



7 October 2019

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

Dear Robyn Porter,

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 uncontested offices in matter E2019/132. 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 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.

Yours faithfully,

Astrid Glenister
Registered Organisations Commission

2 October 2019

Post-election report

The Association of Professional
Engineers, Scientists and Managers,
Australia
Recall election
E2019/132

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Election(s) Covered in this Report

Organisation: The Association of Professional Engineers, Scientists and Managers, Australia
Election: de novo (Recall) election
Election Decision No/s: E2019/132

Rules

Rules used for the election: 215V: Incorporates alterations of 17 July 2019 [R2019/64]
(replaces rulebook dated 25 September 2018 [R2018/153])
Rules difficult to apply/interpret: Nil
Model Rule reference (if any): N/A
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

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities,
and action taken by AEC: Nil
Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): No

Signed



Allison Valentine
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7177

2 October 2019

Attachments

A. Declaration of Results for Uncontested Offices – VIC

The Association of Professional Engineers, Scientists and Managers, Australia

DECLARATION OF RESULTS - E2019/132 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

JACOBSON Clay

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



Allison Valentine
Returning Officer
Telephone: 03 9285 7177
Email: vicelections@aec.gov.au

01/10/2019





DECISION

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

**The Association of Professional Engineers, Scientists and Managers,
Australia**
(E2019/132)

MR ENRIGHT

MELBOURNE, 8 AUGUST 2019

Arrangement for conduct of election.

[1] On 1 July 2019, The Association of Professional Engineers, Scientists and Managers, Australia, lodged with the Registered Organisations Commission prescribed information for an election to fill the following office, due to insufficient nominations received in a previous election (**E2018/144**):

Collieries Staff Division Secretary/Treasurer (1)

[2] 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 *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

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*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

18 June 2019

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

Dear Mr Bielecki

RE: APESMA RECALL ELECTION REQUEST

In accordance with s.138 (2) of Part 7 of the Fair Work (Registered Organisations) Regulations 2009 concerning prescribed information, I am writing to apply for an election to fill the following vacancy:

Division Executive Officer

- Collieries Staff Division
(a) 1 Division Secretary/Treasurer

This request is made in accordance with Division Rule 14.2 of the APESMA Rule Book which requires that in the event that there are no more nominations than there are vacancies for an office that each vacancy be filled by the conduct of a de novo election to the extent possible in accordance with Division Rule 14.

Please find enclosed the following documents:

1. The Returning Officer's Declaration of Results for Uncontested Offices - **Division Executive** - Stage 2
2. The Returning Officer's Declaration of Results for Uncontested Offices - **Division Executive – RECALL of Vacancies from Stage 2**

Accordingly, the Association requests that a de-novo election be conducted in respect of this unfilled vacancy.

Federal Rule 26 – Casual Vacancies cannot be utilised for the filling of unfilled vacancies as this Rule defines casual vacancies as occurring when;

“a person holding such office:

26.1.1 dies; or

26.1.2 tenders their resignation from office and such resignation is accepted by the National Assembly or in the case of a member of a Division Committee, Sub-Division Committee is accepted by the Committee; or

26.1.3 is expelled from the Organisation; or

26.1.4 during a period of office, transfers to another Division or Sub-Division occurs under Rule 11.2; or

26.1.5 is removed from office in accordance with these Rules or in case of a member of a Division or Sub-Division, in accordance with the rules of the Division or Sub-Division concerned; or

26.1.6 ceases to be a member of the Organisation in consequence of their resignation from membership.”

The voting system for elections will be by direct election in that the positions would be elected by and from members of the respective electorates for the Collieries Staff Division or by and from all members of the Division as the case may be.

In addition as the request is for a de novo election the closure of membership rolls and the date and time of the beginning and end of the period in which nominations of candidates will be called/made will need to be determined by the Returning Officer.

Accordingly I await your advice in relation to arrangements for the conduct of a ballot to fill the vacant office.

Yours sincerely



Robyn Porter
NATIONAL SECRETARY