



3 July 2019

Federal President
Australian Institute of Marine and Power Engineers
Sent via email: AIMPE@aimpe.asn.au

Dear Federal President,

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 contested and uncontested offices in matter E2018/280. 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 Australian Institute of Marine and Power Engineers, 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.

Yours faithfully,

Romy Kaur
Registered Organisations Commission



3 July 2019

Federal President
Australian Institute of Marine and Power Engineers
Sent via email: AIMPE@aimpe.asn.au

Dear Federal President

Organisation must respond to the post-election report of the Australian Electoral Commission: E2018/280

On 12-06-2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2018/280. 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 33.A (ii). 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

Romy Kaur
Registered Organisations Commission

The Australian Institute of Marine and Power Engineers
DECLARATION OF RESULTS - E2018/280
Contested and 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:

VOTING MATERIAL ISSUED	
Total number of people on the Roll of voters	17
Number of voters issued with voting material	16
COUNT	
Total ballot papers admitted to the count	16
PARTICIPATION	
Percentage of voting material packs returned by voters to number of people on the Roll of voters	94 %

President (1)

<u>Candidates</u>	<u>Final Votes</u>
BYRNE, Martin	9
TOOHEY, Peter	7

Total ballot papers admitted for this office	16
Formal Ballot papers	16
Informal Ballot papers	0

I declare the following elected:

- BYRNE, Martin

Vice Presidents (3)

Candidates
HARTREE John
JONES Mark
MACLUCAS Derek

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

Treasurer (1)

Candidates

MCALLISTER Ian

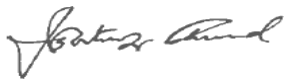
As the number of nominations accepted did not exceed the number of position to be filled, I declare the above candidate elected.

Senior Vice-President (pursuant to rule 10) (1)

Candidates

MACLUCAS Derek

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



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
03/06/2019



12 June 2019

Post-election report

**The Australian Institute of Marine and Power
Engineers - E2018/280**

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	3
Other Matters	4
Attachments.....	4

Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers

Election Decision Number(s): E2018/280

Rules

Rules used for the election: [009V: Incorporates alterations of 03/12/2014 in matter R2013/22]

Rules difficult to apply/interpret: Rule 33.A (ii) is difficult to apply as the Returning Officer is appointed by the Australian Electoral Commission to conduct the election after receiving the Order from the Registered Organisations Commission.
It is recommended that this issue be resolved.

Model Rule reference (if any): None

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

Total number of voters on the Roll: 17

Number of apparent workplace addresses: N/A

Number of non-current addresses: N/A

Other matters pertaining to the roll of voters: None

Irregularities

Details of written allegations of irregularities, and action taken by AEC: Nil

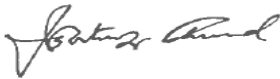
Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details: The rules of the Association do not include closing time of withdrawal of nomination. The Returning Officer closed the nomination withdrawal period in line with the nomination closing time.

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
E: Ishtiaq.ahmed@aec.gov.au
P: 02 93756331

Date: 12/06/2019

Attachments

- 1) Declaration of results for Contested and Uncontested Offices



DECISION

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

The Australian Institute of Marine and Power Engineers
(E2018/280)

MR ENRIGHT

MELBOURNE, 8 MAY 2019

Arrangement for conduct of election.

[1] On 26 March and 1 May 2019 The Australian Institute of Marine and Power Engineers lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

FEDERAL EXECUTIVE

President	(1)
Vice Presidents	(3)
Senior Vice-President (pursuant to rule 10)	(1)
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

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PR351345

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, Martin Byrne being the Federal President and Federal Secretary of the Australian Institute of Marine and Power Engineers (AIMPE) make the following amended statement:

1. I am authorised to sign this statement containing prescribed information for 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 amended table in Annexure A.
4. A brief outline of the proposed rule alterations affecting this election is attached. These rule alterations HAVE NOT been lodged with the Fair Work Commission.
5. This statement amends the statement that was lodged on 26th March 2019 which was at least 2 months before nominations open for the election(s) in Annexure A. The amendments address typographical errors and correct the important dates which have been proposed for the election process.

NOTE: A failure to lodge Prescribed Information on time can lead to civil penalties under the RO Act. Extensions of time should be requested at least two months before nominations open.

Signed:



Dated: 1st May 2019

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
National	President	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33A)</i>
National	Vice President	3	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33A)</i>
National	Treasurer	1	Collegiate electoral system	Scheduled	<i>Federal Council (rule 5(ii) & rule 33A)</i>
National	Senior Vice President (elected from among the 3 Vice Presidents)	1	Collegiate electoral system	Scheduled	<i>Federal Council (Rule 10)</i>

- Important dates:

		Collegiate Electoral System
Roll of Voters cut-off date		<i>Estimated 27th May 2019 at a time fixed by the Returning Officer (rule 33A (iii))</i>
Nominations OPEN		<i>3rd June 2019 at a time fixed by the Returning Officer (rule 33A (iii))</i>
Nominations CLOSE		<i>3rd June 2019 at a time fixed by the Returning Officer (rule 33A (iii))</i>

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](#)