



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

E2005/71

File No.:

11 April 2005

The Industrial Registrar
Australian Industrial Registry
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

Attention: Peter McKerrow

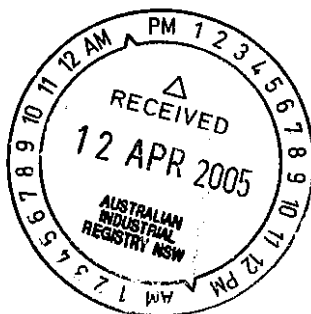
Dear Industrial Registrar,

**RE: AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS
FEDERAL EXECUTIVE ELECTIONS**

Please find enclosed notification and statement of prescribed information under Regulation 138 pertaining to the election of the Federal Executive of the Australian Institute of Marine and Power Engineers.

The Annual Meeting of Federal Council commences on Monday, the 20th of June 2005. We seek your assistance by organising a Returning Officer from the AUSTRALIAN ELECTORAL COMMISSION to attend our premises on the above day at 11.00 a.m. to conduct this ('collegiate') election.

Federal Council meets at 10am, on the above date at 52 Buckingham Street, Surry Hills, and after preliminary proceedings the elections are the first item of business with the Returning Officer attending in person to call for nominations in writing to be submitted to him/her.



52 Buckingham Street, Surry Hills, N.S.W. 2010
Telephone: +61 2 9698 3999 Fax: +61 2 9319 7505

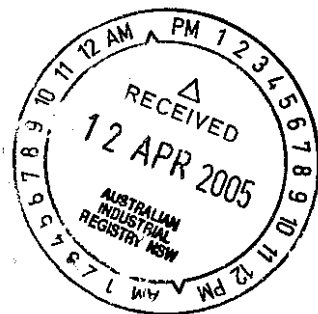
It is normal practice for the election of Federal President be first, conducted so that a candidate failing to achieve that office may then nominate for another position.

Please note that following the election of three (3) Vice Presidents, a further call for nominations from amongst these three must be made, and election held if necessary, to appoint one (1) of these as "Senior Vice President" in accordance with Rule 10.

Yours faithfully,



Henning Christiansen
FEDERAL SECRETARY



STATEMENT

I, Henning Christiansen, Federal Secretary of the Australian Institute of Marine and Power Engineers, make the following statement:

I am the Federal Secretary of the Australian Institute of Marine and Power Engineers,

I am authorised to lodge the following prescribed information concerning the forthcoming election of the Federal Executive of the Australian Institute of Marine and Power Engineers, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.



Henning Christiansen

FEDERAL SECRETARY

AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS

11 April 2005

OFFICES

FEDERAL PRESIDENT (1) (collegiate election)

FEDERAL VICE-PRESIDENTS (3) (collegiate election) and **SENIOR VICE-PRESIDENT** (1) (collegiate election)

FEDERAL TREASURER (1) (collegiate election)

REASON FOR ELECTION:

The reason for the election being that the term of office of the Federal Executive will expire on the next meeting of the Federal Council and the Rules require the election to be held at this time.

ELECTED BY:

The electorate for the COLLEGIATE voting system are the seventeen (17) Federal Councillors.

NOMINATIONS OPEN:

At Federal Council - the Federal Executive election is the first item on the agenda of the annual meeting of Federal Council.

NOMINATIONS CLOSE:

At Federal Council - the Federal Executive election is the first item on the agenda of the annual meeting of the Federal Council.

CUT OFF DATE FOR ROLL:

Does not apply for this collegiate election.

Superina, Dean
From: Superina, Dean
Sent: Tuesday, 12 April 2005 4:04 PM
To: 'industrial.elections@aec.gov.au'
Subject: Scheduled Elections - AIMPE

See attached PI and current AIMPE rulebook for the abovementioned election.



E2005_71_Notification_AIMPE.pdf(24-05-04).doc

Regards

Dean Superina
NSW RIA Branch
Australian Industrial Registry
Ph: (02) 8374 6506
Fax: (02) 9380 6990
Email: Dean.Superina@air.gov.au

www.airc.gov.au



Australian Government
Australian Industrial Registry

Level 6, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990
Email: sydney@air.gov.au

Mr Henning Christiansen
Federal Secretary
Australian Institute of Marine and Power Engineers
52 Buckingham St
SURRY HILLS NSW 2010

Dear Mr Christiansen

Election of Federal Officers

I refer to your signed notice of 11 April 2005 under s189(1) of the RAO Schedule lodged on 12 April 2005 seeking to arrange the conduct of an election for officers of the Federal Executive of the Institute.

