



24 March 2023

Matthew Silletto
National Secretary
Association of Professional Engineers, Scientists and Managers, Australia
Sent via email: legal@professionalsaustralia.org.au

Dear Matthew Silletto



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/15

An election has recently been completed by the Australian Electoral Commission (AEC) for the Association of Professional Engineers, Scientists and Managers, Australia.

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

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. 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.

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.

**The Association of Professional Engineers, Scientists
and Managers, Australia**
DECLARATION OF RESULTS - E2023/15 - Stage 1
Uncontested Offices

Insufficient Nominations 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:

Professional Engineers Division

Tasmanian Sub-division Committee Members (4)

Candidates

BENHAM James

MINCHIN John

NSW Sub-division Committee Member (1)

Candidates

No Nominations Received

ACT Sub-division Committee Member (1)

Candidates

No Nominations Received

Professional Scientists Division

Tasmanian Division Committee Member (1)

Candidates

No Nominations Received

Western Australian Division Committee Member (1)

Candidates

No Nominations Received

Northern Territory Division Committee Member (1)

Candidates

No Nominations Received

Professional Scientists Division Committee Member (1)

Candidates

No Nominations Received

Local Government Engineers Association of NSW

Division Committee Members (2)

Candidates

KABLE Greg

WILLIMOTT Ken

Architects Division

Division Committee Member (reserved for one student member in accordance with

Appendix F rule 5) (1)

Candidates

No Nominations Received

Pharmacists Division

South Australian Division Committee Member (1)

Candidates

No Nominations Received

Victorian Division Committee Members (2)

Candidates

LAL Rohit

ACT Division Committee Member (1)

Candidates

No Nominations Received

Tasmanian Division Committee Member (1)

Candidates

No Nominations Received

Pharmacists Division Committee Members (2)

Candidates

No Nominations Received

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
15/03/2023



DECISION

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

Association of Professional Engineers, Scientists and Managers, Australia (E2023/15)

MR STEENSON

SYDNEY, 7 FEBRUARY 2023

Arrangement for conduct of election.

[1] On 30 January 2023 the Association of Professional Engineers, Scientists and Managers, Australia (**organisation**) lodged prescribed information, and on 3 February 2023 lodged amended prescribed information, with the Registered Organisations Commission (**Commission**) to fill the offices listed in **Annexure A** of this decision for the remainder of term due to insufficient nominations received in the most recent scheduled election for offices in (**E2021/177**).

[2] On 21 December 2022, I issued a decision, [2022] ROCD 190, in another matter involving the organisation (**E2022/209**) arranging to fill vacant offices, including a number of insufficient nominations vacancies that remained unfilled following the completion of election E2021/177. In assessing the information lodged in E2022/209, the Commission identified additional vacant offices which had not been filled and for which prescribed information had not been lodged. By lodging prescribed information for this election (E2023/15), the organisation has responded to the Commission's request that it make a further attempt to fill those additional vacancies.

[3] I am satisfied that an election for the offices listed in Annexure A of this decision 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 (**AEC**). It is requested that, if at all possible, the AEC endeavour to conduct this election concurrently with E2022/209.



DELEGATE OF THE COMMISSIONER

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PR352408

ANNEXURE A: List of offices**Division and Sub-Division Committees of Management****Professional Engineers Division****Tasmania Sub-Division Committee**

Sub-Division Vice President	(1)
Sub-Division Secretary	(1)
Sub-Division Treasurer	(1)
Sub-Division Committee Members	(4)

New South Wales Sub-Division Committee

Sub-Division Treasurer	(1)
Sub-Division Committee Member	(1)

Victoria Sub-Division Committee

Sub-Division Vice President	(1)
Sub-Division Secretary	(1)
Sub-Division Treasurer	(1)

Australian Capital Territory Sub-Division Committee

Sub-Division Vice President	(1)
Sub-Division Treasurer	(1)
Sub-Division Committee Member	(1)

Queensland Sub-Division Committee

Sub-Division Vice President	(1)
Sub-Division Treasurer	(1)

Professional Scientists Division

Division Committee Members elected as follows:

Committee Member elected from and by members resident in TAS	(1)
Committee Member elected from and by members resident in WA	(1)
Committee Member elected from and by members resident in NT	(1)
Committee Member elected from and by all members of the Division	(1)

Local Government Engineers Association of NSW Division Committee

Division Committee Members	(2)
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Architects Division Committee

Division Committee Member (reserved for one student member in accordance with Appendix F rule 5)	(1)
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Pharmacists Division Committee

Division Committee Members elected as follows:

Committee Member elected from and by members resident in SA	(1)
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- Committee Member elected from and by members resident in VIC (2)
- Committee Member elected from and by members resident in ACT (1)
- Committee Member elected from and by members resident in TAS (1)
- Committee Member elected from and by all members of the Division (2)

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, STUART SMALL, being the NATIONAL SECRETARY of the ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS, AUSTRALIA (APESMA) make the following statement:

1. I am authorised to sign this statement on behalf of THE ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS, AUSTRALIA (APESMA).
2. The prescribed information for APESMA elections attached to this Notice 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.

