



8 August 2023

Martin Byrne
Federal President
The Australian Institute of Marine and Power Engineers
Sent via email: mbyrne@aimpe.asn.au

Dear Martin Byrne



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/4

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Institute of Marine and Power Engineers and a post-election report has been issued by the AEC.

This letter explains the next steps you must take, including what information you need to give to members 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 the Commission at 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 we 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 approved 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 receive 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 *Fair Work (Registered Organisations) Act 2009* (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.

Real-life example of penalties in Court An 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 an interim [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.

13 July 2023

Post-election report

The Australian Institute of Marine and
Power Engineers
Scheduled election
E2023/4

Contents

Election(s) Covered in this Report	3
Rules.....	3
Other Matters	3
Signed.....	3
Attachments	4
A. Declaration of Results for Contested Offices – Stage 1	4
B. Declaration of Results for Uncontested Offices – Stage 2	4

Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers
Election: Scheduled
Election Decision No/s: E2023/4

Rules

Rules used for the election: 009V: Incorporates alterations of 25 January 2022 in matter R2021/137

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes

Details: Rules regarding the delivery method of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. The election was wholly delivered by post as a result.

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
13 July 2023

Attachments

- A. Declaration of Results for Contested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2

The Australian Institute of Marine and Power Engineers
DECLARATION OF RESULTS - E2023/4 - Stage 2
Uncontested 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:

Federal Council

Senior Vice President (1)

Candidates

HARTREE John

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
28/06/2023





26 June 2023

Martin Byrne
Federal President
The Australian Institute of Marine and Power Engineers
Sent via email: mbyrne@aimpe.asn.au

Dear Martin Byrne



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2023/4

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

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](#).

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 Australian Institute of Marine and Power Engineers
DECLARATION OF RESULTS - E2023/4 - Stage 1
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:

Federal Council

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	16
Number of voters issued with voting material	16
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	16
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	12
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	12
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	4
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	75 %

President (1)

<u>Candidates</u>	<u>Final Votes</u>
BYRNE, Martin	9
CHRISTIANSEN, Henning	3

Total ballot papers admitted for this office	12
Formal Ballot papers	12
Informal Ballot papers	0

I declare the following elected:

- BYRNE, Martin

Vice President (3)

<u>Candidates</u>	<u>Final Votes</u>
FRANCIS, Paddy (Sean)	3
HARTREE, John	9
JONES, Mark	8
READY, Brad	3
OOTS, Peter	3
TOOHEY, Peter	10

Total ballot papers admitted for this office	12
Formal Ballot papers	12
Informal Ballot papers	0

I declare the following elected:	Order Elected
• TOOHEY, Peter	1
• HARTREE, John	2
• JONES, Mark	3

Treasurer (1)

<u>Candidates</u>	<u>Final Votes</u>
FLETCHER, Malcolm	4
MCALLISTER, Ian	8

Total ballot papers admitted for this office	12
Formal Ballot papers	12
Informal Ballot papers	0

I declare the following elected:
• MCALLISTER, Ian

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
05/06/2023



DECISION

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

The Australian Institute of Marine and Power Engineers (E2023/4)

MR STEENSON

SYDNEY, 1 MARCH 2023

Arrangement for conduct of election.

[1] On 16 February 2023 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)
Vice President	(3)
Treasurer	(1)
Senior Vice President (to be elected from the 3 Vice Presidents)	(1)

[2] The AIMPE rules provide that these offices are ordinarily elected on the first day of the Federal Council meeting. The prescribed information states that the opening and closing of nominations is to be determined by the Returning Officer, i.e. the Australian Electoral Commission (**AEC**), though the organisation has specifically requested that the election be timetabled so that it is able to be declared by the first day of the AIMPE Federal Council meeting, scheduled for 6 June 2023. I encourage the AEC to favourably consider this request.

[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 AEC.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer
PR352435

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, Martin Byrne, being the Federal President of the Australian Institute of Marine and Power Engineers (AIMPE) make the following statement:

1. I am authorised to sign this statement containing prescribed information for AIMPE.
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. AIMPE has been advised that the Australian Electoral Commission is still not conducting physical, in person ballots for industrial elections. In these circumstances the provisions of the AIMPE elections rules, specifically Rule 33 A, will not be able to be complied with. Rule 33 A is attached as Annexure B.
5. The AIMPE rules were amended to include a schedule of rules during the covid pandemic and Part C of the covid schedule continues to apply by virtue of A.3:
A.3 Part C of this schedule also applies:
 - (a) where the Returning Officer has indicated that they are unable for the time being to:
 - i. conduct an election for an office; or
 - ii. take a step in relation to the election.In the manner, or according to the timeframes set out in these rules.
6. AIMPE therefore will request the AEC to conduct the postal ballot in such a manner and to such a schedule that the results are able to be declared on the first day of AIMPE Federal Council 2023 which has set by the Federal Executive to be 6th June 2023.
7. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

NOTE: A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act. Extensions of time should be requested at least two months before nominations open.

