

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, Martin Byrne of 52 Buckingham Street, Surry Hills NSW 2010 am the Federal President of the Australian Institute of Marine and Power Engineers and am authorised to give this notice of particulars of alterations to the rules of Australian Institute of Marine and Power Engineers and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Australian Institute of Marine and Power Engineers.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make this alteration were as follows:
 - (a) On 8th January 2019 the Federal Executive considered seven proposed rule changes to respond to criticism by the Australian Electoral Commission in post-election reports following a number of election processes and to deal with other outdated elements of the AIMPE Rules. The Federal Executive adopted each of the seven proposed rule changes;
 - (b) Subsequently, on 4th March 2019, I sent to each member of the Federal Council by email a copy of each of the seven proposed rule changes and gave 60 days' notice in accordance with Rule 38 (iii) Alteration or Rescission of Rules of a postal vote to confirm or disapprove of the proposed rule changes. A copy of the notice attached to this declaration and labelled 'Schedule B';
 - (c) Subsequently on 6th May 2019 I sent a request by email to each member of the Federal Council requesting that they submit their votes on the seven proposed rule changes;
 - (d) On 23rd May 2019 I advised by email all members of the Federal Council that the results of the voting on the seven proposed rule changes were that six of the seven proposed rule changes had been endorsed by a majority of Federal Councillors (with 12 Councillors voting in favour and 0 Councillors voting against out of a total of 17 Federal Councillors – 2 Councillors formally abstained while 3 Councillors did not exercise their votes). The proposed rule change 2 was not supported by a majority of Federal Councillors;
 - (e) As Federal President I ensured that notice of a Special Meeting of members of AIMPE (as required by Rule 38 (i) (a) and Rule 19 (iii)) was posted on the AIMPE website on 24th May 2019 together with a copy of the proposed rule changes, a copy of which is attached to this declaration and labelled 'Schedule C';

- (f) As Federal President I also gave notice of a Special Meeting of members of AIMPE (as required by Rule 38 (i) (a) and Rule 19 (iii)) - by advertisement placed in the Weekend Australian published 25th May 2019, a copy of which is attached to this declaration and labelled 'Schedule D';
 - (g) The Special Meeting was held in the specified locations on the 28th May 2019 (except for the Port Adelaide meeting which was held on 30th May as notified). A majority of members in attendance voted in favour of the six rule change resolutions which had been approved by the Federal Councillors although the members in two locations did not vote on the proposed rule changes.
 - (h) 60 members attended the Special Meetings in six locations. Each meeting had a quorum of at least 7 members in attendance. At the Brisbane meeting no voting occurred.
 - (i) 35 members voted in support of and 14 voted against Rule change 1, 34 members voted in favour of and 14 voted against Rule change 3, 50 members voted in favour of and 0 voted against Rule change 4, 36 members voted in favour of and 14 voted against Rule change 5, 36 members voted in favour of and 14 voted against Rule change 6, 36 members voted in favour of and 14 voted against Rule change 7.
4. I seek leave to file this notice of alteration of rules out of time due to a number of factors including:
- i) the process has been a lengthy one due to the notice requirements under AIMPE Rules which are in turn due to the fact that AIMPE members [including elected honorary officials] can be away at sea for extended periods of time;
 - ii) the long-term illness of a senior staff member between April and July which has both reduced my support and increased my workload; and
 - iii) a period of five weeks of annual leave which I took during June and July.

I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.