"Officer" to sign notices

In its current form the notice does not comply with the requirements of the legislation. Regulation 138(2) of the RAO Regulations provides that the notice "must contain a statement signed by an officer of the organisation or branch who is authorised to sign the statement", that the information is lodged under s189(1) of the RAO Schedule.

Section 6 of the RAO Schedule defines "officer" to mean "a person who holds an office in the organisation or branch". The meaning of "office" is defined in section 9. As you will note, the term "officer" in the context of a registered organisation has a narrower and more limited meaning compared to its use in other contexts where some employees (not otherwise holders of an "office") are sometimes described as "officers".

The rules of the Institute do not provide for an office of "Federal Secretary". Any notice under s189(1) must be signed by one of the Institute's officers who, according to sub-rule 5(ii) include the Federal President, the Vice-Presidents and Federal Treasurer. The duties of Federal President as set out in sub-rule 9(iv) include preparing and furnishing "to the Industrial Registrar all returns required by or under" the Act and regulations. Therefore, it appears the appropriate officer to lodge these documents is the Federal President who should sign the notice.

Please note that the requirement for an "officer" of the Institute to lodge documents in the Registry also applies to the lodging of financial documents under s268, the statement of loans, grants and donations under s237, the Institute's annual return under s233, any changes to records required to be kept under s230 and any notice of alteration of rules of the Institute under s159. Where required, any declarations accompanying these documents should also be made by the relevant officer.

Therefore, the Institute should arrange to lodge prescribed information under s189(1) in the form of a notice consistent with the regulations.

Position of Senior Vice-President

I note that among the positions for which the Institute is seeking arrangements be made for an election is one described as "Senior Vice-President" which your letter indicates is a position filled by one of the three Vice-Presidents to be elected.

Rule 10 of the Institute's Rules refers to this position as follows:

One of the Vice-Presidents shall be appointed by the Federal Council to act as Senior Vice-President and he shall preside in the absence of the President with full powers and duties of President and in the event of the office becoming vacant, he shall fill the office of President for the remainder of the term.

In the absence of both the President and the Senior Vice-President the remaining members of the Federal Executive shall appoint one of their number to have the powers and perform the duties of the President

As you will note, the rules of the organisation specifically provide that one of the Vice-Presidents "be appointed by the Federal Council" to this position. There is no provision in the rules requiring an election be conducted.

Under s189(3)(b) of the RAO Schedule, a Registrar, before arranging for the conduct of an election by the AEC, must be satisfied "that an election is required to be held under the rules of the organisation...".

Irrespective of the defect I have already noted in the form of the notice lodged, and subject to any comments the Institute may wish to make, it would be my intention to refuse to arrange for an election for this position.

Filling of vacancy in office of Federal President

In examining the rules of the Institute there appear to be some inconsistencies in the manner the rules provide for the filling of a vacancy in the office of Federal President. In brief, these apparent anomalies include:

- provision in Rule 10 for the "Senior Vice-President" to fill the office of Federal President "for the remainder of the term" if that office becomes vacant
- further provision in Rule 10 that in the absence of the President and Senior Vice-President, the Federal Executive "appoint one of their number to exercise the powers and duties of the President"
- a requirement in sub-rule 33A(xi) that an extraordinary vacancy in the office of "Federal President...shall be filled by a postal ballot of the remaining members of the Federal Council"
- a requirement in sub-rule 33C(i) that a "casual vacancy occurring on the Federal Executive" (among the officers of which are the Federal President - see sub-rule 5(ii)) be filled "by the Federal Council at the first meeting of Federal Council subsequent to the vacancy arising".

These anomalies contribute to uncertainty in the rules as to how the Institute should fill a vacancy (however described) in the office of, arguably its most significant officer. I would recommend the Institute consider reviewing its rules to eliminate this uncertainty.

If you have any queries about these matters, please contact me or Peter McKerrow on (02) 8374 6666.

