



DECISION

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

The Australian Institute of Marine and Power Engineers
(E2025/188)

MR STEENSON

SYDNEY, 11 FEBRUARY 2026

Arrangement for conduct of election.

[1] On 28 January 2026 the Queensland Branch (**Branch**) of The Australian Institute of Marine and Power Engineers (**AIMPE**) lodged prescribed information, and on 6 February 2026 lodged amended prescribed information, with the Fair Work Commission (**Commission**) for an election to fill the following offices for a new term of office:

President	(1)
Ordinary Members of Federal Council	(2)

[2] The abovementioned prescribed information also contained a request for an election to fill the following office, due to insufficient nominations received in the most recent scheduled election for that office (**E2025/32**, declared in November 2025):

Treasurer	(1)
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[3] The prescribed information in relation to the Members of Federal Council was lodged after the required date (known as the prescribed day), which according to regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* is two months before nominations are due to open under the rules of the organisation.

[4] Rule 33B(iii) of the AIMPE rules provides that nominations shall be open for six weeks, and that the voting period shall also be open for six weeks.¹ 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 for the Ordinary Members of Federal Council is due to expire on 30 May 2026, and accordingly, nominations are due to open no later than 7 March 2026. In those circumstances, the deadline (two months before nominations open) to lodge prescribed information for this election was 7 January 2026. As such, the prescribed information was lodged 21 days late.

¹ Rulebook D2024/5, certified 29 April 2025.

[5] Further, the AIMPE's own rules outline a timeframe to lodge the prescribed information, with rule 33B(ii) requiring the Branch Secretary to lodge the information 'at least six months before the term of office(s) expires' [emphasis added]. To comply with this rule, the prescribed information would need to have been lodged by 30 November 2025.

[6] In the amended prescribed information lodged 6 February 2026, the Branch Secretary (Mr Ready) set out reasons for the delay in lodgement, in particular that the Branch Secretary holds that role in an honorary capacity, in addition to which he works as a full-time Marine Engineer, and was called away early (at the beginning of January 2026) for work at sea and missed the date for lodgement as a result.

[7] I empathise with the obligations placed on officers of an organisation who perform those duties in an honorary capacity. They do so above and beyond their ordinary paid employment yet have similar obligations to paid officers. The RO Act sets out the legislative requirements for registered organisations and actions that officers are required to complete in order to comply with those requirements. The RO Act does not distinguish between paid and unpaid officers.

[8] Given that the AIMPE rules require lodgement at least six months prior to the term expiring, the expectation is that officers of the Branch (whether honorary officials or not) would be aware of the provisions of their rules and when terms of office are due to expire, and should have been prepared for lodgement significantly before the date that the Secretary was called away for work. In addition, staff of the Commission had provided a 'courtesy letter' to the Branch on 2 December 2025 advising that an election was upcoming, to allow the Branch sufficient time to lodge the prescribed information by the due date.

[9] It is noted that the Branch has a history of non-compliance with lodgement of prescribed information for elections. In the most recent scheduled election, E2025/32, similar reasoning was provided in relation to the late lodgement. On that occasion, I declined to allow a later date for lodgement and, following that, staff of the Commission met with the Branch Secretary and the Federal Secretary on 18 July 2025, seeking to provide advice and assistance on meeting the obligations for lodgements. Relevantly, in that meeting, terms of office and their expiry dates were discussed, and the Branch Secretary advised the Commission that he had set reminders for 6 months prior, and 1 week prior, to the due dates for lodgement.

[10] In the context of this issue of late lodgement having previously been raised with the Branch, while I understand the challenges for honorary officers, I am not satisfied that the reason outlined by the Branch Secretary in the amended prescribed information is a sufficient ground to justify the failure to comply with a statutory obligation.

[11] Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009 (the Act)* but also in instruments or references pertaining to their own governance formulated by the organisations themselves, 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 is a contravention of that provision and leaves the AIMPE open to compliance and enforcement action for that contravention.

[12] In circumstances where the Commission has previously engaged with the Branch about this issue, and the issue has then recurred, consideration is being given to the most appropriate compliance and enforcement response that would be both proportionate and ensure compliance going forward (as previous engagement has evidently not achieved this).

[13] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[14] 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 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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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 QUEENSLAND 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 [QUEENSLAND BRANCH of the AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).

2. The elections that are required are set out in the table in Annexure A.

[delete as appropriate]

3.

4. For the Treasurer position Insufficient nominations were received in an earlier election(s) and the declaration/s of results is/are attached. E2025/32.

5. No rule alterations are pending that will impact the election.

6. For the positions of Ordinary member of council and for President 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. In addition to my honorary position as Qld Branch Secretary I work full time as a Marine Engineer in a FIFO capacity and was called away early to sea On the 2nd of January and missed the date to commence the election process.

Signed:



Dated: 06 Feb 2026

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]

BranchCoun	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	Councillor	1	Direct Voting System	Scheduled	Queensland Branch Members, Rule 33. B (xiv) Financial members only shall be entitled to vote.
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Queensland	Treasurer	1	Direct Voting System	Insufficient nominations	Queensland Branch Members, Rule 33. B (xiv) Financial members only shall be entitled to vote.
Queensland	Branch President	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 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, Rule 33. B. iii 6 weeks after nominations open	Insert date and reference the relevant rule; or 'To be determined by returning officer' if the rules provide
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	Insert date and reference the relevant rule

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](#).