



AMENDING DECISION

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

The Australian Institute of Marine and Power Engineers
(E2021/14)

MR STEENSON

SYDNEY, 3 NOVEMBER 2021

Arrangement for conduct of election.

[1] On 1 March 2021, a decision was issued in this matter to arrange for an election for this registered organisation arising from a casual vacancy in the Federal Executive office of **Vice President**, for the remainder its term of office.

[2] Subsequently, on 19 March 2021, a decision was issued in matter (**E2021/2**) to arrange for an election for offices including the abovenamed office. That later election decision – because it concerned an election for a new term of office – had the potential to supersede the election authorised by the original decision in this matter (**E2021/14**) depending on the sequence in which they were conducted.

[3] The Australian Electoral Commission (AEC) has recently advised that the election in this matter (**E2021/14**) has not yet been conducted.

[4] In circumstances where the election sought in this matter was for the filling of a casual vacancy in what is now the previous term of office, and this has been overtaken by an election for a new term of office (E2021/2), which has now been completed, I confirm that the AEC is no longer required to conduct the election authorised by the original decision in this matter (**E2021/14**).



DELEGATE OF THE COMMISSIONER

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DECISION

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

The Australian Institute of Marine and Power Engineers (E2021/14)

MR STEENSON

SYDNEY, 1 MARCH 2021

Arrangement for conduct of election.

[1] On 15 January 2021 the Australian Institute of Marine and Power Engineers (the organisation) lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy in the following office for the remainder of the current term:

Federal Executive

Vice President (1)

[2] Rule 5 of the organisation’s rules sets out the composition of the Federal Executive, which includes three (3) Vice Presidents. Sub-rule 5(ii) provides that the Federal Executive members are elected by and from members of the organisation’s Federal Council. Rule 7 sets out the composition of the Federal Council, which includes the elected Branch Secretaries of each Branch of the organisation, as well as other Federal Councillors elected from the Branches.

[3] The information provided by the organisation indicates that this casual vacancy arose because the occupant of the abovenamed office ceased to hold office as Branch Secretary,¹ and therefore as a member of the Federal Council.

[4] In accordance with rule 33 A(xi), a vacancy arises when an officer is removed (following ‘show cause’ proceedings), dies or resigns from office, or ceases to be eligible to hold office.

[5] As Federal Executive members are elected by and from members of the Federal Council,² a person must be a Federal Councillor to nominate for, and to hold, one of the Federal Executive offices.

[6] I note the organisation has also recently lodged prescribed information (in matter **E2021/2**) for the upcoming scheduled election for officers of the Federal Executive. The

¹ By virtue of his successor as Branch Secretary being declared elected in matter E2020/160

² Rule 5(ii)

Commission anticipates issuing a decision in that matter in the near future. I request that Australian Electoral Commission (AEC) take note of this situation when timetabling the election for this office to ensure that a situation where two elections for the one office may occur concurrently, overlapping or one immediately after the other, does not arise.

[7] 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 AEC.



DELEGATE OF THE COMMISSIONER

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PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Martin Byrne, being the Federal President 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 AIMPE;
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The election that is required are set out in the table in Annexure A.
4. The current Senior Vice President on the Federal Executive became ineligible to hold that office once he retired from the position of South Australia Branch Secretary – because he ceased to be a member of Federal Council. The declaration of the election for Branch Secretary of South Australia Branch is attached.

No rule alterations are pending that will impact the election.

5. This statement **IS NOT** lodged at least 2 months before nominations open for the election in Annexure A. The reason is:
 - a. There is no prescribed time under AIMPE rules in relation to a casual vacancy.



Signed:

Dated: 15th January 2021

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

- Election that is required

<u>Branch</u>	<u>Name of Office</u>	<u>Number required</u>	<u>Voting System</u> <i>Direct voting system; Collegiate electoral system</i>	<u>Reason for Election</u> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<u>Electorate</u>
<u>Federal</u>	<u>Vice President</u>	<u>1</u>	<u>Collegiate electoral system</u>	<u>Casual vacancy</u>	<u>Federal Council members Rule 33 A. (xi)(c)</u>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	n/a	To be determined by the Returning Officer, as soon as practical
Nominations CLOSE	n/a	To be determined by the Returning Officer, as soon as practical
Roll of Voters cut off date	n/a	To be determined by the Returning Officer