



8 August 2023

Graham Gosden
Branch Secretary
The Australian Institute of Marine and Power Engineers - South Australia Branch
Sent via email: ggosden@aimpe.asn.au

cc: Martin Byrne, mbyrne@aimpe.asn.au

Dear Graham Gosden



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/156

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

1 August 2023

Post-election report

**The Australian Institute of Marine and
Power Engineers (AIMPE)**

South Australia Branch

Scheduled election

E2022/156

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Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers - South Australia Branch
Election: Scheduled
Election Decision No/s: E2022/156

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/

Signed

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

Attachments

A. Declaration of results for Uncontested Offices – SA

The Australian Institute of Marine and Power Engineers
South Australia Branch
DECLARATION OF RESULTS - E2022/156
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:

South Australia Branch

President (1)

Candidates

KNIGHT Sean

Treasurer (1)

Candidates

SWINCER Ben

Federal Councillor (1)

Candidates

WILLIAMS Anthony

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: IEBevents@aec.gov.au
31/07/2023





Fair Work
Commission

DECISION

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

The Australian Institute of Marine and Power Engineers
(E2022/156)

MR STEENSON

SYDNEY, 17 APRIL 2023

Arrangement for conduct of election.

[1] On 3 March 2023 the South Australia Branch of the Australian Institute of Marine and Power Engineers lodged prescribed information for an election to fill the following offices:

President	(1)
Treasurer	(1)
Federal Councillor	(1)

[2] 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 GENERAL MANAGER

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PR755032

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, GRAHAM GOSDEN, being the SECRETARY of the AIMPE – SOUTH AUSTRALIAN BRANCH make the following statement:

1. I am authorised to sign this statement containing prescribed information for AIMPE – SOUTH AUSTRALIAN BRANCH.
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. This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. The SA Branch did not receive the courtesy notice from the AEC so I was unaware that the elections were upcoming. I was only contacted by the Federal Branch very recently and advised that the positions had/were expired. This, in addition to this being my first time in this honorary role, meant I was unaware I needed to complete this requirement.

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

Signed:



Dated: 03/03/2023

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 [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
AIMPE – SOUTH AUSTRALIAN BRANCH	PRESIDENT	1	Direct Voting System	Scheduled	All financial members of the South Australian Branch AIMPE – Rule 33 B (i)
AIMPE – SOUTH AUSTRALIAN BRANCH	TREASURER	1	Direct Voting System	Scheduled	All financial members of the South Australian Branch AIMPE – Rule 33 B (i)
AIMPE – SOUTH AUSTRALIAN BRANCH	FEDERAL COUNCILLOR	1	Direct Voting System	Scheduled	All financial members of the South Australian Branch AIMPE – Rule 33 B (i)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Nominations CLOSE	To be determined by the Returning Officer	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
Roll of Voters cut off date	To be determined by the Returning Officer	Insert date and reference the relevant rule