Annexure A - Rule 32 continued)**

- (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.

**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 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.

**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) not later than the first day of May in any year, call for nominations for the Association 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:

**(Annexure A - Rule 35 continued)**

- (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;
- (3) where there is only one nomination accepted for any position, declare that, as from the first (1st) day of July 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,
    - (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;
  - (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.



**(Annexure A - Rule 35 continued)**

- (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.

## **Annexure "B"**

### **34 - HOLDING OF OFFICE - QUALIFICATIONS AND TENURE**

- (a) No person shall be eligible to hold or continue to hold a position as an Officer, 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 the following positions shall be conducted each even numbered year:
- President  
Two (2) Vice-Presidents (Administrative and Technical),
- Delegates representing the following Divisions:
- Melbourne Centre
  - Northern District
  - Sydney Towers and TCU
  - Brisbane Towers and TCU
  - Perth Towers and TCU
- (f) Elections for the following positions shall be conducted each odd numbered year:
- Three (3) Vice-Presidents (Finance, Communication and Professional),
- Delegates representing the following Divisions:
- Air Traffic Services Management and Operational Support
  - Adelaide Towers and TCU
  - Brisbane Centre
  - Southern District

**(Annexure B - Rule 34 continued)**

Cairns Tower and TCU  
Melbourne Towers and TCU

- (g) The Officers of the Association shall be elected by and from all the financial members of the Association.
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) On the replacement of the Air Traffic Services Management Division by the Air Traffic Services Management and Operational Support Division the office-holder of the Air Traffic Services Management Division National Executive Delegate position will continue as the new Division's Delegate until the next scheduled election in accordance with Rule 34(f).
- (j) Notwithstanding other sections of Rule 34, an election for the position of Vice-President Communication shall be held as soon as possible after the ratification of the rule change creating the position, for a term which will expire on June 30, 2001. Thereafter elections will be conducted consistent with these rules.

## Annexure "C"

### 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.

# CONFIRMATION

of email copy  
of 13/3/03 yr

REGISTERED & FEDERAL OFFICE  
214 Graham Street,  
P.O. Box 394, Port Melbourne, Vic 3207  
Telephone: (03) 9646 9277  
Fax: (03) 9646 6799  
Email: [civilair@civilair.asn.au](mailto:civilair@civilair.asn.au)

# Civil Air

The Australian Air Traffic Control Association

12<sup>th</sup> March 2003

Statutory Services Branch  
Australian Industrial Registry  
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 an election to fill the casual vacancies for the positions of Vice President Technical and Melbourne Centre Delegate.

The casual vacancies have come about due to the resignations of Mr. Brian Joiner from the position of Vice President Technical and Mr. Alec Simpson, from the position of the Melbourne Centre Delegate. Their formal resignation letters are attached.

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, 32, 33 and 35 of the Rules of the Association which details procedures relevant to the conduct of those elections.
4. **THAT** annexed hereto and marked as Annexure "B" is a copy of Rule 34 of the Rules of the Association which details procedures relevant to the Holding Of Office - Qualifications And Tenure
5. **THAT** annexed hereto and marked as Annexure "C" is a copy of Rule 37(a), (b) & (c) of the Rules of the Association which details procedures in the event of an Extraordinary or Casual Vacancy.
6. **THAT** annexed hereto and marked as Annexure "D" is a letter of resignation for Mr. Brian Joiner from the position of Vice President Technical.
7. **THAT** annexed hereto and marked as Annexure "E" is a letter of resignation for Mr. Alec Simpson, from the position of the Melbourne Centre Delegate.
8. **THAT** as per Rule 34 of the Rules of the Association, the Officers of the Association (in this case Vice President Technical) are elected by and from all the financial members of the Association (rule 34g) whilst the Divisional Delegates of the Association (in this case the Melbourne Centre delegate) are elected by and from the financial members of the appropriate Division (rule 34h).

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

12 March 2003

## **Annexure "A"**

### **ELECTIONS**

#### **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.

**(Annexure A - Rule 32 continued)**

- (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.

**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 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.

**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) not later than the first day of May in any year, call for nominations for the Association 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:



**(Annexure A - Rule 35 continued)**

- (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;
- (3) where there is only one nomination accepted for any position, declare that, as from the first (1st) day of July 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,
    - (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;
  - (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.

**(Annexure A - Rule 35 continued)**

- (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.

## Annexure "B"

### 34 - HOLDING OF OFFICE - QUALIFICATIONS AND TENURE

- (a) No person shall be eligible to hold or continue to hold a position as an Officer, 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 the following positions shall be conducted each even numbered year:
- President  
Two (2) Vice-Presidents (Administrative and Technical),
- Delegates representing the following Divisions:
- Melbourne Centre  
Northern District  
Sydney Towers and TCU  
Brisbane Towers and TCU  
Perth Towers and TCU
- (f) Elections for the following positions shall be conducted each odd numbered year:
- Three (3) Vice-Presidents (Finance, Communication and Professional),
- Delegates representing the following Divisions:
- Air Traffic Services Management and Operational Support  
Adelaide Towers and TCU  
Brisbane Centre  
Southern District

**(Annexure B - Rule 34 continued)**

Cairns Tower and TCU  
Melbourne Towers and TCU

- (g) The Officers of the Association shall be elected by and from all the financial members of the Association.
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) On the replacement of the Air Traffic Services Management Division by the Air Traffic Services Management and Operational Support Division the office-holder of the Air Traffic Services Management Division National Executive Delegate position will continue as the new Division's Delegate until the next scheduled election in accordance with Rule 34(f).
- (j) Notwithstanding other sections of Rule 34, an election for the position of Vice-President Communication shall be held as soon as possible after the ratification of the rule change creating the position, for a term which will expire on June 30, 2001. Thereafter elections will be conducted consistent with these rules.

## Annexure "C"

### 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.