

THE CIVIL AIR OPERATIONS OFFICERS' ASSOCIATION OF AUSTRALIA

DECLARATION OF RESULTS

Results of the election for the following offices conducted in accordance with the provisions of the Fair Work Commission (Registered Organisations) Act 2009 and the rules of the organisation.

E2013/109

Vice-President (Finance)

Candidate

BRADES, Stuart Michael

Vice-President (Communication)

Candidate

KERR, Timothy

Vice-President (Professional)

Candidate

ROBERTS, Jamie

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

14 March 2013

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

**Post Election Report For: The Civil Air Operations Officers' Association of Australia
Election E2013/109**

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Schedule 1 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to 'industrial.elections@aec.gov.au' within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organisation's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.

Michael Pryor
Returning Officer

14 March 2013

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

The Civil Air Operations Officers' Association of Australia

ELECTION COVERED IN THIS REPORT

Election Decision No: E2013/109

RULES

Rules used for the election: [212v- Incorporates alterations of 18/10/2012]
[R2012/145 & R2012/175] (replaces
14/09/2011 [R2011/163] version)

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS

Total number of voters on the Roll: Ballot not required

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results

Michael Pryor
Returning Officer

14 March 2013



DECISION

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

The Civil Air Operations Officers' Association of Australia
(E2013/109)

AILSA CARRUTHERS

MELBOURNE, 31 JANUARY 2013

Arrangement for conduct of election.

[1] On 24 January 2013 The Civil Air Operations Officers' Association of Australia lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

Vice-President (Finance)

Vice-President (Communication)

Vice-President (Professional)

[2] The organisation was informed that the prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The organisation subsequently requested that I allow a later day for lodgment of the prescribed information under subsection 189(2) of the Act. Having considered the reasons for late lodgment, I allow lodgment on 24 January 2013 in this instance.

[3] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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Website: www.civilair.asn.au

31 January 2013

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001
(Email: Melissa.GARCIA@fwc.gov.au)

Dear Madam,

REQUEST FOR EXTENSION OF TIME

Civil Air requests an extension of time to lodge the prescribed information under subsection 189(2) of the *Fair Work (Registration Organisations) Act 2009*.

If further discussions are necessary regarding this request, the Association's Industrial Officer, Jane Ponton, has been delegated responsibility (Phone 03. 9647 9100) and will be available to assist.

Yours faithfully,

A handwritten signature in black ink that reads 'Peter McGuane'.

Peter McGuane
EXECUTIVE SECRETARY

FAIR WORK ACT 2009

In the matter of statement and notice of prescribed information under the *Fair Work (Registration Organisations) Act 2009*:

STATEMENT

I, DARYL HICKEY, 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 lodge the following prescribed information concerning forthcoming elections on behalf of the Association.
3. **THAT** I formally request an extension of time to lodge the prescribed information under subsection 189(2) of the *Fair Work (Registration Organisations) Act 2009* on behalf of Civil Air.
4. **THAT** the prescribed information was not lodged two months before because the Industrial Officer has a set reminder that the documents must be lodged on 25 January each year. The adherence to the 2 months has never been raised with her before. Our records indicate that it has been a practice to lodge the request from 18-25 January since 2007.



Daryl Hickey
PRESIDENT, Civil Air Operations Officers Association of Australia

Dated: 31 January 2013



FAIR WORK
COMMISSION

30 January 2013

Daryl Hickey
President
The Civil Air Operations Officers' Association of Australia

By email: jane.ponton@civilair.asn.au

Dear Mr Hickey

Arrangements for the conduct of an Election (E2013/109)

I refer to the prescribed information dated 24 January 2013 which was lodged with the Fair Work Commission (FWC) on the same date for the conduct of an election for The Civil Air Operations Officers' Association of Australia.

Before an election can be arranged, FWC requires additional information. Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that the prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate. Since s.189(2) is a penalty provision and the prescribed information for this election was not lodged before the prescribed day, the Delegate of the General Manager will now require a written request for an extension of time.

The written request for an extension of time to lodge the prescribed information must:

- include a statement that you are applying for an extension of time to lodge the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009*;
- provide the reasons why it was not lodged before the prescribed day; and
- the request for an extension of time must be signed by an officer of the organisation.

If you have any questions relating to this matter please do not hesitate to contact me on (03) 8661 7942.

Yours sincerely

Melissa Garcia
Regulatory Compliance Branch
Fair Work Commission



PO Box 394
Port Melbourne VIC 3207
PH: 03 9647 9100
Freecall 1800 359 007
Fax 03 9647 9199
Email: civilair@civilair.asn.au
Website: www.civilair.asn.au

24 January 2013

General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001
(Email: orgs@fwc.gov.au)

Dear Madam,

REQUEST FOR CONDUCT OF AN ELECTION

In accordance with the *Fair Work Act 2009* and section 189 of Schedule 1 of the *Fair Work (Registration Organisations) Act 2009*, please find attached the relevant papers requesting conduct of elections for Officers of Civil Air.

If further discussions are necessary regarding this request, the Association's Industrial Officer, Jane Ponton, has been delegated responsibility (Phone 03. 9647 9100) and will be available to assist.

Yours faithfully,

A handwritten signature in black ink that reads 'Peter McGuane'.

Peter McGuane
EXECUTIVE SECRETARY

FAIR WORK ACT 2009

In the matter of statement and notice of prescribed information under the *Fair Work (Registration Organisations) Act 2009*:

STATEMENT

I, DARYL HICKEY, 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 lodge the following prescribed information concerning forthcoming elections on behalf of the Association.
3. **THAT** I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registration Organisations) Act 2009*.



Daryl Hickey
PRESIDENT, Civil Air Operations Officers Association of Australia

Dated: 24 January 2013

NOTICE

Offices/Positions:

A	Vice President Finance
A	Vice President Communication
A	Vice President Professional

Reasons for election:

Elections for the Committee of Management (Officers) positions marked “A” are required in accordance with Rule 33(f)(i) and 38(e).

Elected by:

For these positions, the electorate for the direct voting system is the entire membership.

Nominations open:

Nominations open in accordance with a timetable provided by the Returning Officer, delegated by the Australian Electoral Commission (AEC). Reference Civil Air rule 35(d)(2)(b).

Nominations close:

Nominations close in accordance with a timetable provided by the Returning Officer, delegated by the Australian Electoral Commission (AEC). Reference Civil Air rule 33(f)(i).

Cut off date for roll:

In all cases, 7 days prior to the opening date for nominations.