



5 March 2019

National Secretary
The Association of Professional Engineers, Scientists and Managers,
Australia
legal@professionalsaustralia.org.au

Dear National Secretary,

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/144

On 22 February 2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/144 dated 22 February 2019. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 14.1.2. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

A written response must be provided to the AEC

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

Extract of report must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

Written response must be made available to members

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the ROC a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the ROC for assistance by email to regorgs@roc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the ROC is NOT able to provide advice and assistance regarding draft alterations or the processes required to make the alterations. Rule alterations remain a function of the Fair Work Commission.

Yours faithfully

Matthew Indrigo

Registered Organisations Commission

22 February 2019

Post-election report

The Association of Professional Engineers,
Scientists and Managers, Australia
Scheduled election
E2018/144

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Election(s) Covered in this Report

Organisation: The Association of Professional Engineers, Scientists and Managers, Australia
Election: Scheduled
Election Decision No/s: E2018/144

Rules

Rules used for the election:	<p>215V: Incorporates alterations of 10 November 2017 [R2017/148] (replaces rulebook dated 11 October 2016 [R2016/200]) Used for stage 1</p> <p>215V: Incorporates alterations of 25 September 2018 [R2018/153] (replaces rulebook dated 10 November 2017 [R2017/148]) Used to conduct Stage 1 – de novo Architects Division, Stage 2, Stage 2 de novo Collieries Staff Division, and Stage 3</p>
Rules difficult to apply/interpret:	<p>Divisional Rules Nominations: Rule 14.1.2 Completed nominations shall be addressed to the Returning Officer at the Registered Office of the Division or at another address specified by the Returning Officer so as to reach that office or address not later than the date determined by the Returning Officer in the relevant calendar year, <u>provided that where a nomination is forwarded by registered mail and is posted on a date prior to closing date for nominations it shall be deemed to have reached the office or address not later than the closing date for nominations.</u></p>
Model Rule reference (if any):	<p>Model Rule 6.1.2 <u>Nominations received by the returning officer after that time shall not be accepted.</u></p> <p>Question: How do we determine how long to wait for registered post to arrive? Recommendation: Remove the reference to receiving nominations after the close of nominations if forwarded by registered post before the close of nominations.</p>

For more details see the Model Rules on the AEC website:
(https://www.aec.gov.au/About/AEC/AEC_Services/Industrial_Elections)

Roll of Voters

Stage 1 – Collieries Staff Division – Western NSW

Total number of voters on the Roll:	170
Number of apparent workplace addresses:	None
Number of non-current addresses:	1
Other matters pertaining to the roll of voters:	None

Stage 3 – National Vice Presidents (3)

Total number of voters on the Roll:	35
Number of apparent workplace addresses:	None
Number of non-current addresses:	None
Other matters pertaining to the roll of voters:	None

Irregularities

Details of written allegations of irregularities, and action taken by AEC:	None
Other irregularities identified, and action taken:	None

Other Matters

Returning Officer actions required (Section 193): No
Details: N/A

Rule 18.5

Completed nominations shall be addressed to the Returning Officer at the address notified in the call for nominations and shall reach the address not later than the fifteenth day of January in each year.....

Recommendation: Amend the above rule to allow for a nomination form to be received by the Returning Officer at an address determined by the Returning Office as in Divisional Rule 14.2.4.
i.e. allowing for the receipt of a nomination form by email or via a secure portal

Divisional rule 14.2.4. The mode and method of lodgement of nominations shall be at the discretion of the Returning Officer.

Signed



Ann Dougan
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7161
22 February 2019

Attachments

- A. Declaration of Results Uncontested - Stage 1
- B. Declaration of Results Contested - Stage 1 CSD – Western NSW
- C. Declaration of Results Uncontested - Stage 1 Architects de novo election
- D. Declaration of Results Uncontested - Stage 2
- E. Declaration of Results Uncontested - Stage 2 CSD de novo election
- F. Declaration of Results Uncontested - Stage 3
- G. Declaration of Results Letter - Contested - Stage 3 – National Vice Presidents

The Association of Professional Engineers, Scientists and Managers, Australia

DECLARATION OF RESULTS - E2018/144 - Stage 3 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:

National Assembly

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	35
Number of voters issued with voting material	35
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	35
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	29
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	29
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	6
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	83 %

National Vice President (3)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
HAVELBERG, Katie	28	28
CHEN, Wen	17	19
LONG, Stephen	18	22
HACKNEY, Colin *	12	excluded
WILKINS, Andrew *	12	15

* Rule reference: Appendix C. Rule 2.6 If, in the count, two or more candidates each shall receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count.

