



DECISION

Fair Work (Registered Organisations) Act 2009
s.159—Alteration of other rules of organisation

Australian and International Pilots Association (R2023/101)

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MELBOURNE, 22 JANUARY 2024

Alteration of other rules of organisation.

[1] On 2 October 2023 the Australian and International Pilots Association (AIPA) lodged with the Fair Work Commission (the Commission) a notice and declaration setting out particulars of alterations to its rules. A submission in support of the alterations was lodged on 13 December 2023.

[2] AIPA seeks certification of the alterations under s.159 of the *fair Work (Registered Organisations) Act 2009* (the Act).

[3] The particulars set out alterations to rules 3, 3A, 5, 5B, 6, 9-13, 15-17, 19-23, 24A, 25-37, 39-49, 51A, 53-55 and 57.

[4] The particulars delete rules 24B, 24C, 24D, 38, 56, 56A and the Heading “Part - 5 Transitional Rules”.

[5] The particulars additionally insert new rules 28-30, 40-41, 51-60, 67 and Schedules A-D.

[6] As a result of the alterations, deletions and insertions, the rules have been re-numbered throughout the rulebook.

[7] On the information contained in the notice and declaration, I am satisfied the alterations have been made under the rules of the organisation.

[8] The alterations to some rules are minor in nature and do not change their substance or meaning. They are made to improve grammar and punctuation, correct spelling, standardise capitalisation (or otherwise), provide initialisms for frequently used words, remove gender specific language, modernise language or re-number sub-rules. These types of alterations are reflected in proposed rules 8, 15-16, 19, 21-25, 27, 43, 45, 48-50, 65-66, 68-72 and 78-79.

[9] The rest of the alterations go to the substance and meaning of the rules.

“A” Pilots

[10] The alterations insert a definition of “A” pilots in the Definitions rule (proposed rule 5) as “a person who was employed by Australian Airlines Limited as a pilot as at 13 September 1992”. The current rules do not provide a definition of “A” Pilots. Current rule 20 reserves positions for “A” pilots on the Committee of Management (COM) to those “engaged on Qantas short-haul operations who were employed by Australian Airlines as at 13 September 1992”. Proposed rule 31 continues to reserve positions for “A” pilots, but removes the requirement to be “engaged on Qantas short-haul operations”.

[11] An organisation has the right to mould its internal structures as it sees fit, provided it complies with the requirements of the legislation.¹ This includes the right to change how members are grouped and represented within the organisation. A relevant requirement of the Act is that rules must not impose conditions, obligations or restrictions that, having regard to, among other things, Parliament’s intentions and the objects of the Act, are oppressive, unreasonable or unjust.² When considering whether conditions imposed on members are oppressive, unreasonable or unjust, regard must be had to, among other things, the democratic functioning and control of the organisation.³

[12] A question arises as to whether the insertion of a definition of “A” pilots and the removal of the reference to “Qantas short-haul operations” from the positions reserved for “A” pilots on the COM impose oppressive, unreasonable or unjust conditions on members, having regard to the objects of the Act.

[13] In its submission of 13 December 2023, AIPA explains that the insertion of a definition of “A” pilots does not, in effect, alter the group of members who are captured. “A” pilots are listed by name in Schedule 1 to the Qantas Airways Limited Integration Award, an Award made in 1992 when Australian Airlines merged with Qantas Airways Limited, and this definition reflects those so listed.

[14] AIPA also explains the current link to short-haul operations for “A” pilots’ representation on the Committee of Management (COM) was introduced to ensure a voice for Australian Airlines pilots who were new to the union in 1992. AIPA submit that over the intervening 30 years the association between “A” pilots and short haul operations has ceased to exist; most “A” pilots have been engaged on long haul aircraft, whereas in 1992 none had. The alteration ensures that all “A” pilot members are entitled to run for the positions reserved for “A” pilots on the COM.

[15] On the basis of the material before me, I am satisfied that the group of members captured as “A” pilots has not changed. I am also satisfied that the removal of the limitation on “A” pilots eligible to run for the positions reserved for them on the COM guarantees their continued voice in the governing structures of AIPA. These alterations, in my view, support the democratic functioning of AIPA and do not impose oppressive, unreasonable or unjust conditions on members.

Flight Engineers

[16] The alterations remove references to Flight Engineers throughout the rulebook except those in the eligibility rule. Protecting and furthering the interests of Flight Engineers are removed from the Objects (proposed rule 3), they are no longer included in the definition of the

“profession” (proposed rule 5) and they no longer have guaranteed representation on the COM (proposed rule 31), nor a Vice-Presidential position (proposed rule 33).

[17] On their face, the alterations appear to have deprived the rights and interests of the members who are Flight Engineer because protection of their interests is no longer a requirement and guaranteed opportunities for voice on the governing bodies have been removed. Thus, it would seem that the alterations are contrary to paragraph 142(1)(c) of the Act.⁴

[18] In its submission AIPA advises that it does not have any current or potential members who are flight engineers because this occupation has ceased to exist in regular passage services. AIPA explains that the positions guaranteed to Flight Engineers have been permanently vacant since 2009. AIPA submits that the alterations reflect current flight operation practices.

[19] An examination of the declarations of AIPA’s elections from 2009 onwards confirms that the positions guaranteed to Flight Engineers have been vacant since that time.⁵ On the basis of the material before me, I am satisfied that the removal of references to Flight Engineers throughout the rulebook does not impose oppressive, unreasonable or unjust conditions on members, or applicants for membership, have regard to the objects of the Act.

Changes to the governing structures

[20] Currently, AIPA’s rules do not provide for formal groupings of members, other than “A” pilots and Flight Engineers. In the proposed structure, members are allocated to Work Groups based on their place of employment (the definition in proposed rule 5 and proposed rules 28 and 29). If there are 50 or more members employed under the same employer, a Work Group is established for that employer. A combined Work Group (Small Airlines Work Group) is reserved for members who do not have a specific Work Group.

[21] The proposed rules establish an Employer Standing Committee (ESC) for each Work Group and an ESC for each employer covered in the Small Airlines Work Group (proposed rule 30). The ESCs are made up of the members of the COM in the relevant Work Group plus other members nominated by members of the relevant Work Group. The ESCs are “organising points” for members engaged by the relevant employer, are advisory bodies to the Committee of Management (COM) and are subject to the direction of the COM (proposed sub-rule 30(f)).

[22] Currently there is an entitlement for 40 members to be elected to AIPA’s COM (current rule 38(a)). The proposed rules still provide for a committee of 40 members (subject to the transitional provisions, see discussion below). However, 30 members are elected by financial members in Work Groups and ten by all financial members (proposed rule 31(e)).

[23] The current rules and proposed rules provide for the collegiate election of officers from the COM (current rule 21 and proposed rule 33). The proposed rules name this group of officers as “Executive members”. The proposed rules do not establish the Executive as a decision-making body with specific powers and duties. The term “Executive” is merely a collective noun used to describe the group of officers which are elected by and from the COM, namely the President, the Vice-Presidents, the Secretary, the Assistant Secretary and the Treasurer.

[24] The current rules provide for six Vice-Presidents, three of which are reserved for Flight Engineer, “A” pilot and Group Airlines (current rule 21). The proposed rules require that there

be one Vice-President from every Work Group that has at least 15 per cent of members, one Vice-President representing all the other Work Groups, and one “A” pilot Vice-President. This means that the number of Vice-Presidents can change at each election, depending on the number of Work Groups with at least 15 per cent of the members.

[25] As stated above, AIPA can structure itself as it sees fit, as long it complies with legislative requirements. AIPA were requested to make a submission regarding the proposed structure and, in particular, whether the changes impose oppressive, unreasonable or unjust conditions on members, having regard to the objects of the Act.

[26] In its submission, AIPA advises that, although it has never occurred, under the current rules it is possible for one group of members to dominate the COM. This risk is particularly highlighted as the voting system for the election of the COM is currently first-past-post. AIPA submits that the proposed structure ensures that all members will have the opportunity for representation on the COM and at Vice-Presidential level. They submit that this opportunity is cemented by changing the voting system for the election of COM members to optional preferential system (if just one candidate to be elected) and quota preferential system (if more than one candidate to be elected).

[27] In my view, rules which provide the opportunity for all members to be represented on governing bodies enhance the democratic functioning of organisation and the participation of members in the affairs of their organisations. As Gray J observed in *Lawley*⁶:

“The question whether the rules of an organisation contravene s 140(1)(c) because of an imbalance in the representation of sections of its members on a governing body is one of degree...[organisations] are permitted to take into account factors other than equality of representation, especially when there may be a perceived need to ensure that the voices of members belonging to smaller sections may be heard.”⁷

[28] The changes to the composition of AIPA’s COM and the Vice-Presidential positions provide the opportunity for all members to have a voice on its governing structures, particularly those belonging to smaller work groups. At the same time, the majority of members in the larger Work Groups still have an appropriate level of representation which is in proportion to their size. In my view, the alterations do not offend against paragraph 142(1)(c); quite the opposite, they appear to enhance important standards of the Act, those being the democratic functioning of AIPA and the participation of its members in its affairs.

The immediate effect of changing Vice-Presidential positions

[29] As noted above, currently the rules provide for six Vice-Presidents, however only five positions are filled as there are no members who are Flight Engineers. Also, as noted above, the alterations introduce Work Group representation at Vice-Presidential level. The question arises as to when the changes to the Vice-Presidential positions take effect.

[30] If I certify the proposed alterations, they take effect on the day of certification – see subsection 159(3) of the Act.⁸

[31] Subsection 159(3) of the Act was considered by a Full Bench of the Commission in the *CEPU*.⁹ The Full Bench observed:

“Section 159(3) provides that a rules alteration takes effect on the day of certification. However that only means that a rules alteration takes effect *according to its terms* on that day, not necessarily that it has an operational effect from that day.”¹⁰

[32] There is a rebuttable presumption that a rule alteration cannot apply retrospectively. In *Higgins*¹¹ the Full Court of the former Commonwealth Industrial Court held that there was a “necessary implication” that an existing officer continues to hold office until the expiration of their term of office fixed by the rules that were in force at the time of their election.

[33] This presumption can be rebutted, as the Full Court observed in *Higgins*, “[t]he question must in the ultimate analysis be one of intention.”¹² As stated by Joske J stated in *Beeson*¹³:

“In any event, in my view there is a prima facie principle of construction that unless it appears expressly or by implication in rules as amended that they are intended in their amended form to apply to past matters or events, including matters commenced before but not completed at the time of the amendment, the amendments do not apply to the past or uncompleted matters.”¹⁴

[34] There is nothing in the alterations before me to suggest that the changes to the Work Groups represented by the Vice-Presidents and the number of Vice-Presidents have retrospective effect. In line with principles espoused in *Higgins*, in my view the incumbent Vice-Presidents continue to hold office until their current term ends in 2024. The new Work Group representation requirements for Vice-Presidents will take effect at the 2024 elections and the number of Vice-Presidents will depend on the number of members in each Work Group at that time.

Changes to election rules

General Principles

[35] The proposed rules establish general principles for the election of the COM members and Executive members (proposed rule 51). The general principles establish that the definitions of key terms in the Australian Electoral Commission’s model rules apply to these election rules. They also set out provisions about the appointment of a Returning Officer and absent voting.

Electronic voting systems

[36] Section 144 of the Act provides that where an election is by direct voting system, the rules must provide that the ballot be by secret postal ballot.¹⁵ However, subsection (2) enables organisations to apply for an exemption from having rules that provide for a postal ballot in direct voting system elections.

[37] The proposed general principles explicitly state that the election of the COM is by secret postal ballots, satisfying the requirements of subsection 144(1) the Act (proposed sub-rule 51(b)). However, the general principles also provide that nothing in the rules is taken to prevent or limit the use of electronic voting systems where the Returning Officer determines that it is practical to do so (proposed rule 51(e)).

[38] AIPA does not currently hold an exemption from having rules that provide for a secret postal ballot in direct voting system elections. Consequently, proposed sub-rule 51(e) cannot

be interpreted as having current application to direct voting system elections, notably the election of members of the COM. The extent of its application would be to collegiate elections, that is for the election of the Executive members (proposed rule 61).

Rules for the election of the Committee of Management

[39] The alterations delete the current rule (rule 38) which sets out the process for electing the COM and inserts proposed rules 51 – 59 and proposed schedules B and D) which:

- set out a method for calculating the number of Representatives for each Work Group;
- establish new timelines, including setting the close of roll of voters on Election Census Date (which is the first Tuesday on or after 1 May in the election year, as defined in proposed rule 5);
- require nominees to nominate for both Work Group Representative and General Representative;
- enable nominations to be withdrawn up to seven days after the close of nominations;
- require ballots for Work Group Representatives to be counted before ballots for General Representatives;
- require a notice identifying the successful candidates to be provided to voters if a ballot is not required for a Work Group;
- change the method of counting the ballot from first-past-the-post to preferential systems (optional preferential if only one candidate to be elected and quota preferential if more than one candidate to be elected, the procedures for which are detailed in proposed Schedule B);
- provide for the declaration of the successful candidates no later than 16 weeks after the Election Census Date;
- provide for the elected officers to take office at the commencement of the first COM meeting in November of the year of the election, or if this is not possible on the 211th day after the Election Census Date; and
- provide an example timeline for the 2024 election.

Rules for the election of Executive

[40] The current rule (rule 39) regarding the election of officers is retitled as “Nomination and Election of Executive Members” and renumbered as rule 61. The rule has been altered to:

- establish new timelines for the conduct of the election;
- provide that the college for the election is made up of COM of members who have been declared elected but not yet taken office and the continuing members of the COM;
- change the qualifications and the college for the Vice-Presidential positions so that they are from the relevant Work Group, or an “A” pilot in the case of the “A” Pilot Vice-President; and
- change the system for counting the ballots from preferential to first-past-the post (the procedures for which are detailed in proposed Scheduled B).

Insufficient nominations

[41] Subsection 143(1)(a) of the Act requires the rules of organisations to provide for the election of the holder of each office.¹⁶ Proposed rule in sub-rule 55(b)(iii) provides that if there are insufficient nominations for Work Group Representatives on the COM, any unfilled positions will be filled in accordance with the procedure for filling casual vacancies. There is a similar provision in the transitional rule for unfilled offices on the COM (proposed Schedule C, sub-rule 2(a)). The proposed casual vacancy rule (proposed rule 60) requires an election if the unexpired period of the term exceeds one-quarter of the term of office. In summary, applying the casual vacancy rule to the instance of a position not filled at an election requires another election. A member cannot be appointed to the office. In my view paragraph 143(1)(a) of the Act is satisfied.

Conclusion: election rules

[42] Section 143 of the Act sets out a number of matters relating to elections for office that must be in the rules of registered organisations.¹⁷ I am satisfied that the proposed rules regarding the election of Committee of Management members and the Executive meet these requirements.

Committee of Management: term of office

[43] Currently the term of office for COM members is three years with half (20) elected in one year, the other half elected the following year (current rule 40). The most recent elections were conducted in 2021 and 2022.¹⁸ Consequently, under the current rules, the term of office for half of the current COM members will expire in 2024 and the other half in 2025.

[44] The proposed rules change the term for COM members from three to four years (proposed rules 31 and 63). As noted above, there is a presumption against retrospective effect of rule alterations. The former Commonwealth Industrial Court in both *Higgins* and *Beeson* considered rules which increased the length of an office's term, and in both cases the change to the term of office could apply only to elections held after the alterations had been certified.

[45] However, as noted above, in both cases it was also acknowledged that the presumption against retrospectivity can be rebutted if intended. In a later matter before the Federal Court of Australia¹⁹, Gray J stated:

“The presumption against retrospectivity may be overcome by clear words, or may be held not to apply in the absence of harsh effects or interference with vested interests or accrued rights....”²⁰

[46] There is nothing in the alterations before me which suggest that the presumption against retrospectivity is rebutted for those elected to the COM in 2021. To the contrary, the proposed transitional rule (proposed Schedule C, sub-rule 1(a)) explicitly states that the terms for those office holders expire in 2024.

[47] In contrast, the proposed transitional rule expressly provides that those elected to the COM in 2022 will hold a four year term (proposed Schedule C, sub-rule 1(b)). It is the clear intention of AIPA that the new term applies to those COM members elected in 2022.

[48] Further, there is nothing before me which suggests that applying the increased term to those elected in 2022 will result in harsh effects, nor interfere with vested interests. To the contrary, the alterations seek to simplify the election procedures so that half the COM is elected every second year. Subsection 145(2) of the Act expressly permits the extension of terms of office for the purposes of synchronising elections. The extension of the term of office for the COM members elected in 2022 will enable the elections to be synchronised, which accords with subsection 145(2) of the Act.

[49] In my view, the alterations which increase the term of office for the members of the COM elected in 2022 have retrospective effect and comply with the Act.

Transitional Rule

[50] Proposed Schedule C sets out transitional provisions for the election of the COM. As detailed above, the transitional provisions provide for half of the committee to be elected in 2024, and the other half in 2026. The proposed Schedule also sets out a random method for determining which Work Groups representatives are elected in 2024. This enables a staged transition to the new composition of the COM, which will be completed by the end of the 2026 election.