Martin Byrne
Federal President

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within **35 days** of the changes being transacted by the organisation. It must be accompanied by the 'particulars', which are the details of the rule changes. It can be submitted to ros@fwc.gov.au. If the organisation has a website, a notice must be put up on the website that this application has been lodged with the Fair Work Commission and this should be mentioned in the email.]*

Schedule A - Particulars of Rule Changes

RULE CHANGE 1

RULE CHANGE 1 re Rule 33A

“That Rule 33 A (i) and (ii) be deleted and replaced with the following:

- “(i) At least two months prior to the date set for the opening of the Federal Council, the Federal President shall lodge with the Registered Organisations Commission (ROC), the prescribed information relating to the Federal Executive election as required by section 189(1) of the Fair Work (Registered Organisations) Act 2009 & regulation 138 of the Regulations. The Commissioner shall, when satisfied that an election is due to be held, make arrangements for the conduct of the election by the Australian Electoral Commission (AEC). The AEC shall appoint a Returning Officer who will conduct the elections for Federal Executive positions.
- “(ii) The members of the Federal Council shall elect a Federal Executive, from amongst their own number, consisting of a Federal President, a Federal Treasurer & three (3) Vice Presidents, for a term of one (1) year or until the next Annual Meeting of the Federal Council. Federal Council shall also elect a Senior Vice President from amongst the three newly elected Vice Presidents.”

RULE CHANGE 2

Note – Rule Change 2 was disapproved by the majority of Federal Councillors.

RULE CHANGE 3

RULE CHANGE 3 re Rule 12

“That in Rule 12 (i) the words “169 Stock Road Palmyra WA 6157” be deleted and replaced

with the following:

“1 High Street Fremantle WA 6160” ”

RULE CHANGE 4

RULE CHANGE 4 re Rule 9

“That Rule 9 paragraph (iii) and paragraph (iv) be deleted and replaced with the following:

- “(iii) The Federal President shall keep a register of the names, occupations and addresses of the officers and members of the Institute. Such register shall be kept at the Branch Offices of the Institute and shall be open at any time for inspection by the Registered Organisations Commission.
- (iv) The Federal President shall prepare and submit all returns required by or under the Fair Work (Registered Organisations) Act, 2009 or Regulations made thereunder.” ”

RULE CHANGE 5

RULE CHANGE 5 re Rule 15

“That Rule 15 paragraph (i)(b) be deleted and replaced with the following:

- “(b) Newcastle Branch - all that part of the Commonwealth of Australia within the boundaries of the Commonwealth Electoral Divisions of Richmond, Page, Cowper, New England, Lyne, Paterson, Parkes, Hunter, Newcastle, Shortland, Dobell and Robertson.” ”

RULE CHANGE 6

RULE CHANGE 6 re Rule 30

“That Rule 30 be amended by adding the following paragraphs:

- “(vii) Life Members of the AIMPE shall be accorded the rights of financial members.
- (viii) Life Members shall not be required to pay either levies or annual contributions.” ”

RULE CHANGE 7

RULE CHANGE 7 re Rule 40

“That Rule 40 be amended by deleting Part B Transitional Provisions”

Schedule B Notice of rule changes



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

MEMO

TO FEDERAL COUNCILLORS

4th March 2019

FROM FEDERAL EXECUTIVE

RE NOTICE of RULE CHANGE PROPOSALS

The AIMPE Federal Executive has decided to place seven rule change proposals before Federal Councillors for a postal vote in accordance with Rule 38(iii). Accordingly, this is to give you 60-days notice of the seven proposed rule changes which are attached.

Some of these are Rule changes which the Executive regards as priority matters because AIMPE has been asked to address shortcomings by the Australian Electoral Commission. Others have become necessary as some rules have simply become out of date. The Federal Executive anticipates that these proposals will not be regarded as contentious and will receive the support of the majority of Federal Councillors

Rule change 1 is presented to Federal Councillors in response to an adverse Post Election Report submitted by the Australian Electoral Commission. The AEC has identified a problem in the interpretation and or application of Rule 33A our Federal Executive election rules provisions and recommended that these provisions be clarified. One aspect is that the AIMPE rules currently state that the Federal Council shall appoint a Returning Officer. Under the law AIMPE now has to apply to the Registered Organisations Commission to authorise the Australian Electoral Commission to conduct the election. The AEC then appoints the Returning Officer. (The other alternative under the law is for AIMPE to apply for an exemption and seek to conduct our own ballots.) Proposed rule change 1 also brings into this rule the election of the Senior Vice President by Federal Council.