Total ballot papers admitted for this office	29
Formal Ballot papers	29
Informal Ballot papers	0

I declare the following elected:

- HAVELBERG, Katie
- LONG, Stephen
- CHEN, Wen

Order Elected

1
2
3



Ann Dougan
Returning Officer
Australian Electoral Commission
13 February 2019

Reference: AVAE5 V18/283

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 Miller St
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Scheduled Election
E2018/144**

The declaration of the election for the office of National Vice President (3) is attached.

The election is now complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

13 February 2019



21 January 2019

The National Secretary
Association of Professional Engineers, Scientists and Managers, Australia, The
legal@professionalsaustralia.org.au

Dear National Secretary,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 3 uncontested offices for National Branch [E2018/144]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Association of Professional Engineers, Scientists and Managers, Australia, The must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Matthew Indrigo
Registered Organisations Commission

**The Association of Professional Engineers, Scientists
and Managers, Australia**
DECLARATION OF RESULTS - E2018/144 - Stage 3
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:

National Board

National President (1)

Candidates

RUSSACK Andrew

National Senior Vice-President (1)

Candidates

FUCHS Maria

National Secretary (1)

Candidates

PORTER Robyn

National Treasurer (1)

Candidates

REINHOLD Olaf

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



Ann Dougan
Returning Officer
18 January 2019

Reference: AVAE5 V18/283

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 Miller St
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Scheduled Election
E2018/144**

The declaration of the election for uncontested offices is attached.

The election is not yet complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

18 January 2019

The Association of Professional Engineers, Scientists and Managers, Australia

DECLARATION OF RESULTS - E2018/144 Uncontested Offices

Recall 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:

Collieries Staff Division

Secretary/Treasurer (1)

Candidates

No Nominations Received

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



Ann Dougan
Returning Officer
Email: vicelections@aec.gov.au
9 January 2019

Reference: AVARW

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 MILLER ST
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Recall Election
E2018/144**

The declaration of the election for Collieries Staff Division Secretary/Treasurer office is attached.
The election is not yet complete.

Yours sincerely



Ann Dougan
Returning Officer

9 January 2019



7 December 2018

The National Secretary
Association of Professional Engineers, Scientists and Managers, Australia
legal@professionalsaustralia.org.au

Dear National Secretary,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 2 uncontested offices for Architects and Collieries Branches [E2018/144]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Association of Professional Engineers, Scientists and Managers, Australia, The must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Matthew Indrigo
Registered Organisations Commission

The Association of Professional Engineers, Scientists
and Managers, Australia
DECLARATION OF RESULTS - E2018/144
Uncontested Offices

de novo (Recall) 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:

Architects Division

Committee Member (one position if which is reserved for a student member as per Rule 5 of Appendix F) (5)

Candidates

MCLOUGHLIN Gerry

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



Ann Dougan
Returning Officer
Telephone: 03 9285 7161
Email: vicelections@aec.gov.au
3 December 2018

Reference: AVAPL V18/374

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 Miller St
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
de novo (Recall) Election
E2018/144**

The declaration of the election for the Architects Division Committee members is attached.

The election is not yet complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

3 December 2018

The Association of Professional Engineers, Scientists and Managers, Australia

DECLARATION OF RESULTS - E2018/144 - 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:

Collieries Staff Division

President (1)

Candidates

MEEHAN, Paul

Vice President (1)

Candidates

STOCKHAM, Dean

Secretary/Treasurer (1)

Candidates

No Nominations Received

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



Ann Dougan
Returning Officer
Telephone: 03 9285 7161
Email: vicelections@aec.gov.au
29 November 2018

Reference: AVAE4

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 MILLER ST
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Scheduled Election
E2018/144**

The declaration of the election for uncontested offices is attached.

