

Australian Electoral Commission /AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

| | | | |
|-----------------------------|--|---------------|---------------------------------|
| <u>Client:</u> | The Civil Air Operations Officers' Association of Australia | | |
| <u>Contact details:</u> | Jane Ponton Industrial Officer CAOOAA PO Box 394 PORT MELBOURNE VIC 3207 | <u>Email:</u> | civilair@civilair.asn.au |
| | | <u>Tel:</u> | (03) 9646 9277 |
| <u>AIR contact officer:</u> | Mark Elliott | <u>Email:</u> | industrial.elections@air.gov.au |
| | | <u>Tel:</u> | (03) 8661 7776 |

ELECTIONS COVERED IN THIS REPORT

| | |
|--------------------------------|---|
| <u>Election Decision No/s:</u> | E2005/70 |
| <u>Election:</u> | One Divisional Delegate representing the following Divisions: Air Traffic Services Management and Operational Support Adelaide Towers and Terminal Control Units Brisbane Centre Southern District Cairns Tower and Terminal Control Units Melbourne Towers and Terminal Control Units FDC/TGO |
| <u>Returning Officer:</u> | Michael Pryor |

RULES

| | |
|---|--|
| <u>Rules used for elections Rule ID</u> | [212v-Incorporates alterations of 21 October 2004] [D2003/33] |
| <u>Rule/s re eligibility to vote</u> | N/A |

ROLL OF VOTERS

| |
|---|
| As a Ballot was not required, therefore a Roll of Voters is not requested |
|---|

ALLEGATIONS OF IRREGULARITIES RECEIVED

| |
|---|
| There were no written complaints or allegations of irregularities |
|---|

ATTACHMENTS

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|--|
| A Declaration of Results for Uncontested Offices |
|--|

Michael Pryor
Returning Officer
18 May 2005

THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA

DECLARATION OF RESULTS

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

E2005/70

One Divisional Delegate representing each of the following Divisions:

Air Traffic Services Management and Operational Support

No nomination was received

Adelaide Towers and Terminal Control Units

Candidate

SMITH, Kym

Brisbane Centre

Candidate

STARR, Shane

Cairns Tower and Terminal Control Units

Candidate

SULLIVAN, Peter

Melbourne Towers and Terminal Control Units

Candidate

COX, Glenn

Southern District

Candidate

BECKHAUS, Michael Wayne

FDC / TGO

Candidate

THOMAS, Raymond

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

Michael Pryor
Returning Officer
Australian Electoral Commission
Melbourne

18 May 2005

The Civil Air Operations Officers' Association of Australia
(E2005/70)

T NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 11 APRIL 2005

Arrangement for conduct of election.

DECISION

[1] On 7 April 2005, the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to an election for the following offices;

One National Executive representative (termed a Divisional Delegate) representing each of the following administrative divisions:

Air Traffic Services Management and Operational Support
Adelaide Towers and TCU
Brisbane Centre
Southern District
Cairns Tower and TCU
Melbourne Towers and TCU
FDC/TGO

[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 Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.





Australian Government
Australian Industrial Registry

Level 36, 80 Collins Street
Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9655 0401
Email: melbourne@air.gov.au

Ms Jane Ponton
Industrial Officer
Civil Air Operations Officers' Association of Australia
PO Box 394
PORT MELBOURNE VICTORIA 3207

Dear Ms Ponton,

**Arrangement for conduct of election by Australian Electoral Commission
The Application/Notification by Civil Air Operations Officers' Association of Australia
E2005/70**

A copy of the decision issued by a Registrar in the abovementioned matter is enclosed.

The Registrar is making arrangements with the Australian Electoral Commissioner, under s189(3) of Schedule B of the *Workplace Relations Act 1996*, for the conduct of the election by an officer of the Australian Electoral Commission. That officer will contact you about the election in the near future.

For your assistance in the lodgment of material pertaining to future elections I draw your attention to the provisions of subregulation 138(3) of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*. This office is of the view that unless a Registrar grants an extension of time, you are required to lodge prescribed information in the Industrial Registry no later than two months prior to the opening date for nominations in respect of the offices subject of the election.

Please contact me either by email at mark.elliott@air.gov.au or by telephone on 03 8661 7776 should you wish to discuss this correspondence.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Elliott'.

Mark Elliott
Statutory Services Branch
Australian Industrial Registry
12 April 2005

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Tuesday, 12 April 2005 11:12 AM
To: 'industrial.elections@aec.gov.au'
Subject: Election decision E2005/70 CAO0AA (212v)

Enclosed is a copy of the decision that the Registrar published yesterday in the above matter and a copy of the rules of the organisation.



CAO0AA - PR957195_CA
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No alterations have been lodged to those rules.

Please contact me by return email or by telephone on 03 8661 7776 should you wish to discuss.

Regards,

Mark Elliott
Statutory Services Branch
Australian Industrial Registry

Your message has been relayed
to the following recipient(s):

industrial.elections@aec.gov.au
Message relayed

The message was successfully delivered to 1 recipient(s)
at domain aec.gov.au.

ELLIOTT, Mark

From: ELLIOTT, Mark
Sent: Monday, 11 April 2005 2:48 PM
To: 'industrial.elections@aec.gov.au'
Subject: Prescribed Info - E2005/70 - CAO0AA (212V)



air election
request April 05..