Signed:



Stuart Small
National Secretary
3 February 2023

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.

Annexure A

- Elections that are 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
Professional Engineers Division Tasmania Subdivision	Subdivision Committee	4	Direct Voting System	Insufficient nominations	<i>Rule 12. Appendix “K” – Supplementary Rules – Professional Engineers Division (See Note 1)</i>
Professional Engineers Division NSW Subdivision	Subdivision Committee	1	Direct Voting System	Insufficient nominations	<i>Rule 12. Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division ACT Subdivision	Subdivision Committee	1	Direct Voting System	Insufficient nominations	<i>Rule 12. Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Scientists Division	Division Committee – Tasmania Rep	1	Direct Voting System	Insufficient nominations	<i>From and by members resident in TAS Rules 5.1 & 5.4 of Appendix “J” supplementary Rules Scientists Division</i>
Professional Scientists Division	Division Committee – Western Australia Rep	1	Direct Voting System	Insufficient nominations	<i>From and by members resident in WA Rules 5.1 & 5.4 of Appendix “J” supplementary Rules Scientists Division</i>
Professional Scientists Division	Division Committee - Northern Territory Rep	1	Direct Voting System	Insufficient nominations	<i>From and by members resident in NT Rules 5.1 & 5.4 of Appendix “J” supplementary Rules Scientists Division</i>
Professional Scientists Division	Division Committee – Rep - Any Division	1	Direct Voting System	Insufficient nominations	<i>From and by financial members of the Scientists Division</i>

					<i>Rules 5.1 & 5.4 of Appendix "J" supplementary Rules Scientists Division</i>
Local Government Engineers Association of NSW	Committee Member	2	Direct Voting System	Insufficient nominations	<i>Federal Rule 6.1.3</i>
Architects Division	Division Committee	1 reserved for a student member <i>Rule 5 of Appendix "F" – Supplementary Rules – Architects Division</i>	Direct Voting System	Insufficient nominations	<i>Federal Rule 6.1.4 All eligible members as defined in Federal Rule 3.5</i>
Pharmacists Division	Division Committee - SA Rep	1	Direct Voting System	Insufficient nominations	<i>By and from members resident in South Australia Rule 5 of Appendix "G" Supplementary Rules of the Pharmacists Division</i>
Pharmacists Division	Division Committee - Vic Rep	2	Direct Voting System	Insufficient nominations	<i>By and from members resident in Victoria. Rule 5 of Appendix "G" Supplementary Rules of the Pharmacists Division</i>
Pharmacists Division	Division Committee - ACT Rep	1	Direct Voting System	Insufficient nominations	<i>By and from members resident in Australian Capital Territory Rule 5 of Appendix "G" Supplementary Rules of the Pharmacists Division</i>
Pharmacists Division	Division Committee – Tas Rep	1	Direct Voting System	Insufficient nominations	<i>By and from members resident in Tasmania Rule 5 of Appendix "G" Supplementary Rules of the Pharmacists Division</i>

Pharmacists Division	Division Committee – members eligible in accordance with Federal Rule 3.10.3	2	Direct Voting System	Insufficient nominations	<i>By and from members of the Division Federal Rule 6.1.5</i>
Professional Engineers Division ACT Sub-Division	Vice President	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the ACT Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division ACT Sub-Division	Treasurer	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the ACT Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division NSW Sub-Division	Treasurer	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the NSW Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Queensland Sub-Division	Vice President	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Queensland Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Queensland Sub-Division	Treasurer	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Queensland Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Tasmania Sub-Division	Vice President	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Tasmania Engineer Subdivision committee Rule 12.8 Appendix “K” – Supplementary Rules – Professional Engineers Division</i>

Professional Engineers Division Tasmania Sub-Division	Secretary	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Tasmania Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Tasmania Sub-Division	Treasurer	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Tasmania Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Victoria Sub-Division	Vice President	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Victoria Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Victoria Sub-Division	Secretary	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Victoria Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division Victoria Sub-Division	Treasurer	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Victoria Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by returning officer (Division Rule 14)	To be determined by returning officer (Fed Rule 18.3)
Nominations CLOSE	To be determined by returning officer (Division Rule 14)	To be determined by returning officer (Fed Rule 18.3)
Roll of Voters cut-off date	To be determined by returning officer (Division Rule 14A)	To be determined by returning officer (Fed Rule 18.3)

Notes:

1	Professional Engineers Subdivisions	Sub-Division Committees	Each subdivision committee shall have a minimum of one person from each gender. If there is no nomination from a particular gender for the subdivision then this provision shall not apply. Rule 12.7 of Appendix K
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