



1 July 2024

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

Dear Martin Byrne



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2024/3**

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](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 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](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.

**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](mailto: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.

26 June 2024

# Post-election report

The Australian Institute of Marine and Power  
Engineers  
Scheduled Election  
E2024/3

# Contents

Election(s) Covered in Post-Election Report (PER).....	3
Relevant legal provisions.....	3
Declaration of result of election .....	6
The Australian Institute of Marine and Power Engineers Rules.....	6
Roll of Voters .....	6
Written allegations of any irregularities.....	6
Other irregularities.....	6
Signed .....	6
Attachments .....	7
A. Declaration of Results for Contested Offices .....	7
B. Declaration of Results for Uncontested Offices .....	7

# Election(s) Covered in Post-Election Report (PER)

---

Organisation:	The Australian Institute of Marine and Power Engineers
Election Decision No:	E2024/3
Election:	Scheduled Election
Date ballot closed:	11/06/2024
(If uncontested) Date the nominations closed:	11/06/2024
Date results declared:	12/06/2024
Date PER due:	11/07/2024

## Relevant legal provisions

---

### *Fair Work (Registered Organisations) Act 2009* ('the Act')

#### **197 Post-election report by AEC**

##### *Requirement for AEC to make report*

- (1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

- (2) The report must include details of the prescribed matters.

##### *Contents of report—register of members*

- (3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:
  - (a) an unusually large proportion of members' addresses that were not current; or
  - (b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

##### *Contents of report—difficult rules*

- (4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

##### *Subsection (3) relevant only for postal ballots*

- (5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

## 190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

## 193 Provisions applicable to elections conducted by AEC

- (1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:
  - (a) subject to paragraph (b), must comply with the rules of the organisation or branch; and
  - (b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:
    - (i) to ensure that no irregularities occur in or in relation to the election; or
    - (ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or
    - (iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.
- (2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.
- (3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).
- (4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.
- (5) An offence against subsection (2) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.
- (6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:
  - (a) action taken under subsection (1); or
  - (b) an act done in compliance with a direction under subsection (1).
- (7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:
  - (a) dies or becomes unable to complete the conduct of the election or the taking of the step; or
  - (b) ceases to be qualified to conduct the election or to take the step;the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

## 6 Definitions

*irregularity*, in relation to an election or ballot, includes:

- (a) a breach of the rules of an organisation or branch of an organisation; and
- (b) an act or omission by means of which:
  - (i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or
  - (ii) a correct ascertainment or declaration of the results of the voting;



- is, or is attempted to be, prevented or hindered; and
- (c) a contravention of section 190.

## *Fair Work (Registered Organisations) Regulations 2009* ('the Regulations')

### **140 Declaration of result of election (s 193)**

- (1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
  - (a) the total number of persons on the roll of voters;
  - (b) the total number of ballot papers issued (if applicable);
  - (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
  - (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
  - (e) the result of the election;
  - (f) the total number of informal ballot papers (if applicable).
- (2) In subregulation (1), ***closing day***, for an election, means:
  - (a) if a ballot is not required—the day on which nominations for the election close; or
  - (b) if a ballot is required—the closing day of the ballot.
- (3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
  - (a) the General Manager; and
  - (b) the organisation or branch for whom the election was conducted.

### **141 Post-election report by AEC (s 197(2))**

- (1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the ***post-election report***) given under subsection 197(1) of the Act:
  - (a) the declaration mentioned in regulation 140;
  - (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
  - (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
  - (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
  - (e) action taken by the AEC in relation to those allegations;
  - (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.
- (2) The AEC must:
  - (a) give the post-election report within 30 days after the closing day of the election; and
  - (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.
- (3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

### **145 Elections conducted by AEC—no unauthorised action**

- (1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

Note: This subregulation is a civil penalty provision (see regulation 168).
- (2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

## Declaration of result of election

---

In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2024/3 on 12/06/2024. For a copy, see **Attachment A and B**.

## The Australian Institute of Marine and Power Engineers Rules

---

[009V: Incorporates alterations of 9 May 2023 in matter R2023/4]

There were no rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply.

## Roll of Voters

---

There were no issues with the roll of voters.

## Written allegations of any irregularities

---

There were no matters in relation to allegations of any irregularities.

## Other irregularities

---

There were no other irregularities.

