



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
(E2025/32)

MR STEENSON

SYDNEY, 16 JULY 2025

Arrangement for conduct of election.

[1] On 4 July 2025 the Queensland Branch (the **Branch**) of the Australian Institute of Marine and Power Engineers (the **AIMPE**) lodged with the Fair Work Commission (the **Commission**) prescribed information for an election to fill the following office for a new term:

Branch Treasurer

(1)

[2] Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (**the Act**) requires that prescribed information seeking the conduct of an election must be lodged in a specific timeframe. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (**RO Regulations**) specifies this timeframe (known as ‘the prescribed day’) as being two months before the day that nominations are due to open under the organisation’s rules. Late lodgement (and non-lodgement) may attract a civil penalty.

[3] The Branch lodged the prescribed information considerably late. In fact, it was only lodged after the Commission contacted the Branch and advised them that it was overdue, which prompted them to lodge the prescribed information.

[4] Rule 33B(iii) of the AIMPE rules requires the Returning Officer to call for nominations by publication in the organisation’s magazine ‘On Watch’ and via the AIMPE website at least one month before the date on which nominations open. The rule further provides that nominations shall be open for six weeks, and the voting period shall also be open for six weeks. Therefore, the date on which nominations are due to open is a date that occurs 12 weeks before the current term of office expires. The term is due to expire on 10 August 2025, and accordingly, nominations are due to open on 18 May 2025. In those circumstances, the deadline (two months before nominations open) to lodge prescribed information for this election was 18 March 2025. As the prescribed information was lodged on 4 July 2025, it was therefore some 108 days late when measured against the deadline imposed by the legislation.

[5] In addition to this, rule 33B(ii) of the AIMPE rules provides an even more specific date to lodge prescribed information for an election, requiring the Branch Secretary to lodge the information ‘at least six months before the term of office(s) expires’. This rule gives a clear and

unequivocal timeframe for branches to comply with their obligations to lodge prescribed information under the Act without having to calculate the date nominations open and the ‘prescribed day’ before doing so. The rule also appears to take into account the extra month required for the Returning Officer to publish the nomination opening and closing dates in AIMPE’s ‘On Watch’ magazine.

[6] In the prescribed information lodged on 4 July 2025, the Branch Secretary sought an extension of time to lodge the prescribed information, albeit that the request was made well after the prescribed day. The Branch Secretary stated that the delay was due to a culmination of matters:

- the Branch’s long term Senior Organiser had resigned in January 2025 leaving no organisers in the Branch,
- the office of Branch Secretary is an honorary position, and the Branch Secretary works full time as a Marine Engineer where he is at sea on a four-week rotational basis, and
- the Branch Secretary, who is responsible for lodging the prescribed information under rule 33B(ii), recently took office on 12 August 2024 (in election E2023/195), was apparently not familiar with his role as Branch Secretary and had missed the date to lodge prescribed information as required by the AIMPE rules.

[7] I also note that the Branch was late in lodging its prescribed information in election **E2023/195**, the election where the current Branch Secretary was elected to his office. Of course, on that occasion it was the previous incumbent who had failed to lodge the prescribed information for that election (E2023/195) on time. The prescribed information was lodged 65 days late on that occasion and no extension of time was requested.

[8] I am not satisfied that the above reasons sufficiently justify the failure to comply with a statutory obligation to lodge prescribed information in a specified timeframe, especially when the organisation’s own rules impose a very clear (and earlier) timeframe. The normal and reasonable expectation is that registered organisations and their branches (and therefore their officers) take steps to ensure that they comply with the timeframe requirements that are set out, not only in the Act, but also in the organisation’s own rules.

[9] I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. As section 189(2) is a civil penalty provision, the failure to lodge the prescribed information before the prescribed day therefore may render the organisation liable for a civil penalty or other enforcement action.

[10] The Commission intends to engage with the AIMPE and the Branch to discuss the appropriate response to non-compliance with election requirements that are civil penalty provisions. It is essential that branches have systems in place for ensuring on-time lodgement of key documents, especially where non-compliance can attract civil penalties. For branches where the officers are honorary and hold full-time employment elsewhere, it is critical that more than one person in the Branch has specific knowledge about the Branch’s obligations to lodge prescribed information and other documents required under the Act and can take that action if required.

[11] The refusal of an extension of time under section 189(2) of the Act does not, however, affect the requirement for me to issue a determination of the election request for the purposes of section 189(3) of the Act.

[12] I am satisfied that an election for the abovenamed office is required to be held under the rules of the organisation and, under subsection 189(3) of the Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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PR789124

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, Bradley John Ready, being the Qld Branch secretary of the Australian Institute of Marine and Power Engineers make the following statement:

1. I am authorised to sign this statement containing prescribed information for Qld Branch of Australian Institute of Marine and Power Engineers, 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.
7. 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. I, Bradley John Ready, was Elected to the Position of QLD Branch secretary in election E2023/195, on 12/08/2024. The position of Branch Secretary is an honorary position and I work full time at sea as a Marine Engineer on a four week rotation.

Our long term Qld branch Senior Organiser, Mr. Greg Yates resigned as of 10 Jan 2025. Leaving no organisers in the Qld branch. We have since secured a new Branch Organiser, Ms. Maggie Page.

As Qld Branch Secretary it is my responsibility, Under rule 33 to lodge applications for Branch elections.

Due to my recent election as Branch Secretary, my full time work and the resignation of Our Branch Organiser, I was unfamiliar with the role and missed the dates required to carry out the election as required by the rules.

- a. An extension of time is requested and lodged for this election as of today 04/07/2025.

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:

A solid black rectangular box used to redact the signature of Brad Ready.

Brad Ready, Qld Branch Secretary, AIMPE.

Dated: 04/07/2025

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 [insert as many pages as required]

Branch	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
Queensland	Branch Treasurer	1	Direct Voting System	Scheduled	Queensland Branch Members, Rule 33. B (xiv) Financial members only shall be entitled to vote.

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer	N/A
Nominations CLOSE	To be determined by the Returning Officer, Rule 33. B. iii 6 weeks after nomination open	N/A
Roll of Voters cut off date	Rule 33 B (xiv) Financial members only shall be entitled to vote. The roll of voters shall be closed 7 days before the opening of nominations	N/A

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.*](#)