[51] Proposed Schedule C also provides for additional COM members to be elected in 2024, for a two year term only, to ensure that each Work Group will be represented on the COM from 2024 to 2026. This may result in a COM of more than 40 members for the transitional period only.

[52] In my opinion the transitional provisions set out a clear process for moving to the new composition of the COM, ensuring that all members have the opportunity for voice during the transitional period. The provisions provide for the democratic functioning and control AIPA and enables the participation of members in its affairs in the transitional period, and, in my view, align with the standards of the Act set out in subsection 5(3).

Finance Committee

[53] Proposed rule 40 establishes a Finance Committee (FC) as a standing committee of the organisation. The FC is comprised of the Treasurer and two members of the COM nominated by the COM.

[54] If the FC has power in relation to the management of AIPA and determination of policy, it would be a collective body of offices²¹ and the consequently the holders of the Finance Committee offices would need to be elected.²² The rules do not provide for the election of two COM members to the FC, they are merely nominated, in other words appointed by the COM. The question arises as to whether the rules need to provide for the election of the two COM members to the FC.

[55] Proposed sub-rule 40(c) sets out the functions of the FC, which is to have oversight of financial matters, but no decision-making nor policy making powers. Its role is advisory in nature and consequently, in my view, the rules do not need to provide for the election of the two COM members to the FC.

Discipline and Sanctions

[56] Proposed rule 41 creates a Disciplinary Committee (DC) as a standing committee of AIPA. The proposed rules do not set out the composition or powers of the DC but instead state that these will be set out in AIPA's policies and procedures. The policies and procedures regarding the composition and powers of the DC cannot be changed except by two-thirds majority vote of the COM. None of the proposed rules suggest that the DC is a collective body of office holders as defined in section 9 of the Act.²³

Removal from office

[57] Current rule 42 provides that holders of office can be removed from office if found guilty of the conduct set out in subsection 141(1)(c) of the Act²⁴. Proposed rule 64(b)(i) provides that office holder can only be removed from office for these reasons if found guilty by a two-thirds majority vote of the COM, ensuring compliance with subsection 141(1)(c).

Suspension from office

[58] In addition to removal from office, the COM may impose suspension from office for up to 12 months. This sanction can be imposed by the COM if the office holder has been found guilty of the conduct set out in paragraph 141(1)(c) of the Act, and also if the office holder has been found guilty of misconduct or neglect or a breach of the rules (proposed sub-rules 64(a) and (b)).

[59] As enunciated by Fitzgerald J in *Hills*²⁵ suspension from office is distinguishable from removal of office. Removal from office occurs if the officer holder is "totally, permanently and irreversibly deprived of office"²⁶, whereas if an officer is suspended they continue to occupy the office but are temporarily unable to exercise the powers of that office. Therefore, it is possible to have rules which enable the suspension from office for reasons other than those set out in paragraph 141(1)(c).

[60] When considering alterations which enable sanctions to be imposed on members (including office holders), regard must be had to paragraph 142(1)(c) of the Act.²⁷ That is, whether the sanctions impose conditions, obligations or restrictions on members that are oppressive, unreasonable or unjust when regard is had to the objects of the Act and Parliament's intentions in enacting the Act. In these alterations, I need to consider whether suspension from office for misconduct or neglect or a breach of rules for up to 12 months impose oppressive, unreasonable or unjust conditions on members, having regard to the requisite matters.

[61] Kelly J in *Bowden*²⁸ considered whether penalties imposed on members (as opposed to holders of office) for misconduct imposed oppressive conditions on members, and stated:

"The use of the apparently general term "misconduct" as descriptive of an offence for which penalties are provided is not, in my view, obnoxious...The misconduct falling within the meaning of the rule must be misconduct inconsistent with the continuance of the member as a member..."²⁹

[62] In *Cameron*³⁰, Spicer CJ, drawing from Bowen, stated:

“...I do not think the word “misconduct” is so vague in the context in which it appears as to justify a conclusion that it imposes conditions which are oppressive, unreasonable or unjust. The word, I think, contemplates misconduct as a member...”³¹

[63] Given that authorities have concluded that misconduct is sufficiently serious to impose a sanction as fundamental as removal from membership, it is reasonable to extend this reasoning to temporary suspension from office. In my view, the word “misconduct” in the context of suspension from office contemplates misconduct as an officer holder and as such is sufficiently serious to warrant suspension from office.

Neglect or breach of the rules

[64] There are many authorities for the principle that suspension from office for acting contrary to the rules of their organisation is not objectionable.³² These authorities contemplate positive action, such as “committing a breach”³³, “acting contrary to the rules”³⁴ or “violates any branch...rule”³⁵. In the alterations before me the offence includes *neglect* of the rules, in other words, the offence leading to suspension from office may not be a positive action in defiance of the rules, but merely an oversight.

[65] In *Hardiman*³⁶ the Full Court of the Commonwealth Court of Conciliation and Arbitration considered a rule which provided that a failure to observe any of the rules could result in expulsion from membership. The Full Court determined that the rule was not oppressive or reasonable:

“...we regard it as fundamental to the concept of unionism, and essential to its functioning in an orderly manner, that every member of an organization should be deemed to know its rules, and be required to observe them implicitly. Believing, as we do, that the doctrine *ignorantia juris non excusat* should apply to the internal government of organisations, so far as concerns their registered rules, we cannot regard such an obligation as tyrannical, oppressive, or unreasonable.”³⁷

[66] This principle applies even more profoundly to office holders. To carry out their duties, it is essential for office holders to know and observe the rules of their organisation. Neglect of the rules, even if unintentional, jeopardises good governance of the organisation. In my view, temporary suspension from office for neglect of the rules is not inherently objectionable, to the contrary it provides an avenue for good governance.

Length of suspension

[67] Suspension from office potentially denies the democratic representation of some members in their governing bodies, albeit temporarily. However, democratic principles must be weighed against the effective operation and efficient management of the organisation. Therefore, a question I must consider is whether a maximum period of 12 months suspension from office is too long such that the democratic principles of the Act are undermined, or whether 12 months suspension is appropriate for the effective operation and efficient management of AIPA.

[68] In my view an appropriate period of suspension will vary according to the circumstances. The alterations specify an outer limit of 12 months suspension which provides the opportunity for determining an appropriate period according to the circumstances. I am satisfied that the proposed rule allows for an acceptable period of suspension from office.

Procedural fairness

[69] A key question regarding the imposition of sanctions is whether the member against whom charges have been made has been provided with procedural fairness before a determination is made. Principles of procedural fairness also suggest that the person against whom allegations have been made is entitled to be aware of the allegations and to be heard prior to a decision being made.³⁸

[70] Proposed sub-rule 64(a)(ii) explicitly sets out steps that afford procedural fairness to an alleged offender.

[71] However, proposed rule 64(a)(i) provides that if a disciplinary matter has been considered by the DC, action cannot be taken by the COM contrary to the terms of the recommendation by the DC. This sub-rule explicitly states that the DC must afford the alleged offender procedural fairness. However, it is unclear what circumstances a disciplinary matter would be heard by the DC, in lieu of the COM. Notwithstanding the lack of clarity (which would likely be resolved in the procedures set down by the COM as per rule 41(b)), the rules ensure that whichever process is used, procedural fairness must be followed.

[72] In my view proposed rules 41 and 64, which deal with discipline and sanctions against office holders do not impose oppressive, unreasonable or unjust conditions on members, having regard to the objects of the Act and Parliament's intentions. Further, the provisions that provide for removal from office comply with the Act.

Purging the register of members

[73] Proposed rule 67 enables the President or Secretary to remove from the Register of Members names of members who have ceased to become a member of the AIPA or are deceased. The rule does not set out a process that ensures procedural justice for living members such that they can be heard prior to being removed from the Register.

[74] Where rules have not explicitly provided for procedural fairness, the Courts have imported such provisions.³⁹ As stated in *Kenward*:⁴⁰

“...in imposing upon the Branch Secretary or Committee of Management the duty to ‘cancel the names’ must be read as implicitly requiring that any such member shall be given notice that the Branch Secretary or Committee of Management is proposing to consider whether his or her name shall be ‘cancelled from the register of members’; such a notice would give the member concerned the opportunity to inform the Secretary or the Committee of relevant considerations, including any mistake in the Branch records, and to advance reasons as to why his or her name should not be cancelled.”⁴¹

[75] Though I think it preferable that the rule explicitly provide a living member with the opportunity of being heard prior to their name being removed from the Register, a preferable rule does not render the proposed rule contrary to the Act.⁴²

Liabilities for money owed

[76] Proposed rule 67 also provides that removal from the Register of members does not discharge the removed member from liability for arrears. I note that the proposed rule must be read subject to the Act which, at subsection 178(2), provides that arrears cease to be payable if legal proceedings have not commenced within a certain period.

Other Alterations

[77] In addition to the alterations discussed above, the proposed rules:

- Include protecting the rights and interests of pilots on the Qantas Group as a new object (proposed rule 3);
- Remove out-dated references to foundation members (proposed rule 6);
- Update the list of life members and move the list to a Schedule (proposed Schedule A)
- Enable the COM to determine when fees are due, grant extensions of time for the payments of fees and set fees by members' employment categories (proposed rules 11, 12 and 13);
- Enable more flexible means for periodical payment of fees (proposed rule 14);
- Change requirements establishing accounts and for the expenditure of funds (proposed rule 18);
- Require the development of policies for AIPA's administration (proposed rule 20);
- Require that an office holder must be a member to be eligible to continue to hold office (proposed rule 31(f));
- Limit the powers and duties of members of the COM such that a member cannot bind AIPA to an industrial agreement unless expressly authorised (proposed rule 32);
- Enable the President to allocate portfolios to members of the COM (proposed rule 34);
- Require the Vice-Presidents to be the main line of communication between the relevant Work Group and the COM (proposed rule 35);
- Enable a Vice-President to act in the absence of the President (proposed rule 35);
- Require the Vice-Presidents, Secretary, Assistant Secretary and Treasurer to perform functions as determined by the President or the COM (proposed rules 35, 36, 37 and 38);
- Set out how representatives to other bodies are appointed (proposed rule 39);
- Enable hybrid meetings of the COM and general meetings of members to occur at more than one location and utilise technology to allow participation (proposed rules 42 and 47);
- Reduce the number of proxies that a member of the COM can hold from four to two (proposed rule 44);
- Enable Special General Meetings to be called by email (proposed rule 46);
- Change the casual vacancy provisions for the COM so that a vacant office is filled by election if the unexpired period of the term is more than one quarter of the term. Also change the casual vacancy provisions for Executive offices so that if the unexpired period of the term is more than 18 months an election is required (proposed rules 60 and 62);
- Enable the COM to remove members from an ESC, or fine or censure for misconduct or neglect or breach of the rules (proposed rule 64);
- Allow the distribution of assets to members to the extent permitted by law if AIPA is dissolved (proposed rule 76);

- Change the majority required for a rule to be altered (proposed rule 77); and
- Delete outdated transitional provisions (deletion of current rules 56 and 56A).

[78] On 18 December 2023, John Pavlou, Secretary of AIPA gave consent under subsection 159(2) of the Act for me to make various amendments to the alterations for the purpose of correcting typographical, clerical or formal errors. Accordingly, the following corrections have been made:

- In proposed rule 30(e) “53(e)(iii)” has been changed to “53(d)(iii)”;
- In proposed rule 30(f) the first (iii) has been changed to (ii);
- In proposed rule 50 the word “thier” in the second line has been changed to “their”;
- In proposed rule 51(d)(ii) the word “or” has been inserted in the second line between “organisations” and “, the Organisation”;
- In proposed rule 51(d)(ii) the word “not” has been inserted in the third line after the word “person”;
- In proposed rule 53(d) the duplicated “the” in the first line has been deleted;
- In proposed rule 54(c) “)” has been inserted after “r.53”;
- In proposed rule 54(c) the “)” after the word “nomination” has been deleted;
- In proposed rule 61(b) “53(e)(iii)” has been changed to “53(d)(iii)”;
- In proposed rule 61(s) the words “after the Election Census Date” have been inserted after “182 days (26 weeks)”;
- In proposed rule 62(a)(i) rule the reference “(t)” has been changed to “(s)”;
- In proposed rule 64(b) the duplicated “that” in the first line has been deleted; and
- In proposed rule 64(c)(ii) “.” has been change to “;”.

[79] In my opinion, the alterations comply with and are not contrary to the Act, the *Fair Work Act 2009*, modern awards and enterprise agreements, are not otherwise contrary to law and were made under the rules of the organisation. I certify accordingly under subsection 159(1) of the Act.



DELEGATE OF THE GENERAL MANAGER

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<PR770314>

¹ *Imlach v Daley* (1985) 7 FCR 457 at 462

² Paragraph 142(1)(c) of the Act provides that rules:

must not impose on applicants for membership, or members, of the organisation, conditions, obligations or restrictions that, having regard to Parliament's intention in enacting this Act (see section 5) and the objects of this Act and the Fair Work Act, are oppressive, unreasonable or unjust

³ Subsection 5(3) of the Act sets out the following standards for registered organisations:

- (a) ensure that employer and employee organisations registered under this Act are representative of and accountable to their members, and are able to operate effectively; and
- (b) encourage members to participate in the affairs of organisations to which they belong; and
- (c) encourage the efficient management of organisations and high standards of accountability of organisations to their members; and
- (d) provide for the democratic functioning and control of organisations; and
- (e) facilitate the registration of a diverse range of employer and employee organisations

⁴ For full citation see endnote 2 above.

⁵ The declarations of AIPA's elections can be viewed on the Commission's website at [Australian and International Pilots Association \(AIPA\) - Find a registered organisation - Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/Australian-and-International-Pilots-Association-(AIPA)-Find-a-registered-organisation-Fair-Work-Commission)

⁶ *Lawley v Transport Workers' Union of Australia* (1987) 22 IR 114

⁷ *Ibid.*, at 123. For the purposes of this discussion paragraph 140(1)(c) of the *Conciliation and Arbitration Act 1904* as it stood in 198 is sufficiently similar to paragraph 142(1)(c) of the Act.

⁸ Section 159 of the Act provides:

- (1) An alteration of the rules (other than the eligibility rules) of an organisation does not take effect unless particulars of the alteration have been lodged with the FWC and the General Manager has certified that, in his or her opinion, the alteration:
 - (a) complies with, and is not contrary to, this Act, the Fair Work Act, modern awards and enterprise agreements; and
 - (b) is not otherwise contrary to law; and
 - (c) has been made under the rules of the organisation.
- (2) Where particulars of an alteration of the rules (other than the eligibility rules) of an organisation have been lodged with the FWC, the General Manager may, with the consent of the organisation, amend the alteration for the purpose of correcting a typographical, clerical or formal error.
- (3) An alteration of rules that has been certified under subsection (1) takes effect on the day of certification.

⁹ *Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia v Registered Organisations Commission (ROC)* [2018] FWCFB 16

¹⁰ *Ibid.*, at [24]

¹¹ *Higgins v McGrane & Anor* (1961) 5 FLR 82 at 85

¹² *Ibid.*, at 85

¹³ *Beeson v Blayney* (1966) 8 FLR 292

¹⁴ *Ibid.*, at 294

¹⁵ Subsections 144(1) and (2) of the Act provide:

- (1) Where the rules of an organisation provide for election for an office to be by a direct voting system, the rules must also provide that, where a ballot is required for such an election, it must be a secret postal ballot.
- (2) An organisation may lodge with the FWC an application for an exemption from subsection (1), accompanied by particulars of proposed alterations of the rules of the organisation, to provide for the conduct of elections of the kind referred to in subsection (1) by a secret ballot other than a postal ballot.

¹⁶ Paragraph 143(1)(a) of the Act provides:

- (1) The rules of an organisation:
 - (a) must provide for the election of the holder of each office in the organisation by:
 - (i) a direct voting system; or
 - (ii) a collegiate electoral system that, in the case of a full-time office, is a one-tier collegiate electoral system;

¹⁷ Section 143 of the Act provides:

- (1) The rules of an organisation:
 - (a) must provide for the election of the holder of each office in the organisation by:
 - (i) a direct voting system; or
 - (ii) a collegiate electoral system that, in the case of a full-time office, is a one-tier collegiate electoral system; and

-
- (b) must provide for the conduct of every such election (including the acceptance or rejection of nominations) by a returning officer who is not the holder of any office in, or an employee of, the organisation or a branch, section or division of the organisation; and
 - (c) must provide that, if the returning officer conducting an election finds a nomination to be defective, the returning officer must, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person the opportunity of remedying the defect within such period as is applicable under the rules, which must, where practicable, be not less than 7 days after the person is notified; and
 - (d) must make provision for:
 - (i) the manner in which persons may become candidates for election; and
 - (ii) the duties of returning officers; and
 - (iii) the declaration of the result of an election; and
 - (e) must provide that, where a ballot is required, it must be a secret ballot, and must make provision for:
 - (i) in relation to a direct voting system ballot (including a direct voting system ballot that is a stage of an election under a collegiate electoral system)—the day on which the roll of voters for the ballot is to be closed; and
 - (ii) absent voting and
 - (iii) the conduct of the ballot; and
 - (iv) the appointment, conduct and duties of scrutineers to represent the candidates at the ballot; and
 - (f) must be such as to ensure, as far as practicable, that no irregularities can occur in relation to an election.
- (2) Without limiting section 142, the rules of an organisation relating to elections may provide for compulsory voting.
 - (3) The day provided for in the rules of an organisation as the day on which the roll of voters is to be closed (see paragraph (1)(c)) must be a day no earlier than 30 days, and no later than 7 days, before the day on which nominations for the election open.
 - (4) A reference in this section to the rules of an organisation includes a reference to the rules of a branch of the organisation.
 - (5) The reference in paragraph (1)(c) to a nomination being defective does not include a reference to a nomination of a person that is defective because the person is not qualified to hold the office to which the nomination relates.
 - (6) The rules providing for the day on which the roll of voters for a ballot is to be closed are not to be taken to prevent the correction of errors in the roll after that day.