The election is not yet complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

29 November 2018



9 November 2018

The National Secretary
Association of Professional Engineers, Scientists and Managers, Australia
legal@professionalsaustralia.org.au

Dear The National Secretary,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of stage 1 uncontested and contested offices for NSW, QLD, and WA Branches [E2018/144]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Association of Professional Engineers, Scientists and Managers, Australia, The must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Matthew Indrigo
Registered Organisations Commission

**The Association of Professional Engineers, Scientists and
Managers, Australia**
DECLARATION OF RESULTS - E2018/144
Contested Office

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:

Collieries Staff Division - Western (NSW)

Total number of persons on the roll of voters	170
Ballot Papers Issued	169
Replacement ballot papers issued	n/a
TOTAL BALLOT PAPERS ISSUED	169
Ballot papers/envelopes returned for scrutiny	26
Less ballot papers/envelopes rejected at preliminary scrutiny	2
Adjusting balance	n/a
TOTAL BALLOT PAPERS	24
Percentage of ballot papers returned to number issued	15%
Ballot papers returned as unclaimed mail by closing date of ballot	5
Ballot papers not returned by voters	143
Ballot paper not sent, as no address was supplied by the Organisation	1

Member from Western (NSW) (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Votes</u>
PERRY, Wayne	11	11
MORGAN, Wayne	12	12
Total Ballot papers admitted for this office	24	
Formal ballot papers	23	
Informal ballot papers	1	

I declare the following elected:
MORGAN, Wayne



Ann Dougan
Returning Officer
Australian Electoral Commission
30 October 2018

Reference: AVAE3 V18/220

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 MILLER ST
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Scheduled Election
E2018/144**

The declaration of the election for the Contested office is attached.

The election is not yet complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

30 October 2018

The Association of Professional Engineers, Scientists and Managers, Australia

DECLARATION OF RESULTS - E2018/144 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:

Architects Division

President (1)

Candidate

SERGI, Rocco Anthony

Vice-President (1)

Candidate

TUCKETT, Julian

Secretary (1)

Candidate

CHOW, Patricia

Treasurer (1)

Candidate

LAVERS, Warwick MacRobert

Committee Member (one position of which is reserved for a student member as per Rule 5 of Appendix F) (6)

Candidate

MARSHALL, Thomas

Collieries Staff Division - Upper Hunter (NSW)

Member from Upper Hunter (NSW) (1)

Candidate

HUNT, Ian Elijah

Collieries Staff Division - Lower Hunter (NSW)

Member from Lower Hunter (NSW) (1)

Candidate

MITCHELL, Dale

Collieries Staff Division - Central (NSW)

Member from Central (NSW) (1)

Candidate

PARKER, Ian

Collieries Staff Division - Southern (NSW)

Member from Southern (NSW) (1)

Candidate

MEEHAN, Paul

Collieries Staff Division - Northern (QLD)

Member from Northern (QLD) (1)

Candidate

BLACKWOOD, Scott

Collieries Staff Division - Southern (QLD)

Member from Southern (QLD) (1)

Candidate

JACOBSON, Clay

Collieries Staff Division - Eastern (QLD)

Member from Eastern (QLD) (1)

Candidate

PETTY, John

Collieries Staff Division - Western (QLD)

Member from Western (QLD) (1)

Candidate

STOCKHAM, Dean

Collieries Staff Division - Central (QLD)

Member from Central (QLD) (1)

Candidate

MURRAY, Justin

Collieries Staff Division - Western Australia

Member from Western Australia (1)

Candidate

NORTH, Max

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



Ann Dougan
Returning Officer
Australian Electoral Commission
21 September 2018

Reference: AVAE3 V18/220

Ms Jenny Broomhall
Executive Officer
The Association of Professional Engineers, Scientists and Managers, Australia
152 MILLER ST
WEST MELBOURNE VIC 3003

Dear Ms Broomhall

**The Association of Professional Engineers, Scientists and Managers, Australia
Scheduled Election
E2018/144**

The declaration of the election for uncontested offices is attached.