Please find attached prescribed information lodged in relation to this matter. It has been allocated matter number E2005/70.

Note that there may be a typographical error in the final paragraph of Paragraph 3, which appears on page two of the attached. The FDC/TGO Division membership may in fact vote for the FDC/TGO Divisional Delegate to National Executive - Rules 7(b) &(c), 22 (a) and 34(d)-(h) refer.

Please contact me by return email or by telephone on 03 8661 7776 should you wish to discuss the matter.

Regards,

Mark Elliott
Statutory Services Branch
Australian Industrial Registry



7 April 2005

Industrial Registrar
Australian Industrial Registry
Organisations Branch
GPO Box 1994S
MELBOURNE VIC 3001
(sent via email)

Dear Sir,

RE: REQUEST FOR CONDUCT OF AN ELECTION

In accordance with Section 214 of the *Workplace Relations Act 1996*, the Civil Air Operations Officers' Association of Australia submits the following prescribed information regarding elections.

1. In accordance with the Civil Air Operations Officers' Association of Australia Rules [rule 34(f)], elections for delegates shall be conducted each odd numbered year for the following positions:

(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
FDC/TGO*

2. These elections are required according to the Association's existing rules, as members of the National Executive in the above positions "shall take Office from the first day of July following the declaration of their election" [rule 34(d)].

3. Association members in the following divisions shall be entitled to vote for their respective Divisional Delegates:

All Association members employed as Air Traffic Service managers or operational support staff at Head Office or at District Offices or at ATC unit locations who are not required to hold a current ATC licence will vote for the ATSM and Operational Support Divisional Delegate,

Association members working in Towers or Terminal Area Units based at Adelaide TCU, Adelaide Tower and Parafield Tower will vote for the Adelaide Towers and TCU Delegate,

Association members who are Brisbane based Northern District en route stream ATCs will vote for the Brisbane Centre Divisional Delegate,

Members based at units within Airservices Australia's Southern District, namely Albury Tower, Alice Springs Tower, Canberra Tower, Essendon Tower, Hobart Tower, Launceston Tower, Moorabbin Tower and instructors at the Melbourne Training College and any other locations not otherwise mentioned in the rules will vote for the Southern District Delegate,

Association members working in Towers or Terminal Area Units in and around Cairns will vote for the Cairns Towers and TCU Delegate,

Association members who are Tower and TMA stream ATCs based at Melbourne TCU, Melbourne Tower and all trainee members located at the Airservices Training College facility in Melbourne prior to commencement of final field training duties will vote for the Melbourne Towers and TCU Delegate,

FDC/TGO members working at all locations who are classified as ADSO/TGO/TTGO or TFDC in Adelaide TCU, Adelaide Tower and Parafield Tower will vote for the Adelaide Towers and TCU Delegate.

4. The date and commencement of the period during which nominations of candidates will be called for should be "not later than the first day of May" in 2005 [rule 35(d)(1)].
5. The date and time of the expiration of nominations should be "no later than the fourteenth day of May" in 2005 [rule 33(e)].
6. The voting system to be employed for the conduct of the election shall be the preferential system of voting [rule 35(b)].

This prescribed information is accompanied by a statement signed by an officer of the organisation who is authorised to sign a statement to the effect that the information is being lodged in accordance with subsection 214(1) of the *Workplace Relations Act 1996*.

Yours sincerely,



JANE PONTON
INDUSTRIAL OFFICER

WORKPLACE RELATIONS ACT 1996

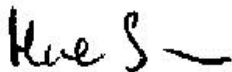
In the matter of request for conduct of an election for The Civil Air Operations Officers' Association of Australia.

STATEMENT

I, MICHAEL HAINES, an 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 rule 31 of the Rules of the Association, which details the Appointment, Duties and Powers of Returning Officers.
4. **THAT** annexed hereto and marked as Annexure "B" is a copy of the rule 32 of the Rules of the Association, which details the Appointment, Duties and Powers of Scrutineers.
5. **THAT** annexed hereto and marked as Annexure "C" is a copy of the rule 33 of the Rules of the Association, which details Nominations - Officers and Divisional Delegates.
6. **THAT** annexed hereto and marked as Annexure "D" is a copy of the rule 34 of the Rules of the Association which details procedures relevant to the Holding Of Office - Qualifications And Tenure.
7. **THAT** annexed hereto and marked as Annexure "E" is a copy of the rule 35 of the Rules of the Association, which the conduct of ballots.

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.



.....
MICHAEL HAINES
FEDERAL PRESIDENT

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;
 - (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, 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.

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
 - FDC/TGO

Annexure "D" continued

- (g) Notwithstanding Rule 34(f), an election for the position of 'FDC/TGO Divisional Delegate' 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, 2005. Thereafter elections will be conducted consistent with these rules.
- (h) The Divisional Delegates of the Association shall be elected by and from the financial members of the appropriate Division.
- (i) deleted
- (j) deleted

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,
 - (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, a declaration envelope and a prepaid envelope in the form prescribed by the regulations made under Schedule 1B of the Workplace Relations Act 1996, 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;

Annexure "E" continued

- (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.

* * * * *