¹⁸ see E2021/62 and E2022/68 which can be viewed on the Commission’s website at [Australian and International Pilots Association \(AIPA\) - Find a registered organisation - Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/australian-and-international-pilots-association-aipa-find-a-registered-organisation-fair-work-commission)

¹⁹ *Re Mellor; Re Federated Liquor and Allied Industries Employees Union of Australia* (1987) 18 IR 350

²⁰ *Ibid.*, at 353

²¹ Subsection 9(1) of the Act provides:

- (1) In this Act, **office**, in relation to an organisation or a branch of an organisation means:
 - (a) an office of president, vice president, secretary or assistant secretary of the organisation or branch; or
 - (b) the office of a voting member of a collective body of the organisation or branch, being a collective body that has power in relation to any of the following functions:
 - (i) the management of the affairs of the organisation or branch;
 - (ii) the determination of policy for the organisation or branch;
 - (iii) the making, alteration or rescission of rules of the organisation or branch;
 - (iv) the enforcement of rules of the organisation or branch, or the performance of functions in relation to the enforcement of such rules; or
 - (c) an office the holder of which is, under the rules of the organisation or branch, entitled to participate directly in any of the functions referred to in subparagraphs (b)(i) and (iv), other than an office the holder of which participates only in accordance with directions given by a collective body or another person for the purpose of implementing:
 - (i) existing policy of the organisation or branch; or
 - (ii) decisions concerning the organisation or branch; or
 - (d) an office the holder of which is, under the rules of the organisation or branch, entitled to participate directly in any of the functions referred to in subparagraphs (b)(ii) and (iii); or
 - (e) the office of a person holding (whether as trustee or otherwise) property:
 - (i) of the organisation or branch; or
 - (ii) in which the organisation or branch has a beneficial interest.

²² See endnote 16 for full citation of paragraph 143(1)(a) of the Act

²³ See endnote 21 for full citation of subsection 9(1) of the Act

²⁴ Paragraph 141(1)(c) of the Act provides that rules:

- (c) may provide for the removal from office of a person elected to an office in the organisation only where the person has been found guilty, under the rules of the organisation, of:
 - (i) misappropriation of the funds of the organisation; or
 - (ii) a substantial breach of the rules of the organisation; or
 - (iii) gross misbehaviour or gross neglect of duty;or has ceased, under the rules of the organisation, to be eligible to hold the office;

²⁵ *Hills & Ors v Higgins & Ors* (1982) 61 FLR 131

²⁶ *Ibid.*, at 146.

²⁷ Paragraph 142(1)(c) of the Act provides that rules:

must not impose on applicants for membership, or members, of the organisation, conditions, obligations or restrictions that, having regard to Parliament's intention in enacting this Act (see section 5) and the objects of this Act and the Fair Work Act, are oppressive, unreasonable or unjust

²⁸ *Bowden v AWU* (1946) 56 CAR 536

²⁹ *Ibid.*, at 531-532

³⁰ *Cameron v AWU* (1959) 2 FLR 45

³¹ *Ibid.*, at 53

³² See for example *Wishart v ABLF* (1960) 2 FLR 298, *Luckman v APTU* (1978) 36 FLR 68, *Rochfort v Dowdell* (1965) 8 FLR 283, *Hills & Ors v Higgins & Ors* (1982) 61 FLR 131

³³ See for example *Wishart v ABLF* (1960) 2 FLR 298

³⁴ See for example *Cassidy v APWUA* (1967) 11 FLR 124, though the rule in question was in relation to expulsion of members, not suspension of office holders

³⁵ See for example *Hills & Ors v Higgins & Ors* (1982) 61 FLR 131

³⁶ *Hardiman v TWU* (1954) 80 CAR 232

³⁷ *Ibid.*, at 236

³⁸ *Rochfort v Dowdell* (1965) 8 FLR 283 at 288-289

³⁹ *Rochfort v Dowdell* (1965) 8 FLR 283; *Thornton & Ors v Mackay & Ors* (1946) 56 CAR 561

⁴⁰ *Re An Election of Offices In the FLAIEU South Australian Branch v Re An Application By Dianne June Kenward of An Enquiry Into the Said Election* [1989] FCA 250 (10 July 1989)

⁴¹ *Ibid.*, at [14]

⁴² *Roughan v AMIEU* (1992) 43 IR 193 at 196; *MOA v Lancaster* (1981) 54 FLR 129 at 164-166

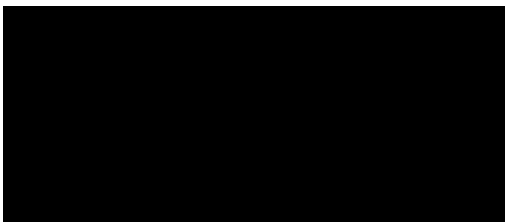
CONSENT OF AUTHORISED OFFICER in accordance with Section 159(2) of the *Fair Work (Registered Organisations) Act 2009*

I, John Pavlou of [REDACTED] am the Secretary of the Australian and International Pilots Association and am authorised to give consent under section 159(2) of the *Fair Work (Registered Organisations) Act 2009* to the General Manager (or Delegate) to amend the alteration for the purpose of correcting a typographical, clerical or formal error.

Alterations to the rules of the were notified to the Fair Work Commission on 2 October 2023. I give consent for the General Manager (or Delegate) to amend the alterations for the purpose of correcting the following typographical, clerical or formal errors:

1. Rule 30(e): change the rule reference from “53(e)(iii)” to “53(d)(iii)”.
2. Rule 30(f): change the first (iii) to (ii).
3. Rule 50: change “thier” to “their” in the second line.
4. Rule 51(d)(ii): insert a “or” between “organisations” and “, the Organisation” in the second line, and “not” after the word “person” in the third line.
5. Rule 53(d): delete the duplicated “the” in the first line.
6. Rule 54(c): insert a “)” after “r.53” and delete the “)” after the word “nomination”.
7. Rule 61(b): change the rule reference from “53(e)(iii)” to “53(d)(iii)”.
8. Rule 61(s): insert “after the Election Census Date” after “182 days (26 weeks)”.
9. Rule 62(a)(i): change the rule reference from “(t)” to “(s)”.
10. Rule 64(b): delete the duplicated “that” in the first line.
11. Rule 64(c)(ii): change the punctuation from “.” to “;”.

Signed and dated by an officer authorised to give consent.




18 December 2023

[PLEASE NOTE: This Consent Form must contain details of the errors to be corrected and the correction that is being consented to; a failure to identify and explain the corrections is likely to be insufficient to allow the General Manager or Delegate to alter the particulars. This Consent Form can be emailed back to the regorgs@fwc.gov.au email address or sent directly to the action officer handling your matter.]

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*)

This is a declaration in support of an application for consent to the alternation of the rules of an organisation..

I,	John Pavlou
of	
	Pilot

declare that:

1. I am the Secretary of Australian and International Pilots Association [**AIPA**] and am authorised to give this notice of particulars of alterations to the rules of AIPA and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.
2. I make this Declaration in compliance with the requirements of reg 126(2) of the Fair Work (Registered Organisations) Regulations 2009 in support of a change to the other rules of an Organisation [the General rule change].
3. The General rule change does not involve changes to AIPA's name, or the eligibility rules of AIPA.
4. The General rule change was made in accordance with the AIPA rules.
5. On 17 August 2023 AIPA President, Tony Lucas, issued by email a Notice to all members of the AIPA Committee of Management of a meeting to occur on 12 September 2023 to consider changes to the rules of the Association. The email attached a copy of the proposed resolution for the General Rule Change and a copy of document entitled "Appendix A - Revised Rules of the Australian and International Pilots Association." A copy of the Notice and the attachments including Appendix A – Revised Rules are attached to this Declaration and marked "A".
6. On 12 September 2023 the Committee of Management met.
7. The resolution for the Eligibility rule change was moved by Tony Lucas and seconded by me.
8. There are currently 36 members of the Committee of Management. 35 members of the Committee of Management attended in person, or by proxy - 19 attended in person, 17 attended by proxy. 31 members of the Committee of Management voted

in favour of the resolution, 3 abstained and 1 voted against. A copy of the minutes are attached to the declaration and marked "B".

9. I have caused a Notice to be placed on the AIPA Website that provides that this Notice and Declaration have been lodged with the Commission.
10. I declare that the particulars set out in this Notice are true and correct to the best of my knowledge and belief.

Signature		Date:	02/10/2023
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Notice pursuant to r.54 to members of the Committee of Management of the Australian & International Pilots Association in respect of an Amendment to the Rules of the Organisation

On Tuesday 12 September 2023 at 10.00 AM EDST there will be a special meeting of the Committee of Management to consider the following proposed amendment the Rules of the Organisation.

Proposed Amendment to the Rules

That the Rules of the Australian and International Pilots Association be amended to the form attached and marked Appendix A – Revised Rules of the Australian and International Pilots Association, provided that any change to the eligibility rules of the Association made by the Fair Work Commission will take precedence over the Eligibility Rules contained in these Revised Rules.

Appendix A - Revised Rules of the Australian and International Pilots
Association

AUSTRALIAN AND INTERNATIONAL PILOTS ASSOCIATION

Rules of the Australian and International Pilots Association

Contents

PART 1 – CONSTITUTION OF ORGANISATION	1
1 – NAME.....	1
2 – DESCRIPTION OF INDUSTRY	1
3 – OBJECTS.....	1
4 – ELIGIBILITY FOR MEMBERSHIP	2
5 – DEFINITIONS.....	3
6 – APPLICATION FOR MEMBERSHIP.....	5
7 – LIFE MEMBERSHIP	6
8 – QUALIFYING PERIOD FOR MEMBERSHIP.....	6
9 – ACCEPTANCE	6
10 – OBLIGATIONS OF MEMBERSHIP.....	6
11 – DUE DATES FOR PAYMENT OF SUBSCRIPTIONS.....	6
12 – UNFINANCIAL MEMBERS.....	7
13 – RATE PAYABLE BY MEMBERS.....	7
14 – METHOD OF PAYMENT	7
15 – LEVIES.....	8
16 – LOANS GRANTS AND DONATIONS	8
PART 2 – ADMINISTRATION OF THE ORGANISATION.....	8
17 – REGISTERED OFFICE	8
18 – GENERAL FUND	8
19 – FINANCIAL YEAR.....	9
20 – ORGANISATION POLICIES AND PROCEDURES	9
21 – TRAINING IN FINANCIAL MANAGEMENT.....	9
22 – DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS	9
23 – DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS.....	10
24 – DISCLOSURE BY ORGANISATION OF PAYMENTS.....	10
25 – AUDITORS	11
26 – ORGANISATION SEAL	11
27 – INDEMNITY.....	11
28 – WORK GROUPS.....	11
29 – ALLOCATION OF MEMBERS TO WORK GROUPS	12
30 – EMPLOYER STANDING COMMITTEES.....	12
31 – COMMITTEE OF MANAGEMENT.....	13
32 – POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT	13
33 – EXECUTIVE MEMBERS OF THE ORGANISATION.....	14
34 – POWERS AND DUTIES OF THE PRESIDENT	15
35 – POWERS AND DUTIES OF VICE-PRESIDENTS	15
36 – POWERS AND DUTIES OF ORGANISATION SECRETARY	15
37 – POWERS AND DUTIES OF ASSISTANT SECRETARY.....	16
38 – POWERS AND DUTIES OF TREASURER	16
39 – POWERS AND DUTIES OF REPRESENTATIVES.....	16
40 – FINANCE COMMITTEE	16
41 – DISCIPLINARY COMMITTEE	17
42 – MEETINGS – COMMITTEE OF MANAGEMENT.....	17

Contents

43 – VOTING – COMMITTEE OF MANAGEMENT.....	17
44 – PROXIES – COMMITTEE OF MANAGEMENT	17
45 – NOTICE OF MEETINGS – COMMITTEE OF MANAGEMENT	18
46 – GENERAL MEETINGS AND NOTICE OF MEETING	18
47 – QUORUM AND PROCEDURES – GENERAL MEETING.....	18
48 – VOTING – GENERAL MEETINGS	19
49 – PROXIES – GENERAL MEETINGS	19
50 – NOTICES TO MEMBERS.....	19
PART 3 – ELECTIONS	19
51 – GENERAL PRINCIPLES	19
52 – RETURNING OFFICER & SCRUTINEERS	20
53 – CALCULATION OF WORKGROUP VACANCIES FOR COMMITTEE OF MANAGEMENT	21
54 – ADVERTISING VACANCIES AND NOMINATION FOR ELECTION TO THE COMMITTEE OF MANAGEMENT OF THE ORGANISATION	22
55 – PREPARATION OF BALLOTS FOR ELECTION TO COMMITTEE OF MANAGEMENT	24
56 – THE ELECTION PROCESS FOR THE COMMITTEE OF MANAGEMENT	25
57 – COUNTING OF VOTES FOR ELECTION TO THE COMMITTEE OF MANAGEMENT OF THE ORGANISATION	26
58 – SCRUTINY	26
59 – DECLARATION OF ELECTION OF MEMBERS OF THE COMMITTEE OF MANAGEMENT.....	27
60 – CASUAL VACANCIES ON THE COMMITTEE OF MANAGEMENT.....	27
61 – NOMINATION AND ELECTION OF EXECUTIVE MEMBERS	28
62 – VACANCIES IN OFFICE.....	30
63 – TERM OF OFFICE.....	31
PART 4 – MISCELLANEOUS.....	31
64 – SANCTION AND REMOVAL FROM OFFICE AND ESCs	31
65 – SALARIES AND EXPENSES OF OFFICERS	32
66 – REGISTER OF MEMBERS.....	32
67 – REMOVAL OF MEMBERS FROM THE REGISTER OF MEMBERS	32
68 – INSPECTION OF BOOKS AND REGISTER OF MEMBERS	33
69 – STOP WORK MEETINGS	33
70 – INDUSTRIAL AGREEMENTS.....	33
71 – RESIGNATION OF MEMBERSHIP.....	33
72 – BENEFIT SCHEMES.....	34
73 – INTERPRETATION OF RULES	34
74 – ABSENTEE VOTING.....	34
75 – RULES OF DEBATE.....	34
76 – DISSOLUTION OF ORGANISATION.....	34
77 – AMENDMENTS TO RULES	35
78 – REFERENDA	35
79 —AUTHORISATION AND NOTIFICATION OF INDUSTRIAL DISPUTES.....	36
SCHEDULE A – LIFE MEMBERS	37
SCHEDULE B – VOTING SYSTEMS.....	38
SCHEDULE C – TRANSITIONAL PROVISIONS	40
SCHEDULE D – SAMPLE ELECTION TIME FRAME	41

PART 1 – CONSTITUTION OF ORGANISATION

1 – NAME

The name of the organisation shall be the "Australian and International Pilots Association" in these Rules referred to as "the Organisation".

2 – DESCRIPTION OF INDUSTRY

The industry in or in connection with which the Organisation is formed is the International and Domestic Aviation Industry.

3 – OBJECTS

The Objects of the Organisation are:

- (a) To further and protect the interests of its members and the interests and rights of the Profession of Air Pilots;
- (aa) To further and protect the rights and interests of pilots working in the Qantas Group;
- (b) To take any lawful action necessary or convenient for furthering and protecting the interests of its members and in particular and without limiting the generality of the foregoing to submit Industrial disputes and industrial questions to conciliation or arbitration or consideration or determination under the *Fair Work Act 2009* as amended or replaced from time to time;
- (c) To afford legal protection for members of the Organisation in industrial matters or other matters specifically authorised by the Committee of Management;
- (d) To affiliate, if so decided, with any body having like aims, memberships and objects upon such terms and conditions as may be mutually agreed upon;
- (e) To establish, if thought fit by the Committee of Management, from time to time sections or sub-committees representative of the Organisation and to dissolve any such section or sub-committee;
- (f) To acquire by purchase or on lease and to sell property, both real and personal, for the purpose of housing the Organisation and administering its affairs;
- (g) To invest any monies of the Organisation in any investment authorised by the laws of any State of the Commonwealth of Australia for the investment of trust funds and from time to time to vary or realise upon such investment;
- (h) To secure preference of employment and advancement for members of the Organisation;
- (i) To establish funds to assist members and/or their dependents in distress through sickness or other causes and to transfer monies to such funds;
- (j) To borrow money for the purpose of furthering the interests of the Organisation and its members and to give security for such borrowings;
- (k) To lend money on adequate security and subject to the requirements of the law and of these rules for the lawful purposes of the Organisation;
- (l) To impose and enforce levies to further the lawful purposes of the Organisation in accordance with these rules;
- (m) To establish Insurance Funds of any class and/or to make adequate arrangements therefor;
- (n) To subscribe to and maintain ethical standards in the Professions of Air Pilots;

- (o) To consider and where approved offer practical assistance and support to Air Pilots individually or collectively requesting such assistance where such assistance is sought in furtherance of the Objects of the Organisation;
- (p) To establish and service an autonomous body for persons desiring membership in the Organisation so as to facilitate their industrial representation by the Organisation;
- (o) To do all such acts and things as are incidental or conducive to the attainment of the above Objects.