Rule change 2 is also presented to Federal Councillors in response to adverse Post Election Reports submitted by the Australian Electoral Commission. The AEC has identified problems in the interpretation and or application of aspects of our Branch election rules provisions and recommended that these provisions be clarified. These include lack of clarity regarding the time periods of each stage of the election process. The proposed rule change sets out 6 week periods for nominations and for the ballot and also resolves the problem of the 14 days before opening of the election.

Acknowledgement is due to Life Member Mr Jim Smith for the work that he did on these election rule issues.

Rule change 3 is intended to update the rules in relation to the relocation of the WA Branch office from Palmyra to Fremantle.

Rule change 4 has the effect of removing references to outdated institutions (Industrial Registrar) and laws (Workplace Relations Act) and replacing the references with the correct current institutions (Registered Organisations Commission) and laws (Fair Work Act).

Rule change 5 is to remove from the Rules an electorate (Charlton) which no longer exists following the last Commonwealth redistribution of electoral boundaries in NSW.

Rule change 6 is to clarify the rights of Life Members of AIMPE.

Rule change 7 is to remove temporary transitional provisions which are now obsolete.

Once the 60-days notice period has elapsed you are asked to vote on each separate proposed Rule change indicating whether you confirm or disapprove of the proposed rule change.

Many thanks,

Martin Byrne
Federal Secretary

Schedule C AIMPE Website notice of rule changes

<https://www.aimpe.asn.au/aimpe-rules.html>

AIMPE rule changes - special meeting

(updated 24 05 19)

The AIMPE Federal Councillors have approved changes to six of the rules of the AIMPE - now it is up to members to endorse the rule changes.

Special meetings will be held next Tuesday 28th May in Brisbane, Newcastle, Sydney, Melbourne and Fremantle at the usual Branch monthly meeting venues.


The meeting in Port Adelaide will be held on 30th May in conjunction with the monthly meeting previously advised to SA Branch members.

Some of the Rule changes are priority matters because AIMPE has been asked to address shortcomings by the Australian Electoral Commission.

Others have become necessary as some rules have simply become out of date.

Members are advised that the AIMPE Federal Councillors did not approve one of the proposed rule changes (Proposed Rule Change 2).

Here is the explanation that was provided to the Federal Councillors in March when they were given the required 2 months notice of the proposed changes:

 [Notice of proposed Rule changes 2019.pdf](#) (98.01 KB Fri May 24 09:58:24 2019)

The first rule change approved is below:

 [Approved RULE CHANGE 1 re 33A i and ii.pdf](#) (81.11 KB Fri May 24 10:01:14 2019)

The second rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 3 re Rule 12.pdf](#) (77.95 KB Fri May 24 10:02:05 2019)

The third rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 4 re Rule 9.pdf](#) (78.19 KB Fri May 24 10:02:55 2019)

The fourth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 5 re Rule 15.pdf](#) (76.07 KB Fri May 24 10:03:52 2019)

The fifth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 6 re Rule 30.pdf](#) (75.24 KB Fri May 24 10:04:37 2019)

The sixth rule change approved by Federal Councillors is below:

 [Approved RULE CHANGE 7 re Rule 40.pdf](#) (73.43 KB Fri May 24 10:06:03 2019)

Schedule D - Notice in The Weekend Australian 25th May 2019

Notice of AIMPE Special Meeting

Members of the Australian Institute of Marine and Power Engineers are invited to attend a Special Meeting of the union from 9.00 am on **Tuesday 28th May** at the usual Branch venues in Brisbane, Newcastle, Sydney, Melbourne and Fremantle.

Members in South Australia are invited to attend the meeting in Port Adelaide on Thursday 30th May.