The election is not yet complete. A copy of the Declaration has been forwarded to all candidates.

Yours sincerely



Ann Dougan
Returning Officer

21 September 2018



DECISION

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

**The Association of Professional Engineers, Scientists and Managers,
Australia**
(E2018/144)

MR ENRIGHT

MELBOURNE, 2 JULY 2018

Arrangement for conduct of election.

[1] On 18 June and 2 July 2018 The Association of Professional Engineers, Scientists and Managers, Australia lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Architects Division

President	(1)
Vice-President	(1)
Secretary	(1)
Treasurer	(1)
Committee Member	(6)

(one position of which is reserved for a student member as per Rule 5 of Appendix F)

Collieries Staff Division

Member from Upper Hunter (NSW)	(1)
Member from Lower Hunter (NSW)	(1)
Member from Central (NSW)	(1)
Member from Western (NSW)	(1)
Member from Southern (NSW)	(1)
Member from Northern (QLD)	(1)
Member from Southern (QLD)	(1)
Member from Eastern (QLD)	(1)
Member from Western (QLD)	(1)
Member from Central (QLD)	(1)
Member from Western Australia	(1)
President	(1)
Vice President	(1)
Secretary/Treasurer	(1)

National Board

National President	(1)
National Senior Vice-President	(1)
National Vice President	(3)
National Secretary	(1)
National Treasurer	(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 COMMISSIONER

Printed by authority of the Commonwealth Government Printer

<PR351100>

29 June 2018

Mr Mark Bielecki
Commissioner
Registered Organisations Commission
GPO Box 2983
MELBOURNE VIC 3001
Via email: regorgs@roc.gov.au



*The Association of Professional
Engineers, Scientists &
Managers, Australia*
GPO Box 1272
Melbourne, Vic 3001
Phone: (03) 9695 8800
Facsimile: (03) 9695 8902
152 Miller Street
West Melbourne, Vic 3003
info@apesma.com.au
www.apesma.com.au

Dear Mr Bielecki

**CONDUCT OF ELECTIONS FOR APESMA DIVISION COMMITTEE MEMBERS, DIVISION
EXECUTIVE OFFICERS, AND NATIONAL BOARD MEMBERS**

In accordance with S189(1) and (2) of the Fair Work (Registered Organisations) Act 2009 concerning prescribed information, I request that you conduct the forthcoming elections to fill the positions of Division Committees of Management, Division Executive Officers, and National Board of the Association of Professional Engineers, Scientists and Managers, Australia.

Electorates for the 2018 Elections

The electorates for the 2018 Elections are those set out in Federal Rule 6.1.

Federal Rule 6.1

Architects Division
Collieries Staff Division

Division Elections (Division Rule 14A)

The Division elections shall be conducted between 1st August and the end of the following February and shall take place in two (2) stages.

The two (2) stages in the election cycles shall be as follows:

Stage 1 – Election of Division Committee of Management.

Stage 2 – Election of Division Executive Officers.

The Returning Officer will determine and notify the relevant dates for the conduct of the elections including but not limited to the opening and closing of nominations, the closing of the roll of voters and other relevant dates in connection with the conduct of any secret ballot(s) in accordance with this Rule.

(a) Architects Division Committee

President (1)

Vice-President (1)

Secretary (1)

Treasurer (1)

Committee members (6) one position of which is reserved for a student member (Rule 5 of Appendix F)

(b) Collieries Staff Division Committee

As set out in Rule of 10.1 Supplementary Rule 10.1 of Appendix “H” of the Supplementary Rules of the Collieries Staff Division the eleven (11) members of the Division Committee are elected from and by the financial members from their respective districts as follows:

1 member from Upper Hunter (NSW)

1 member from Lower Hunter (NSW)

1 member from Central (NSW)

1 member from Western (NSW)

1 member from Southern (NSW)

1 member from Northern (QLD)

1 member from Southern (QLD)

1 member from Eastern (QLD)

1 member from Western (QLD)

1 member from Central (QLD)

1 member from Western Australia

Division Executive Officers - (Division Rule 14.2)

The Collieries Staff Division Executive Officers (see Rule 6 of Appendix “H” – Supplementary Rules – Collieries Staff Division):

1 Division President

1 Division Vice President

1 Division Secretary/Treasurer

The voting system to be used for these Division Executive Officers is the collegiate electoral system and multiple preferential voting system (see Division Rule 14.2.7 and Appendix 3 to the Rules). The electorates for the positions of Division Executive Officers consist of the Division Committee members holding office in accordance with the Rules of the Association for the ensuing 1 year term in each respective Division (see Division Rule 14.2.5.3).