4 – ELIGIBILITY FOR MEMBERSHIP

Any person who is normally employed as a pilot or flight engineer on regular public transport airline services extending beyond the Commonwealth of Australia or (except in the case of flight engineers) within the Commonwealth of Australia operated by an Australian airline principally engaged in providing international regular public transport airline services or by Australian Airlines Limited shall be eligible for membership in the Organisation.

Without in any way limiting the generality of any other provision of this rule or being limited thereby, all persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated in whole or part and under any name by any of:

- (i) Qantas Airways Limited ABN 16 009 661 901;
- (ii) Qantas Limited ABN 73 003 613 465;
- (iii) Australian Airlines Limited ABN 85 099 625 304;
- (iv) Jetstar Airways Pty Limited ABN 33 069 720 243;
- (v) Eastern Australia Airlines Pty Limited ABN 77 001 599 024;
- (vi) Sunstate Airlines (Qld) Pty Limited ABN 82 009 734 703; or
- (vii) Network Aviation Pty Limited ABN 93 533 934 838

shall be eligible for membership in the Organisation.

All persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated by any of:

- (i) Ansett Australia Limited or Mayne Nickless Limited trading as Ipec Aviation (IPEC);
- (ii) any successor assignee or transmittee (whether immediate or not) to or of any of the business of Ansett Australia Limited or IPEC including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of Ansett Australia Limited or IPEC, in relation to that business or part of that business; and
- (iii) any employer not included in the preceding sub-paragraphs (i) or (ii) who is or becomes a successor assignee or transmittee (whether immediate or not) to or of any of the business of any of Ansett Transport Industries (Operations) Pty Ltd (ATI), East West Airlines (Operations) Pty Ltd (EWA) or Mayne Nickless Limited trading as Ipec Aviation (IPEC) including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of any of ATI, EWA or IPEC, in relation to that business or part of that business

shall be eligible for membership in the Organisation.

5 – DEFINITIONS

- (a) In these rules, unless the context otherwise requires, the following words or phrases have the meanings ascribed:-

"A" Pilot	a person who was employed by Australian Airlines Limited as a pilot as at 13 September 1992.
board	a group of persons who supervise, govern or otherwise have oversight of a corporation, Organisation, association or other like body including a Board of Directors.
Disclosure period	the financial year, unless a shorter period is specified.
Declared person or body	a person is a declared person or body if: <ul style="list-style-type: none">(i) an Officer of the Organisation has disclosed a material personal interest under r. 23; and(ii) the interest relates to, or is in, the person or body; and(iii) the Officer has not notified the Organisation that the Officer no longer has the interest.
Election census date	the first Tuesday on or after 1 May in the particular year in which an election is due.
Executive Members	the Officers listed in r. 33.
financial duties	includes duties that relate to the financial management of the Organisation or a branch of the Organisation.
Employer	for the purpose of Work Groups, any entity that employs members of the Organisation as a pilot in employment for which they are eligible to be members of the Organisation, provided that, in the case of members employed by Qantas Airways Limited, the Employer will be determined by reference to coverage by enterprise agreements such that as at 1 July 2023 there will be a Qantas Long Haul Employer and a Qantas Short Haul Employer.
Employer Standing Committee	a Standing Committee of the Organisation established under r. 30.
non-cash benefit	property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

Office	has the same meaning as defined by section 9 of the <i>Fair Work (Registered Organisations) Act 2009</i> .
Officer	any person who holds elected office in the Organisation and includes, without limitation, members of the Committee of Management and Executive Members but does not include members of the Employer Standing Committees.
Organisation	the <i>Australian and International Pilots Association</i> .
Peak council	has the same meaning as defined by section 12 of the <i>Fair Work Act 2009</i> .
the profession	the activity of an Air Pilot engaged professionally in commercial activity.
Registered Organisations Act	the <i>Fair Work (Registered Organisations) Act</i> or any Act that replaces or supersedes that Act.
related party	has the same meaning as defined by section 9B of the <i>Fair Work (Registered Organisations) Act 2009</i> .
Relative	in relation to a person, means: <ul style="list-style-type: none">(i) parent, stepparent, child, stepchild, grandparent, grandchild, brother or sister of the person; or(ii) the spouse of the first mentioned person.
relevant remuneration	in relation to an Officer of the Organisation for disclosure period is the sum of the following: <ul style="list-style-type: none">(i) any remuneration disclosed to the Organisation by the Officer under r. 22 during the disclosure period;(ii) any remuneration paid during the disclosure period to the Officer of the Organisation.
relevant non-cash benefits	in relation to an Officer of the Organisation for a disclosure period means the non-cash benefits provided to the Officer, at any time during the disclosure period, in connection with the performance of the Officer's duties as an Officer, by the Organisation or by a related party of the Organisation.
Remuneration	<ul style="list-style-type: none">(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but(ii) does not include a non-cash benefit; and

- (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out the Officer's duties.

Standing committee

a permanent committee established pursuant to these Rules.

sub-committee

a sub-committee of the Committee of Management for a designated purpose which, subject to AIPA's Policies and Procedures, exercises the Committee of Management's authority in respect to those responsibilities delegated to it by the Committee of Management, and is accountable to the Committee of Management for its performance.

- (b) "Month" means calendar month, "year" means calendar year and "in writing" includes any written printed, stamped, typewritten, lithographed or other method of reproducing words in visible form.
- (c) Words in the singular include the plural, words in the plural include the singular and masculine pronouns shall include the feminine.

6 – APPLICATION FOR MEMBERSHIP

Every person desiring to become a member shall:-

- (a) Forward a completed application form to the Secretary at the office of the Organisation together with the appropriate subscription or part thereof in accordance with r. 14;
- (b) The Committee of Management shall consider and approve, reject or require further evidence as to eligibility as may be appropriate in respect of each application coming before it;
- (c) On an application for membership being ratified by the Committee of Management, the Secretary shall cause to be issued to the member a record of their membership of the Organisation;
- (d) The application form to be signed by applicants for membership shall be in or to the effect of the following:-

<p>"Australian and International Pilots Association"</p> <p>"To: President</p> <p> Australian and International Pilots Association</p> <p>I, of being eligible for membership of the Australian and International Pilots Association hereby apply for such membership and undertake to comply with all the provisions conditions and stipulations in the Rules of the said Organisation currently in effect or as they may be added to, repealed or amended from time to time and with all lawful directions made thereunder.</p> <p>.....</p> <p>Signature of Applicant";</p>

- (e) All applicants for membership shall be informed in writing of the financial obligations arising from membership and of the circumstances, and the manner, in which a member may resign from the Organisation;
- (f) If at any time, the member wishes to receive communications from the Organisation in electronic form, the member shall include in the address details the member's electronic mail address ("email" address) for that purpose. A member wishing to change that member's address or other information contained in the Register of Members shall notify any such change to the Secretary of the Organisation in writing.

7 – LIFE MEMBERSHIP

- (a) A member who is deemed by a 75% vote of the Committee of Management to have made a significant contribution to the Organisation, will be made a Life Member of the Organisation.
- (b) Any proxies used for voting by Committee of Management members on whether a member should be deemed to be a Life Member must be proxies given for that purpose.
- (c) The making of a Life Member shall be notified to all members, by electronic communication or otherwise, before the next Committee of Management Meeting.
- (d) Should such an appointment be objected to, members will have recourse through their ability to call an SGM to overturn the decision of the Committee of Management in appointing the member a Life Member. The rules for calling an SGM as provided for in r. 46 shall apply and any such motion to cancel the appointment of the Life Member must be approved by a 75% majority of those attending an SGM called for that purpose.
- (e) If the Committee of Management's proposal for a member's life membership is approved, the Life Member will thereupon become entitled to all the benefits of membership and be bound by the obligations of membership but without any obligation to pay annual subscriptions, although the Life Member will be required to pay any levies determined under r. 15.
- (f) Life members as at the date of approval of these rules are listed in Schedule A to the Rules.

8 – QUALIFYING PERIOD FOR MEMBERSHIP

A new member will not be automatically entitled to industrial representation for any events occurring before the date their membership is effective.

9 – ACCEPTANCE

An application for membership on acceptance by the Committee of Management shall be deemed to be effective from the date such application was received by the Secretary.

10 – OBLIGATIONS OF MEMBERSHIP

Each applicant by becoming a member of the Organisation agrees, subscribes and is obligated without reservation to all the provisions, conditions and stipulations in the Rules currently in effect or as they may be added to, repealed or amended from time to time as specified in the Rules and to all lawful directions made thereunder.

11 – DUE DATES FOR PAYMENT OF SUBSCRIPTIONS

- (a) The annual subscription is due twelve months in advance on the first day of July each year, or as otherwise determined by the Committee of Management. For a new member, the subscription is due and payable from the date an application for membership is received by the Organisation.

- (b) For a pilot under initial training, the full amount of the annual subscription is due and payable when a member operates his or her first line flight.
- (c) For a member who has elected to pay subscriptions through payroll deductions, each instalment is payable on the first day following each relevant pay period.

12 – UNFINANCIAL MEMBERS

- (a) Subject to any resolution of the Committee of Management extending time, a member who is in arrears for any subscriptions or levies for a period of two months or more from the date on which they were first due, will be unfinancial.
- (b) An unfinancial member is not entitled to take part in the Organisation's business or to claim any of the benefits or privileges of membership until all arrears of subscriptions or levies have been paid.
- (c) The Treasurer may make a final demand upon an unfinancial member for payment of all arrears of subscriptions or levies. If the unfinancial member continues to be in default for more than one month after the final demand is made, the name of the unfinancial member may be removed from the Organisation's Register of Members and the removal will not prejudice the Organisation's right to recover any arrears in accordance with r. 71.

13 – RATE PAYABLE BY MEMBERS

- (a) In March of each year the Committee of Management shall determine the subscriptions payable by members for the year of income commencing on the 1st July next.
- (b) Provided that the annual subscription payable by a member shall not exceed one percent (1%) of his or her gross salary, nothing in these rules limits the Committee of Management's power to determine subscriptions by reference to members' employer, category or rank, method of payment, period of employment or membership, or such other mode as the Committee of Management may determine, or to change or vary the subscription for all or any class of members for part of, or the balance of, any year of income.

14 – METHOD OF PAYMENT

All payments of subscription and levies shall be made by the members by any of the following methods:-

- (a) Payment in full by direct debit on or before the first day of September each year;
- (b) Payment by periodical payments by deduction from the member's pay under a form of authorisation approved by the Committee of Management and signed by the member and lodged with the Treasurer. The amount of each instalment shall be determined as the applicable percentage of the Member's pay for the period calculated in accordance with rate set by the Committee of Management under r. 13;
- (c) Payment by equal, periodical payments by deduction from the member's financial institution account under a form of authorisation approved by the Committee of Management and signed by the member and lodged with the Treasurer. The amount of each instalment shall be determined by the Committee of Management and shall not be less than the amount determined as the subscription payable by the member under r. 13 divided by the number of payment periods in the applicable year;
- (d) Where in the opinion of the Treasurer circumstances warrant special consideration being given any individual member payment of subscriptions may be arranged in advance of such subscription falling due by means other than in accordance with sub-rule (a) above;
- (e) Where a subscription is paid in full on or before 31 July, a discount of that member's subscription shall be allowed if the Committee of Management so resolves.

15 – LEVIES

- (a) Where, in the opinion of the Committee of Management a Levy of Members is necessary such determination shall be subject to the same requirements in regard to Notice and Majority Vote as applied to amendments to the Organisation's Rules as specified in r. 77;
- (b) Levies shall not be in excess of the annual subscription rate imposed on each member.

16 – LOANS GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Organisation unless the Committee of Management of the Organisation

- (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Organisation; and
 - (ii) in relation to a loan – that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

PART 2 – ADMINISTRATION OF THE ORGANISATION

17 – REGISTERED OFFICE

The registered office and place of meeting for the business of the Organisation shall, until otherwise determined by the Committee of Management, be Suite 6.01, Level 6, 247 Coward Street, Mascot, in the State of New South Wales or such other place as the Committee of Management may from time to time decide.

18 – GENERAL FUND

- (a) A General Fund will be established for the purpose of achieving the Objects of the Organisation. All real and personal property whatsoever belonging to the Organisation will comprise the General Fund.
- (b) The General Fund will include the bank account of the Organisation (“the Organisation’s bank account”) established in the Organisation’s name with a bank or such other financial institution as the Committee of Management determines from time to time.
- (c) The Secretary and any other Executive Officer, member or employee of the Organisation receiving monies on behalf of the Organisation will deposit those monies without deduction into the Organisation’s bank account and a receipt for each deposit will be obtained.
- (d) The monies required to be deposited will form part of the General Fund of the Organisation and will only be expended for the purpose of achieving the Objects of the Organisation. Monies to be expended will be disbursed by cheque or electronic transfer.
- (e) Accounts may be established in the Organisation’s name with a bank or such other financial institution as the Committee of Management determines from time to time, for the purposes specified:
 - (i) an Imprest Account, for day to day expenses;
 - (ii) a Payroll Account, for payroll purposes;

- (iii) such other accounts as the Committee of Management determines.
- (f) All cheques or electronic transfers must be authorised by two signatories provided this rule does not prevent the use of credit cards issued to the Organisation by Officers in accordance with Organisation Policy.
- (g) The signatories shall be Executive Members and any employee of the Organisation so delegated and approved, provided:
 - (i) no signatory may sign a cheque or conduct electronic transfers in their own favour;
 - (ii) multiple cheques or electronic transfers cannot be drawn in payment of a single invoice, cheque or requisition to circumvent the threshold limits or the single signatory or electronic transfers restrictions set out in this rule;
 - (iii) at least one the signatories for cheques or electronic transfers for amounts in excess of \$1,000 must be an Executive Member;
 - (iv) both the signatories for cheques or electronic transfers for amounts in excess of \$5,000 must be an Executive Member.

19 – FINANCIAL YEAR

The financial year of the Organisation shall commence on 1 July and end on 30 June following.

20 – ORGANISATION POLICIES AND PROCEDURES

The Organisation shall develop and implement policies and procedures relating to the expenditure and administration of the Organisation and the furtherance of the Objects of the Organisation.

21 – TRAINING IN FINANCIAL MANAGEMENT

All members of the Committee of Management shall undertake training approved by the Registered Organisations Commissioner or the Commissioner’s Successor in relation to the financial management of the Organisation, as follows:

- (a) in the case of an Officer holding office on the date of certification of this Rule – within six (6) months of that date; and
- (b) in the case of an Officer taking office after the date of certification of this Rule – within six (6) months of taking office.

22 – DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS

- (a) Each Officer of the Organisation shall disclose to the Organisation any remuneration paid to the Officer:
 - (i) because the Officer is a member of a board, if:
 - (A) the Officer is a member of the board only because the Officer is an Officer of the Organisation: or
 - (B) the Officer was nominated for the position as a member of the board by the Organisation, a branch of the Organisation, or a Peak council; or
 - (ii) by any related party of the Organisation in connection with the performance of the Officers’ duties as an Officer.
- (b) The disclosure required by sub-rule (a) shall be made to the Organisation:

- (i) as soon as practicable after the remuneration is paid to the Officer; and
 - (ii) in writing.
- (c) An Organisation shall disclose to the members of the Organisation:
- (i) the identity of the Officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
 - (ii) for those Officers:
 - (A) the actual amount of the Officers' relevant remuneration for the disclosure period; and
 - (B) either the value of the Officers' relevant non-cash benefits, or the form of the Officers' relevant non-cash benefits, for the disclosure period.
- (d). For the purposes of sub-rule (c), the disclosure shall be made;
- (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

23 – DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each Officer of an Organisation shall disclose to the Organisation any material personal interest in a matter that:
- (i) the Officer has or acquires; or
 - (ii) a relative of the Officer has or acquires;
- that relates to the affairs of the Organisation.
- (b) The disclosure required by sub-rule (a) shall be made to the Organisation:
- (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) An Organisation shall disclose to the members of the Organisation any interests disclosed to the Organisation pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
- (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

24 – DISCLOSURE BY ORGANISATION OF PAYMENTS

- (a) The Organisation shall disclose to the members of the Organisation either:
- (i) each payment made by the Organisation, during the disclosure period:
 - A. to a related party of the Organisation or a branch of the Organisation; or
 - B. to a declared person or body of the Organisation or a branch of the Organisation; or
 - (ii) the total of the payments made by the Organisation, during the disclosure period:
 - A. to each related party of the Organisation; or

- B. to each declared person or body of the Organisation.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Organisation from remuneration payable to Officers or employees of the Organisation.
- (c) For the purposes of sub-rule (a), the disclosures shall be made:
- (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

25 – AUDITORS

- (a) An auditor being a person registered under a law of a State or Territory of the Commonwealth providing for the registration of public accountants shall be appointed annually by the Committee of Management of the Organisation and shall be eligible for re-appointment.
- (b) The auditor shall audit the financial accounts of the Organisation for the financial year and for each half of each financial year and shall present audited financial accounts and report thereon to the Committee of Management at its first meeting after the close of the financial year.
- (c) The auditor shall have power at any time to call for any books, papers or documents of the Organisation and all members and employees of the Organisation shall, if called upon to do so, forthwith produce to the auditor any such books, papers or documents in their possession and make any explanation in writing requested by the auditor in relation thereto within the time allowed by the auditor for that purpose.
- (d) No member or employee of the Organisation shall be eligible to be appointed auditor.

