



DECISION

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

Association of Professional Engineers, Scientists and Managers, Australia
(E2024/178)

MR STEENSON

SYDNEY, 26 NOVEMBER 2024

Arrangement for conduct of election.

[1] On 22 October, 15 November and 21 November 2024, the Association of Professional Engineers, Scientists and Managers, Australia (the **organisation**) lodged with the Fair Work Commission prescribed information for an election to fill a casual vacancy for the remainder of the term, as well as offices vacant due to insufficient nominations received in a previous election (**E2023/167**):

Professional Engineers Division

Australian Capital Territory Sub-Division
Sub-Division Committee member (1)

New South Wales Sub-Division
Sub-Division Committee member (1)

Tasmania Sub-Division
Sub-Division Vice President (1)
Sub-Division Committee members (5)

Victoria Sub-Division
Sub-Division President (ex officio National Assembly member) (1)

Western Australia Sub-Division
Sub-Division Secretary (1)
Sub-Division Committee members (2)

Architects Division

Division Committee Members (2)

Division Committee Member (Student),
in accordance with Appendix F rule 5) (1)

Collieries Staff Division

Division Committee Member from Western Australian District (1)

Local Government Engineers Association

Division Committee Members (2)

Managers and Professionals Division

ABC Committee Member / National Assembly Member (1)

Professional Scientists Division

President (1)

Vice President (1)

Division Committee Members from:

New South Wales (1)

Australian Capital Territory (1)

Tasmania (1)

Western Australia (1)

Northern Territory (1)

Any Division (2)

Pharmacists Division

Secretary (1)

Division Committee Members from:

South Australia and Northern Territory (1)

Victoria (1)

Any Division (4)

[2] As part of the scheduled election (**E2023/167**), the Australian Electoral Commission (**AEC**) also conducted a ‘recall’ election for offices not filled at first instance. Part 2 rule 14.3 of the organisation’s rules¹ states that where there are insufficient nominations for Divisional Committee Members, Professional Engineers Sub-Divisional Treasurers, or Sub-Divisional Committee Members, after an additional election has been conducted (in this instance, the recall election held by the AEC), no further elections are required to be conducted, unless the offices are needed to meet quorum requirements. As such, some of the offices left vacant from E2023/167 have not been requested in this election.

[3] It is noted that the above-mentioned rule 14.3 would not ordinarily require a further recall election for the office of Committee Member from the Managers and Professionals Division. However, in this case, the Committee Member from the ABC Senior Executive Division also holds the office of National Assembly member, in accordance with Appendix I rule 8a of the organisation rules – the National Assembly being the supreme governing body of the organisation. As such, the prescribed information included a request for the office of Managers and Professionals Division Committee Member from the ABC Division, and the person elected will also hold office of National Assembly member.

¹ Rulebook R2023/61, 12 September 2023, <https://www.fwc.gov.au/documents/organisations/current-rulebooks/current-rb-215v.docx>

[4] 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 GENERAL MANAGER

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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, MATTHEW SILLETO, 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 containing prescribed information for the ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS.
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. The resignation letter or other supporting information is attached for each casual vacancy.
5. Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached.
6. No rule alterations are pending that will impact the election.



Signed: MATTHEW SILLETO

Dated: 21 November 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.

Annexure A

- Elections that are required

Division	Name of Office	Number required	Voting System Direct Voting system Collegiate electoral system	Reason for Election Scheduled Casual vacancy New office created; Insufficient nominations	Electorate
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 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 TAS Subdivision	Subdivision Committee	5	Direct Voting System	Insufficient nominations	<i>Rule 12. Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division VIC Subdivision	President/National Assembly Member	1	Collegiate Voting System	Insufficient nominations	<i>Rule 12. Appendix "K" – Supplementary Rules – Professional Engineers Division Federal Rule 16.2.8.1</i>
Professional Engineers Division TAS Subdivision	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 WA Subdivision	Subdivision Committee	2	Direct Voting System	Insufficient nominations	<i>Rule 12. Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Professional Engineers Division WA Subdivision	Secretary	1	Collegiate Electoral System	Insufficient nominations	<i>By and from the Western Australia Engineer Subdivision committee Rule 12.8 Appendix "K" – Supplementary Rules – Professional Engineers Division</i>
Architects Division	Division Committee	2	Direct Voting System	Insufficient nominations	<i>Federal Rule 6.1.4 All eligible members as defined in Federal Rule 3.5</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>
Collieries Staff Division	Division Committee	1	Direct Voting System	Insufficient nominations	<i>Members of the Division in WA Rule 5 of Appendix "H" – Supplementary Rules – Collieries Staff Division</i>
Local Government Engineers Association	Division Committee	1	Direct Voting System	Casual Vacancy	<i>Federal Rule 6.1.3</i>
Local Government Engineers Association	Division Committee	1	Direct Voting System	Insufficient nominations	<i>Federal Rule 6.1.3</i>
Managers & Professionals Division	Division Committee - ABC Committee Member/National Assembly member	1	Direct Voting System	Insufficient nominations	<i>By and from Australian Broadcasting Corporation Senior Executive Members Federal Rule 6.1.7 Rule 6.2 of Appendix "I" – Supplementary Rules – Managers and Professionals Division</i>
Professional Scientists Division	President	1	Collegiate electoral system	Insufficient nominations	<i>Rule 5.2 of Appendix "J" – Supplementary Rules – Professional Scientists Division</i>
Professional Scientists Division	Vice President	1	Collegiate electoral system	Insufficient nominations	<i>Rule 5.2 of Appendix "J" – Supplementary Rules – Professional Scientists Division</i>
Professional Scientists Division	Division Committee – NSW Rep	1	Direct Voting System	Insufficient nominations	<i>From and by members resident in NSW Rules 5.1 & 5.4 of Appendix "J" supplementary Rules Scientists Division (See Note 2)</i>
Professional Scientists Division	Division Committee – ACT Rep	1	Direct Voting System	Insufficient nominations	<i>From and by members resident in ACT Rules 5.1 & 5.4 of Appendix "J" supplementary Rules Scientists Division (See Note 2)</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 (See Note 2)</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 (See Note 2)</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 (See Note 2)</i>
Professional Scientists Division	Division Committee – Rep - Any Division	2	Direct Voting System	Insufficient nominations	<i>From and by financial members of the Scientists Division Rules 5.1 & 5.4 of Appendix “J” supplementary Rules Scientists Division (See Note 2)</i>
Pharmacists Division	Division Committee – SA & NT 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	1	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 - Any	4	Direct Voting System	Insufficient nominations	<i>By and from members of the Division Federal Rule 6.1.5</i>
Pharmacists Division	Secretary	1	Collegiate electoral system	Insufficient nominations	<i>From and by the members of the Division Committee Rule 7, Appendix “G” – Supplementary Rules – Pharmacists Division</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the returning officer	To be determined by the returning officer
Nominations CLOSE	To be determined by the returning officer	To be determined by the returning officer
Roll of Voters cut-off date	To be determined by the returning officer	To be determined by the returning officer

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
2	Professional Scientists Division	Division Committee (12)	<p>Rule 5.4 of Appendix "J" supplementary Rules Scientists Division</p> <p>A minimum of one representative of each gender must be elected to the Division Committee from the Professional Scientists Division. In the event that there is no person from a particular gender who is elected as a Division Committee Member from and by members resident in any state as set out in Rule 5.1 then if a sole person from the particular gender nominates as (1) one of the (4) four other members elected from and by members of the Professional Scientists Division then that person will be deemed to be elected. If there is no nomination received from a particular gender for the position of Division Committee Member the provisions of the Sub-Rule shall not apply.</p>