Yours sincerely



Barry Jenkins
Deputy Industrial Registrar

19 April 2005



AIMPE

Australian Institute of
Marine and Power Engineers
HEAD OFFICE

File No.:

9 May 2005

The Industrial Registrar
Australian Industrial Registry
Level 8, Terrace Towers
80 William Street
EAST SYDNEY NSW 2011

Attention: Peter McKerrow

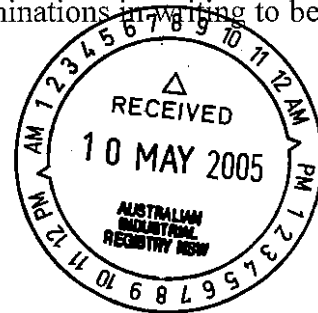
Dear Industrial Registrar,

**RE: AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS
FEDERAL EXECUTIVE ELECTIONS**

Please find enclosed notification and statement of prescribed information under Regulation 138 pertaining to the election of the Federal Executive of the Australian Institute of Marine and Power Engineers.

The Annual Meeting of Federal Council commences on Monday, the 20th of June 2005. We seek your assistance by organising a Returning Officer from the AUSTRALIAN ELECTORAL COMMISSION to attend our premises on the above day at 11.00 a.m. to conduct this ('collegiate') election.

Federal Council meets at 10am, on the above date at 52 Buckingham Street, Surry Hills, and after preliminary proceedings the elections are the first item of business with the Returning Officer attending in person to call for nominations in writing to be submitted to him/her.



It is normal practice for the election of Federal President be first, conducted so that a candidate failing to achieve that office may then nominate for another position.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Terry Snee". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Terry Snee
FEDERAL PRESIDENT

STATEMENT

I, Terry Snee, Federal President of the Australian Institute of Marine and Power Engineers, make the following statement:

I am the Federal President of the Australian Institute of Marine and Power Engineers,

I am authorised to lodge the following prescribed information concerning the forthcoming election of the Federal Executive of the Australian Institute of Marine and Power Engineers, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.



Terry Snee
FEDERAL PRESIDENT
AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS

9 May 2005

OFFICES

FEDERAL PRESIDENT (1) (collegiate election)

FEDERAL VICE-PRESIDENTS (3) (collegiate election)

FEDERAL TREASURER (1) (collegiate election)

REASON FOR ELECTION:

The reason for the election being that the term of office of the Federal Executive will expire on the next meeting of the Federal Council and the Rules require the election to be held at this time.

ELECTED BY:

The electorate for the COLLEGIATE voting system are the seventeen (17) Federal Councillors.

NOMINATIONS OPEN:

At Federal Council - the Federal Executive election is the first item on the agenda of the annual meeting of Federal Council.

NOMINATIONS CLOSE:

At Federal Council - the Federal Executive election is the first item on the agenda of the annual meeting of the Federal Council.

CUT OFF DATE FOR ROLL:

Does not apply for this collegiate election.

Superina, Dean
From: Superina, Dean
Sent: Thursday, 12 May 2005 1:20 PM
To: 'industrial.elections@aec.gov.au'
Subject: AIMPE Federal Exective Elections - Relodgement of PI - E2005/71



Relodged
MPE_E2005_71.

Regards

Dean Superina
NSW RIA Branch
Australian Industrial Registry
Ph: (02) 8374 6506
Fax: (02) 9380 6990
Email: Dean.Superina@air.gov.au

www.airc.gov.au

Superina, Dean
From: Superina, Dean
Sent: Thursday, 12 May 2005 5:28 PM
To: 'industrial.elections@aec.gov.au'
Subject: AIMPE Election - E2005/71 - Decision

See election decision attached



E2005_71_AE
C.pdf

Dean Superina
NSW RIA Branch
Australian Industrial Registry
Ph: (02) 8374 6506
Fax: (02) 9380 6990
Email: Dean.Superina@air.gov.au

www.airc.gov.au



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Electoral Commissioner Through
Australian Electoral Officer (industrial.elections@aec.gov.au)

Under subsection 189 of Schedule 1B of the Workplace Relations Act 1996, please arrange for the conduct of the following election by the Australian Electoral Commission:

E No 2005/71

RE: AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS

Positions:

See Decision

Contact: Australian Institute of Marine and Power Engineers
Terry Snee
Federal President

Phone: (02) 9698 3999

A copy of the decision is enclosed.