26 – ORGANISATION SEAL

The Organisation Seal shall be -

[The Common Seal of
Australian and International Pilots Association]

27 – INDEMNITY

- (a) All Officers, Members of Committee and staff members shall be indemnified by the Organisation, to the extent only of its assets, from all losses and expenses incurred by them in or about the discharge of their respective duties, except such as occur through their own wilful default.
- (b) No Officer, Member of Committee or staff member shall be liable for any other Officer, Member of Committee or staff member or for any loss or expense sustained by the Organisation, unless the same occurs through his or her own wilful default.

28 – WORK GROUPS

- (a) Subject to (b), there will be a Work Group established and maintained for each Employer, along with a Combined Small Airlines Work Group.
- (b) No Work Group will be established or maintained in respect of an Employer that employs less than 50 members at an Election Census Date. Where at an Election Census Date:
- (i) an Employer that previously had 50 members or more no longer has 50 members, the Work Group in respect of that Employer will cease;

- (ii) an Employer that previously did not have 50 members but now has 50 or more members, a Work Group in respect of that Employer will be established,
- and affected Members will be allocated to or from the Combined Small Airlines Work Group as appropriate.

29 – ALLOCATION OF MEMBERS TO WORK GROUPS

- (a) Each Member of the Organisation shall be allocated to the Work Group associated with their Employer, provided that members whose Employer employs less than 50 members at the Election Census Date will be allocated to the Combined Small Airlines Work Group.
- (b) The Secretary shall be responsible for allocating members to the correct Work Group.
- (c) A Member cannot be allocated to more than one Work Group at any time.
- (d) Each Member will remain allocated to their Work Group until:
 - (i) they are allocated to a different Work Group by the Secretary; or
 - (ii) they cease to be a member of the Organisation.
- (e) The Secretary will assess, and where appropriate, allocate members to different Work Groups:
 - (i) at the Election Census Date;
 - (ii) on the direction of the Committee of Management; or
 - (iii) at such other time as the Secretary deems appropriate.
- (f) A Member who takes leave without pay from one Employer to perform work for a different Employer (or undertakes some other, similar arrangement) shall be allocated to the Group Employer that they perform work for.

30 – EMPLOYER STANDING COMMITTEES

- (a) Each Work Group shall have an Employer Standing Committee (ESC) provided that the Combined Small Airlines Work Group will have Employer Standing Committees for each Employer covered by that Work Group.
- (b) Only Members allocated to that Employer's Work Group (and in the case of the Combined Small Airlines Work Group also employed by the Employer) shall be members of the ESC.
- (c) Membership of each ESC shall comprise:
 - (i) Any member of the Committee of Management allocated to that Work Group (and in the case of the Combined Small Airlines Work Group also employed by the Employer);
 - (ii) Any other member nominated in writing to the Secretary by:
 - (i) where the Employer related to the ESC employs less than 20 members – 3 members of the Organisation eligible to be members of that ESC;
 - (ii) where the Employer related to the ESC employs less than 100 members – 6 members of the Organisation eligible to be to be members of that ESC;
 - (iii) In all other cases – 15 members of the Organisation eligible to be to be members of that ESC;

and who accepts that nomination.
- (d) Nominations for membership of each ESC may be invited at the time of each election; provided further, that additional nominations for membership of each ESC may occur at any time.

- (e) All Members of the ESC, other than Continuing Members as referred to in r. 53(e)(iii) shall retire from the Standing Committee at the time of the first Committee of Management Meeting occurring in November held in the year in which an election was held.
- (f) Each ESC shall be the organising point for matters relevant to pilots employed by that Employer and shall have the following powers and function:
 - (i) to appoint a Convenor from the Committee Membership;
 - (iii) to advise the Committee of Management on issues of relevance to members employed by the Employer;
 - (iii) to disseminate to pilots employed by the Employer positions held by the Organisation;
 - (iv) subject to direction from the Committee of Management:
 - (A) to conduct campaigns within the Employer including for membership, during enterprise bargaining or on such other matters as the Committee deems appropriate.
 - (B) to do such other things as will promote the Objects of the Organisation in respect of pilots employed by the Employer.

31 – COMMITTEE OF MANAGEMENT

- (a) The Committee of Management ('CoM') of the Organisation shall consist of the Committee members of the Committee of Management including those elected as Officers and, until otherwise determined by a general meeting of members, shall number forty persons.
- (b) Of those forty persons there shall be "A" Pilot Members, being financial members who were employed by Australian Airlines Limited as at 13 September 1992, subject to there being sufficient "A" Pilot Members nominated for election from which the specified minimum number can be elected. That specified minimum number shall be determined by dividing the number of financial "A" Pilot Members by the total number of financial members of the Organisation and by multiplying the resultant figure by the number of positions on the Committee of Management. In the result of this calculation, a fraction shall be rounded to the nearest whole number, one half and above being regarded as one person and less than one half being disregarded.
- (c) The minimum number of "A" Pilot Committee members shall be based on the number of financial "A" Pilot Members on the roll of members as at the Election Census Date.
- (d) Members of the Committee of Management shall be elected to four year terms, with half the members elected every two years.
- (e) Subject to Part 3 set out in Schedule C, the Committee of Management shall comprise of the following:
 - (i) thirty members elected by Work Groups (Work Group Representatives); and
 - (ii) ten members shall be elected by the AIPA membership at large (General Representatives).
- (f) If any Committee of Management member ceases to be a member of the Organisation, that Committee of Management member shall vacate office on the Committee of Management as and from the date of cessation of membership of the Organisation.

32 – POWERS AND DUTIES OF THE COMMITTEE OF MANAGEMENT

- (a) The Committee of Management shall have power to do all things necessary or convenient for achieving the Objects of the Organisation.

- (b) The Committee of Management shall be responsible to the members of the Organisation for carrying out the policies and objectives, or any other matter as provided for in these Rules, determined by the membership in General Meeting or by plebiscite.
- (c) Subject to (d), the Committee of Management may by resolution delegate any of its powers (save this power of delegation) to a sub-committee of its members or to a designated Executive Member for a designated purpose.
- (d) Other than in the case of ESC, any Standing Committee or sub-committee established pursuant to these Rules must include the responsible portfolio holder provided that where the responsible portfolio holder is not a member of the Executive, each Standing Committee or sub-committee will also include an Executive Member.
- (e) No member of the Committee of Management shall have the authority to bind the Organisation to any agreement with any Employer of its members or any third party unless expressly authorised by a decision of the Committee of Management or as provided for in these Rules.
- (f) A member of the Committee of Management shall not cease to be a member of the Committee of Management if they transfer to a different Work Group during the period of their term.

33 – EXECUTIVE MEMBERS OF THE ORGANISATION

- (a) The Executive Members of the Organisation shall be:
 - (i) a President;
 - (ii) at least three Work Group Vice-Presidents determined in accordance with sub-rule (b);
 - (iii) a Vice-President (“A” Pilots);
 - (iv) a Secretary;
 - (v) an Assistant Secretary;
 - (vi) a Treasurer.
- (b) There will be a Work Group Vice President for each Work Group that represents 15% or more of the total membership of the Organisation as at the Election Census Date, plus an Other Group Airlines Vice President for each Work Group that is not otherwise represented by a Vice President. In the event there are not two Work Groups that each represent 15% or more of the total membership, there will be a Work Group Vice President for the two largest Work Groups.
- (c) The Executive Members collectively shall comprise the Executive of the Organisation.
- (d) The Executive Members shall, subject to these Rules, be elected in accordance with r. 61.
- (e) The term of office for all Executive Members shall be 2 years beginning at the first Committee of Management meeting in the year of election. All Executive Members shall hold over in office until their successors are declared elected.
- (f) All Executive Members are elected by and from the Committee of Management, as prescribed by these Rules. If any Executive Member ceases to be a member of the Committee of Management, that Executive Member shall vacate office on the Executive as and from the date of cessation of membership of the Committee of Management.
- (g) No Executive Members shall be eligible to hold more than one of the offices set out in sub-rule (a) and if elected to more than one they shall declare which office they accept whereupon the other office(s) will be filled by the next highest polling candidate.

34 – POWERS AND DUTIES OF THE PRESIDENT

- (a) The President shall be the executive and administrative head of the Organisation responsible for co-ordinating its activities and ensuring that policies and objectives laid down by the Organisation are pursued to the ultimate and the rules are observed and performed.
- (b) The President shall, so far as possible:-
 - (i) preside as Chair at all meetings of the Committee of Management and General Meetings of members so that business may be conducted in due form and with propriety;
 - (ii) upon the confirmation of the minutes sign the minute book in the presence of the meeting;
 - (iii) direct the calling of any meeting;
 - (iv) be an ex officio member of any sub-committee of the Organisation; and
 - (v) be responsible for the observance and performance of the rules of the Organisation by all Executive Officers, members and staff.
- (c) The President may allocate any portfolio area to any member of the Committee of Management.
- (d) The President shall be empowered in case of dispute to rule upon the interpretation of these Rules and in any case where the Rules are silent upon a question of procedure shall be responsible for directing the course to be taken.
- (e) The President, when acting as Chair, shall have a casting vote in addition to a deliberative vote.

35 – POWERS AND DUTIES OF VICE-PRESIDENTS

- (a) Each Work Group Vice-President shall perform the following duties:
 - (i) to act as the main line of communication between the members of their Work Group and the President and Committee of Management; and
 - (ii) perform such other function as may be determined by the President or Committee of Management.
- (b) The Vice-President (“A” Pilots) shall perform the following duties:
 - (i) to act as the main line of communication between the “A” Pilot Members of the Organisation and the President and Committee of Management; and
 - (ii) perform such other function as may be determined by the President or Committee of Management.
- (c) In the absence of the President, a Vice-President designated as Acting President shall exercise the powers and carry out the duties of the President.

36 – POWERS AND DUTIES OF ORGANISATION SECRETARY

- (a) The Secretary of the Organisation shall function in co-operation with the President and the administrative staff in all matters concerning the administration and finances of the Organisation.
- (b) The Secretary shall ensure that proper records of all Organisation business and financial affairs are maintained, and that proper filing systems and books of account and a register of members are kept open for inspection by any financial member of the Organisation during all normal business hours on 48 hours written notice to the Secretary at the Registered Office of the Organisation.
- (c) The Secretary shall have the custody of the Common Seal of the Organisation and with the President or a Vice-President shall sign any instrument to which the Common Seal is affixed.

- (d) The Secretary shall perform such other function as may be determined by the President or Committee of Management.

37 – POWERS AND DUTIES OF ASSISTANT SECRETARY

The Assistant Secretary will assist the Secretary as directed by the Committee of Management and shall perform such other function as may be determined by the President or Committee of Management.

38 – POWERS AND DUTIES OF TREASURER

- (a) The Treasurer, with the President and Secretary, shall be responsible to the Committee of Management for ensuring that all monies received by the Secretary and any other officer member or employee of the Organisation on behalf of the Organisation are deposited forthwith without any deduction in the bank account of the Organisation and for the preparation of an annual budget for presentation to the Committee of Management.
- (b) The Treasurer shall cause to be prepared every six months a signed financial statement incorporating a graphic presentation of the financial position of the Organisation for consideration by the Committee of Management and for distribution to all Committee members.
- (c) The Treasurer shall cause to be prepared a budget at the beginning of the financial year for submission to, consideration by and authorisation or otherwise by the Committee of Management.
- (d) The Treasurer shall distribute to every Member a copy of the Auditor's Report together with a brief summary of the accounts as presented by the Auditor and such other material as required by law.
- (e) The Treasurer shall ensure records of membership are properly kept and, whenever able, attend all meetings of the Committee of Management, at which the Treasurer shall be entitled to cast one vote on any question arising.
- (f) The Treasurer shall perform such other function as may be determined by the President or Committee of Management.

39 – POWERS AND DUTIES OF REPRESENTATIVES

- (a) The Organisation's Representatives to bodies with which the Organisation is affiliated or on which it is represented shall be responsible for conveying the views of the Organisation to such bodies and shall vote on any question as directed by the Committee of Management or, if no such direction has been given, in such manner as they judge will best express the views of the Organisation or advance the interests of its members. They shall each be personally responsible for ensuring that the Committee of Management is kept fully informed on all proceedings and decisions of the body with which the Organisation is affiliated or on which it is represented.
- (b) Representatives to bodies with which the Organisation is affiliated or on which it is represented shall be appointed by vote of the Committee of Management.

40 – FINANCE COMMITTEE

- (a) There will be a Standing Committee of the Organisation known as the Finance Committee.
- (b) The members of the Finance Committee shall be:
 - (i) The Treasurer; and
 - (ii) Two members of the Committee of Management nominated by resolution of the Committee of Management.

- (c) Subject to AIPA's Policies and Procedures, or any resolution of the Executive or Committee of Management, the Finance Committee will:
 - (i) Advise the Executive as to all investment matters for the Organisation including the administration of investments and the making of new investments;
 - (ii) Advise the Executive on the proposed budgets;
 - (iii) Provide general oversight of all financial matters of the Organisation and provide advice to the Executive on such matters;
 - (iv) Have oversight of any financial services provided by third parties to members; and
 - (v) Consult with the relevant staff members.

41 – DISCIPLINARY COMMITTEE

- (a) There will be a Standing Committee of the Organisation known as the Disciplinary Committee.
- (b) The composition, voting structure, functions and powers of the Disciplinary Committee are set out in AIPA's Policy and Procedures. No alteration to AIPA's Policy and Procedures affecting the composition, voting structure, functions and powers of the Disciplinary Committee shall be effective unless two thirds of the members of the Committee of Management, voting thereon in person or by proxy, agree to such change.

42 – MEETINGS – COMMITTEE OF MANAGEMENT

- (a) A quorum necessary for the transaction of the business of the Committee of Management shall be nine persons.
- (b) To the extent permitted by law, and unless otherwise determined by the President, all meetings of the Committee of Management shall be hybrid meetings held at one or more physical locations and using technology to allow members to attend virtually and to participate at the meeting as if physically present.

43 – VOTING – COMMITTEE OF MANAGEMENT

- (a) Questions arising at any Committee of Management meeting shall be decided by a majority of the votes of members present in person or by proxy;
- (b) In the case of an equality of votes, the Chair shall have a second or casting vote;
- (c) Voting shall ordinarily be by show of hands but shall be by secret ballot on the request of any member of the Committee of Management.

44 – PROXIES – COMMITTEE OF MANAGEMENT

- (a) Proxies for Committee of Management meetings may be in writing addressed to the President or telephoned to the Organisation's office and shall refer to a specific meeting but shall be deemed to relate to any adjournment or continuation of that meeting.
- (b) Proxies must state the name/s of the member/s who is/are to carry the proxy voting right.
- (c) Members attending such meetings shall not have the right to carry more than two (2) proxies.
- (d) The President, the President's nominee or, in his or her absence the Chair of the meeting shall, on presentation of such proxies, check each one and ensure that it complies with the intent of this rule.
- (e) The Chair's ruling as to the validity of a proxy shall be final and binding on the meeting and may not be over-ruled.

- (f) In the case of special Committee of Management meetings called to consider a rule change, there shall be no limit on the number of proxies per member, provided the proxies advised as per this rule refer to the proposed rule change as amended by the special Committee of Management meeting.

45 – NOTICE OF MEETINGS – COMMITTEE OF MANAGEMENT

- (a) Meetings of the Committee of Management may be called at any time by the President and shall be called whenever requested by nine members of the Committee of Management.
- (b) Notice of such meeting shall be given by the President or other office bearer delegated by the President by letter, telegram, email or telephone and shall shortly indicate the business to be discussed.

46 – GENERAL MEETINGS AND NOTICE OF MEETING

- (a) The President or the Committee of Management may, whenever considered appropriate, convene a Special General Meeting (SGM) and the Committee of Management shall, on the requisition in writing of at least one per cent (1%) of the total Membership of the Organisation, forthwith proceed to convene a Special General Meeting of the Organisation, to deal with any business set out in such requisition and any other business which the Committee of Management desires such Special General Meeting to transact.
- (b) The requisition shall state the objects of the meeting, and shall be signed by the requisitionists, and deposited with the Secretary of the Organisation.
- (c) If the Committee of Management does not within fourteen days from the deposit of the requisition proceed to convene a meeting, the requisitionists may themselves convene a meeting, but any meeting so convened shall not be held after the expiration of three months from the said date of deposit of the requisition.
- (d) Seven days' notice at least (exclusive of the day on which the notice is served, or deemed to be served, but inclusive of the day on which notice is given) specifying the place, the day and the hour of the meeting, and in the case of special business the general nature of that business, shall be given to all Members of the Organisation in respect of any General Meeting but if so decided by the President or the Committee of Management a Special General Meeting may be called by email or telephone at shorter notice of not less than 12 hours.
- (e) The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any Member, shall not invalidate the proceedings of any meeting.