Signed:



Dated: 16th 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	Reason for Election	Electorate
National	President	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33 A)</i>
National	Vice President	3	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33 A)</i>
National	Treasurer	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33 A)</i>
National	Senior Vice President (elected from among the 3 Vice Presidents)	1	Collegiate electoral system	Scheduled	<i>Federal Council (Rule 10)</i>

- Important dates:

		Collegiate Electoral System
Nominations OPEN		<i>To be determine by the Returning Officer (rule 33 A (iii)) AIMPE suggest 17th April 2023</i>
Nominations CLOSE		<i>To be determined by the Returning Officer (rule 33 A (iii)) AIMPE suggest 1st May 2023</i>
Roll of Voters cut-off date		<i>To be determined by the Returning Officer (rule 33 A (iii)) AIMPE suggest 8th May 2023</i>

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](#)

Annexure B

33 - ELECTIONS

A. Federal Executive Elections

- (i) At least two months prior to the date set for the opening of the Federal Council, the Federal President shall lodge with the Registered Organisation Commission (ROC), the prescribed information relating to the Federal Executive election as required by relevant Acts & Regulations seeking a Decision for the Australian Electoral Commission to appoint a Returning Officer who will conduct the elections for Federal Executive positions.
- (ii) The members of the Federal Council shall elect a Federal Executive, from amongst their own number, consisting of a Federal President, a Federal Treasurer and three (3) Vice Presidents, for a term of one (1) year or until the next Annual Meeting of the Federal Council. Federal Council shall also elect a Senior Vice President from amongst the three newly elected Vice Presidents.
- (iii) Nominations shall be made in writing and shall be lodged with the Returning Officer before the time so fixed by the Returning Officer for the closing of nominations. Each nomination shall be signed by the Nominee, the Proposer and Secunder. The elections of these officials shall be conducted on the first day of the Annual Meeting of the Federal Council. Nominations shall close on that day at a time fixed by the Returning Officer.
- (iv) The Returning Officer shall have power to accept or reject any nominations in accordance with these Rules; provided that before the Returning Officer rejects any nominations the following shall have effect:-
 - (a) The Returning Officer shall notify the person concerned of the defect in the nomination; and
 - (b) The Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity of remedying the defect as soon as possible after close of nominations.
 - (c) If the person concerned within such period is able to and does in fact remedy the defect in the nomination, the Returning Officer shall thereupon accept such nomination.
- (v) Subject to sub-clause (iv), if the number of valid nominations received does not exceed the number of positions to be filled the Returning Officer shall declare those persons nominated as being elected.
- (vi) If there be no valid nomination received for any office, nominations for such office shall be called by the Returning Officer from the Federal Councillors present at the Meeting. The provisions of sub-clauses (iii) to (v) of this Rule shall apply to such nominations.
- (vii) If more than one nomination is received for any office a secret ballot for that Office shall be conducted by the Returning Officer.

- (viii) Any Federal Councillor unable to attend the Federal Council meeting at where a ballot is to be conducted may, by writing under the Councillor's hand, appoint another member of Federal Council as the Councillor's proxy in connection with such election and the same shall be delivered to the Returning Officer before the commencement of the election.
- (ix) In the event of a ballot being required the Returning Officer shall prepare ballot papers with candidates' names set out in alphabetical order. The Returning Officer shall mark each ballot paper issued with the Returning Officer's initials, provide voting instructions to voters and do all things necessary to ensure ballot papers do not disclose the identity of the Federal Councillor voting. Ballot papers shall be distributed to all Councillors or to their proxies. The Returning Officer shall provide a receptacle into which all ballot papers shall be placed by the voter when voting. On completion of the ballot the Returning Officer shall count all formal votes and immediately declare the result of the ballot; in the event of a tie the Returning Officer shall determine the result by lot.
- (x) Each candidate shall have the right to appoint one scrutineer who may attend at all stages of the ballot and whose duties shall be to watch the interests of the candidates. A candidate shall notify the Returning Officer of the appointment of a scrutineer in writing.
- (xi) Extraordinary vacancies for the positions of Federal President, Vice President and Federal Treasurer shall be filled by election by a postal ballot of the remaining members of the Federal Council. The provisions of this Rule shall apply, mutatis mutandis to such election. An extraordinary vacancy shall exist when:-
 - (a) an officer is removed under Rule 41;
 - (b) an officer dies or resigns from office; and
 - (c) an officer ceases to be eligible to hold office.

Annexure C

Part C - Elections and holding office

- C.1 Where the AEC is unable to conduct an election all current officers shall hold over in office until their successor is declared elected.
- C.2 The AEC shall conduct elections for affected offices as soon as practicable.
- C.3 The election shall be conducted under the rules of the Institute and/or branch—as the case may be—with the necessary changes.
- C.4 The successful candidate(s) will take up office immediately once the election is declared.
- C.5 The person declared elected shall hold office until the declaration of their successor in the next scheduled election. For the avoidance of doubt, the term of office for officers elected under this rule is to 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.
- C.6 Where a person holding over in office under this rule vacates the office for any reason the relevant collective body may fill the vacancy under the applicable casual vacancy rule, provided:
- (a) the person who fills the vacancy shall hold office for the remainder of the term of office of the person elected at the last scheduled election; and
 - (b) a person appointed or elected to fill a casual vacancy shall be entitled to hold over in office until their successor is declared elected.
- C.7 Where the casual vacancy is required to be filled by election the relevant collective body may appoint someone to act in the vacant office until the election is declared.
- C.8 The returning officer may determine to receive nominations for any vacant office by electronic or postal means (or a combination thereof), where requested to do so by the Committee of Management (Federal Executive or Branch Executive).
- C.9 Where the rules provide for election via attendance ballot, the returning officer may determine to conduct the election by a secret ballot of the eligible voters instead. This may be conducted via postal or electronic means, or a combination thereof. Any secret ballot so conducted may be held at a time proximate to the meeting at which the attendance ballot would have occurred, or according to a different timeframe as determined by the returning officer.
- C.10 Where the returning officer so determines the returning officer shall so far as practicable apply other rules of the Institute or branch—as the case may be—that provide for election to office by postal ballot, with the necessary changes (which may include conducting the secret ballot using electronic means).
- C.11 Where the rules provide for election via non-attendance ballot, the returning officer may conduct the secret ballot via postal or electronic means, or a combination thereof.