



27 March 2023

Henning Christiansen  
Branch Secretary  
The Australian Institute of Marine and Power Engineers - Newcastle Branch  
Sent via email: [hchristiansen@aimpe.asn.au](mailto:hchristiansen@aimpe.asn.au)

cc: The Australian Institute of Marine and Power Engineers, [mbyrne@aimpe.asn.au](mailto:mbyrne@aimpe.asn.au)

Dear Henning Christiansen



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/114**

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Institute of Marine and Power Engineers - Newcastle Branch.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

**What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au)

This letter explains these steps and the tools available to help you.

**STEP 1: Notify members**

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



### Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

## STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six months** of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



### **Penalties apply**

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

#### ***ROC v CEPU***

The organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).



### **Why do I need to tell you the results of the election when you’ve already received them?**

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

### **What if the officer has already done training?**

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn’t required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@fwc.gov.au](mailto:regorgs@fwc.gov.au).

Yours sincerely

**Fair Work Commission**



The Commission has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

10 March 2023

# Post-election report

**The Australian Institute of Marine and  
Power Engineers**  
Newcastle Branch  
Scheduled election  
E2022/114

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# Election(s) Covered in this Report

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Organisation: The Australian Institute of Marine and Power Engineers - Newcastle Branch

Election: Scheduled

Election Decision No/s: E2022/114

## Rules

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Rules used for the election: [009V: Incorporates alterations of 25 January 2022 in matter R2021/137] (replaced rule book dated 11 June 2021 [R2021/90])

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

- Rules specifying the method of lodgement of nominations are silent in the registered Rules of the Organisation. To address the issue, nominations will be received electronically, via email and via the AEC's portal.
- As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer will apply subparagraph *193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009* to fix a closing time for the withdrawal of nomination and the withdrawal period will align with the close of the nomination period.

## Signed

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Catherine Budrodeen  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7111  
10 March 2023



## Attachments

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A. Declaration of Results for Uncontested Offices

B. Declaration of Results for Contested Offices

# The Australian Institute of Marine and Power Engineers

## Newcastle Branch

### DECLARATION OF RESULTS - E2022/114

#### Contested Offices

#### Scheduled Election

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

#### Newcastle Branch

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	131
Number of voters issued with voting material	131
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>131</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	48
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	47
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	3
Voting material packs not returned by voters by closing date of the ballot	80
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	37 %

#### Councillors (2)

<u>Candidates</u>	<u>Final Votes</u>
FLETCHER, Malcolm	31
SNEE, Terry	23
FRANCIS, Paddy (Sean)	28

<b>Total ballot papers admitted for this office</b>	<b>47</b>
Formal Ballot papers	47
Informal Ballot papers	0

I declare the following elected:

- FLETCHER, Malcolm
- FRANCIS, Paddy (Sean)

Order Elected

1

2

Catherine Budrodeen  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
09/03/2023



**The Australian Institute of Marine and Power Engineers**  
**Newcastle Branch**  
**DECLARATION OF RESULTS - E2022/114**  
**Uncontested Offices**

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**Scheduled Election**

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

**Newcastle Branch**

**President (1)**

Candidates

MOORE Don

**Treasurer (1)**

Candidates

DE VITIS Rinaldo

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

Catherine Budrodeen  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
09/03/2023





## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2022/114)

MR STEENSON

SYDNEY, 12 AUGUST 2022

*Arrangement for conduct of election.*

[1] On 4 August 2022 the Newcastle Branch of the Australian Institute of Marine and Power Engineers (AIMPE) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

President	(1)
Treasurer	(1)
Councillors	(2)

[2] The AIMPE rules contain ‘*Schedule A – COVID-19*’, which includes election-related rules. Rule C.5 of the Schedule relevantly provides that:

For the avoidance of doubt, the term of office for officers elected under this rule is be shortened by an amount which corresponds to the period of Covid-19 associated delay in holding the election under this rule. The intention of this provision is to ensure that elections in the Institute and its branches revert to their usual cycle at the subsequent scheduled elections.

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



DELEGATE OF THE COMMISSIONER

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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, **Henning Christiansen** being the **Secretary** of the **Newcastle Branch** of the **Australian Institute of Marine and Power Engineers** make the following statement:

1. I am authorised to sign this statement containing prescribed information for the **Newcastle Branch** of the **Australian Institute of Marine and Power Engineers**].
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: Thursday 4 August 2022

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

## Annexure A

- Elections that are required [insert as many pages as required]

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Newcastle	President	1	Direct Voting System	Scheduled	<i>Financial</i> Members of the Branch, per Rule 33 B(i)
Newcastle	Treasurer	1	Direct Voting System	Scheduled	<i>Financial</i> Members of the Branch, per Rule 33 B(i)
Newcastle	Councillor	2	Direct Voting System	Scheduled	<i>Financial</i> Members of the Branch, per Rule 33 B(i)

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	No precise date but working backwards from required declaration date of 23/04/2023 and allowing AEC 4 weeks to prepare and post ballot papers + 6 week Ballot period, the nominal date for Nominations to Open would be <u>no later than 30/12/2022</u>	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
<b>Nominations CLOSE</b>	No precise date but working backwards from required declaration date of 23/04/2023 and allowing AEC 4 weeks to prepare and post ballot papers + 6 week Ballot period and 6 week Nomination period per Rule 33 B (iii), the nominal date for Nominations to Close would be <u>no later than 10/02/2023</u>	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
<b>Roll of Voters cut off date</b>	No precise date but working backwards from required declaration date of 23/04/2023 and allowing AEC 4 weeks	Insert date and reference the relevant rule

	<p>to prepare and post ballot papers + 6 week Ballot period and 6 week Nomination period per Rule 33 B (iii), and Rule 33 B (xiv) requirement for closure 7 days prior to opening of Nominations, the nominal date for the Roll of Voters to be Closed would be <u>no later than</u> 23/12/2022</p>	
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**NOTES:** For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.  
 If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.  
 If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).