



Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** The Australian Institute of Marine and Power Engineers -  
Newcastle Branch

**Contact details:** Mr Robert Arthur Ashton  
Branch Secretary  
The Australian Institute of  
Marine and Power Engineers  
148 Hannell St  
WICKHAM NSW 2293

**Email:** rashton@aimpe.asn.au  
**Tel:** 0249616064

**FWC contact officer:** Carolyn Moloney  
**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2014/117

### RULES

**Rules used for elections Rule ID:** [009V: Incorporates alterations of 26/09/2013 in matter R2013/333]

**Rules difficult to apply/interpret:** None

**Model Rule reference (if any):** N/A

**ROLL OF VOTERS** N/A

### ALLEGATIONS OF IRREGULARITIES RECEIVED

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

Other irregularities identified, and action taken: N/A

### ATTACHMENTS

Declaration of results for uncontested offices

Ishtiaq Ahmed  
Returning Officer  
04 August 2014

# The Australian Institute of Marine and Power Engineers Scheduled Election Newcastle Branch 2014

## Declaration of Results for Uncontested Offices

E2014 /117

Below are 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.

### Australian Institute of Marine and Power Engineers Newcastle Branch

#### Branch President

Candidates

MOORE, Don

#### Branch Treasurer

Candidates

MALLOWS, Jim

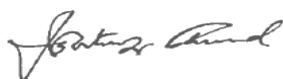
#### Ordinary Member of Federal Council (2)

Candidates

SUMMERVILLE, Mathew

No further nomination was accepted

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

14/07/2014



FAIR WORK  
COMMISSION

22 April 2014

Mr Robert Ashton  
Branch Secretary  
Newcastle Branch  
The Australian Institute of Marine and Power Engineers  
PO BOX 81  
Wickham NSW 2293

Also by facsimile: (02) 4962 1682 and email: [rashton@aimpe.asn.au](mailto:rashton@aimpe.asn.au)

Dear Mr Ashton

**Scheduled Election - The Australian Institute of Marine and Power Engineers - Newcastle Branch (E2014/117)**

I refer to the prescribed information dated 1 April 2014 which was lodged with the Fair Work Commission on 3 April 2014, and your subsequent request for an extension of time, for a scheduled election of offices of the Newcastle Branch of The Australian Institute of Marine and Power Engineers.

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

The Fair Work Commission is making arrangements, under subsections 189(3) of the *Fair Work (Registered Organisations) Act 2009*, 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

Carolyn Moloney  
Assistant Adviser  
Regulatory Compliance Branch



## DECISION

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

### **The Australian Institute of Marine and Power Engineers** (E2014/117)

MR ENRIGHT

MELBOURNE, 23 APRIL 2014

*Arrangement for conduct of election.*

[1] On 3 April 2014 the Newcastle Branch of The Australian Institute of Marine and Power Engineers (the Branch) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election for the following offices:

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

[2] On 22 April 2014 the Commission wrote to the Branch to inform them that under section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act) prescribed information must be lodged within such a time frame as to avoid delays in the election. On this occasion the prescribed information had not been lodged within a time frame that would allow all offices to be filled in accordance with the rules of the organisation or upon their expiry, and that a request for an extension of time would be required.

[3] On 22 April 2014 the Branch lodged a written request for an extension of time for lodgement in accordance with s.189(2) of the Act. The Branch Secretary apologised for not lodging the prescribed information sooner and stated that the delay in lodgement was due to an attempt to align the offices required to be elected into a single election.

[4] I allow for the extension of time up until 3 April 2014 to lodge the prescribed information.

[5] 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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

<Price code A, PR549311>



## Copy of Signed Decision

**Title of Matter:** Application/Notification by Australian Institute of Marine and Power Engineers, The-Newcastle Branch  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Branch President (1); Branch Treasurer (1); Ordinary member of Federal Council (2)  
**Matter Number(s):** E2014/117

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules are also attached.

**Contact:** Mr Robert Ashton of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**Inquiries:**

Any inquiries relating to this matter are to be directed to Carolyn Moloney through [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**23 APRIL 2014**

**MOLONEY, Carolyn**

---

**From:** carolyn.moloney@fwc.gov.au  
**Sent:** Wednesday, 23 April 2014 2:53 PM  
**To:** industrial.elections@aec.gov.au  
**Subject:** FWC Memo for AEC - E2014/117 - Application/Notification by Australian Institute of Marine and Power Engineers, The-Newcastle Branch  
**Attachments:** ORG\_CPY\_AEC.pdf; 191A2CB2EB75C55113E2F194993EFCF711622\_doc.pdf

Please find attached correspondence regarding the matter **E2014/117 - Application/Notification by Australian Institute of Marine and Power Engineers, The-Newcastle Branch**

This correspondence was sent automatically from the Fair Work Commission.



# AIMPE

Australian Institute of  
Marine and Power Engineers  
NEWCASTLE BRANCH

148 Hannell Street, Wickham, N.S.W. 2293  
PO Box 81, Wickham, N.S.W. 2293

FAX: (02) 4962 1682 TELEPHONE: (02) 4961 6064  
Email: [newaimpe@optusnet.com.au](mailto:newaimpe@optusnet.com.au)

22 April 2014

Delegate of the General Manager

Fair Work Commission

Level 10, Terrace Tower

80 William Street

East Sydney NSW 2011

Dear sir/ madam,

E2014/117

First, I must apologize for my neglect in not requesting an election for the positions earlier. As all the elected positions in this branch are honorary I have tried in the past to get the elections of all positions in the branch in line so as to only have one branch election for all positions.