I further request that you arrange for this office to be notified that arrangements for the conduct of this election have been made, by email transmission at industrial.elections@air.gov.au

A handwritten signature in black ink, consisting of several overlapping, fluid strokes.

for Deputy Industrial Registrar

12 May 2005



Australian Government
Australian Industrial Registry

Level 8, Terrace Towers
80 William Street, East Sydney, NSW 2011
Telephone: (02) 8374 6666
Fax: (02) 9380 6990

Mr Terry Snee
Federal President
Australian Institute of Marine and Power Engineers
52 Buckingham Street
SURRY HILLS NSW 2010

Dear Mr Snee

RE: AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS

**Re: Arrangements for the conduct of an Election
(E2005/71)**

A copy of the Registrar's decision in relation to the above matter is enclosed.

The Registrar is making arrangements, under subsection 189(3) of Schedule 1B of the *Workplace Relations Act 1996*, with the Electoral Commissioner for the conduct of the subject election by a member of staff of the Australian Electoral Commission, who will contact you in the near future about the election.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Dean Superina', written over a horizontal line.

Dean Superina
for Deputy Industrial Registrar

12 May 2005

WORKPLACE RELATIONS ACT 1996
s189 RAO Schedule - arrangement for conduct of an election

**Australian Institute of Marine and Power Engineers
(E2005/71)**

BARRY JENKINS
DEPUTY INDUSTRIAL REGISTRAR

SYDNEY, 12 May 2005

DECISION

On 10 May 2005 the abovenamed organisation lodged prescribed information to the conduct of an election for the following offices:

President	(1)
Vice President	(3)
Treasurer	(1)

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 Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



Australian Electoral Commission / AEC

Workplace Relations Act 1996 – Schedule 1B

RETURNING OFFICER - POST ELECTION REPORT

<u>Client:</u>	Australian Institute of Marine and Power Engineers		
<u>Contact details:</u>	Henning Christiansen	<u>Fax:</u>	(02) 9319 7505
	Federal Secretary	<u>Tel:</u>	(02) 9319 7505
	AIMPE		
	52 Buckingham St Surry Hills NSW 2010		
<u>AIR contact officer:</u>	Dean Superina	<u>Email:</u>	industrial.elections@air.gov.au

ELECTIONS COVERED IN THIS REPORT

<u>Election Decision No/s:</u>	E2005/71
<u>Election:</u>	Federal Executive
<u>Returning Officer:</u>	Robert Buchanan

RULES

<u>Rules used for elections Rule ID</u>	[009V: Incorporates alterations of 24/5/2004 in matter R2004/257]
<u>Rule/s re eligibility to vote</u>	7 & 33

ROLL OF VOTERS

Total number of voters on the roll	17	
Number of private addresses	17	100%

ALLEGATIONS OF IRREGULARITIES RECEIVED

There were no written complaints or allegations of irregularities

ATTACHMENTS

A	Declaration of Results for Uncontested and Contested Offices
---	--------------------------------------------------------------

Robert Buchanan
Returning Officer

21 June 2005

Australian Institute of Marine and Power Engineers

Federal Election 2005

DECLARATION OF RESULTS FOR UNCONTESTED AND CONTESTED OFFICES

Results of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E2005/71

Federal Council

President

TOTAL BALLOT PAPERS ISSUED	17
Ballot papers / envelopes returned for scrutiny	17
Less ballot papers / envelopes rejected at preliminary scrutiny	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	17

<u>Candidates</u>	<u>Votes</u>
IRELAND, Ted	7
SNEE, Terry	10
Total votes	17
Formal ballot papers	17
Informal ballot papers	0

I declare Terry Snee elected.

Vice President (3)

TOTAL BALLOT PAPERS ISSUED	17
Ballot papers / envelopes returned for scrutiny	17
Less ballot papers / envelopes rejected at preliminary scrutiny	0
TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY	17

<u>Candidates</u>	<u>Votes</u>
CHRISTIANSEN, Henning	10
OLSEN, Phillip	7
REID, Alex	7
RICHARDSON, Tony	10
THOMPSON, Jan	7
WILLIAMSON, Andrew Fraser	10
Total votes	51
Formal ballot papers	17
Informal ballot papers	0

I declare Henning Christiansen, Tony Richardson and Andrew Fraser Williamson elected.

Treasurer

Candidate

BYRNE, Martin Campion

I declare Martin Campion Byrne elected.

Robert Buchanan
Returning Officer
Australian Electoral Commission