Members are reminded that these meetings will also be the Annual General Meeting for 2019.

The Special Meetings will consider rule changes recently approved by the AIMPE Federal Council members.

Details of the rule changes are available on the AIMPE website **www.aimpe.asn.au**

Martin Byrne
Federal President

Issue Date	Publication	Booking	Order Number	Insertion ID
2019-05-25	The Australian	20559488		47761064

Tearsheet: http://tearsheets.news.com.au/publish/20190525/AD_47761064.pdf



6 September 2019

Branch Secretary
Australian Institute of Marine and Power Engineers, The-Sydney Branch
Sent via email: mbyrne@aimpe.asn.au

cc: AIMPE@aimpe.asn.au

Dear Branch 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 uncontested offices in matter E2019/25. 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-Sydney Branch 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



6 September 2019

Branch Secretary

Australian Institute of Marine and Power Engineers, The-Sydney Branch

Sent via email: mbyrne@aimpe.asn.au

cc: AIMPE@aimpe.asn.au

Dear Branch Secretary

Organisation must respond to the post-election report of the Australian Electoral Commission: E2019/25

On 30-08-2019 the Registered Organisations Commission (the ROC) received a post election report from the Australian Electoral Commission (AEC) for election E2019/25. 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
Sydney Branch
DECLARATION OF RESULTS - E2019/25
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:

Branch President (1)

Candidates

VAN DAM John Peter

Branch Treasurer (1)

Candidates

RUSSELL Anthony

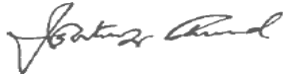
Ordinary Member of Federal Council (2)

Candidates

JAMES Evan Lyndon

DE SZOEKE Peter

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



Ishtiaq Ahmed
Returning Officer
Telephone: 02 9375 6331
Email: nswelections@aec.gov.au
28/08/2019



30 August 2019

Post-election report

**The Australian Institute of Marine and Power
Engineers – Sydney Branch E2019/25**



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Election(s) Covered in this Report

Organisation: The Australian Institute of Marine and Power Engineers – Sydney Branch

Election Decision Number(s): E2019/25

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

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

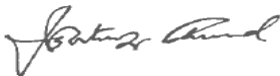
Other irregularities identified, and action taken: N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details: The rules of the institute 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: 30/08/2019

Attachments

- 1) Declaration of results for 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 (E2019/25)

MR ENRIGHT

MELBOURNE, 8 MAY 2019

Arrangement for conduct of election.

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

Sydney Branch

Branch President	(1)
Branch Treasurer	(1)
Ordinary Member of Federal Council	(2)

[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

PR351349

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 Sydney Branch Secretary of the Australian Institute of Marine and Power Engineers (AIMPE) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Sydney Branch of the 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.
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 **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

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: 26th March 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 [insert as many pages as required]

Branch	Name of Office	Number required	Voting System <i>Direct voting system;</i> <i>Collegiate electoral system</i>	Reason for Election <i>Scheduled;</i> <i>Casual vacancy;</i> <i>New office created;</i> <i>Insufficient nominations</i>	Electorate
Sydney Branch AIMPE	President	1	Direct Voting System	Scheduled	All financial members of the Sydney Branch AIMPE – Rule 33 B (i)
Sydney Branch AIMPE	Treasurer	1	Direct Voting System	Scheduled	All financial members of the Sydney Branch AIMPE – Rule 33 B (i)
Sydney Branch AIMPE	Ordinary Member of Federal Council	2	Direct Voting System	Scheduled	All financial members of the Sydney Branch AIMPE – Rule 33 B (i)

- Important dates:

	Direct Voting System	
Nominations OPEN	To be determined by the Returning Officer – propose 3 rd July 2019 Rule 33 B	
Nominations CLOSE	To be determined by the Returning Officer – propose 14 th August 2019 Rule 33 B	
Roll of Voters cut off date	To be determined by the Returning Officer.	

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](#).