47 – QUORUM AND PROCEDURES – GENERAL MEETING

- (a) Thirty members shall constitute a quorum at a General Meeting.
- (b) If, within thirty minutes from the time appointed for a meeting, a quorum is not present, the meeting shall be abandoned.
- (c) The President shall, as far as possible, preside as Chair at every meeting.
- (d) If there is no such Chair, or if at any meeting the President is not present within thirty minutes after the time appointed for holding the meeting or being present is unwilling to act as Chair, the members present shall choose someone of the Committee of Management present to be Chair.
- (e) The Committee of Management may determine that instead of a General Meeting occurring at a single physical location, such meeting will be held simultaneously in multiple physical locations, or be held at one or more physical locations and using technology to allow members to attend

virtually provided that all members however in attendance will participate at the meeting as if physically present at a single location.

48 – VOTING – GENERAL MEETINGS

- (a) At any General Meeting, a resolution put to the vote of the meeting shall be decided on a show of hands or by secret ballot if so demanded by any ten members present at the meeting. A declaration by the Chair that a resolution has been carried or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the Organisation, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (b) In the case of equality of votes, the Chair of the meeting shall be entitled to a second or casting vote. Every member present in person or by proxy at a meeting of the Organisation shall have one vote.
- (c) No member shall be entitled to vote at any meeting nor shall they be eligible for any office unless they are financial in accordance with the Rules of the Organisation.

49 – PROXIES – GENERAL MEETINGS

- (a) Proxies for General Meetings of the Organisation must be in writing addressed to the Chair and refer to a specific meeting but shall be deemed to relate to any adjournment or continuation of that meeting.
- (b) It must state the name of the financial member who is to carry the proxy voting right, and shall be limited to one name only.
- (c) Financial members attending such meetings shall not have the right to carry more than two proxies.
- (d) The President, the President's nominee or, in their absence, the Chair of the meeting, shall on presentation of the proxies check each one and ensure that it complies absolutely with the intent of this rule.
- (e) The Chair's ruling as to the validity of a proxy shall be final and binding on the meeting and may not be overruled.

50 – NOTICES TO MEMBERS

Any notices by these Rules directed to be given may be served personally or by sending the same through the post in a pre-paid letter addressed to the person to be served at their address as entered in the Register of Members, or at their last known place of abode, or by email to the Member's email address as entered in the Register of Members, but the non-receipt of such notice shall not invalidate the proceedings of a meeting held in pursuance of such notice. Any notice sent by post shall be deemed to have been served at the expiration of 72 hours after a letter containing the same is posted, and in providing such service it shall be sufficient to prove that the letter containing the notice was properly addressed and stamped.

PART 3 – ELECTIONS

51 – GENERAL PRINCIPLES

- (a) Part 3 of these Rules is based on the Model Rules Guide for the conduct of elections for office published by the Australian Electoral Commission to assist with compliance with s.147 of the *Fair Work (Registered Organisations) Act 2009*. The definitions provided for by the Model Rules are contained within the Definitions in r. 5.

- (b) Members of the Committee of Management of the Organisation, who must be Financial Members of the Organisation, shall be elected by secret postal ballot of the Financial Members.
- (c) For the purposes of this Part 3, Financial Members are any financial member whose name appears in the Organisation’s Register of Members as at the Election Census Date.
- (d) The election is to be conducted by a Returning Officer who shall be:
 - (i) appointed by the Australian Electoral Commission in accordance with s.182 of the *Registered Organisations Act* (or any law to the same or similar effect that replaces or amends s.182,
 - (ii) or, in the event the Australian Electoral Commission no longer conducts elections for registered organisations, the Organisation obtains an exemption pursuant to s.182(2) of the *Registered Organisations Act* a person being the holder of any other office in, and not being an employee of, the Organisation or of a branch, section or division of the Organisation, who shall be elected annually at the November Committee of Management Meeting and shall hold office until a successor is elected in accordance with these rules.
- (e) Nothing in these rules is to be taken to prevent or limit the use of electronic voting systems. At such time as the Returning Officer determines that it is practicable for some or all of any election process to be conducted by electronic means then these Rules are to be interpreted in such a way as will facilitate the conduct of elections by such means.
- (f) If a member who is entitled to vote at any election held under these rules will be absent from their usual address during a ballot, such member may apply to the Returning Officer for a ballot paper to be sent to a nominated address.
- (g) Part 3 – Elections of these Rules is to be read as being subject to Schedule C.

52 – RETURNING OFFICER & SCRUTINEERS

Returning Officer

- (a)
- (b) Where a Returning Officer is required to conduct an election for any position other than an office in an ordinary election, the Returning Officer shall apply these election rules making any necessary changes and shall have the same powers and duties that apply under these rules to the conduct of an election for office.
- (c) The Returning Officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
- (d) After the close of nominations, the Returning Officer shall consider all nominations received during the nomination period. The Returning Officer shall reject any nominations received after the nomination period has closed.
- (e) The Returning Officer shall accept all nominations which satisfy the requirements of these rules.
- (f) The Returning Officer shall treat any defective nominations in the manner prescribed in these rules.
- (g) Where a ballot is required, the Returning Officer shall conduct the ballot in accordance with the provisions of these rules.
- (h) In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the Returning Officer shall take such action and give such directions as the Returning Officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.

Scrutineers

- (i) Each candidate may appoint, in writing, one person as Scrutineer to represent the candidate's interests in the conduct of the ballot. A Scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute Scrutineers, if required.
- (j) A Scrutineer may be present at any stage in the ballot. This includes:
 - (i) countersigning any seals or placing their own seal on any receptacle being used for the ballot;
 - (ii) bringing to the attention of the Returning Officer any alleged irregularity in the issue of ballot papers;
 - (iii) the admission of envelopes to scrutiny;
 - (iv) the formality or informality of ballot papers; and
 - (v) the counting of votes
- (k) A Scrutineer shall not:
 - (i) interrupt the scrutiny without lawful reason;
 - (ii) disclose any knowledge acquired concerning the votes of any particular voter or voters;
 - (iii) fail to carry out any lawful request by the Returning Officer;
 - (iv) touch any ballot material; or
 - (v) act in a manner which will interfere with the proper conduct of the election.
- (l) Failure of a Scrutineer to attend any scheduled event will not delay any step in the election.

53 – CALCULATION OF WORKGROUP VACANCIES FOR COMMITTEE OF MANAGEMENT

- (a) Within seven days (1 Week) of the Election Census Date the Secretary will calculate the number of vacancies for each Work Group using the process described at sub rules (b) – (d) below.
Calculating the correct number of Work Group Representatives on the Committee of Management
- (b) Prior to determining the number of vacancies on the Committee of Management in respect of each Work Group for an election, the Secretary will determine the correct number of Work Group Representatives for each Work Group as at the Election Census Date using the following process:
 - (i) A threshold figure is determined by dividing the total number of Financial Members by 30, which is the number of positions on the Committee of Management allocated to Work Group Representatives.
 - (ii) Each Work Group with less than the threshold figure in sub-rule (b)(i) of this rule shall be allocated one Guarantee Position on the Committee of Management;
 - (iii) The number of Guarantee Positions allocated by sub rule (b)(ii) shall be deducted from 30 (being the total number of Work Group Representative positions on the Committee of Management) to determine the Remaining Work Group Representative positions;
 - (iv) The total number of Financial Members in Work Groups that have not been allocated Guarantee Positions shall be divided by the Remaining Work Group Representative positions. The arrived at figure shall be referred to as the Quota;
 - (v) The Remaining Work Group Representative positions are allocated to Work Groups by dividing the number of Financial Members in each Work Groups that have not been allocated Guarantee Positions by the Quota. Any decimal value or fraction shall be dropped, and only the whole number shall be considered;

- (vi) If there are any remaining positions, these shall be allocated to the Work Groups in order of their decimal value, from highest to lowest, until all remaining positions have been allocated. If there are insufficient remaining positions, the decimal value will be considered such that positions will be progressively eliminated by reference to the decimal value, from lowest to highest.

Calculating the number of Work Group vacancies for an election

- (c) The number of Work Group Representatives to be elected from each Work Group in an election is determined by subtracting from the correct distribution of Work Group Representatives on the Committee of Management the number of Continuing Members for each Work Group. In the event the number to be elected from all Work Groups is greater than 15:
 - (i) then vacancies allocated under sub-rule (b)(vi) will be progressively eliminated by reference to the decimal value, from lowest to highest; and
 - (ii) if this step does not reduce the number of vacancies to 15, a single vacancy will be eliminated progressively from the largest Work Group to the smallest Work Group.
- (d) Within 14 days of the Election Census Date, the the Secretary will provide to the Returning Officer:
 - (i) a list of all Financial Members being the financial members as at the Election Census Date,
 - (ii) in respect of each Financial Member, whether that Member is an ‘A’ pilot, that Member’s Work Group as at the Election Census Date together with the Member’s postal address as provided to the Organisation.
 - (iii) a list of the Continuing Members of the Committee of Management who were elected either as General or Work Group Representatives in the preceding election, together with , in respect of those elected as Work Group Representatives, their Work Group. The Continuing Members are those Members who, at the time of the election are mid-way through their term in office.
 - (iv) a report which sets out, in respect of each Work Group:
 - (A) the number of Financial Members in the Work Group;
 - (B) the correct number of Work Group Representatives on the Committee of Management from the Work Group;
 - (C) the number of Continuing Members on the Committee of Management elected as Work Group Representatives for that Work Group;
 - (D) the number of vacancies for election as Work Group Representatives from that Work Group.

54 – ADVERTISING VACANCIES AND NOMINATION FOR ELECTION TO THE COMMITTEE OF MANAGEMENT OF THE ORGANISATION

- (a) Between 14 and 28 days of the Election Census Date the Returning Officer shall cause nomination forms together with a document containing the prescribed information to be prepared and mailed or otherwise distributed to all Financial Members.
- (b) The prescribed information shall:
 - (i) state that the election is being conducted by the Returning Officer;
 - (ii) state the number of vacancies to be elected as Work Group Representatives from each Work Group as determined by r. 53;

- (iii) state that there are five general vacancies to be elected;
 - (iv) invite nomination for election from all eligible persons;
 - (v) identify the time and date for the opening and closing of nominations;
 - (vi) identify the time and date for the opening and closing of the ballot;
 - (vii) specify the accepted method/s of lodgement; and
 - (viii) fix a time and date for withdrawal of nominations.
- (c) Each Financial Member may nominate for election to the Committee of Management up to five Financial Members of the Organisation (whether the nominees are members of the same Work Group as the Nominator, or not) to serve on the Committee of Management, provided that a Financial Member who is a Continuing Member (as described in r. 53 is not eligible for nomination). Each nomination will be treated as a nomination for election as either a General Member or as a Member representing the Work Group.
- (d) Each Financial Member nominated shall be eligible for election to the Committee of Management as either a General Member or as a Member representing the Work Group they are allocated to in accordance with these rules, and each nominee will be nominated for election to both positions.
- (e) Subject to sub-rule (f), nominations must reach the Returning Officer or any agent or assistant acting under the Returning Officer’s direction at the designated address or addresses no later than 1200 hours local time on the 49th day (7 weeks) after the Election Census Date to be valid.
- (f) Each nomination so received shall be examined by the Returning Officer conducting the election and if they find a nomination to be defective (other than because the person nominated is not qualified to hold the office of Committee of Management Member), they shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within a period of not less than seven days after being so notified provided that no nomination will be accepted after the 56th day (8 weeks) after the Election Census Date.
- (g) A financial member nominated for election to the Committee of Management may withdraw the nomination by notice in writing to the Returning Officer up to, but not later than seven days after the close of nominations. The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the Returning Officer.
- (h) Nominations shall be in writing and in the following form:-

<p>I..... being a financial member of the Australian and International Pilots Association hereby nominate:</p> <p>..... of as a candidate for election as either a Work Group Representative or General Representative to the Committee of Management of the Australian and International Pilots Association to hold office for four years or until a successor is elected or such office is otherwise vacated in accordance with the Rules.</p> <p>Signature of Nominator:</p> <p>I, the undersigned nominee, being a financial member of the Australian and International Pilots Association hereby accept nomination for election to the Committee of Management of the Australian and International Pilots Association.</p> <p>Signature of Candidate:</p>
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55 – PREPARATION OF BALLOTS FOR ELECTION TO COMMITTEE OF MANAGEMENT

- (a) After all nominations have been received, the Returning Officer shall review the nominations and assign each nomination to the nominee’s Work Group.
- (b) In the event the number of nominations from any Work Group is less than or equal to the number of vacancies as Work Group Representative for that Work Group:
 - (i) each nominee for that Work Group will be declared elected as a Work Group Representative; and
 - (ii) each nominee for that Work Group will cease to be a candidate for election in the General Ballot and their names will not appear on any ballot paper;
 - (iii) where the number of nominations from any Work Group is less than the number of vacancies as Work Group Representative for that Work Group, any unfilled position will be filled in accordance with the procedure for the filling of casual vacancies.
- (c) In the event, once the process described in sub-rule (b) has been completed, the number of nominations remaining for the General Ballot is less than or equal to the number of vacancies for the General Ballot, then in respect of any Work Group where the number of nominees exceeds the number of Work Group Representative vacancies, the Returning Officer will conduct a ballot for those Workgroup Representative vacancies, but not conduct a ballot for General Representatives as all unsuccessful nominees for the Work Group Representative vacancies shall be declared elected as a General Representative.
- (d) If a ballot is necessary, the Returning Officer shall cause the following ballot papers to be prepared:
 - (i) Work Group Ballots which will be prepared for each Work Group in which there is to be an election and which lists only the names of the candidates from that Work Group ;
 - (ii) subject to sub-rule (c), General Ballots which lists the names of all candidates from all Work Groups not declared elected pursuant to sub-rule (b);
 - (iii) Work Group Ballots and General Ballots will be printed on different coloured paper and clearly marked.
- (e) Each Work Group Ballot shall contain the following information or features:
 - (i) a statement to the effect that the Ballot is for the election of Work Group Representatives to the Committee of Management of the Organisation;
 - (ii) the name of the Work Group to which the Ballot relates;
 - (iii) the number of vacancies to be filled from the Work Group;
 - (iv) the names of all candidates for election from that Work Group, in lottery draw order;
 - (v) for any candidate that is an “A” Pilot, the words “A Pilot” next to their name;
 - (vi) instructions as to how a vote shall be cast, including that voters may vote for the same candidate on both their Work Group Ballot and General Ballot;
 - (vii) instructions for marking the ballot paper;
 - (viii) instructions for returning the ballot paper;
 - (ix) the initials of the Returning Officer or other authenticating mark;
 - (x) the name of the Returning Officer;
 - (xi) any other instruction considered necessary by the Returning Officer.

- (f) Each General Ballot shall contain the following information or features:
- (i) a statement to the effect that the Ballot is for the election of General Representatives to the Committee of Management of the Organisation;
 - (ii) the number of general vacancies to be filled;
 - (iii) the names of all candidates for election, in lottery draw order;
 - (iv) for any candidate that is an “A” Pilot, the words “A Pilot” next to their name;
 - (v) instructions as to how a vote shall be cast, including that voters may vote for the same candidate on both their Work Group Ballot and General Ballot, and that they may vote for candidates from other Work Groups in the General Ballot;
 - (vi) instructions for marking the ballot paper;
 - (vii) instructions for returning the ballot paper;
 - (viii) the initials of the Returning Officer or other authenticating mark;
 - (ix) the name of the Returning Officer;
 - (x) any other instruction considered necessary by the Returning Officer.

56 – THE ELECTION PROCESS FOR THE COMMITTEE OF MANAGEMENT

- (a) The Returning Officer shall send by pre-paid post to all Financial Members of the Organisation prior to the 70th day (10 weeks) after the Election Census Date:
- (i) a Work Group Ballot for the members Work Group, provided that where there are no candidates for election for a Work Group or all candidates have been elected pursuant to r. 55(b), no Work Group Ballot will be prepared or issued for that Work Group but a Notice identifying the successful candidates will be prepared and provided to voters in lieu thereof;
 - (ii) a General Ballot;
 - (iii) a reply-paid envelope addressed to the Returning Officer at a post office box under the Returning Officer’s exclusive control; and
 - (iv) a “declaration envelope”, in the form prescribed by the *Registered Organisations Act* and Regulations made under that Act.
- (b) The Returning Officer shall ensure that facilities are provided for the return of the completed ballot paper and declaration envelope by post by the voter without expense to the voter.
- (c) Ballots shall be cast by the Financial Membership by placing numbers, according to preference, with “1” being the highest, within the box alongside each candidate for whom they wish to vote, having due regard for the directions on the ballot paper, and by the Financial Member signing the declaration that he or she:
- (i) is the voter named on the declaration envelope; and
 - (ii) has voted on the ballot paper(s) contained in the declaration envelope; and
 - (iii) has not voted before in this ballot;
- and returning the ballot paper(s) in the declaration envelope to the Returning Officer in the pre-paid envelope.
- (d) Ballot papers must reach the Returning Officer or any agent or assistant acting under the Returning Officer’s instructions at the designated address or addresses no later than 1200 hours on or about the 98th day (14 weeks) after the Election Census Date to be valid.

