

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*

I, John Lyons of Suite 203, Level 2, 1 York St Sydney NSW am the President of the VIPA and am authorised to give this notice of particulars of alterations to the rules of VIPA and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the VIPA.
2. The particulars of the rule alterations are attached to this declaration and labelled '**Schedule A**'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) Rule 56(a) of VIPA's Rules refers to "Alterations to Rules". It requires that an amendment to VIPA's Rules must be made by way of a resolution of the Committee of Management, agreed to by a special majority.
 - (b) Rules 32(a) – (d) of VIPA's Rules refers to "Committee of Management Meeting – Voting". Sub-Rule 32(d) states that:

Notwithstanding Sub-Rules (a) to (c), a resolution in writing signed by all the Members of the Committee of Management entitled to receive notice of a meeting of the Committee of Management will be as valid and effectual as if it had been passed at a meeting of the Committee of Management duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more Members of the Committee of Management."
 - (c) VIPA's Committee of Management consists of 7 members:
 - a. John Lyons – President (Executive Member)
 - b. Cameron MacDonald – Vice President (Executive Member)
 - c. Mathew Purton – Secretary (Executive Member)
 - d. Shane Murdock – Treasurer (Executive Member)
 - e. Adrian Moore – Ordinary Member
 - f. Mathew Bester – Ordinary Member; and
 - g. Daniel Lang – Ordinary Member.

On 16 July 2021 VIPA's General Manger, Warwick Renton, circulated via email, a letter to the Committee of Management a draft of VIPA's Proposed Amended Rules ("**Schedule B**"), with an explanation of the reasons for the changes, together with a voting paper for signature of the Committee of Management members who determine to support the resolution.

- (d) VIPA received all 7 resolutions approving of this Application and signed by the Committee of Management.

Annexed hereto and marked "**Schedule C**" are the signed resolutions.

4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed and dated by an officer.

Signed:

Date: 16 July 2021



John
Lyons
President,
VIPA

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to ros@fwc.gov.au. If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

Schedule A

Particulars of Proposed VIPA Rule Alterations - Merger with the TWU

Purpose

1. The VIPA Committee of Management, given the circumstances of the Airline industry generally and the particular circumstances of the Virgin Australia operations, wishes to take steps to reduce the risk to its pilot members into the future and consequently has determined to:
 - a. enter into a merger agreement with the TWU;
 - b. effect the merger of VIPA and the TWU;
 - c. provide a process for VIPA members becoming TWU members;
 - d. provide for the circumstance of the cancellation of VIPA's registration; and
 - e. effect the transfer of VIPA's assets to the TWU.

Resolution

- A. The Committee of Management resolves that a new rule 61, in the terms following, be inserted into the VIPA rules immediately following rule 60:

Facilitating Membership of the TWU

- a) The Secretary, when required by the Committee of Management, will promptly by correspondence (for this rule '**Correspondence**') advise a Member:
 - i. that VIPA seeks to facilitate that Member's membership of the Transport Workers' Union of Australia (for this rule '**TWU**'); and
 - ii. of the obligations of membership of the TWU; and
 - iii. that VIPA intends to make application on

that Member's behalf for membership of the TWU on the expiration of 14 days from the provision to the Member of the Correspondence; and

iv. that that Member may determine to decline to join the TWU within the period of 14 days from the provision to the Member of the Correspondence by advising the Secretary of that determination; and

v. how that Member may resign from the TWU if the Member becomes a member of the Transport Workers' Union of Australia.

b) Where a Member receiving correspondence in accordance with sub- rule a) has not advised the Secretary of a determination, in accordance with paragraph a) iv., to decline to join the TWU, the Secretary will promptly make application to the TWU for membership on behalf of that Member.

c) For sub-rule a), correspondence includes electronic communication.

d) Subject to these rules, and sub-rule e), a Member becoming a member of the TWU under this rule, other than a member of the Committee of Management, will cease to be a Member from the date of their admission as a member of the TWU.

e) Subject to these rules a member of the Committee of Management becoming a member of the TWU under this rule will cease to be a Member when:

i. they resign from the Association; or

ii. 12 months have elapsed from the date of their admission as a member of the TWU.

B. The Committee of Management resolves that rule 55 d) be deleted, namely:

55. d) Upon the dissolution of the Association, its assets shall be realised, and the debts and liabilities of the Association shall be satisfied and subject to the debts being satisfied, the assets shall be divided among Members existing at the date of dissolution in proportion to the amount of subscriptions, contributions and levies paid by them during the preceding 12 months.

C. The Committee of Management resolves that a new rule 55 d) and e), in the terms following, be inserted into the VIPA rules immediately following rule 55 c):

d) Despite sub-rules a) to c):

i. when the membership of the Association becomes less than 50 Members the Secretary will advise the Fair Work Commission of that fact; and

ii. assets of the Association remaining after the payment of the Association's liabilities will be transferred to, and become, the assets of the Transport Workers' Union of Australia (for this rule 'TWU') subject to the TWU agreeing that assets to be transferred to it under this rule will only be utilised by the TWU for the benefit of its members who would, but for the cancellation of the Association, have been eligible for membership of the Association or who follow the calling of airline pilot.

- e) Sub-rule d) does not prevent the Committee of Management from determining, under these rules, to make payments to, or transfer assets to, the TWU for the purposes of supporting and/or improving the interests of former Members who have, under these rules, become members of the TWU.