Nominations for the positions of these Division Executive Officers are to be called for after the election of the members of the Division Committee but not later than the 15th day of December 2018 (see Division Rule 14.2.1). Nominations close not later than 31st December 2018 (see Division Rule 14.2.4)

National Board of Management

The following National Board of Management positions exist as outlined in Federal Rule 18 of the Association's Constitution and Rules:

National President
National Senior Vice President
National Vice President (3 positions)
National Secretary
National Treasurer

In the case where at least one woman member nominates for a position on the Board, and no woman is elected to the Board, an additional Vice President position will be created and filled in accordance with Rules 18.3.1.1, 18.3.1.2 and 18.3.1.3.

The electorate for the positions on the National Board consists of members of the National Assembly holding office in accordance with the Constitution and Rules of the Association for the ensuing year (see Federal Rule 18.3).

Nominations for the National Board positions are to be called for before the 31st day of December from members of the National Assembly holding office for the ensuing year (see Federal Rule 18.3), and are to be returned to the address specified by the Returning Officer no later than the fifteenth day of January, and shall meet the requirements as specified in Federal Rule 18 of the Association's Constitution and Rules. Members of the National Assembly may nominate for more than one position (but can only be elected to one position). The order of filling such positions shall be National President, National Senior Vice President, National Secretary, National Treasurer, National Vice President. The multiple preferential system of voting (Appendix C of the Rules) shall be used for the election of the National Board (see Federal Rule 18.7).

Should a ballot be required for the positions on the National Board, ballot papers, together with information as provided for under Federal Rule 18.4, are to be sent to each member of the National Assembly by the thirty-first day of January next ensuing. Ballot papers should be returned to the Returning Officer not later than the fourteenth day of February next ensuing.

Yours sincerely,



Robyn Porter
NATIONAL SECRETARY



6 June 2018

Ms Robyn Porter
National Secretary
Association of Professional Engineers, Scientists and Managers, Australia
Sent via email: legal@professionalsaustralia.org.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Ms Porter,

Courtesy Letter - Election for offices [E2018/144]

The rules of the Association of Professional Engineers, Scientists and Managers, Australia indicate that an election for offices within the organisation is due to commence shortly.

- National Board
- Architects and Collieries Division's Committees

It appears that nominations for the election for the above-named offices open in September this year.

Reminder: prescribed information must be lodged

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Registered Organisations Commission (the ROC) two months before nominations open for the election.

If you do NOT agree that an election is due

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the ROC know on regorgs@roc.gov.au as soon as possible.

If you agree that an election is due

If you agree that an election is due, the prescribed information must be lodged within the month. The prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <http://www.roc.gov.au/resources-and-decisions/fact-sheets-templates-and-webinars>.

The prescribed information should be emailed to regorgs@roc.gov.au. When lodging the prescribed information, please quote [E2018/144]

If you are unable to lodge the prescribed information on time

If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the Commissioner within the month for a later date. Such

request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the Commissioner will consider such an application, there is no assurance that consent to a later day will be allowed.

Penalties apply

It should be noted Section 189(2) is a civil penalty provision. Failure for an organisation to lodge prescribed information at least two months before nominations open may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The ROC intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the ROC cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

Insufficient nominations

If there are insufficient nominations, or if a casual vacancy arises after the conduct of this election, then those unfilled or vacated offices must be filled in accordance the organisation's rules, and in any event in a timely manner.

Should you seek any clarification in relation to the above, please contact the ROC on regorgs@roc.gov.au.

Yours faithfully,



Sam Gallichio
Registered Organisations Commission