57 – COUNTING OF VOTES FOR ELECTION TO THE COMMITTEE OF MANAGEMENT OF THE ORGANISATION

- (a) For each Work Group, the Work Groups Ballots will be counted first and candidates elected:
 - (i) where there is only one candidate to be elected as a representative of a Work Group, by method of optional preferential voting as described in Schedule B – Part 1 to these Rules; and
 - (ii) where there are two or more candidates to be elected as representatives of a Work Group, by method of quota preferential voting as described in Schedule B – Part 2 to these Rules;
- (b) No candidate may be elected as both a Work Group Representative and a General Representative and accordingly, subject to sub rule (c), once a candidate has been elected as a Work Group Representative, they will be removed from the General Ballot, and the General Ballot will be counted by method of quota preferential voting as described in Schedule B – Part 2 to these Rules.
- (c) To ensure compliance with r. 31(b), if the number of “A” Pilot Member Continuing Members (as referred to in r. 53(e)) and “A” Pilot Members elected through either the Work Group Ballot or who would be elected through the General Ballot is insufficient to meet the requirements of r. 31(b) at the time of the counting of the last vacancies, and if there is “A” Pilot Members who are unelected candidates (and if more than one such “A” Pilot Member, the “A” Pilot Members with the highest number of votes) then sufficient of the “A” unelected pilot members to meet the requirements of r. 31(b) shall be elected in preference to candidates with greater numbers of votes.
- (d) All votes shall be tallied by the Returning Officer or any agent or assistant acting under the Returning Officer’s direction in the presence of the Scrutineers (if any) appointed by the candidates prior to 1200 hours on or about the 105th day after the Election Census Date.

58 – SCRUTINY

- (a) During the course of the ballot the Returning Officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The Returning Officer shall make a final clearance of returned envelopes so that all envelopes received by the Returning Officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.
- (b) The Returning Officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The Returning Officer may commence the preliminary scrutiny prior to the close of the ballot.
- (c) Before proceeding to count the votes to ascertain the result of the ballot, the Returning Officer shall:
 - (i) remove the ‘Declaration Envelope’ from the reply-paid envelopes; and
 - (ii) examine the voter’s declaration attached to each ‘Declaration Envelope’, and mark off the voter’s name against a copy of the roll of voters.
- (d) A voter’s returned ballot material shall be rejected and set aside if:
 - (i) The ‘Declaration Envelope’ has not been returned; or
 - (ii) the voter has not completed the declaration on the ‘Declaration Envelope’ to satisfy the Returning Officer;
 - (iii) the voter is ineligible to vote; or
 - (iv) the Returning Officer is unable to identify the voter on the roll of voters.

- (e) Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The Returning Officer shall decide which set of ballot material is to be rejected.
- (f) The Returning Officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.
- (g) When the Returning Officer has determined which ‘Declaration Envelopes’ are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.
- (h) The Returning Officer shall reject as informal a ballot paper that:
 - (i) does not bear the initials or other authenticating mark of the Returning Officer; and/or
 - (ii) has upon it any mark or writing by which the voter can be identified; and/or
 - (iii) is not marked substantially in accordance with the instructions included on the ballot paper; and/or
 - (iv) the marking is such that the intention of the voter is not clear; and/or
 - (v) is not returned inside the ‘Declaration Envelope’.
- (i) Where, during the ballot, the Returning Officer is informed by a Scrutineer that the Scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the Returning Officer shall decide whether the returned envelope or ballot paper is to be admitted or rejected and endorse the decision on the envelope or ballot paper. The decision of the Returning Officer is to be final.

59 – DECLARATION OF ELECTION OF MEMBERS OF THE COMMITTEE OF MANAGEMENT

- (a) The Returning Officer shall declare all results of an ordinary Committee of Management election no later than 112 days (16 weeks) after the Election Census Date.
- (b) Any candidate may, by notice in writing to the Returning Officer, appoint a Scrutineer who shall be a Financial Member of the Organisation and such Scrutineer shall, if practicable, be entitled to be present when nominations are received, ballot papers posted and returned, and completed ballots examined and counted by the Returning Officer provided that a Scrutineer shall not in any way impede the conduct of the ballot and shall at once comply with any direction of the Returning Officer.
- (c)
 - (i) At the commencement of the first Committee of Management Meeting occurring in November held in the year in which an election was held, those Committee members not declared re-elected shall retire and the newly elected Committee shall assume office.
 - (ii) In the event that a quorum is not present at the first Committee of Management Meeting occurring in November, or if due to unforeseen circumstances such meeting is unable to be held as prescribed under these rules, those Committee members not declared re-elected shall retire and the newly elected Committee shall assume office at 12:00 hours on the 21st day after the Election Census Date.
 - (iii) Any unfilled positions as either Work Group Representatives or General Representatives will be filled in accordance with the procedure for the filling of casual vacancies.

60 – CASUAL VACANCIES ON THE COMMITTEE OF MANAGEMENT

- (a) In the event of a casual vacancy occurring on the Committee of Management as a Work Group Representative:

- (i) where the unexpired part of the term of office relating to the vacant position exceeds one-quarter of the term of the office, the casual vacancy will be filled by an election. The election will be conducted in accordance with the Rules relevant to the election to fill the Office so far as is practicable, and only a member eligible to nominate for and hold the Office may be elected.
- (ii) where the unexpired part of the term of office relating to the vacant position does not exceed one-quarter of the term of the office, the casual vacancy:
 - (A) will be filled by the highest polling unelected candidate from the same Work Group from the most recent electoral cycle who is willing to accept the casual vacancy;
 - (B) where no person is available for appointment under sub-rule (a)(ii)(A), the casual vacancy will be filled by the highest polling unelected candidate from the same Work Group from the previous electoral cycle who is willing to accept the casual vacancy;
 - (iii) where no person is available for appointment under sub-rules (a)(ii)(A) or (a)(ii)(B), the casual vacancy will be filled by resolution of the Committee of Management appointing any financial member willing to accept appointment, provided that the Committee of Management may determine that the vacancy will remain unfilled.
- (b) In the event of a casual vacancy occurring on the Committee of Management as a General Representative:
 - (i) where the unexpired part of the term of office relating to the vacant position exceeds one-quarter of the term of the office, the casual vacancy will be filled by an election. The election will be conducted in accordance with the Rules relevant to the election to fill the Office so far as is practicable, and only a member eligible to nominate for and hold the Office may be elected.
 - (ii) where the unexpired part of the term of office relating to the vacant position does not exceed one-quarter of the term of the office, the casual vacancy:
 - (A) will be filled by the highest polling unelected candidate from the General Ballot from the most electoral cycle who is willing to accept the casual vacancy;
 - (B) where no person is available for appointment under sub-rule (a)(ii)(A), the casual vacancy will be filled by the highest polling unelected candidate from the General Ballot from the previous electoral cycle who is willing to accept the casual vacancy;
 - (iii) where no person is available for appointment under sub-rules (a)(ii)(A) or (a)(ii)(B), the casual vacancy will be filled by resolution of the Committee of Management appointing any financial member willing to accept appointment, provided that the Committee of Management may determine that the vacancy will remain unfilled.
- (c) A member who fills a casual vacancy will hold office for the unexpired term of office of the person they are elected or appointed to replace.

61 – NOMINATION AND ELECTION OF EXECUTIVE MEMBERS

- (a) The two yearly election of Executive Members, shall be by secret postal ballot of members of the Committee of Management who will commence their term or remain members of the Committee of Management at the first Committee of Management Meeting occurring in November held in the

- year in which an election was held, conducted by a Returning Officer elected or appointed in accordance with r. 51(d).
- (b) For the purpose of this rule, a reference to a member of the Committee of Management shall be a reference to those persons who the Returning Officer has declared will take office under r.59(c) along with all as successful candidates, along with Continuing Members listed pursuant to r.53(e)(iii) .
 - (c) Within 119 days (17 weeks) of the Election Census Date the Returning Officer shall cause nomination forms to be prepared and mailed or otherwise distributed to all members of the Committee of Management;
 - (d) In the election of Executive Officers:
 - (i) All members of the Committee of Management shall be entitled to vote for the positions of President, Secretary, Assistant Secretary, Treasurer.
 - (ii) Members of the Committee of Management will be entitled to vote for the Vice-President who will represent their Work Group, but not for Vice-Presidents who will represent any other Work Group.
 - (iii) Members of the Committee of Management who are “A” pilots shall be entitled to vote for the position of Vice-President (A Pilots).
 - (e) All persons nominating candidates and all candidates shall be Financial Members of the Organisation at the date such nominations close;
 - (f) Any Financial Member of the Committee of Management may be nominated in writing by any other Financial Member of the Committee of Management for any position which the nominee is eligible to hold;
 - (g) Nominations must reach the Returning Officer or any agent or assistant acting under the Returning Officer’s direction at the designated address or addresses by the designated time on a day being not less than 140 days (20 weeks) of the Election Census Date;
 - (h) Each nomination so received shall be examined by the Returning Officer conducting the election and if they find a nomination to be defective, they shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, provide an opportunity of remedying the defect within a period of not less than seven days after being so notified;
 - (i) Nominations shall be in writing and in the following form:-

I, being a financial member of the Committee of Management of the Australian and International Pilots Association hereby nominate of as a candidate for election to the office of to hold office for two years or until a successor is elected or such office is otherwise vacated in accordance with the Rules.

Signature of Nominator:.....

I, the undersigned nominee, being a financial member of the Committee of Management of the Australian and International Pilots Association hereby accept nomination for election to the above office.

Signature of Candidate.....
 - (j) After all nominations have been received, the Returning Officer shall, if an election is necessary, cause ballot papers to be prepared and mailed by pre-paid post to the members of the Committee of Management together with a reply-paid envelope addressed to the Returning Officer at a post-office box under his or her exclusive control prior to the 147th day (21 weeks) after the Election

- Census Date. The Returning Officer shall ensure that facilities are provided for the return of the completed ballot paper by post by the voter without expense to the voter;
- (k) Each election ballot paper shall list:-
 - (a) The office or offices to be voted upon;
 - (b) The candidates for each office in alphabetical order;
 - (c) The directions of the Returning Officer for the recording of a valid vote and the return of the ballot paper.
 - (l) Ballot papers must reach the Returning Officer or any agent or assistant acting under the Returning Officer's direction at the designated address or addresses no later than 1200 hours on a day to be appointed by the Returning Officer so as to allow all Financial Members of the Committee of Management 175 days (25 weeks) of the Election Census Date to vote.
 - (m) All votes shall be tallied by the Returning Officer or any agent or assistant acting under the Returning Officer's direction in the presence of the Scrutineers (if any) appointed by the candidates.
 - (n) Should the number of valid nominations received for any office be equal to or less than the number of vacancies to be filled, those nominees shall be declared elected by the Returning Officer.
 - (o) The Returning Officer shall tally the votes on a first-past-the post basis as described in Schedule B - Part 3 of these Rules.
 - (p) The Returning Officer shall declare the result of such secret postal ballot forthwith upon a result being ascertained.
 - (q) All ballot papers, envelopes, lists and other documents used in connection with or relevant to all elections conducted in accordance with this Rule shall be preserved and retained at the registered office of the Organisation, or other proper repository, for a period of one year after the completion of the election.
 - (r) Any candidate may by notice in writing to the Returning Officer appoint a Scrutineer who shall be a Financial Member of the Organisation and such Scrutineer shall if practicable be entitled to be present when nominations are received, ballot papers posted and returned and completed ballots examined and counted by the Returning Officer provided that a Scrutineer shall not in any way impede the conduct of the ballot and shall at once comply with any direction of the Returning Officer.
 - (s) The Returning Officer shall declare the result of the election for Executive Members as soon as practicable and not later than 182 days (26 weeks)..

62 – VACANCIES IN OFFICE

- (a) Should the office of any of the Executive Members become vacant, the Committee of Management shall fill such vacancy by:
 - (i) if the unexpired period part of the term of office is more than 18 months, by election conducted in accordance the procedures set down in rule 61(c) – (t) to occur as soon as possible after the vacancy arises;
 - (ii) in any other case by appointment by and from the members of the Committee of Management at the next meeting of the Committee of Management held after such vacancy arisesprovided that pending such meeting:

- (iii) if the vacancy is in the office of President, a Vice-President willing to serve shall act in that office;
- (iv) if the vacancy is in the office of Secretary, the Assistant Secretary if willing to serve in that office shall act in that office, failing which the Treasurer shall act in that office.
- (b) When filling a vacancy as Work Group Vice-President, in accordance with sub-rule (a)(ii) only a member allocated to the affected Work Group at the time of the meeting shall be available for appointment and only those members of the Committee of Management allocated to that Work Group will be entitled to vote on the appointment.
- (c) When filling a vacancy as Vice President (“A” Pilots) in accordance with sub-rule (a)(ii) only an “A” Pilot shall be available for appointment and only members of the Committee of Management who are “A” Pilots will be entitled to vote on the appointment.

63 – TERM OF OFFICE

- (a) The ordinary term of office of all Committee Members shall be four years;
- (b) The ordinary term of office of all Executive Members shall be two years;
- (c) Committee Members and Executive Members shall hold office until their successors are elected in elections held in accordance with these Rules unless they earlier die, resign or are removed in accordance with these Rules.

PART 4 – MISCELLANEOUS

64 – SANCTION AND REMOVAL FROM OFFICE AND ESCs

- (a) Any Officer or Member of an ESC may be dismissed from office or sanctioned for misconduct, neglect or a breach of these rules by special resolution provided that:
 - (i) where the matter has been considered by the Disciplinary Committee, action cannot be taken contrary to the terms of a recommendation of the Disciplinary Committee. In any consideration under this rule, the Disciplinary Committee must afford the Officer or Member of an ESC procedural fairness;
 - (ii) the Officer or Member of the ESC sought to be removed has been provided by the proposer of the motion with at least 21 days’ notice of the particulars of the grounds relied upon and is afforded a reasonable opportunity to be heard in answer to what is alleged before the Committee of Management votes thereon;
 - (iii) an Officer, who is an Executive Member, may either be removed from their office as an Executive Member but not their office as a Committee Member, or both their office as an Executive Member and their office as a Committee Member, but may not be removed only from their office as a Committee Member;
- (b) In the event the Committee of Management is satisfied that that misconduct, neglect or breach of these rules occurred, the Committee of Management may resolve by two thirds of the total membership of the Committee voting in person or by proxy to:
 - (i) in respect of Officers, remove the Officer from office, provided that no Officer shall be removed from office unless he or she has been found guilty, in accordance with the rules of the Organisation, of misappropriation of the funds of the Organisation, a substantial breach of the rules of the Organisation, or gross misbehaviour or gross neglect of duty;
 - (ii) in respect of Officers, suspend the Officer from any office for a period of up to 12 months (provided that an Executive Member may not be suspended from their office as a

Committee Member unless they are suspended from their office as Executive Member for the same or longer period).

- (c) In the event the Committee of Management is satisfied that that misconduct, neglect or breach of these rules occurred, the Committee of Management may resolve by a majority of the total membership of the Committee voting in person or by proxy to:
- (i) in respect of Members of an ESC, to remove the person from membership of the ESC, or to suspend their membership of their ESC for a period of up to 12 months;
 - (ii) impose a fine on the Officer or Member of the ESC of an amount not exceeding the amount of the Officer or Member of the ESC's subscription for the previous financial year that will be payable within 28 days of the resolution or such other time as may be determined by the Committee of Management.;
 - (iii) censure the Officer or Member of the ESC;
 - (iv) impose no penalty.

65 – SALARIES AND EXPENSES OF OFFICERS

- (a) Normal expenses incurred by Executive Members or other members authorised by the President, whilst on approved Organisation business shall be reimbursed by the Organisation. Such expenses shall comprise transport, accommodation, meals and overnight allowance as determined from time to time by the Committee of Management, and incidentals as listed on the approved expenses claim form to be authorised by the Treasurer. Abnormal expenses incurred whilst on Organisation business and not being listed on the approved claim form, shall require the approval of the Committee of Management.
- (b) The Committee of Management may determine an appropriate recompense allowance for members who have been displaced from flying for Organisation business, such displacement being authorised by the President, or in the President's absence, the President's nominee.
- (c) Reimbursement allowances may be authorised for Executive Members and members so authorised, for expenditure on telephone, facsimile, transport costs and like expenses.

66 – REGISTER OF MEMBERS

In accordance with the *Fair Work (Registered Organisations) Act 2009* and the *Fair Work (Registered Organisations) Regulations 2009* as amended or replaced from time to time, the Organisation shall keep and the Secretary shall be responsible to maintain, the following records:

- (a) a register of its members, showing the name and postal address of each member;
- (b) a list of the names, postal addresses and occupations of the persons holding offices in the Organisation; and
- (c) such other records as are prescribed.

