



12 September 2016

Mr Adrian Moore
Secretary
VIPA

By email: secretary@vipa.asn.au

Dear Mr Moore,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/91]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the *Fair Work (Registered organisations) Regulations 2009*).

Holders of office required to undertake approved training

Section 154D(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the VIPA must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;

11 Exhibition Street
Melbourne VIC 3000
GPO Box 1994
Melbourne VIC 3001

Telephone: (03) 8656 4737
Email : orgs@fwc.gov.au
Internet : www.fwc.gov.au

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Jennifer Raeburn
Regulatory Compliance Branch

From: [Aroha Greenwood](#)
To: [Orgs](#)
Subject: FW: Post Election Report VIPA E2016-91 [SEC=UNCLASSIFIED]
Date: Friday, 9 September 2016 2:19:02 PM
Attachments: [3863D329-F3C5-42D3-BA48-D738157E0416f211.png](#)
[image003.png](#)
[image006.png](#)
[3863D329-F3C5-42D3-BA48-D738157E0416f321.png](#)

Attn: Anastasia Kyriakidis

Dear Anastasia,

I refer to the above-referenced election for VIPA. Please see below email to Kathryn Montgomery in response to the Post-Election report.

Regards
Aroha



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From: Aroha
Date: Thursday, 8 September 2016 3:33 pm
To: Kathryn Montgomery
Cc: John Lyons, Warwick Renton-Gibb, Edward Nell
Subject: Re: Post Election Report VIPA E2016-91 [SEC=UNCLASSIFIED]

Dear Kathryn

I refer to your email below and the Post-Election Report which identifies that rules 39(l) and 39(z)(v) were difficult to interpret.

We agree with your assessment and intend to lodge an application to amend/vary our Rules of Association so as to:

- Delete clause 39(l)(ii)(2); and
- Change the word "completed" in clause 39(m)(l)(1)(A) to "closed"; and
- Delete clause 39(z)(v)

We intend to bring this application as soon as possible.

We will notify our members by an email update that the Post Election Report and our response is available on our website.

Regards
Aroha



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From: Kathryn Montgomery
Date: Wednesday, 31 August 2016 8:26 am

To: Aroha
Cc: "orgs@fwc.gov.au", Industrial Elections
Subject: Post Election Report VIPA E2016-91 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Aroha Greenwood
Senior Industrial Legal Officer
VIPA
Scheduled election E2016/91
Good Morning

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* ("the Act") requires the AEC to provide a written report on the conduct of the election to the Fair Work Commission 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 the Act 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) Regulations 2009* requires an organisation or branch to publish a notice on its website 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.

Regards,

Kathryn Montgomery | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6375 | F: (02) 6215 9910

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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: VIPA

Contact details: Aroha Greenwood
Senior Industrial Legal Officer

Email: Aroha.greenwood@vipa.asn.au
Tel:

AIR contact officer: Annastasia Kyriakidis

Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/91

RULES

Rules used for elections Rule ID: [012Q: Incorporates alterations of 15 January 2016]
[D2015/66] Replaces rulebook dated 21 October 2014

Rules difficult to apply/interpret: Rule 39 l) ii) roll to be closed 7 days before nominations open & Rule 39 l) (2) roll completed when nominations for the election close.
Review in accordance with Fair Work (Registered Organisations) Regulations 2009 – Reg. 131(3)
Rule 39 z) (v) Suggest this rule be reviewed in accordance with the ACT, in particular s.188.

ROLL OF VOTERS

Members eligible to vote in VAA B777 election only
Total number of voters on the roll 58
Number of apparent workplace addresses 0
Number of non-current addresses 1
Other Matters 0

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: None
Other irregularities identified, and action taken: None

ATTACHMENTS

A: Declaration Result Contested & Uncontested Offices

Kathryn Montgomery
Returning Officer
30 August 2016.

VIPA
Committee of Management Members Vacancies

Declaration of Results for Contested and Uncontested Offices

E2016/E91

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

VAA - B777

Total number of names on the roll of voters	58
Ballot papers issued	58
Replacement ballot papers issued	0
Total Ballot Papers Issued	58
Ballot papers / envelopes returned for scrutiny	20
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	20
Percentage of ballot papers returned to number issued	34
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	37

Committee of Management

<u>Candidates</u>	<u>Votes</u>
PURTON, Mathew James	6
SMITH, Mike John	14
Total votes	20
Formal ballot papers	20
Informal ballot papers	0

I declare Mike John Smith elected.

VARA - ATR
Committee of Management

Candidates

No nomination was received
No candidates elected.

VAA - A330
Committee of Management (2)

Candidates

No nomination was received
No candidates elected.

VAA - E-Jet
Committee of Management (3)

Candidates

No nomination was received
No candidates elected.



Kathryn Montgomery
Returning Officer
Australian Electoral Commission
5 July 2016



DECISION

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

VIPA
(E2016/91)

MR ENRIGHT

MELBOURNE, 21 MARCH 2016

Arrangement for conduct of election.

[1] On 1 March 2016 VIPA lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices, due to insufficient nominations received at a previous election (E2015/70):

Committee of Management Members from each of the following electorates:

VARA
ATR-72 (1)

VAA
B777 (1)
A330 (2)
E-Jet (3)

[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 the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Notice and Statement of Prescribed Information for an Election

Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, John Stewart Lyons, of care of Suite 7.04, 247 Coward Street, Mascot, New South Wales, being the President of VIPA make the following statement:

1. I am the President of VIPA;
2. I am authorised to lodge the following prescribed information concerning forthcoming elections in VIPA, and
3. I confirm that the following information is being lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.

Signed:



Dated: 27.02.16

Election of Committee of Management

Name of each office or position:

Committee of Management member.

Reason for election:

Office was not filled at the previous election E2015/70 (insufficient nominations)

Electorates (Employer and type of aircraft, as per Rule 23(b)):

VARA (Virgin Australia Regional Airlines Pty Ltd)

ATR-72 Pilot Representative

VAA (Virgin Australia Airlines Pty Ltd)

B777 Pilot Representative

A330 Pilot Representatives

E-Jet Pilot Representatives

Number of Committee of Management members to be elected from each employer and type of aircraft as at 1 July 2015 pursuant to Rule 23(b)

VARA		
ATR-72	1 Delegate (0 members elected in E2015/70)	2 members
VAA		
B777	1 Delegate (2 members elected in E2015/70)	60 members
A330	2 Delegates (0 members elected in E2015/70)	38 members
E-Jet	3 Delegates (0 members elected in E2015/70)	84 members

Date and time for Nominations:

Nominations open on midday of the date as determined by the manager of election pursuant to Rule 39(e)(i)&(iii).

Pursuant to rule 39(e)(ii) the closing day for nominations date as determined by the Manager of the election, which is a date at least 28 days after notice of the election.

Day on which Roll of Voters is Closed:

The roll closes on the date as prescribed by Rule 39(l)(ii), being 7 days before the day on which nominations for the election open.

Voting System:

Direct Voting System