Therefore due to my error I request that the branch be granted an extension of time for the position of Branch Treasurer so as to be able to hold the election in accordance with section 189(2) and regulation 138(2) of the Act.

Yours faithfully

Robert Ashton

Newcastle Branch Secretary (honorary)

Australian Institute Of Marine & Power Engineers





FAIR WORK  
COMMISSION

22 April 2014

Mr Robert Ashton  
Branch Secretary  
Newcastle Branch  
The Australian Institute of Marine and Power Engineers  
PO BOX 81  
Wickham NSW 2293

Also by facsimile: (02) 4962 1682 and email: [rashton@aimpe.asn.au](mailto:rashton@aimpe.asn.au)

Dear Mr Ashton

**Scheduled Election - The Australian Institute of Marine and Power Engineers - Newcastle Branch (E2014/117)**

I refer to the prescribed information dated 1 April 2014 which was lodged with the Fair Work Commission on 3 April 2014, for a scheduled election of offices of the Newcastle Branch of The Australian Institute of Marine and Power Engineers (the Branch).

The prescribed information included a request for an election of a Branch Treasurer in accordance with rule 32 of the Australian Institute of Marine and Power Engineers rulebook. The office of Branch Treasurer was declared elected on 1 May 2012 in matter E2012/215. The current term of office is therefore due to expire on 1 May 2014.

Rule 33B(iii) provides that notice specifying opening and closing dates for nominations is to be given by the Returning Officer at least one month prior to the date fixed for the election. For the office of Branch Treasurer, the requirement for the one month notice period will mean that the office will not be able to be filled by the date of expiry.

In addition, section 189(2) of the Act states that prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the regulations is two months before the first day when a person may become a candidate. Section 189(2) is a civil penalty provision. While I acknowledge that there is as yet no set date for nominations to open, the intention of regulation 138(3) is to encourage prescribed information to be lodged early enough to avoid delays in the conduct of elections. For this reason the Delegate of the General Manager will require a written request for an extension of time and providing reasons why the prescribed information for the Branch Treasurer was not lodged at least one month prior to the expiry of the term of office.

On receipt of such request, the prescribed information will be forwarded to the Delegate of the General Manager for approval.

Yours sincerely

Carolyn Moloney  
Assistant Adviser  
Regulatory Compliance Branch

## **MOLONEY, Carolyn**

---

**From:** MOLONEY, Carolyn  
**Sent:** Thursday, 3 April 2014 2:54 PM  
**To:** 'Industrial Elections'  
**Subject:** E2014/117  
**Attachments:** E2014\_117 AIMPE\_Newcastle Branch\_PI Lodged 03042014.pdf; 009V\_AIMPE\_R2013\_333\_26092013.pdf

Dear AEC

Please find attached prescribed information and a copy of the current rulebook for the upcoming scheduled election of the Newcastle Branch of The Australian Institute of Marine and Power Engineers (AIMPE) in E2014/117.

Kind regards,

**CAROLYN MOLONEY**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)



# AIMPE

Australian Institute of  
Marine and Power Engineers  
NEWCASTLE BRANCH

148 Hannell Street, Wickham , N.S.W. 2293  
PO Box 81, Wickham, N.S.W. 2293

FAX: (02) 4962 1682 TELEPHONE: (02) 4961 6064  
Email: newaimpe@optusnet.com.au

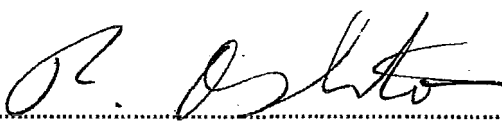
1<sup>st</sup> April 2014

Australian Industrial Registry  
Principal Registrar  
Level 8, Terrance Towers  
80 Williams Street  
East Sydney NSW 2011

I Robert Arthur Ashton make the following statement: I am the Newcastle Branch Secretary of the Australian Institute of Marine and Power Engineers.

I am authorized to lodge the following prescribed information concerning forthcoming elections in the Newcastle Branch of the Australian Institute of Marine and Power Engineers, and

I confirm that the following information is being lodged under s.189 (1) of the Fair Work  
(Registered Organisations) Act 2009.

Signed:..........Newcastle

Branch Secretary of the Australian Institute of Marine and Power Engineers



BRANCH POSITION DUE FOR ELECTION

A	Branch President for the ensuing twenty-four months (24)
B	Branch Treasurer for the ensuing twenty-four months (24)
C	Ordinary member of Federal Council for the ensuing twenty-four months (24)
D	Ordinary member of Federal Council for the ensuing twenty-four months (24)

Reasons for election:

Election for officers and positions marked A to D respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organization.

Elected by:

The electorate for the direct voting system is the whole of the branch.

Nomination open:

No earlier than one month before date set for election (Rule 33B(iii) )

Nomination close:

Closing of nominations as arranged between Branch Secretary and Returning Officer (Rule33B(iii) ).

Cut off date for roll:

Rule silent on subject matter.