67 – REMOVAL OF MEMBERS FROM THE REGISTER OF MEMBERS

- (a) The President or Secretary may at any time purge the Register of Members by striking off the names of members who have ceased to be eligible to become a member of the Organisation or who are deceased, but such action shall not free any such discharged member from liability for the arrears at the time the member is removed from the Register.
- (b) The Organisation may deduct an administrative charge from any moneys the Organisation receives on behalf of a member whose membership has been purged from the Register.

68 – INSPECTION OF BOOKS AND REGISTER OF MEMBERS

The register of members and books of account of the Organisation shall be open to personal inspection at reasonable times by all members of the Organisation at the Registered Office of the Organisation on application in writing to the Secretary on not less than 48 hours' notice.

69 – STOP WORK MEETINGS

Where, in the opinion of the President, or any nine members of the Committee of Management, an urgent stop work meeting of members is necessary, the President shall take such lawful action as is necessary to call such stop work meeting.

70 – INDUSTRIAL AGREEMENTS

- (a) The Committee of Management shall appoint the Officers to represent the Organisation at all negotiations.
- (b) The Committee of Management shall authorise the terms under which collective agreement may be concluded provided that, in respect of a proposed agreement specifying pay and conditions of employment to apply to "A" Pilot members, a majority of "A" Pilots on the Committee of Management may require that the proposed contract be submitted to a Special General Meeting of Short Haul Pilot Members for the views of members to be obtained before the terms of the proposed contract may be concluded.
- (c) The President and such persons the President may nominate from time to time shall be the authorised officers to sign authorised collective agreements on behalf of the membership, and their signature shall be binding on the membership concerned in such employment contract.
- (d) Collective agreements and other documents may be executed on behalf of the Organisation:
 - (i) by the President and a Vice-President; or
 - (ii) by affixing the common seal of the Organisation to the industrial agreement or other document. Any instrument to which the Common Seal is affixed shall be signed by the Secretary and the President or a Vice-President.

71 – RESIGNATION OF MEMBERSHIP

- (a) A member may resign from membership by written notice addressed to the Secretary and posted or delivered to that officer or the person performing the duties of that officer at the registered office of the Organisation.
- (b) Where a member ceases to be eligible to be a member of the Organisation, the notice of resignation shall take effect:
 - (i) on the day on which the notice is received by the Organisation; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later.
- (c) In any case, a member's notice of resignation shall take effect:
 - (i) at the end of two weeks after the notice is received by the Organisation; or
 - (ii) on the day specified in the notice;whichever is later.

- (d) Any dues payable but not paid by a former member, in relation to a period before the member's resignation from the Organisation took effect, may be sued for and recovered in the name of the Organisation in a court of competent jurisdiction as a debt due to the Organisation.
- (e) A notice delivered to the person nominated in sub-rule (a) above shall be taken to have been received by the Organisation when it was delivered.
- (f) A notice of resignation that has been received by the Organisation is not invalid because it was not addressed and delivered in accordance with sub-rule (a) above.
- (g) A resignation from membership is valid even if it is not affected in accordance with this rule if the member is informed in writing by or on behalf of the Organisation that the resignation has been accepted.

72 – BENEFIT SCHEMES

The Organisation shall by itself or in co-operation with or through the agency of other bodies provide for its Financial Members such Benefit and Welfare Schemes as the Committee of Management shall from time to time determine and all Financial Members shall have the right to participate therein and shall be advised of the benefits and conditions attaching thereto.

73 – INTERPRETATION OF RULES

The Rules of the Organisation shall be construed liberally and so as to facilitate the functioning of the Organisation in accordance with the requirements of all applicable laws of the Commonwealth of Australia.

74 – ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules will be absent from his or her usual address during a ballot, such member may apply to the Returning Officer for a ballot paper to be sent to a nominated address.

75 – RULES OF DEBATE

All meetings of members of the Organisation or their elected representatives held under these Rules shall be conducted in accordance with the Standing Orders and Rules of Debate of the Organisation.

76 – DISSOLUTION OF ORGANISATION

- (a) The Organisation may, at any time, be dissolved by resolution of the Financial Members of the Organisation provided that not less than two-thirds of the total Financial Membership of the Organisation vote on such resolution and that of these Financial Members voting no less than two thirds record a vote in favour of such resolution. Such voting shall be by secret postal ballot and the minimum elapsed time from ballot initiation to ballot closure shall be 42 days;
- (b) Upon the dissolution of the Organisation, its assets shall be realised and the debts and liabilities of the Organisation shall be satisfied thereout and, subject thereto,
 - (i) to the extent permitted by law, the assets shall be divided among Financial Members existing at the date of dissolution in proportion to the amount of subscriptions contributions and levies paid by them over their last 12 months of membership;
 - (ii) otherwise held and applied for the Objects of the Organisation

77 – AMENDMENTS TO RULES

- (a) The Rules of the Organisation shall not be altered amended or added to or repealed except by resolution of a special meeting of the Committee of Management called for that purpose.
- (b) Subject to sub-rule (d) of this rule, no less than 25 days' notice in writing of any proposed alteration, amendment, addition to, or repeal of the Rules of the Organisation shall be given to all members of the Committee of Management entitled to notice of a meeting and no such alteration shall be effective unless two thirds of the members of the Committee of Management, voting thereon in person or by proxy, agree to such change;
- (c) Should any question arise at any time on a matter which is not fully provided for in the Rules of the Organisation, the Committee of Management shall determine the question. Pending such determination, the President of the Organisation shall rule upon the question and such ruling shall be binding until such determination is given.
- (d) Notwithstanding anything in these Rules to the contrary, the Committee of Management of the Organisation may, by majority vote, in a meeting assembled, or by postal or telegraphic vote, at any time, effect an alteration to these Rules where such alteration is necessary or may be necessary to remove a ground of objection by the Industrial Registrar or any other person to the registration of the Organisation under the laws of the Commonwealth or to comply with any law of the Commonwealth or of a State affecting the Organisation and any such vote for such purpose may be taken on such notice in such form to the members entitled to vote by the President or Secretary as is reasonably adequate to inform members of the question on which their vote is sought.

78 – REFERENDA

When a referendum is required by the Committee of Management or a General Meeting to determine issues from time to time, it shall be carried out by the Returning Officer in the following manner:

- (a) The referendum shall be by secret ballot;
- (b) Ballot papers shall be posted to each Financial Member's home address together with voting instructions and two envelopes to be used as follows:
 - (i) the completed ballot paper to be placed inside the small envelope which has no markings on it;
 - (ii) the small envelope to be placed inside another envelope bearing the member's name and address or identification number on the back, which is to be returned to the Returning Officer;
- (c) The Returning Officer should use the addressed or numbered envelope to ensure that there are no irregularities in the voting;
- (d) The closing date of a referendum should be at least 28 days after the date of posting of the ballot papers;
- (e) It is competent for the Returning Officer to appoint an Acting Returning Officer or Officers as required to assist in conducting a referendum;
- (f) At the counting of the ballot, there should be two Scrutineers;
- (g) It is the Returning Officer's responsibility alone to determine informal votes;
- (h) The result of the referendum shall be binding upon all members of the Organisation.

79 —AUTHORISATION AND NOTIFICATION OF INDUSTRIAL DISPUTES

When a notification of industrial dispute is to be made under the *Fair Work Act 2009* as amended or replaced from time to time, such notification shall be authorised by the Committee of Management; provided, that when it is not practicable to have the Committee of Management convened for the purpose, the President of the Organisation shall authorise the notification. Once such authorisation is given, the notification shall be given or filed as required by the Act, Regulations or Rules of the Commission by the President of the Organisation or any office holder or staff industrial officer designated at the time to do so.

SCHEDULE A – LIFE MEMBERS

The life members of the Organisation as at 1 July 2022 are:

- (i) Captain Geoff Westwood
- (ii) Captain Wayne Kearns
- (iii) Captain Graeme Cant
- (iv) Captain Peter Skinner
- (v) Captain Barry Roberts
- (vi) Captain Toby Gursanscky
- (vii) Captain Bill Pike
- (viii) Captain Colin Adams
- (ix) FEO Kenneth Blunden
- (x) Mr Don Gray
- (xi) Captain Michael Hawke OAM

SCHEDULE B – VOTING SYSTEMS

PART 1 – OPTIONAL PREFERENTIAL SYSTEM

METHOD OF COUNTING VOTES WHERE ONE CANDIDATE IS TO BE ELECTED TO THE COMMITTEE OF MANAGEMENT

- 1.1. All informal ballot papers shall be rejected. The number of first preferences for each candidate shall be counted.
- 1.2. Except as provided for at [1.7] below, the candidate obtaining an absolute majority of votes shall be elected. An absolute majority of votes means a number greater than one-half of the whole number of ballot papers other than exhausted and informal ballot papers.
- 1.3. If no candidate has an absolute majority of votes the candidate who has the fewest votes shall be excluded, and each ballot paper counted to that candidate shall (unless exhausted) be counted to the unexcluded candidate next in order of the voter's preference.
- 1.4. If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of that candidate's ballot papers (unless exhausted) to the unexcluded candidate next in order of the voter's preference, shall be repeated until one candidate has an absolute majority of votes.
- 1.5. Every ballot paper, not rejected as informal, shall be counted in every count until it becomes exhausted, when it shall be rejected in all further counts. When a candidate is excluded, any ballot paper counted to that candidate shall be deemed to be exhausted if there is not indicated upon it a consecutive preference for one unexcluded candidate.
- 1.6. If on any count, two or more candidates have an equal number of votes and one of them has to be excluded, the candidate who, at the last count at which they had an unequal number of votes had the fewer, shall be excluded, and if there was no such count, the Returning Officer shall decide by lot which shall be excluded.
- 1.7. If, in the final count, two candidates have an equal number of votes, the candidate who, at the last count at which they had an unequal number of votes, had the greater number shall be elected, and if there was no such count, the Returning Officer shall decide by lot which candidate shall be elected.

PART 2 – QUOTA PREFERENTIAL SYSTEM

METHOD OF COUNTING OF VOTES WHERE MORE THAN ONE CANDIDATE IS TO BE ELECTED FROM A WORK GROUP TO THE COMMITTEE OF MANAGEMENT OR IN THE GENERAL BALLOT

- 2.1. The system of voting shall be an optional-preference proportional-representation voting system using a single transferable vote, subject to the requirement that no vote shall be valid unless a number of preferences is given at least equal to the number of positions to be filled. The method of counting the votes shall be determined by the Returning Officer but must be consistent with this Schedule.
- 2.2. In this Schedule:
 - “continuing candidate” means a candidate who has neither been provisionally elected nor eliminated.
 - “candidate's transfer value” is the provisionally elected candidate's value, less the quota at that stage of counting, all divided by the elected candidate's value.
 - “candidate's value” means the value of the votes cast as first preferences for the candidate plus the transfer values of any votes allocated to the candidate by the distribution of preferences from candidates who have been provisionally elected or eliminated.

- “preference” means a preference for a continuing candidate.
- 2.3. Each ballot paper must be first given the value of 1. Votes must then be counted in accordance with the following procedure:
 - (a) The value of each ballot paper must be allocated to the continuing candidate for whom the voter has indicated their highest preference.
 - (b) If a ballot paper shows an equal highest preference to more than one continuing candidate, or does not show a consecutive preference for at least one continuing candidate that ballot paper is exhausted and may not be allocated or reallocated to any further candidates.
 - 2.4. A quota must be calculated by dividing the total value of ballot papers allocated to continuing candidates by one more than the number of positions remaining to be filled.
 - 2.5. If any continuing candidates are allocated a value in excess of the quota, all such candidates are provisionally elected in order of descending number of votes. In the order of election, the preferences of provisionally elected candidates will be distributed to continuing candidates as follows: Each ballot paper allocated to a candidate who is provisionally elected must be given a new value obtained by multiplying its current value by the candidate’s transfer value. Each ballot paper allocated to a candidate who is provisionally elected must then be allocated to the continuing candidate for whom the voter has indicated their highest next preference.
 - 2.6. If no continuing candidate is allocated a value in excess of the quota, the candidate with the lowest value must be eliminated and their ballot papers reallocated to the continuing candidate to whom the voter has indicated the next highest preference.
 - 2.7. The procedure above must be repeated in order until the number of positions to be filled is filled.
 - 2.8. All calculations are to be performed to an accuracy of three decimal places or a greater level of accuracy if it is determined appropriate by the Returning Officer.
 - 2.9. If there are two or more candidates with an equal value and one of these is to be eliminated or elected, the candidate who had the higher value at the last stage of counting that their value differed will be deemed to have the higher number of votes. If any candidates have had an equal value at each previous stage of counting, the Returning Officer must determine by lot which of these candidates is deemed to have the higher value.

PART 3 – FIRST PAST THE POST SYSTEM

METHOD OF COUNTING OF VOTES FOR EXECUTIVE OFFICERS

- 3.1. The voting system shall be the first-past-the-post system as detailed in this Rule.
- 3.2. The method of voting shall be by placing a “tick” or “cross” in the square next to the name/s of the candidate/for whom the elector wishes to vote.
- 3.3. The voter must only vote for one candidate for each office.
- 3.4. The candidate with the highest number of votes shall be elected.
- 3.5. If two or more candidates each receive the same number of votes the Returning Officer shall decide by lot which candidate is to be elected.
- 3.6. A ballot paper shall be informal if marked other than in accordance with this Rule.
- 3.7. A candidate is elected with a simple majority of votes, that is, the highest number of votes in the count.

SCHEDULE C – TRANSITIONAL PROVISIONS

1. Notwithstanding anything else in the Rules, for the purpose of reconfiguring the terms of office:
 - (a) members elected to the Committee of Management in November 2021 (or filling a causal vacancy arising from that election) will hold office until November 2024 (Cycle A).
 - (b) members elected to the Committee of Management in November 2022 (or filling a causal vacancy arising from that election) will hold office until November 2026 (Cycle B).
 - (c) An election will occur in November 2024, with a term of 4 years (Cycle A).
 - (d) An election will occur in November 2026, with a term of 4 years (Cycle B).

2. Notwithstanding anything else in the Rules, for the purpose of enhancing Workgroup Representation during the transition:
 - (a) Following the approval of these Rules, additional temporary Committee of Management positions will be established so as to create temporary vacancies such that all Work Groups entitled to a representative on the Committee of Management (including the Combined Small Airlines Work Group) under these Rules will have at least one Representative on the Committee of Management. Where a Work Group already has a representative on the Committee of Management no temporary position will be created. Such vacancies will be filled in accordance with the procedures for casual vacancies under the Rules as soon as practicable after the approval of these rules.

 - (b) When determining the Work Group vacancies eligible for election in the November 2024 election, the Secretary will prepare a full list of the 30 Work Group vacancies pursuant to r. 53(b) and (c). Each alternate position on the list will be eligible for election in the November 2024 election. The list will be in the following order of Employers, with any further Employers inserted in alphabetical order, and any Employers in respect of which there are no Work Group Vacancies omitted:
 - (i) Alliance;
 - (ii) Combined Small;
 - (iii) Eastern;
 - (iv) EFA;
 - (v) Jetstar;
 - (vi) Long haul;
 - (vii) National Jet;
 - (viii) Network;
 - (ix) Short haul;
 - (x) Sunstate.

 - (c) The terms of temporary Committee of Management positions will be until such time as Work Group representatives have been elected in a Committee of Management election, or November 2026, whichever is earlier.

 - (d) The temporary Committee of Management positions will cease to exist after the declaration of the November 2026 election results.

SCHEDULE D – SAMPLE ELECTION TIME FRAME

Sample date	Rule	Relative period to Election Census Date	Event
7 May 2024	r. 4(a) Definitions	Election census date	The first Tuesday on or after 1 May in the particular year in which an election is due
14 May 2024	r.53(a)	+7 days (1 week)	Secretary will calculate the number of vacancies for each Work Group
21 May 2024	r. 53(e)	+14 days (2 weeks)	Prescribed Information provided by the Secretary to the RO
4 June 2024	r. 54(a)	+28 days (4 weeks)	Nominations and other material issued to members
25 June 2024	r. 54(e)	+49 days (7 weeks)	Nominations close at 1200
2 July 2024	r. 54(f)	+56 days (8 weeks)	Extended nominations close
16 July 2024	r. 56(a)	+70 days (10 weeks)	Ballots mailed out
13 August 2024	r. 56(d)	+98 days (14 weeks)	Voting closes – votes must reach the RO
20 August 2024	r. 57(d)	+105 days (15 weeks)	Counting of votes to be completed
27 August 2024	r.59(a)	+112 days (16 weeks)	Committee of Management election results declared
3 September 2024	r. 61(c)	+119 days (17 weeks)	Nominations for Executive issued to Committee of Management members
24 September 2024	r. 61(g)	+140 days (20 weeks)	Executive Nominations close at 1200
1 October 2024	r. 61(j)	+147 days (21 weeks)	Executive election Ballots mailed out
22 October 2024	r. 61(j)	+175 days (25 weeks)	Voting closes on Executive Election
29 November 2024	r.61 (s)	+182 days (26 weeks)	Executive Election to be declared by the Returning Officer

Tuesdays in November 2024 are 5, 12, 19 and 26