## Signed

---

Hanish Gupta  
Returning Officer  
Australian Electoral Commission  
E: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
P: 03 9285 7111  
26 June 2024

# Attachments

---

- A. Declaration of Results for Contested Offices
- B. Declaration of Results for Uncontested Offices

The Australian Institute of Marine and Power Engineers  
**DECLARATION OF RESULTS - E2024/3 - 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**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	17
Number of voters issued with voting material	16
<b>COUNT</b>	
Total ballot papers admitted to the count (b)	16
<b>PARTICIPATION</b>	
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	94 %

**President (1)**

<u>Candidates</u>	<u>Final Votes</u>
CHRISTIANSEN, Henning	1
HARTREE, John	15

<b>Total ballot papers admitted for this office</b>	<b>16</b>
Formal Ballot papers	16
Informal Ballot papers	0

I declare the following elected:

- HARTREE, John

Hanish Gupta  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
12/06/2024

# The Australian Institute of Marine and Power Engineers

## DECLARATION OF RESULTS - E2024/3 - Stage 1

### 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

##### Vice President (3)

###### Candidates

BYRNE Martin

FRANCIS Sean (Paddy)

READY Brad

##### Treasurer (1)

###### Candidates

MCALLISTER Ian

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

Hanish Gupta  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
12/06/2024



**The Australian Institute of Marine and Power Engineers**  
**DECLARATION OF RESULTS - E2024/3 - 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:

**Vice Presidents**

**Senior Vice President (1)**

Candidates

BYRNE Martin

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

Hanish Gupta  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
12/06/2024





## DECISION

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

**The Australian Institute of Marine and Power Engineers**  
(E2024/3)

MR STEENSON

SYDNEY, 20 FEBRUARY 2024

*Arrangement for conduct of election.*

[1] On 2 February 2024 the Australian Institute of Marine and Power Engineers (**the organisation**) lodged with the Fair Work 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 Vice Presidents)	(1)

[2] The organisation's rules provide that these offices are ordinarily elected on the first day of the Federal Council meeting, which this year is scheduled for 11 June 2024 (as advised by the organisation's Federal President in the prescribed information).

[3] The prescribed information notes that rule 33 of the organisation's rules does not provide a specific date for the opening of nominations, nor a specific time for the closing of nominations (subject to the provisions of rule 33 A.(iii) set out below. The opening and closing of nominations may therefore, in large part, be determined by the Returning Officer, i.e. the Australian Electoral Commission (**AEC**), as may the date for the close of the roll of voters (subject to the provisions of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*).

[4] However, in terms of the close of nominations, I note that the prescribed information and the rules of the organisation refer to rule 33 A.(iii), which relevantly specifies that:

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.

[5] In the prescribed information, the organisation has indicated preferred dates and times for opening and closing of nominations and for the close of the roll of voters.

[6] The rules, in particular rule 33 A (vi), also provide that if there are no valid nominations received for a particular office from the original call for nominations, then “nominations for such office shall be called by the Returning Officer from the Federal Councillors present at the [Federal Council] Meeting”.

[7] The organisation has noted the provisions of rule 33. Consistent with this, the expression of rule 33 of the organisation’s rules as they apply to Federal Executive Elections,<sup>1</sup> envisage an attendance ballot (i.e. in person) where the Federal Council meets in person. The organisation has therefore expressly requested that the election be conducted in-person by the AEC on the first day of the scheduled Federal Council meeting, i.e. 11 June 2024. I request that the AEC consider their request in light of those rules.

[8] 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 RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

PR755214

---

<sup>1</sup> See subrule 33A(vi), (vii) and (ix)

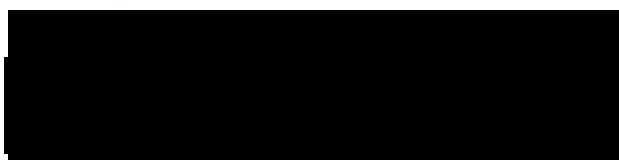


**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009***

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 see Rule 33A.(i).
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 has resumed conducting physical, in person ballots for industrial elections. In these circumstances the provisions of the AIMPE elections rules, specifically Rule 33 A, should apply. Rule 33 A is attached as Annexure B.
5. AIMPE therefore seeks that the elections be conducted by physical ballot on the first day of AIMPE Federal Council 2024 which has set by the Federal Executive to be 11<sup>th</sup> June 2024 at the AIMPE offices in Melbourne - 202/20 Convention Centre Place South Wharf.
6. 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: 2<sup>nd</sup> February 2024

**NOTE:** This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@fwc.gov.au](mailto:regorgs@fwc.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) &amp; rule 33 A)</i>
National	Vice President	3	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) &amp; rule 33 A)</i>
National	Treasurer	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) &amp; 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
<b>Nominations OPEN</b>		<i>To be determined by the Returning Officer (rule 33 A (iii) does not specify opening date) AIMPE suggest 28<sup>th</sup> May 2024.</i>
<b>Nominations CLOSE</b>		<i>Time to be determined by the Returning Officer (rule 33 A (iii)) AIMPE suggest 1000 on 11<sup>th</sup> June 2024</i>
<b>Roll of Voters cut-off date</b>		<i>To be determined by the Returning Officer (rule 33 A (iii)) silent on closing of roll) AIMPE suggest 1200 on 10<sup>th</sup> June 2024</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.